

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
BEFORE THE HONOURABLE MR. JUSTICE CRANSTON
ON THE 21st DAY OF DECEMBER 2010

CO/11265/2010 (Public law)
CO/11267/2010 (Mental Health)
HQ10XO4109
HQ10X04110

THE QUEEN
(on the application of)
PUBLIC INTEREST LAWYERS LIMITED (1)
RMNJ (2) (CO/11267/2010 only)

Claimant

-and-

THE LEGAL SERVICES COMMISSION

Defendant

ORDER

UPON hearing Counsel for the Claimant Mr. Martin Westgate QC and Counsel for the Defendant Clive Lewis QC

IT IS HEREBY ORDERED THAT:

1. Permission to apply for judicial review in claims CO/11265/2010 and CO/11267/2010 is granted.
2. In relation to the contracts for the provision of publicly funded services for mental health and public law, the Defendant shall, subject to the outcome of any formal review requested by a provider dissatisfied with a decision on verification, complete the verification process within 6 weeks of the date hereof, and in particular shall
 - (a) request all persons awarded a contract for mental health and public law confirm that they comply with clause 2.28 and 2.35 of the Standard Civil Contract;
 - (b) remove the contract of any firm found not to comply with the requirements in clause 2.28 or 2.35 of the Standard Civil Contract;
 - (c) redistribute any NMS to those firms who do meet the verification requirements pro rata to their original bids.

3. It is declared that the outcome of the tender process for the high secure mental health contract engages the duty under section 49A of the Disability Discrimination Act 1995.
4. The Defendant do pay 70% of the Claimant's costs in claims CO/11265/2010 and CO/11267/2010 and HX10X04109 & HX10X04110 to be subject to a detailed assessment if not agreed.
5. Liberty to apply.