

In the matter of an Application for Judicial Review

The Queen on the Application of

CASEY WILLIAM HARDISON

Claimant

– v –

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

ORAL PERMISSION HEARING

1. A legitimate expectation was created by the SSHD when, on January 19th 2006, he promised Parliament that he would “in the next few weeks publish a consultation paper with suggestions for a review of the drug classification system” under the 1971 Misuse of Drugs Act, c.38.
2. In so doing, the SSHD stated the public interest justification thusly:

“The more that I have considered these matters the more concerned I have become about the limitations of our current system. Decisions on classification often address different or conflicting purposes and too often send strong but confused signals to users and others about the harms and consequences of using a particular drug and there is often disagreement over the meaning of different classifications”.
3. In the nine-months between the original promise and the new decision by the SSHD to renege on his predecessor's promise the public interest in fulfilling the promise greatly increased. Both the 2006 House Of Commons Science and Technology Committee (HC 1031) and the statutory Advisory Council on the Misuse of Drugs urged the SSHD to fulfil on the promised review:
 - a. HC 1031 (2006) – “In light of the serious failings of the ABC classification system that we have identified, we urge the Home Secretary to honour his predecessor's commitment to review the current system, and to do so without further delay”
 - b. ACMD's *Pathways to Problems*' (2006) – “[t]he current system for classifying and controlling drugs in the UK has a number of shortcomings and should be reviewed”.
4. But when the SSHD broke his predecessor's promise he cited no overriding public interest such as would justify breaking the original promise.

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5. In fact, the interest that the SSHD did cite elucidates apparent bias, majoritarian discrimination, irrationality, errors of law, and fettered discretion.
6. These same factors are repeated in paragraph 7 of the Defendant's Summary Grounds for Contesting this Claim.
7. Should this Court decline Mr. Hardison's request for permission he requests robust reasoning from this Court on the following points of law relevant to whether the SSHD should honour the promise to review:
 - a. Is the Misuse of Drugs Act 1971 neutral and of general applicability?
 - b. Does Government have the power to exclude from the scope of the 1971 Act the two drugs the misuse of which constitutes the most harm to individuals and society – alcohol and tobacco?
 - c. Has Government unlawfully fettered itself to a predetermined policy contrary the public interest of *all* persons?
 - d. Does Government have the duty, under the Act, to discriminate between reasonably safe use and unreasonably safe use, i.e., use and misuse? Or, is blanket prohibition the least restrictive means of accomplishing the legitimate aims of the 1971 Act?
 - e. Does the current administration of the Act disproportionately impact Human Rights?
8. If any of these are answered in the affirmative then should the original January 19th 2006 promise to review the drug classification system be honoured?

– vitam impendere vero, fiat lux!

Signed
Casey William HARDISON

Dated