



Ministry
of Defence

Ministry of Defence
Main Building (06/N)
Whitehall
London SW1A 2HB
United Kingdom +44 (0)20 721 89000

Ref: FOI2016/07877

xxxxxxxxxxxxxxxxxx

Email:xxxxxxxxxxxxxxxxxx

26 August 2016

Dear xxxxxxxxxxxxxxxxxxxx

Thank you for your email of 17 August in which you requested the following information:

Dear Service Personnel and Veterans Agency,
TLQ/14/0148 et al refers.

Mr Justice Leggatt has concluded his Pre-Trial Review (Queens Bench Division) 14-18 June 2016.

On last enquiring, I was informed his findings were "Judgement Reserved"

The case stems from the First Tier Tribunal findings of the late Judge Stubbs subsequently overturned by Mr Justice Charles in the High Court as Judge Stubbs had "Misapplied the Law"

Please advise if Mr Justice Leggatt has now reached a decision on consequent and future litigation.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

The Ministry of Defence believes that the reference number that you have quoted in your FOI request, refers to another case regarding the Iraqi civilian court case which was being heard at the same time as the Nuclear Test Veteran Case. Consequently, the details you have referred to in your FOI request do not relate to the Nuclear Test Veterans case.

The MOD holds the following information on the Nuclear Test Litigation.

Those appellants who were unsuccessful in a First-tier Tribunal (FTT) (War Pensions and Armed Forces Compensation Chamber) grouped case appealed to the Upper-tier Tribunal. Their claims related to alleged exposure to ionising radiation as a consequence of the British atomic tests that were carried out in the South Pacific and Australia in the 1950s and early 1960s. The appeals were heard in June 2014 before Mr Justice Charles and the judgment handed down on 5 November 2014. The decision allowed all the appeals on a point of law and directed that they be remitted

back to a newly constituted FTT. The case was heard before the FTT in July this year by Mr Justice Blake and the judgement is awaited.

Any information requests relating to the actual judgment should be directed to the First-tier Tribunal (FTT) (War Pensions and Armed Forces Compensation Chamber). While this is a matter for FTT, in our view such requests are likely to fall outside the Freedom of Information Act 2000 or are covered by an exemption which includes (but are not limited) to s.21 Information accessible to Applicant by other means (i.e. when the judgment is handed down by Mr Justice Blake and made publically available) or s.22 (information intended for future publication). I strongly suggest that you await the hand down and publication of the judgment. In this regard, you are in no worse position than any of the actual parties in the case, all of whom are awaiting the judgment.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Defence People Secretariat