

R (on the application of VIP Communications Ltd (In Liquidation)) (Respondent) v Secretary of State for the Home Department (Appellant)

Case ID: 2021/0019

Case summary

Issue

Can the Secretary of State direct the Office of Communications (Ofcom) not to introduce regulations exempting certain wireless telegraphy equipment from a licensing requirement on national security grounds?

Facts

The Respondent VIP Communications was a company specialising in commercial multi-user gateways (“COMUGs”), a system which enables phone calls and text messages from landlines to be routed directly on to mobile networks. The Appellant is concerned that COMUGs give rise to national security and public safety concerns. This is because the COMUG system means that information identifying the caller is not conveyed to the network making identification almost impossible.

In 2017 Ofcom issued a direction stating its intention to make regulations exempting COMUGs from licensing requirements. In response the Secretary of State directed Ofcom that COMUGs should not be exempted. The Respondent brought Judicial Review proceedings arguing that the Secretary of State acted beyond their powers in giving the direction. The High Court and the Court of Appeal found that the Respondent was correct. The Secretary of State now appeals to the Supreme Court.

Judgment appealed

[\[2020\] EWCA Civ 1564](#)

Parties

Appellant(s)

Secretary of State for the Home Department

Respondent(s)

VIP Communications Limited (In Liquidation)

Appeal

Justices

Lord Reed, Lord Lloyd-Jones, Lord Sales, Lord Stephens, Lord Richards

Hearing start date

4 October 2022

Hearing finish date

4 October 2022

Watch hearing

4 Oct 2022 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

8 March 2023

Neutral citation

[2023] UKSC 10