

In the matter of an application by JR222 for Judicial Review (AP) (Appellant) (Northern Ireland)

Case ID: UKSC 2023/0006

Case summary

Issues

Under section 13(1) of the Inquiries Act 2005, can a minister only suspend a public inquiry where they take the view that it is necessary for the completion of an investigation or civil or criminal proceedings?

Facts

In September 2020, the then Minister of Health (the "Minister") ordered a public inquiry (the "Inquiry") under the Inquiries Act 2005 into allegations of abuse at Muckamore Abbey Hospital ("the Hospital"). The allegations also led to a criminal investigation and criminal proceedings, in which the Appellant was charged with criminal offences in respect of alleged abuse committed in the course of her employment at the Hospital.

The Appellant requested that the Inquiry be suspended until the conclusion of the criminal proceedings. The Minister refused to exercise his discretion under section 13 of the Inquiries Act 2005 to suspend the Inquiry, on the basis that it was not necessary to suspend the Inquiry to allow for the determination of the criminal proceedings.

The Appellant applied for judicial review of the Minister's refusal to suspend the Inquiry. The Appellant argued, among other things, that under section 13(1), the Minister did not have to overcome a necessity test in order to suspend an inquiry to permit the completion of relevant proceedings. Rather, the length of any such suspension was limited to such period as the Minister considered necessary for the completion of those proceedings. The High Court disagreed; it held that the Minister had applied the correct test. On appeal, the Court of Appeal also held that the Minister had applied the correct test. The Appellant now appeals to the Supreme Court.

Judgment appealed

[\[2022\] NICA 57](#)

Parties

Appellant(s)

JR222

Respondent(s)

- (1) Health Minister for Northern Ireland
- (2) Muckamore Abbey Inquiry

Appeal

Justices

Lord Lloyd-Jones, Lord Burrows, Lord Stephens, Lord Richards, Lady Simler

Hearing start date

20 March 2024

Hearing finish date

20 March 2024

Watch hearing

20 March 2024 [Morning session](#)