

GLS Disclosure Webinar

CASE REFERENCE

R. v Lancashire CC Ex p. Huddleston

Court of Appeal (Civil Division)

25 April 1986

Westlaw Case Analysis 9 pages

Status:  Positive or Neutral Judicial Treatment

R. v Lancashire CC Ex p. Huddleston

Court of Appeal (Civil Division)

25 April 1986

Case Analysis

Where Reported

[1986] 2 All E.R. 941; (1986) 136 N.L.J. 562

Case Digest

Subject: Education

Keywords: Local authority grants; Residence

Summary: Local authority grant; lengthy but temporary residence overseas; whether "ordinarily resident" in United Kingdom

Abstract: Lengthy but temporary residence overseas may render an applicant for a grant not ordinarily resident within a local authority's locality. Per curiam: a local authority whose decision was challenged in proceedings for judicial review should not be partisan and should assist the court in the same manner as the judge of an inferior court. A, the applicant, moved from Lancashire to Hong Kong at the age of five when her father became employed there. The family always intended to return to Lancashire, and they kept their home there. Thirteen years later, A sought a grant for study from the Lancashire CC, but was refused, on the ground that she has not been ordinarily resident within the locality for three years preceding the application. A's application for judicial review was dismissed. A appealed to the Court of Appeal.

Held, dismissing the appeal, that the council's refusal was not unreasonable, and it was entitled to find that A's residence abroad had ceased to be merely temporary.

Judge: Sir John Donaldson, M.R.; Parker, L.J.; Sir George Waller

Key Cases Citing

Considered

Marshall v Bermuda

[\[2010\] UKPC 9; Times, June 7, 2010; Official Transcript](#); PC (Ber); 2010-05-24

R. v Legal Aid Board Ex p. London Docklands Development Corp

[\[1994\] C.O.D. 247](#); QBD; 1993-11-02

All Cases Citing

Mentioned by

Sky Blue Sports & Leisure Ltd v Arena Coventry Ltd

[\[2013\] EWHC 3366 \(Admin\)](#); QBD (Admin); 2013-11-01

Mentioned by

R. (on the application of Bredenkamp) v Secretary of State for Foreign and Commonwealth Affairs

[\[2013\] EWHC 2480 \(Admin\)](#); QBD (Admin); 2013-08-09

Mentioned by

Tchenguiz v Director of the Serious Fraud Office

[\[2013\] EWHC 1578 \(QB\)](#); [\[2013\] Lloyd's Rep. F.C. 535](#); [Official Transcript](#); QBD; 2013-06-14

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CM (EM Country Guidance: Disclosure: Zimbabwe), Re

[\[2013\] UKUT 59 \(IAC\)](#); [Official Transcript](#); UT (IAC); 2013-01-31

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McGeoch v Scottish Legal Aid Board

[\[2013\] CSOH 6](#); [2013 G.W.D. 3-88](#); [Official Transcript](#); OH; 2013-01-15

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R. (on the application of Van der Pijl) v Kingston Crown Court

[\[2012\] EWHC 3745 \(Admin\)](#); [\[2013\] 1 W.L.R. 2706](#); [\[2013\] Lloyd's Rep. F.C. 287](#); [\[2013\] A.C.D. 29](#); [Official Transcript](#); DC; 2012-12-21

Mentioned by

Ball v Secretary of State for Communities and Local Government

[\[2012\] EWHC 3590 \(Admin\)](#); QBD (Admin); 2012-12-13

Mentioned by

Graham v Police Service Commission

[\[2011\] UKPC 46](#); [Official Transcript](#); PC (Trin); 2011-12-20

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R. (on the application of Evans) v Secretary of State for Justice

[\[2011\] EWHC 1146 \(Admin\)](#); [\(2011\) 108\(21\) L.S.G. 15](#); [Official Transcript](#); DC; 2011-05-12

Mentioned by

R. (on the application of I) v Secretary of State for the Home Department

[\[2010\] EWCA Civ 727](#); [Official Transcript](#); CA (Civ Div); 2010-06-29

Considered

Marshall v Bermuda

[\[2010\] UKPC 9](#); [Times, June 7, 2010](#); [Official Transcript](#); PC (Ber); 2010-05-24

Mentioned by

HM Treasury v Ahmed

[\[2010\] UKSC 5](#); [\[2010\] 2 A.C. 534](#); [\[2010\] 2 W.L.R. 378](#); [\[2010\] 4 All E.R. 829](#); [\[2010\] Lloyd's Rep. F.C. 217](#); [Official Transcript](#); SC; 2010-02-04

Mentioned by

A v HM Treasury

[\[2010\] UKSC 2](#); [\[2010\] 2 A.C. 534](#); [\[2010\] 2 W.L.R. 378](#); [\[2010\] 4 All E.R. 745](#); [\[2010\] H.R.L.R. 15](#); [\[2010\] U.K.H.R.R. 204](#); [\[2010\] Lloyd's](#)

[Rep. F.C. 217; \(2010\) 154\(4\) S.J.L.B. 28; Times, January 29, 2010; Official Transcript](#); SC; 2010-01-27

Mentioned by

De-Winter Heald v Brent LBC

[\[2009\] EWCA Civ 930; \[2010\] 1 W.L.R. 990; \[2010\] P.T.S.R. 572; \[2009\] H.R.L.R. 34; \[2010\] H.L.R. 8; \[2009\] B.L.G.R. 937; \[2010\] A.C.D. 26; Times, October 12, 2009; Official Transcript](#); CA (Civ Div); 2009-08-20

Mentioned by

MH v Secretary of State for the Home Department

[\[2009\] EWCA Civ 287; \[2009\] 1 W.L.R. 2049; \[2010\] I.N.L.R. 48; Official Transcript](#); CA (Civ Div); 2009-04-02

Mentioned by

R. (on the application of Haase) v Independent Adjudicator

[\[2008\] EWCA Civ 1089; \[2009\] Q.B. 550; \[2009\] 2 W.L.R. 1004; \[2009\] H.R.L.R. 2; \[2008\] U.K.H.R.R. 1260; \[2008\] Prison L.R. 391; \[2009\] Prison L.R. 241; \[2009\] A.C.D. 14; \(2008\) 105\(41\) L.S.G. 21; Times, October 28, 2008; Official Transcript](#); CA (Civ Div); 2008-10-14

Mentioned by

Dinedor Hill Action Association v Herefordshire DC

[\[2008\] EWHC 1741 \(Admin\); \[2009\] 1 P. & C.R. 4; \[2008\] N.P.C. 90; Official Transcript](#); QBD (Admin); 2008-07-24

Mentioned by

British Sky Broadcasting Group Plc v Competition Commission

[\[2008\] CAT 7; \[2008\] Comp. A.R. 143; Official Transcript](#); CAT; 2008-04-23

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Secretary of State for the Home Department v E

[\[2007\] UKHL 47; \[2008\] 1 A.C. 499; \[2007\] 3 W.L.R. 720; \[2008\] 1 All E.R. 699; \[2008\] H.R.L.R. 7; \[2008\] U.K.H.R.R. 69; \[2008\] Crim. L.R. 486; \(2007\) 157 N.L.J. 1578; \(2007\) 151 S.J.L.B. 1433; Times, November 13, 2007; Official Transcript](#); HL; 2007-10-31

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MT (Algeria) v Secretary of State for the Home Department

[\[2007\] EWCA Civ 808; \[2008\] Q.B. 533; \[2008\] 2 W.L.R. 159; \[2008\] 2 All E.R. 786; \[2007\] H.R.L.R. 41; \[2007\] U.K.H.R.R. 1267; Times, August 3, 2007; Official Transcript](#); CA (Civ Div); 2007-07-30

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[\[2007\] EWHC 905 \(Admin\); \[2007\] 1 W.L.R. 2583; \[2007\] 4 All E.R. 518; \[2007\] A.C.D. 87; Times, May 22, 2007; Official Transcript](#); QBD (Admin); 2007-04-27

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Tweed v Parades Commission for Northern Ireland

[\[2006\] UKHL 53](#); [\[2007\] 1 A.C. 650](#); [\[2007\] 2 W.L.R. 1](#); [\[2007\] 2 All E.R. 273](#); [\[2007\] N.I. 66](#); [\[2007\] H.R.L.R. 11](#); [\[2007\] U.K.H.R.R. 456](#); [22 B.H.R.C. 92](#); [\(2007\) 151 S.J.L.B. 24](#); [Times, December 15, 2006](#); [Official Transcript](#); HL (NI); 2006-12-13

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R. (on the application of Elias) v Secretary of State for Defence

[\[2006\] EWCA Civ 1293](#); [\[2006\] 1 W.L.R. 3213](#); [\[2006\] I.R.L.R. 934](#); [Times, October 17, 2006](#); [Independent, October 18, 2006](#); [Official Transcript](#); CA (Civ Div); 2006-10-10

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R. (on the application of Karas) v Secretary of State for the Home Department

[\[2006\] EWHC 747 \(Admin\)](#); [\(2006\) 103\(18\) L.S.G. 31](#); [\(2006\) 150 S.J.L.B. 540](#); [Official Transcript](#); QBD (Admin); 2006-04-07

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[\[2005\] UKPC 17](#); [\[2005\] 1 W.L.R. 2546](#); [Official Transcript](#); PC (Bah); 2005-03-23

Mentioned by

Carlyle-Clark v Secretary of State for the Home Department

[\[2004\] EWHC 2858 \(QB\)](#); [Official Transcript](#); QBD; 2004-11-26

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IBA Health Ltd v Office of Fair Trading

[\[2004\] EWCA Civ 142](#); [\[2004\] 4 All E.R. 1103](#); [\[2005\] 1 All E.R. \(Comm\) 147](#); [\[2004\] U.K.C.L.R. 683](#); [\[2005\] E.C.C. 1](#); [\[2004\] I.C.R. 1364](#); [\(2004\) 101\(11\) L.S.G. 33](#); [\(2004\) 154 N.L.J. 352](#); [Times, February 25, 2004](#); [Independent, March 29, 2004](#); [Official Transcript](#); CA (Civ Div); 2004-02-19

Mentioned by

Belize Alliance of Conservation Non-Governmental Organisations v Department of the Environment

[\[2004\] UKPC 6](#); [\[2004\] Env. L.R. 38](#); [Official Transcript](#); PC (Bze); 2004-01-29

Mentioned by

Afolabi v Southwark LBC

[\[2003\] EWCA Civ 15](#); [\[2003\] I.C.R. 800](#); [\[2003\] I.R.L.R. 220](#); [\(2003\) 100\(11\) L.S.G. 32](#); [\(2003\) 147 S.J.L.B. 115](#); [Times, January 30, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-01-24

Mentioned by

R. (on the application of Tucker) v Director General of the National Crime Squad

[\[2003\] EWCA Civ 57](#); [\[2003\] I.C.R. 599](#); [\[2003\] I.R.L.R. 439](#); [\[2003\] Po. L.R. 9](#); [\[2003\] A.C.D. 37](#); [\(2003\) 100\(10\) L.S.G. 29](#); [Times, January 27, 2003](#); [Official Transcript](#); CA (Civ Div); 2003-01-17

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[Official Transcript](#); QBD; 2000-06-06

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R. v Gloucestershire Justices Ex p. Daldry

[\[2001\] R.V.R. 242](#); [Official Transcript](#); QBD; 2000-01-12

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Gibbs v Rea

[\[1998\] A.C. 786](#); [\[1998\] 3 W.L.R. 72](#); [\(1998\) 142 S.J.L.B. 98](#); [Times, February 4, 1998](#); PC (CI); 1998-01-29

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R. v Arts Council of England Ex p. Women's Playhouse Trust

[\[1998\] C.O.D. 175](#); [Times, August 20, 1997](#); [Official Transcript](#); QBD; 1997-07-29

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R. v Secretary of State for the Home Department Ex p. Al-Fayed (No.1)

[\[1998\] 1 W.L.R. 763](#); [\[1997\] 1 All E.R. 228](#); [\[1997\] I.N.L.R. 137](#); [\[1997\] C.O.D. 205](#); [Times, November 18, 1996](#); [Independent, November 19, 1996](#); CA (Civ Div); 1996-11-13

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R. v Secretary of State for Transport Ex p. Richmond upon Thames LBC (No.4)

[\[1996\] 1 W.L.R. 1005](#); [\[1996\] 4 All E.R. 93](#); [\(1996\) 8 Admin. L.R. 486](#); [\(1996\) 93\(14\) L.S.G. 29](#); [\(1996\) 140 S.J.L.B. 98](#); [Times, March 21, 1996](#); QBD; 1996-03-08

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R. v City of London Corp Ex p. Matson

[\[1997\] 1 W.L.R. 765](#); [94 L.G.R. 443](#); [\(1996\) 8 Admin. L.R. 49](#); [\[1996\] C.O.D. 161](#); [Times, October 20, 1995](#); [Independent, September 27, 1995](#); CA (Civ Div); 1995-08-18

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R. v Lambeth LBC Ex p. Campbell

[\(1994\) 26 H.L.R. 618](#); [\[1994\] N.P.C. 34](#); QBD; 1994-03-07

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South Northamptonshire DC v Secretary of State for the Environment

[\(1994\) 68 P. & C.R. 525](#); QBD; 1993-12-20

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[\[1994\] C.O.D. 247](#); QBD; 1993-11-02

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Lawrie v Commission for Local Authority Accounts in Scotland

[1994 S.L.T. 1185](#); OH; 1993-09-01

Mentioned by

R. v Higher Education Funding Council Ex p. Institute of Dental Surgery

[\[1994\] 1 W.L.R. 242](#); [\[1994\] 1 All E.R. 651](#); [\[1994\] C.O.D. 147](#); [Independent, September 28, 1993](#); DC; 1993-07-30

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M v Home Office

[\[1994\] 1 A.C. 377](#); [\[1993\] 3 W.L.R. 433](#); [\[1993\] 3 All E.R. 537](#); [\(1995\) 7 Admin. L.R. 113](#); [\(1993\) 90\(37\) L.S.G. 50](#); [\(1993\) 143 N.L.J. 1099](#); [\(1993\) 137 S.J.L.B. 199](#); [Times, July 28, 1993](#); [Independent, July 28, 1993](#); HL; 1993-07-27

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[\[1994\] P.I.Q.R. P77](#); QBD; 1993-07-16

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[\[1993\] Q.B. 157](#); [\[1992\] 3 W.L.R. 956](#); [\[1993\] 1 All E.R. 151](#); [\(1993\) 5 Admin. L.R. 93](#); [\[1992\] C.O.D. 458](#); [Times, May 8, 1992](#); [Independent, May 7, 1992](#); [Guardian, May 13, 1992](#); CA (Civ Div); 1992-05-06

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[\(1992\) 24 H.L.R. 541](#); QBD; 1992-02-28

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R. v Civil Service Appeal Board Ex p. Cunningham

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Mentioned by

R. v Deputy Chief Constable of North Wales Ex p. Hughes

[\[1991\] 3 All E.R. 414](#); [\[1991\] I.C.R. 180](#); [Times, August 7, 1990](#); CA (Civ Div); 1990-07-24

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[\[1990\] 1 A.C. 876](#); [\[1989\] 3 W.L.R. 1294](#); [\[1989\] 3 All E.R. 843](#); [\[1990\] Imm. A.R. 140](#); [\(1990\) 2 Admin. L.R. 367](#); [\[1990\] C.O.D. 188](#); [\(1990\) 134 S.J. 50](#); HL; 1989-11-23

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[\[1989\] 1 W.L.R. 525](#); [\[1989\] 2 All E.R. 609](#); [\(1989\) 5 B.C.C. 633](#); [\(1989\) 139 N.L.J. 717](#); [\(1989\) 133 S.J. 724](#); [Times, May 19, 1989](#); [Independent, May 19, 1989](#); [Guardian, May 19, 1989](#); [Daily Telegraph, May 22, 1989](#); HL; 1989-05-18

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[\[1988\] A.C. 958](#); [\[1988\] 2 W.L.R. 92](#); [\[1988\] 1 All E.R. 193](#); [\[1988\] Imm. A.R. 147](#); [\(1988\) 85\(6\) L.S.G. 37](#); [\(1988\) 132 S.J. 22](#); HL; 1987-12-16

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[\[1987\] 3 W.L.R. 1047](#); [\(1987\) 131 S.J. 1485](#); [Times, October 13, 1987](#); CA (Civ Div); 1987-10-12

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R. v Tower Hamlets LBC Ex p. Chetnik Developments Ltd
[\[1987\] 1 W.L.R. 593](#); [85 L.G.R. 713](#); [\[1987\] 1 E.G.L.R. 180](#); [\(1987\) 282 E.G. 455](#); [\[1987\] R.A. 57](#); [\(1987\) 151 L.G. Rev. 791](#); [\(1987\) 84 L.S.G. 1058](#); [\(1987\) 131 S.J. 692](#); CA (Civ Div); 1987-02-13

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Disclosure matters: Tweed

Disclosure; Judicial review.

[N.L.J. 2007, 157\(7262\), 313-314](#)

Openness, discretion and judicial review.

Discretion; Grants; Judicial review; Local authorities powers and duties.

[P.L. 1986, Winter, 508-514](#)

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Chapter: Chapter 20 - Education

Documents: [20-152](#)

De Smith's Judicial Review 7th Ed.

Chapter: Chapter 1 - The Nature of Judicial Review

Documents: [Section 4. - The Incidence and Impact of Judicial Review](#)

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Documents: [Rule 54.14 Response](#)

Insight

[Judicial review: procedure](#)

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