

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/4537/2020

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:-



R(AJ)

First Claimant

R(CC) (by her mother and litigation friend, AJ)

Second Claimant

-and-

Secretary of State for Health and Social Care

(DHSC)

Defendant

CONSENT ORDER

UPON the Defendant agreeing to amend Regulations 3 and 4 of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005, following appropriate consultation.

AND upon the Defendant agreeing to make provision in those amended regulations such that the second claimant (a British Child) and any British child ordinarily resident in England and Wales of the relevant age whose parent(s) are excluded from claiming public funds as a consequence of their immigration status or their lack of immigration status, but would be entitled to Healthy Start provision if the financial criteria under the 2005 Regulations were applied to them and they were entitled to access public funds, will be treated as “a person entitled to the benefit” for the purposes of Regulation 3(1) of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005;

AND upon the Defendant agreeing that pending the proposed amendment to the 2005 Regulations it will establish a process by which children whose parent(s) meet the above conditions will be provided an equivalent amount to the Healthy Start provision by means of an ex gratia benefit from DHSC.

By consent it is ordered that:


1. The Claimants have permission to withdraw the claim for judicial review.
2. The Defendant shall pay the Claimants' reasonable costs of the claim to be assessed on the standard basis if not agreed.
3. There shall be a detailed assessment of the Claimants' publicly funded costs.

Dated this 30 Day of April 2021

Sign:

BD's


Sign:

BD's


Date: 30th April 2021

Government Legal Department

Litigation Group

102 Petty France

Westminster

London

SW1H 9GL

DX: 123243 Westminster 12

Ref: Z1692010/AVW/H017

Defendant

Date: 30th April 2021

Olivia Halse

Associate Solicitor

Matthew Gold & Co. Ltd. Solicitors

11 Jerusalem Passage

London

EC1V 4JP

Ref: OH/KG/J025-3-0/1317

Claimants

Approved by Philip R Shearer, ACO Lawyer
Pursuant to CPR 54.1A