98 High Street
Knaresborough
N Yorks
HG5 0HN

07930 519793

26 March 2005

Chief Clerk
Administrative Court Office
Royal Courts of Justice
The Strand
London
WC2 2LL

Dear Madam

Case number CO/746/2005 - R -v- Secretary of State for Constitutional Affairs (ex parte Allman)

Please could this letter be placed before the judge, along with all the other relevant papers, including the letter from the defendant dated 24 March 2005, as the defendant has requested?

The defendant has requested an oral hearing if the court is minded to grant the interim injunction sought. The applicant hereby requests an oral hearing if the court is not minded to grant the interim injunction sought. Moreover, in the event that permission to apply for Judicial Review is withheld during consideration of the case's merits on the papers alone, the applicant would almost certainly apply for an oral hearing, with a view to obtaining after all the permission initially denied.

In the circumstances, (a) that both parties appear to want an oral hearing regarding the interim injunction sought if the court is minded to deny them victory on that question, and (b) that there will *eventually* have to be at least *one* oral hearing of *some* sort, because the applicant will be unwilling to abandon the action simply because permission is refused initially, on consideration of the papers alone, in the absence of the parties, the applicant commends to the court that costs and the use of the court's time should be minimised, by a decision to order an early hearing at which (at least) both questions can be determined at the same hearing, namely: (1) whether to grant the interim injunction sought and (2) whether to grant permission to apply for judicial review.

The applicant denies that his claim is "unarguable".

The applicant contends (inter alia) that the principle established in the successful Norris -v- Ireland action is equally applicable in his circumstances, despite the immaterial differences between the precise hypothetical risk to which Mr Norris was exposed, and the risk to which the applicant will become exposed unless relief is granted, a risk to the applicant which is by no means as "remote" as the defendant contends, and which risk (just as in Norris's successful action) amounts to a de facto disrespect of the applicant's private life and beliefs, without the need for the risk generated actually to have resulted in the tangible harm to the applicant feared, before commencement of proceedings may become permissible.

The applicant further contends that the defendant's claim, that the Act merely gives effect a specific ECtHR judgement is demonstrably false, by way of exaggeration.

The Act already contains at least one abridgement of the "full" recognition of gender reassignment purportedly demanded by the ECtHR judgement and inaccurately alleged to have been accomplished by the Act, once implemented. For example there is the existing abridgement of full reassigned gender recognition that is apparently deemed compatible with the ECtHR judgement cited, which prevents a biological male who is allegedly diseased with "Gender Dysphoria" from collecting the gold medal for the women's 100 metres race. The Act could (and should) easily have also been enacted, with a no less ECtHR-decision-compatible abridgement of the full reassigned gender recognition (asserted inaccurately to be needed by the ECtHR judgement), which would also have prevented the Gender Dysphoria sufferer from tricking a cautious heterosexual (such as the applicant), *compelled* to be "homophobic" by virtue of his ECHR-protected belief system, into a sexual liaison far more harmful to him personally than the distress he might suffer merely from witnessing a biological male collecting a gold medal for excelling during an athletic event in which only *real* women were supposed to be allowed to compete.

The applicant also rejects the notion that the defendant puts forward, that when an enabling Act enables a minister of the Crown to do this or that, for example (as in this case) to "implement" as a whole a certain Act, nothing which the thus enabled minister then decides to do (including the Act-enabled "implementation" of the Act itself) amounts to a "decision" that can be reviewed judicially. I would urge the court to resist vigorously so blatant an attempt to oust the court from its rightful jurisdiction, to review judically decisions, merely because the decisions concerned happen to be "political".

As regards the defendant's submissions concerning "balance of convenience", the applicant respectfully submits that the most *convenient* course of action of all, from the point of view of the public, both parties to the action and the court itself, would be to accept the applicant's suggestion, set out earlier in this letter, of ordering an early oral hearing, to consider at one sitting the interim injunction application, and the application for permission to apply for judicial review, and also, if the court wishes to kill *three* birds with one stone (so to speak), to consider the substantive human rights issues at stake in the claim itself.

Yours faithfully,

John Allman
Applicant

Cc: Defendant