

Jones (AP) (Appellant) v Birmingham City Council and another (Respondents)

Appellant Mr Jerome Jones

Respondents 1) Birmingham City Council
2) Secretary of State for the Home Department

Issue Whether legislation that allows a civil court to grant injunctions against people on the basis that it is proved on the balance of probabilities they have been involved in gang-related violence or drug dealing is incompatible with the right to a fair trial under Article 6 of the European Convention on Human Rights.

Facts In 2016-2017, in an effort to tackle gang-related crime, Birmingham City Council obtained injunctions from the Birmingham County Court against 17 individuals, including Mr Jones, on account of their alleged involvement in gang-related violence, drug dealing and/or anti-social behaviour. The injunction against Mr Jones prevented him from entering a large part of central Birmingham, associating with a number of named individuals, participating in music videos relating to certain gangs as well as using violence and possessing illegal drugs.

Mr Jones appealed to the High Court on the basis that the legislation on which the injunction was based was incompatible with Article 6 of the European Convention on Human Rights, which guarantees the right to a fair trial. Mr Jones argued that although the injunction was obtained in civil proceedings, Article 6 required that the allegations on which the injunctions were based (i.e. that Mr Jones had been involved in gang-related violence or drug dealing) should be proved to the criminal standard (i.e. beyond reasonable doubt) rather than the civil standard (i.e. on the balance of probabilities) as the legislation specifies.

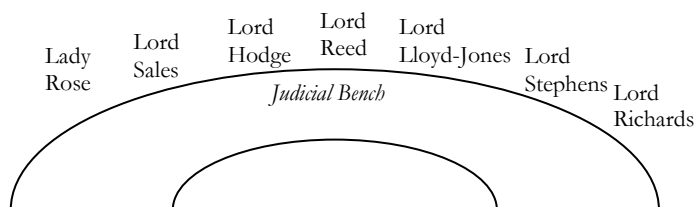
The High Court dismissed that appeal on the basis that there was no incompatibility but gave Mr Jones permission to appeal to the Court of Appeal. The Court of Appeal also dismissed the appeal.

Mr Jones now appeals to the Supreme Court on the basis that Article 6 ECHR requires that the allegations be proved beyond a reasonable doubt.

Chronology of proceedings

Date of hearing	Date of judgment	Court	Judge	Neutral citation	Order
15 February 2016	15 February 2016	Birmingham County Court	HHJ McKenna	N/A	Interim injunction granted against Mr Jones (and others).
24 February 2016	24 February 2016	Birmingham County Court	HHJ Worster	N/A	Interim injunction against Mr Jones (and others) continued with minor amendments
On paper	11 October 2016	High Court of Justice of England and Wales (Queen's Bench Division)	Burton J	N/A	Mr Jones' appeal against the injunction on the basis of incompatibility with Article 6 ECHR dismissed. Permission to appeal to the Court of Appeal granted.
January, June, July 2017	12 July 2017	Birmingham County Court	HHJ Wall	N/A	Final injunction against Mr Jones granted following trial.
24-25 April 2018	23 May 2018	Court of Appeal of England and Wales (Civil Division)	Leveson P, Underhill LJ, Irwin LJ	[2018] EWCA Civ 1189	Mr Jones' appeal against the Order of Burton J dismissed.
On paper	11 June 2018	Court of Appeal of England and Wales (Civil Division)	Leveson P, Underhill LJ, Irwin LJ	N/A	Mr Jones' application for permission to appeal the judgment of the Court of Appeal to the Supreme Court refused.
On paper	9 October 2018	High Court of Justice of England and Wales (Queen's Bench Division)	Jefford J	N/A	Mr Jones' application for permission to appeal against the injunction granted by HHJ Wall refused.
On paper	30 March 2022	Supreme Court of the United Kingdom	Lord Briggs, Lord Stephens, Lady Rose	N/A	Mr Jones' application for permission to appeal the judgment of the Court of Appeal to the Supreme Court granted.

Hearing Date: 30 & 31 January 2023
Lord Reed, Lord Hodge, Lord Lloyd-Jones, Lord Sales,
Lord Stephens, Lady Rose, Lord Richards



Counsel

Appellant

Helen Mountfield KC
James Stark

1st Respondent

Jonathan Manning
Charlotte Crocombe

2nd Respondent

Samantha Broadfoot KC
Yaaser Vanderman

Timetable

Day 1

Appellant	11am-1pm & 2pm-3.30pm
Respondents	3.30pm-4pm

Day 2

Respondents	10.30am-1pm & 2pm-3pm
Appellant's Reply	3pm-4pm

You can watch video of today's hearing at www.supremecourt.uk, from tomorrow.
Look for the relevant case profile in our 'Current Cases' section: scroll to the bottom to see the available footage.