

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION – ADMINISTRATIVE COURT

Claim No: AC-2025-LON-004293

Zahmoul v Secretary of State for Justice & HMCTS

SKELETON ARGUMENT FOR THE CLAIMANT

(Reconsideration of the Order of 4 December 2025)

A. INTRODUCTION

1. This skeleton argument supports the Claimant's request that the Court reconsider the Order of 4 December 2025 refusing urgent consideration of the Judicial Review. The Claimant seeks a short, urgent oral, in-person permission hearing.
2. The Claimant is autistic, has PTSD, is medically fragile and unrepresented. Paper-based and remote procedures are clinically unsafe for her, as demonstrated in the medical report of Dr Hayse (E25) and the CLAAS autism assessment (E26). Determination on the papers would deny her effective participation.

B. GROUNDS FOR RECONSIDERATION

1. The claim is not difficult to follow

3. The Judicial Review concerns two clear and ongoing administrative failures:
 - (a) the continuing failure of HMCTS/MoJ to identify, record, maintain and implement participation measures for an autistic and PTSD-vulnerable litigant; and
 - (b) the continuing failure to safeguard and process evidence within HMCTS's administrative responsibility.
4. These issues are administrative, ongoing, and fall squarely within judicial review jurisdiction.

2. The matters are not historic

5. Participation measures ordered during the trial (February 2024) were unlawfully revoked without order, notice, or reassessment. No equality analysis or Part 3A review has ever been carried out. These failures continued through judgment, costs, appellate stages, PAP correspondence, and remain active today.
6. The Claimant continues to be a disabled court user with no participation measures, no adjustments, and no recorded vulnerability status. She remains at substantial disadvantage.

3. Urgency

7. Immediate urgency arises from:
 - (a) the continuing absence of participation measures; and
 - (b) a documented safeguarding and medical risk.

Paper-based processes cause destabilisation, confusion and health deterioration.

Medical evidence states that an in-person hearing is clinically required.
8. Determining permission on the papers would replicate the same accessibility failures that form the subject of the JR and would be unsafe and discriminatory.

C. STATUTORY FRAMEWORK

9. The Defendants are in continuing breach of:

(a) FPR Part 3A and PD3AA, through the failure to maintain and review participation measures and the unlawful post-trial revocation of adjustments;

(b) Equality Act 2010, including ss.20–21 and 29, through the failure to provide reasonable adjustments and the adverse treatment of disability-related behaviour;

(c) Public Sector Equality Duty (s.149 EqA 2010), through the absence of any due-regard assessment at any point in the process;

(d) Article 6 ECHR, through failure to secure effective participation for an autistic and PTSD-vulnerable litigant;

(e) Common law fairness, through the suppression or omission of disability evidence and the misinterpretation of autistic distress as misconduct;

(f) Statutory guidance issued under the Autism Act 2009, which requires public bodies to identify autistic adults, record their needs, and make appropriate adjustments to ensure equal access to services. No aspect of this guidance was followed or justified, and its breach has been continuous from February 2024 to the present.

(g) House of Lords Autism Act Report – Enforcement Gap. Recent parliamentary scrutiny (House of Lords, Time to Deliver Report, paras. 136–139) confirms that compliance with Autism Act statutory guidance is enforceable only through judicial review, and that no prior case has ever been brought to judgment. The Committee identifies a systemic enforcement vacuum: despite mandatory duties, no public body has been held accountable, and government has taken no enforcement action. This claim is therefore the first known judicial review directly addressing that gap and falls squarely within the category of accountability proceedings contemplated by Parliament.

D. RELIEF SOUGHT

10. The Claimant respectfully seeks:

- (1) reconsideration of the Order of 4 December 2025;
- (2) the listing of a short urgent oral, in-person permission hearing (1–1.5 hours); and
- (3) appropriate participation directions to ensure effective communication and procedural safety.