

11 November 2008

Dear Sirs

Intended Judicial Review Proceedings on behalf of the New Under 10 Metre Fishermans Association

We refer to the above matter and to the conference which we and you attended with Counsel Mr. Fergus Randolph of Brick Court Chambers on 30 July 2008.

Counsel confirmed to us and you during the course of that conference, and has subsequently authorised us to confirm again, in writing, that, on the basis of the information provided, he is optimistic with regard to the merits of a challenge by way of Judicial Review proceedings to the management by DEFRA of the quota system in respect of under 10 metre fishing vessels. The primary ground for such a challenge is that the treatment by DEFRA of this sector of the fishing fleet, as compared with other sectors, has been, and continues to be, discriminatory.

The Court proceedings must be commenced by way of Judicial Review of a "decision" of DEFRA in relation to its management of the quota system. This will open the door to a challenge to the whole system of management of the quota system. The application for leave to review the decision must be made within three months of the decision itself. For this purpose the application should be based upon the annual quota allocation decision of DEFRA which will be made in December and, also, as seems extremely likely, the further more serious and discriminatory decision of DEFRA to limit the quota licence of approximately 2250 licences to a nominal annual catch. This application ought to be made as soon as practicable. He further advised that because of the backlog of Judicial Review cases in the administrative Court, it is essential that the application is supported by evidence of hardship so as to be in a position to ask the Court for an Order that the hearing be expedited. We were advised by members of NUTFA who attended the conference that there were numerous such examples of hardship and that witness statements could be obtained in support of such an application.

In the light of Counsel's clear advice on the merits of such an application, may we please have your instructions to proceed as soon as possible.

We look forward to hearing from you.

Yours faithfully
Nicholas Green
Thomas Cooper