



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C1/2014/4332/PTA



R (SOLAR CENTURY HOLDINGS LTD AND OTHERS) –v– SECRETARY OF STATE FOR ENERGY AND CLIMATE CHANGE

**ORDER made by the Rt. Hon. Lord Justice Bean**

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**Decision: granted, refused, adjourned.** An order granting permission may limit the issues to be heard or be made subject to conditions.

Permission granted

**Reasons**

At first sight it seems to me that the Appellants will have a difficult task in persuading the Court to differ from the impressively reasoned judgment of Green J on any of the four issues which he identified. Nevertheless I am just persuaded that the argument that the judge has misinterpreted the Levy Control Framework has a reasonable prospect of success; and since there is an element of overlap between the four issues, I grant permission to appeal generally.

**Information for or directions to the parties**

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories\*. Yes  No

Recommended for mediation Yes  No

If not, please give reason:

**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment) 1 day
- b) any expedition I do not consider this case justifies an order for expedition; but for the Respondents the Treasury Solicitor argues that an outstanding appeal will create uncertainty, so undue delay in listing should be avoided.



Signed: *David Bean*  
Date: 19 May 2015

*By the Court*

- Notes
- Rule 52.3(6) provides that permission to appeal may be given only where –
  - a) the Court considers that the appeal would have a real prospect of success; or
  - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 16(1) of CPR PD 52C.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 7 days of the date of the listing window notification letter and seek to agree the bundle within 21 days of the date of the listing window notification letter (see paragraph 21 of CPR PD 52C).

**DATED 19TH MAY 2015  
IN THE COURT OF APPEAL**

**ORDER**

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