



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2025-002024

AND

CA-2025-002021



**R (on the application of LMV) v SECRETARY
OF STATE FOR WORK AND PENSIONS**

CA-2025-002021

**R (on the application of EFG) v SECRETARY
OF STATE FOR WORK AND PENSIONS**

ORDER made by the Rt. Hon. Lord Justice LEWIS

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal against the order of Rice Collins J. of 18 July 2025 dismissing the appellants' claims for judicial review.

Decision:

1. Permission to appeal is granted.
2. The appeals in case CA-2025-002024 (R (LMV) v Secretary of State for Work and Pensions) and CA 2025-002021 (R (EFG) v Secretary of State for Work and Pensions) are to be linked and heard together.
3. The parties are to use a single core bundle, and a single skeleton argument for the appellants and a single skeleton argument for the respondent.
4. Paragraphs 2 to 4 of the order of Fordham J. dated 10 October 2024 continue to apply to this appeal.

Reasons

1. The appellants contend that the regulations governing universal credit are incompatible with Article 14, read with Article 8, of the Convention for the Protection of Human Rights and Fundamental Freedoms in that they do not make exemptions to the calculation of the child care element of universal credit (which, in general, enables parents to claim for no more than 2 children). The exemptions that are made do not apply if a parent is the victim of abuse and has two children non-consensually and then has a third child.
2. This appeal raises important issues of principle concerning the regulations concerning universal credit and the appropriate approach on the part of the court to determining whether differential treatment is justified. Those provide compelling reasons within the meaning of CPR 52.6(1)(b) for hearing the appeal. I accordingly grant permission. In those circumstances, it is not necessary, and would not be helpful at this stage, to express any view on whether any of the three grounds of appeal have any real prospect of success.
3. The two appeals should be heard together. Given the sensitivity of the personal information concerning the appellants and their children, it is appropriate to continue the provisions of the order made by Fordham J. on 10 October 2024,

Information for or directions to the parties

Mediation: Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? No

Pilot categories:

- | | |
|--|----------------------------|
| • All cases involving a litigant in person (other than immigration and family appeals) | • Boundary disputes; |
| • Personal injury and clinical negligence cases; | • Inheritance disputes. |
| • All other professional negligence cases; | • EAT Appeals |
| | • Residential landlord and |

<ul style="list-style-type: none"> Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; 	tenant appeals
If yes, is there any reason not to refer to CAMS mediation under the pilot? If yes, please give reason: <u>Non-pilot cases:</u> Do you wish to make a recommendation for mediation?	Yes/No (delete as appropriate) Yes/No (delete as appropriate)
Where permission has been granted, or the application adjourned a) time estimate (excluding judgment) 1 day b) any expedition no	

Signed: BY THE COURT
 Date: 11 September 2025

Notes

- (1) Rule 52.6(1) 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) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: **CA-2025-002021 and CA-2025-002024**