



Case No: C4/2016/3498

Neutral Citation Number: [2017] EWCA Civ 2694
IN THE COURT OF APPEAL
ON APPEAL FROM
EMPLOYMENT APPEAL TRIBUNAL

Royal Courts of Justice
Strand
London, WC2A 2LL

Thursday, 15 June 2017

Before

LORD JUSTICE BEATSON

Between:

NIXON AND ANR

- and -

Respondent

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Applicant

(DAR Transcript of
WordWave International Limited
Ltd trading as DTI)
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Official Shorthand Writers to the Court)

No appearance on behalf of the Applicant

No appearance on behalf of the Respondent

Judgment

(Approved)

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LORD JUSTICE BEATSON:

1. It is now 10.08 am. This was a hearing, a renewed application for permission to appeal brought by Mr Paul Nixon and his son, Jaquan Nixon. This hearing was adjourned from 3 May when the court was unable to achieve a video link with the applicant's counsel.
2. Today, the court has been trying to make contact telephonically with counsel's chambers to enable us to have a telephone hearing. This has been going on since 9.55 am. We were told that counsel was on another matter and we were then put on hold. The number has been ringing out with no answer.
3. This is not the way for those who want to have telephone hearings to conduct themselves. It is not possible for this hearing to take place. The matter will have to be adjourned. I do not reserve it to myself, as I did last time.
4. I also direct that, if there is to be a renewed oral hearing, unless the applicants can show cause and explain why they were not available on the phone today, that any further hearing should be an ordinary hearing in person without relying on telephone or video which has been proved ineffective in this case. It is regrettable.
5. I am not in a position to know what is said on behalf of the applicants and so, I adjourn this for the second time. I make a direction that the hearing be a full hearing orally in the presence of counsel or Mr Nixon unless they satisfactorily

explain in writing what has happened and give an undertaking as to why a remote arrangement will work.

6. The matter is therefore adjourned.

Order: Application adjourned.