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Your ref: 11059-1-0/263
Our ref: Z1916640/NFW/DS4

19 November 2021

Dear Ms Adamo

RE: R (on the application of Stopwatch) v Secretary of State for the Home Department

We refer to your pre-action letter of 29 September 2021 and the above claim for judicial review, served by email on 2 November 2021.

Following a review of the background to the decision to which your challenge relates, it has come to light that at the time the decision was taken, the equality impact assessment put before the Home Secretary did not contain a full analysis of the available options.

The Secretary of State has therefore decided to withdraw her decision and will reconsider the Government's position as soon as she is provided with a further set of advice, including an equality impact assessment which addresses all options that she is being asked to consider. This advice will also take into consideration any new relevant information and data which has become available since the July decision, or will become available very shortly. This will include the new stop and search statistics which will be published in the Police Powers and Procedures bulletin on 18 November.

The practical position pending this fresh decision being taken is that advice to police forces will revert to the position immediately prior to the July decision. As you will appreciate, this is no different in substance to the present position, given that the BUSSS conditions had been suspended in any event. However, the reconsideration of the Government's position will allow future policy to be determined in light of all present circumstances. We anticipate that this reconsideration will take place shortly, and you will be notified of the outcome as soon as possible.

In light of the above, we do not propose to reply to the substance of your pre-action letter which has now been superseded by this development. We invite you to withdraw your judicial review challenge, since the decision to which it is directed has now been withdrawn.

Emma Robinson - Head of Division
Elizabeth Mackie - Deputy Director, Team Leader Defence, Security & General Public Law



Yours sincerely

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