

**Litigation and Employment
Group**

Treasury Solicitor's Department
One Kemble Street, London WC2B 4TS

Mr Casey Hardison (A6078AJ)
HMP Wellingborough
Wellingborough
Northants
NN8 2NH

DX 123242 Kingsway
Switchboard: (020) 7210 3000 (GTN 210)
Direct Line: (020) 7210 6173
Direct Fax: (020) 7210 3410
James.Chapman@tsol.gsi.gov.uk

Please Quote: Q102736A/JCP/B4

Your Reference:

24 September 2010

Dear Mr Hardison

Response to letter before claim

I have been instructed to act in this matter by the Secretary of State for the Home Department.

I note the contents of your letter before action dated 25 August 2010 addressed to my client. In summary, you are seeking to challenge the Government's policy on drug control using arguments substantially similar to those you have used in previous applications for judicial review; as you will remember, those arguments have been dismissed by several senior judges as wholly without merit. Your letter raises no new legal point, and is otherwise entirely misconceived.

As has already been pointed out to you, the Courts will not become involved in policy issues of this kind. Summarising Sir Henry Brooke's dismissal of your application to the Court of Appeal on 3 December 2007, your remedy lies in the political, not the legal sphere. The Court has recognised, and our client has explained to you on numerous occasions, that the Government's policy is to regulate controlled drugs – more commonly referred to as "illegal drugs" - through the Misuse of Drugs Act 1971, and the availability of alcohol and tobacco separately. This stance recognises that whilst alcohol and tobacco pose health risks and may have anti-social effects, their use is embedded in society, and responsible use of alcohol and tobacco is possible and commonplace.

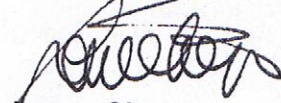
You may recall that the Administrative Court has already invited my client to seek a Civil Restraint Order against you. Please be advised that if you continue to pursue this and any other claim of this nature we will apply to the Court for such an order, and will seek the costs of the application from you.

In respect of your requests for further information, from an initial examination of your request, it appears much of this information has already been supplied to you by means of Freedom

Public Law Division
Simon Harker - Divisional Director
Karl Banister - Public Law, Team B4

of Information requests. However, I have forwarded your information request to the relevant department within the Home Office for consideration.

Yours sincerely



James Chapman
For the Treasury Solicitor

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