

Deponent:
Second Affidavit
Filed on behalf of
the applicant

IN THE HIGH COURT OF JUSTICE

COL-3185-94

QUEENS BENCH DIVISION

In the matter of an Appeal under Section 288 of the Town & Country Planning Act 1990 against the decision of the Secretary of State for the Environment dated 20th September 1994 allowing Appeals by United Synagogue Eruv Commission applications numbers Eruv 1 and Eruv 2.

BETWEEN

JEFFREY SEGALL

Applicant

- and -

THE SECRETARY OF STATE FOR THE ENVIRONMENT

First Respondent

- and -

THE UNITED SYNAGOGUE ERUV COMMITTEE

Second Respondent

**AFFIDAVIT OF CLIVE WILLIAM ROSS MOORE
IN SUPPORT OF NOTICE OF ORIGINATING
MOTION FOR INTERLOCUTORY RELIEF IN
APPEAL PROCEEDINGS**

I, CLIVE WILLIAM ROSS MOORE of 236 Neasden Lane, London NW10 0AA
MAKE OATH and say as follows :-

1. I am a solicitor of the Supreme Court and a Partner in the firm of Sayer Moore & Co of 236 Neasden Lane, London NW10 0AA. I hold the conduct of this application on behalf of the Applicant and am duly

authorised by him to make this Affidavit on his behalf in support of the Notice of Motion herein for the interlocutory relief claimed. Unless otherwise stated the facts and matters hereinafter deposed to are with my own knowledge.

2. In essence the Appeal by way of Notice of Motion is for an Order quashing the decision of the First Respondent allowing the Appeal of the Second Respondent against refusal of Planning Permission in respect of applications for the erection of groups of poles between which are suspended at high level a wire to designate the perimeter of a nominated "Eruv".
3. The Notice of Motion herein was issued at the Crown Office of the Royal Courts of Justice on 1st November 1994. A copy of the unsworn Affidavit of Jeffrey Segall in support of the Notice of Motion was served by hand on the First Respondent and Second Respondent on 31st October 1994 together with copies of the three exhibits referred to in the Affidavit. The Second Respondent was served care of Fibbens Fox Associates Ltd of 31 The Broadway, Woodford Green, Essex, Chartered Town Planners, who acted for the Second Respondent in the original proceedings as appointed agent. The said Affidavit was duly sworn by the applicant on 1st November 1994 and details of the jurat were given to the First Respondent and the Second Respondent care of Fibbens Fox Associates Ltd the same day.
4. Unfortunately, by an oversight it was mistakenly understood that a copy of the said Affidavit and three exhibits have been filed at the Crown Office at the same time that the Notice of Motion was issued. This was not the case and a copy of the said Affidavit and exhibits were filed at the Crown Office on 8th December 1994 being out of time. I therefore respectfully seek an Order of the Honourable Court for leave to file the said Affidavit and three exhibits out of time and to

adduce same in evidence at the hearing of the Notice of Motion. I respectfully submit that the First Respondent and Second Respondent will not in any way be prejudiced by the filing of the Affidavit out of time as they were served with a copy of the said Affidavit and three exhibits prior to the issue of the Notice of Motion. I apologise for the omission in failing to file the Affidavit and three exhibits in time but respectfully submit that it is just and equitable that the Applicant be given leave to file the Affidavit out of time and adduce same at the hearing of the Notice of Motion. I exhibit hereto a true copy of the said Affidavit and three exhibits marked "CWRM1".

5. For the above reasons I invite this Honourable Court to grant to the Applicant the relief sought herein.

SWORN BY THE SAID CLIVE WILLIAM ROSS MOORE

Dated this day of 1995.

Before me,

SOLICITOR/COMMISSIONER FOR OATHS

Deponent:
Second Affidavit
Filed on behalf of
the applicant

IN THE HIGH COURT OF JUSTICE
COL-3185-94
QUEENS BENCH DIVISION

In the matter of an Appeal under Section
288 of the Town & Country Planning Act
1990 against the decision of the Secretary
of State for the Environment dated 20th
September 1994 allowing Appeals by United
Synagogue Eruv Commission applications
numbers Eruv 1 and Eruv 2.

BETWEEN

JEFFREY SEGALL

Applicant

- and -

**THE SECRETARY OF STATE
FOR THE ENVIRONMENT**

First Respondent

- and -

**THE UNITED SYNAGOGUE
ERUV COMMITTEE**

Second Respondent

**AFFIDAVIT OF CLIVE WILLIAM ROSS
MOORE IN SUPPORT OF NOTICE OF
ORIGINATING MOTION FOR
INTERLOCUTORY RELIEF IN
APPEAL PROCEEDINGS**

Sayer Moore & Co
236 Neasden Lane
London NW10 0AA
Tel: 081 450 5314
Ref: CM SEGALL L6828
Date: 10th January 1995

Solicitor on behalf of the Plaintiff

SAYER MOORE & Co

236 Neasden Lane, London NW10 0AA
Fax Group 2 & 3: 081-452 8669

Tel: 081-450 5314

Our Ref: CM.SEGALL.L6828.R

Your Ref: DPD.CJ

Date: 21st December 1994 (18 Dec)

22/12/94

Dear Sirs,

**RE: SEGALL -v- THE SECRETARY OF STATE FOR THE
ENVIRONMENT and THE UNITED SYNAGOGUE
ERUV COMMITTEE**

Further to our letter of 19th December, we enclose a copy affidavit we have sworn in support of the application for leave to file the Affidavit of the Applicant out of time.

We have exhibited to the Affidavit a copy of the Affidavit of the Applicant and three exhibits referred to therein but trust that you do not require us to serve copies of same on you as you already have copies in your possession.

We look forward to hearing from you with confirmation that you agree to the Order as asked.

Details of joint to follow -

Yours faithfully,

For and on behalf of

SAYER MOORE & CO

Encs.

Please note that our office will close from 1.00 pm on 23rd December 1994 and will re-open at 9.00 am on 3rd January 1995.

BY FAX & POST: 071-935-7358

Fladgate Fielder,
Heron Place,
3 George Street, -- 12 3 DEC 1994
London W1H 6AD

Also at
190 Horn Lane, Acton, London W3 6TL
242 High Road, Harrow Weald, Middlesex HA3 7BB

This firm is regulated by the Law Society in the Conduct of Investment Business

Robert Saver B.A., Clive Moore, Simon Lanford LL.B., Kimberley Walsh B.A.

Con Quinlan LL.B. Conveyancer

IN THE HIGH COURT OF JUSTICE

COL-3185-94

QUEENS BENCH DIVISION

In the matter of an Appeal under Section 288 of the Town & Country Planning Act 1990 against the decision of the Secretary of State for the Environment dated 20th September 1994 allowing Appeals by United Synagogue Eruv Commission applications numbers Eruv 1 and Eruv 2.

BETWEEN

JEFFREY SEGALL

Applicant

- and -

THE SECRETARY OF STATE FOR THE ENVIRONMENT

First Respondent

- and -

THE UNITED SYNAGOGUE ERUV COMMITTEE

Second Respondent

AFFIDAVIT OF CLIVE WILLIAM ROSS MOORE

I, CLIVE WILLIAM ROSS MOORE of 236 Neasden Lane, London NW10 0AA
MAKE OATH and say as follows :-

1. I am a Partner in the firm of Sayer Moore & Co of 236 Neasden Lane, London NW10 0AA having the conduct of this action on behalf of the Applicant and am authorised to make this Affidavit on his behalf.
2. The Notice of Motion herein was issued at the Crown Office of the Royal Courts of Justice on 1st November 1994. A copy of the unsworn Affidavit of Jeffrey Segall was served by hand on the First Respondent and Second Respondent on 31st October 1994 together with copies of the three exhibits referred to in the Affidavit. The said Affidavit was duly sworn by the applicant on 1st November 1994 and details of the

jurat were given to the First Respondent and Second Respondent the same day.

3. Unfortunately, by an oversight it was mistakenly understood that a copy of the said Affidavit and three exhibits have been filed at the Crown Office at the same time that the Notice of Motion was issued. This was not the case and a copy of the said Affidavit and exhibits were filed at the Crown Office on 8th December 1994 being out of time. I therefore respectfully seek an Order of the Honourable Court for leave to file the said Affidavit and three exhibits out of time and to adduce same in evidence at the hearing of the Notice of Motion. I respectfully submit that the First Respondent and Second Respondent will not in any way be prejudiced by the filing of the Affidavit out of time as they were served with a copy of the said Affidavit and three exhibits prior to the issue of the Notice of Motion. I apologise for the omission in failing to file the Affidavit and three exhibits in time but respectfully submit that it is just and equitable that the Applicant be given leave to file the Affidavit out of time and adduce same at the hearing of the Notice of Motion. I exhibit hereto a true copy of the said Affidavit and three exhibits marked "CWRM1".

SWORN BY THE SAID CLIVE WILLIAM ROSS MOORE

Dated this day of 1994.

Before me,

SOLICITOR/COMMISSIONER FOR OATHS

IN THE HIGH COURT OF JUSTICE
COL-3185-94

QUEENS BENCH DIVISION

In the matter of an Appeal under
Section 288 of the Town & Country
Planning Act 1990 against the decision
of the Secretary of State for the
Environment dated 20th September
1994 allowing Appeals by United
Synagogue Eruv Commission
applications numbers Eruv 1 and Eruv 2.

BETWEEN

JEFFREY SEGALL

Applicant

- and -

**THE SECRETARY OF STATE
FOR THE ENVIRONMENT**

First Respondent

- and -

**THE UNITED SYNAGOGUE
ERUV COMMITTEE**

Second Respondent

**AFFIDAVIT OF CLIVE
WILLIAM ROSS MOORE**

Sayer Moore & Co.
236 Neasden Lane,
London NW10 0AA

Tel: 081-450-5314
Ref: CM.SEGALL.L6828
Date: 21st December 1994

Solicitor on behalf of the Plaintiff