

review was discontinued promptly – Whether a cost order should properly be made in the circumstances – The appropriate cost order to be made in the circumstances – The Judicature (Supreme Court) Act, sections 28E(1), (2) and (3), The Firearms Act, sections 37(1)(c), 37A(1), (2)(a) and (b), 37A(3) and (4) and the Fourth Schedule, paragraphs 1, 2 and 9, The Civil Procedure Rules, 2002, rules 2.2(1) and (2), 37.6(1), 64.3, 64.5(1), 64.6(1), 64.6(3), 64.6(4)(a),(b),(d)(i) and (ii), (e)(i), (ii),(iii) and 64.6(5)(a),(c),(d),(e) and (f)

A. NEMBHARD J

INTRODUCTION

- [1]** This matter concerns an application brought by the Firearm Licensing Authority (“the FLA”) against Mr Aggrey Downer, to recover the costs of the discontinued Application for Leave to Apply for Judicial Review which was filed by Mr Downer.
- [2]** The application for costs is contained in a Notice of Application for Court Orders, filed on 28 October 2020, by virtue of which the FLA seeks an Order that: -
- I. The costs of this claim be awarded to the Firearm Licensing Authority, against the Applicant Aggrey Downer, to be taxed if not agreed;
 - II. Costs of this application to the Respondent; and
 - III. Such further or other relief as this Honourable Court deems just.
- [3]** The application for costs is made pursuant to rule 37.6(1) of the Civil Procedure Rules, 2002 (“the CPR”) which provides that unless the parties agree otherwise, a claimant who discontinues a claim is liable for the costs of the defendant against whom the claim is discontinued, incurred on or before the date on which the notice of discontinuance is served.

BACKGROUND

- [4] The application for costs is made against the background that the FLA is a statutory body established in 2005 under the Firearms Act (“the Act”). By virtue of the Act, it is responsible for the granting, renewal and revocation of firearm licences which includes monitoring and regulating the issuance of firearm licences and conducting the relevant investigative checks when necessary.
- [5] Mr Aggrey Downer is a registered farmer and has been the holder of two (2) licensed firearms for over thirty (30) years.¹
- [6] On 20 February 2019, the FLA took the decision to revoke Mr Downer’s Firearm Licence, on the basis that he was not considered a fit and proper person to retain a firearm licence.
- [7] On 22 March 2019, Mr Downer made an application to the FLA to renew his Firearm Licence.²
- [8] On 22 March 2019, Mr Downer was served with the Revocation Order of the FLA, dated 20 February 2019.³
- [9] As a consequence, on 26 March 2019, Mr Downer, aggrieved by the decision of the FLA, applied to the Firearm Licensing Authority Review Board (“the Review Board”) for a review of the decision to revoke his Firearm Licence.⁴ The application for review was submitted to the FLA on 1 April 2019.⁵

¹ See – The Affidavit of Aggrey Downer in Support of Notice of Application for Leave to Apply for Judicial Review, filed on 29 May 2020, at paragraph 6

² See – The Affidavit of Aggrey Downer in Support of Notice of Application for Leave to Apply for Judicial Review, filed on 29 May 2020, at paragraph 7

³ See – Exhibit “AD3” to the Affidavit of Aggrey Downer in Support of Notice of Application for Leave to Apply for Judicial Review, filed on 29 May 2020

⁴ See – Exhibit “AD8” to the Affidavit of Aggrey Downer in Support of Notice of Application for Leave to Apply for Judicial Review, filed on 29 May 2020

⁵ See – The Affidavit of Shane Dalling in Support of Notice of Application for Court Orders, filed on 28 October 2020, at paragraph 7

- [10] On 29 May 2020, subsequent to his application to the Review Board, Mr Downer filed a Notice of Application for Leave to Apply for Judicial Review of the FLA's decision to revoke his Firearm Licence.
- [11] On 8 June 2020, Mr Downer's application for leave to apply for judicial review came before J. Pusey J, at which time the FLA raised an objection to the proceedings on the basis that Mr Downer's appeal of the FLA's decision was pending before the Review Board and that, as a consequence, the application was premature as Mr Downer had not yet exhausted all alternative remedies.
- [12] On 8 July 2020, the FLA was advised that Mr Downer's appeal before the Review Board had been heard and that the responsible Minister, the Minister of National Security ("the Minister"), had made the decision to reinstate his Firearm Licence.⁶
- [13] As a result, on 21 August 2020, Mr Downer filed a Notice of Discontinuance discontinuing his Application for Leave to Apply for Judicial Review. The Notice of Discontinuance was also served on the Attorneys for the FLA on 21 August 2020.⁷
- [14] On 28 October 2020, the FLA filed a Notice of Application for Court Orders seeking to recover its costs incurred in respect of the discontinued Notice of Application for Leave to Apply for Judicial Review.

THE ISSUES

- [15] The FLA's application for costs raises the following core issue for the Court's determination: -

⁶ See – The Affidavit of Shane Dalling in Support of Notice of Application for Court Orders, filed on 28 October 2020, at paragraph 11

⁷ See – The Affidavit of Shane Dalling in Support of Notice of Application for Court Orders, filed on 28 October 2020, at paragraph 12

- a. Whether the costs of Mr Downer's Application for Leave to apply for Judicial Review, filed on 29 May 2020, should properly be awarded to the FLA against Mr Downer.

[16] In seeking to determine that core issue, the following sub-issues must also be resolved: -

- I. Whether there was an alternative remedy available to Mr Downer at the time that he made his Application for Leave to Apply for Judicial Review;
- II. Whether Mr Downer applied to the Minister for a review of the decision of the FLA prior to making his Application for Leave to Apply for Judicial Review;
- III. Whether a properly constituted Review Board was in existence at the time that Mr Downer made his Application for Leave to Apply for Judicial Review;
- IV. Whether Mr Downer acted promptly in discontinuing his Application for Leave to Apply for Judicial Review, upon the reinstatement of his Firearm Licence; and
- V. Whether Mr Downer acted unreasonably in making the Application for Leave to Apply for Judicial Review.

THE LAW

The correct starting point

[17] It has been submitted on behalf of the FLA that the application for costs is made pursuant to rule 37.6(1) of the CPR. That rule provides that, unless the parties agree or the court orders otherwise, a claimant who discontinues a claim is liable for the costs of the defendant against whom the claim is discontinued that were incurred on or before the date on which the notice of discontinuance is served.

To buttress this argument, the Court was referred to the authorities of **Re Ernest Carroll Thorburn**,⁸ **Anton Teasdale v HSBC Bank Plc**,⁹ **Winston Finzi v Mahoe Bay Company Limited and JMMB Merchant Bank Limited**¹⁰ and **Danville Walker v The Contractor General**.¹¹

- [18] The FLA posits that Mr Downer ought to be ordered to pay the costs incurred by it for the reasons that the application was hopeless, given the fact that he had not exhausted the alternative remedy; that he acted unreasonably in bringing the application and that Mr Downer's overall conduct in pursuing the matter put the FLA to significant expense.¹²
- [19] For his part, Mr Downer did not agree that rule 37.6(1) of the CPR assists the FLA in this instance, as, no claim has been filed in respect of the matter. Mr Downer makes the point that the matter was discontinued at the stage of the application for leave to apply for judicial review and that no claim has been filed in respect of the matter.
- [20] The Court is not convinced that rule 37.6(1) of the CPR is the correct starting point for its analysis of the issues raised by the application for costs or that it is applicable to this application any at all.
- [21] The rules contained in Part 37 of the CPR set out the procedure by which a claimant may discontinue all or any part of a claim. The rules contained in Part 37 of the CPR are replete with references to a 'claimant' and a 'defendant'. A 'claimant' is defined as "a person who makes a claim and, in relation to any proceedings commenced before these Rules came into force, includes a plaintiff in an action or the petitioner or applicant in any proceedings commenced by

⁸ [2019] JMSC Civ 219

⁹ [2010] EWHC 612 (QB)

¹⁰ [2015] JMCA App 39A

¹¹ [2013] JMFC Full 1(A)

¹² See – The Affidavit of Shane Dalling in Support of Notice of Application for Court Orders, filed on 28 October 2020, at paragraph 15 and the Draft Bill of Costs exhibited as Exhibit "SD-5" to the said Affidavit

petition, originating summons or motion.”¹³ A ‘defendant’ is defined as “a person against whom a claim is made and, in relation to proceedings before these Rules came into force, includes a respondent to any petition, originating summons or motion.”¹⁴

[22] It is clear from a reading of the CPR that they establish a regime in which an important distinction is made between a ‘claimant’ and an ‘applicant’. Indeed, Part 11 of the CPR sets out the general rules about Applications for Court Orders. Part 11 of the CPR deals with applications for court orders made before, during or after the course of proceedings. An ‘applicant’ is defined as “a person who seeks a court order by making an application.”¹⁵

[23] In **Re Ernest Carroll Thorburn**,¹⁶ by way of a Fixed Date Claim Form, filed on 22 December 2017, the claimants, Diana Thorburn, Rachel Hernould and Barbara Thorburn-McIntosh sought a declaration that they are the nearest relatives of Ernest Carroll Thorburn for the purposes of the Mental Health Act; that Ernest Carroll Thorburn is incapable by reason of mental disorder of managing and administering his financial affairs; that they be appointed to manage the financial affairs of Ernest Carroll Thorburn and until the determination of the claim and that the 1st hearing of the claim be treated as the trial of the matter.

[24] On 22 December 2017, a Without Notice Application for Interim Injunction and of Urgency was also filed by the claimants, by virtue of which they sought an interim injunction to restrain the said Ernest Carroll Thorburn from taking any steps whatsoever to encash bonds registered in his name and held at the Jamaica Money Market Brokers (“JMMB”), for a period not exceeding twenty-eight (28) days.

¹³ See – Rule 2.4 of the CPR

¹⁴ See – Rule 2.4 of the CPR

¹⁵ See – Rule 11.2 of the CPR

¹⁶ Supra

- [25] On 10 January 2018, the court granted that interim injunction and the matter was adjourned with the indication that the parties were in discussions with a view to settling the substantive matter.
- [26] On 4 July 2018, the claimants filed a Notice of Application for Court Orders, seeking an order that the interim injunction, which was granted on 10 January 2018, be discharged and that they be permitted to discontinue the claim.
- [27] On 11 December 2018, the Fixed Date Claim Form and the Without Notice Application for Interim Injunction and of Urgency, each filed on 22 December 2017, as well as the Notice of Application for Court Orders, filed on 4 July 2018 were listed for hearing before the court and on 25 January 2019 the court granted the application for the discharge of the interim injunction that had been granted on 10 January 2018. The court also permitted the claimants to discontinue the claim. At that time, the issue of costs was reserved pending the filing and exchanging of written submissions.
- [28] It is in that context that the court considered rule 37.6 of the CPR and its applicability to the matter that was then before the court and found that both Part 64 of the CPR as well as rule 37.6 of the CPR were applicable in the circumstances of that case.
- [29] This Court prefers the reasoning and pronouncements of Sykes J (as he then was) in **Danville Walker v The Contractor General**.¹⁷ There, Sykes J formed the view that the correct starting point, in respect of an application for costs on an application for leave to apply for judicial review, has to be the primary legislation, then the secondary legislation and then any principle underlying judicial review that may have an impact on the award of costs.

¹⁷ Supra

The Judicature (Supreme Court) Act

[30] The first primary legislation is section 28E of the Judicature (Supreme Court) Act (“the JSCA”). Section 28E of the JSCA gives the court a wide discretion when determining issues relative to costs in civil proceedings. The section provides, in part, as follows: -

“28E. – (1) Subject to the provisions of this or any other enactment and to rules of court, the costs of and incidental to all civil proceedings in the Supreme Court shall be in the discretion of the Court.

(2) Without prejudice to any general power to make rules of court, the Rules Committee of the Supreme Court may make provision for regulating matters relating to the costs of civil proceedings including, in particular –

(a) scales of costs to be paid –

(i) as between party and party;

(ii) the circumstances in which a person may be ordered to pay the costs of any other person; and

(b) the manner in which the amount of any costs payable to the person or to any attorney shall be determined.

(3) Subject to the rules made under subsection (2), the Court may determine by whom and to what extent the costs are to be paid.

(4) ...

(5) ...”

The Judicature (Rules of Court) Act

[31] The second primary legislation is the Judicature (Rules of Court) Act (“the JRCA”) which empowers the Rules Committee to make rules that regulate the civil practice and procedure in the Supreme Court.

[32] The CPR were made pursuant to this enabling statute. Rule 2.2(1) and (2) of the CPR reads, in part, as follows: -

“(1) Subject to paragraph (3), these Rules apply to all civil proceedings in the court.

(2) Civil proceedings include Judicial Review and applications to the court under the Constitution under Part 56.

(3) ...”

[33] At paragraph **[9]**, Sykes J opined that the importance of the JSCA is that it makes it clear that, subject to that Act or to any other legislation and any relevant rule of court, costs, in civil proceedings, are within the discretion of the court. The JSCA does not define ‘civil proceedings’ and neither does the JRCA. Nor do the CPR define ‘civil proceedings’. The CPR do make it clear however that ‘civil proceedings’ include judicial review and applications to the court under the Constitution under Part 56.

[34] Sykes J found that, since judicial review is a civil proceeding (judicial review necessarily includes applications for and renewal of applications for leave), then, in the absence of a rule to the contrary, Part 64 of the CPR applies generally unless there is some rule or policy that restricts, modifies or excludes its operation.

Part 64 of the CPR

[35] Part 64 of the CPR contains general rules in relation to costs and the entitlement to costs. Where a court decides to make an order about the costs of any proceedings, the general rule is that it must order the unsuccessful party to pay the costs of the successful party.¹⁸

¹⁸ See – Rule 64.6(1) of the CPR

[36] Rule 64.3 of the CPR provides that the court's power to make orders about costs include the power to make orders requiring any person to pay the costs of another person arising out of or related to all or any part of any proceedings.

[37] Rule 64.5 of the CPR states as follows: -

“(1) A person may not recover the costs of proceedings from any other party or person except by virtue of –

(a) an order of the court;

(b) a provision of these Rules; or

(c) an agreement between the parties.”

[38] In deciding who should be liable to pay costs, the court must have regard to all the circumstances and, in particular, to the conduct of the parties both before and during the proceedings. The court may also consider whether it was reasonable for a party to pursue a particular allegation; and/or to raise a particular issue; the manner in which a party has pursued his/her case, a particular allegation or a particular issue; and whether the claimant gave reasonable notice of an intention to issue a claim.¹⁹

[39] The court may also make orders that a party must pay a proportion of another party's costs; costs from or until a certain date only; costs incurred before proceedings have begun; costs relating to particular steps taken in the proceedings; and costs relating only to a distinct part of the proceedings.²⁰

[40] The provisions of the CPR make it quite clear that the court has a wide discretion to make any cost order it deems fit, against any person involved in any type of litigation, including an application for judicial review.

¹⁹ See – Rules 64.6(3), 64.6(4)(a), (b), (d)(i) and (ii), (e)(i), (ii) and (iii), 64.6(4)(f) and 64.6(4)(g) of the CPR

²⁰ See – Rule 64.6(5)(a),(c),(d),(e) and (f) of the CPR

ANALYSIS AND FINDINGS

Whether the costs of Mr Downer's Application for Leave to apply for Judicial Review, filed on 29 May 2020, should properly be awarded to the FLA against Mr Downer

(i) Whether there was an alternative remedy available to Mr Downer at the time that he made his Application for Leave to Apply for Judicial Review

[41] The FLA complains that the application for leave to apply for judicial review was made before Mr Downer had exhausted all alternative remedies. That submission was made on the basis that rule 56.3(3)(d) of the CPR provides that an applicant for leave to apply for judicial review must state whether an alternative form of redress exists and if so, why it is that judicial review is the more appropriate remedy. The rationale behind this, it was submitted, is that judicial review is a remedy of last resort.

[42] It was further submitted that the Firearms Act establishes a statutory framework by virtue of which a person aggrieved by a decision of the FLA may challenge that decision. Firstly, to the Review Board and then to the Minister. That appeal is a complete remedy.

[43] For his part, Mr Downer had this to say: -

"On the 22nd of May 2020, I made enquiries with the offices of George Clue, Attorney-at-Law, of 18 [S]tokes Street, May Pen in the parish of Clarendon, the Attorney who assisted me in making the application for review and I was advised that to date, they have not received a response from the Review Board.

This is a breach of the law as the Act provides that the Review Board must hear the application and submit to the Minister a written report of its findings and recommendations for the Minister to issue further directives to the Respondent within ninety (90) days.

More than a year has passed since the application for review was submitted and I am still awaiting a hearing and/or decision of the Minister.”²¹

Findings

[44] An examination of sections 37 and 37A of the Firearms Act is instructive. Section 37 of the Act reads, in part, as follows: -

“37. – (1) Subject to this section and section 37A, any aggrieved party may within the prescribed time and in the prescribed manner apply to the Review Board for the review of a decision of the Authority –

(a) ...

(b) ...

(c) revoking or refusing to revoke any licence, certificate or permit;

(d) ...”

[45] Section 37A of the Firearms Act provides as follows: -

“37A. – (1) For the purpose of a review under section 37, there is hereby established a Review Board consisting of persons appointed by the Minister in accordance with the Fourth Schedule.

(2) The Review Board appointed under subsection (1) shall within ninety days of receiving an application for review –

(a) hear, receive and examine the evidence in the matter under review; and

(b) submit to the Minister, for his determination, a written report of its findings and recommendations.

²¹ See – Affidavit of Aggrey Downer in Support of Notice of Application for Leave to Apply for Judicial Review, filed on 29 May 2020, at paragraphs 42-44

(3) The Minister upon receipt and consideration of the reports of the Review Board shall give to the Authority such direction as the Minister may think fit.

(4) Where the Review Board fails to comply with subsection (2), the Minister may hear and determine the matter under review. [Emphasis added]

- [46] The Court accepts the submissions advanced on behalf of the FLA that section 37A of the Firearms Act establishes a statutory framework by virtue of which a person aggrieved by a decision of the FLA may challenge that decision. The legislation makes it clear that an aggrieved party may appeal firstly to the Review Board and then to the Minister.
- [47] The legislation is equally clear that, if the Review Board fails to comply with subsection (2), an application may be made directly to the Minister who may hear and determine the matter under review.

Finding

- [48] Consequently, the Court finds that, at the time Mr Downer made his application for Leave to Apply for Judicial Review, there was available to him the alternate remedy of applying to the Minister for his intervention in the review process.

(ii) Whether Mr Downer applied to the Minister for a review of the decision of the FLA prior to making his Application for Leave to Apply for Judicial Review

- [49] It was submitted on Mr Downer's behalf that, on 9 June 2020, he, through his Attorneys, wrote to the Minister seeking the Minister's intervention in the review of the matter.²² An examination of the two Affidavits filed on Mr Downer's behalf, in response to the application for costs, does not reveal any evidence to this effect.

²² See – Paragraph 39 of the Applicant's Written Submissions and List of Authorities in Opposition to the Respondent's Notice of Application for Court Orders, filed on 21 June 2021

Finding

[50] As such, the Court is constrained to find that, at the time of his Application for Leave to Apply for Judicial Review, Mr Downer had not exhausted all the existing remedies that were available to him.

(iii) Whether a properly constituted Review Board was in existence at the time that Mr Downer made his Application for Leave to Apply for Judicial Review

[51] Mr Downer contends that the Review Board was not in existence between May 2019 and June 2020 and, as such, there was no body in place to advise the Minister, in accordance with the requirements of section 37A of the Firearms Act.

[52] For its part, the FLA relied on section 37A of the Firearms Act which provides for the establishment of a Review Board which consists of persons appointed by the Minister in accordance with the Fourth Schedule.

[53] Paragraphs 1 and 2 of the Fourth Schedule of the Act provide as follows: -

“1. The Review Board shall consist of –

(a) a person who has served in the post of –

(i) Director of Public Prosecutions; or

(ii) A senior member of staff of the Office of the Director of Public Prosecutions;

(b) A person who has served as a Judge of the Court of Appeal or the Supreme Court;

(c) A person who served as an Officer of the Jamaica Constabulary Force not below the rank of Superintendent.

2. *The members shall be appointed by the Minister by instrument in writing and shall, subject to the provisions of this Schedule, hold office for a period of three years.”*

[54] Paragraph 9 of the Fourth Schedule provides that the names of all members of the Review Board, as first constituted and every change therein, shall be published in the Gazette.

[55] It was further submitted that the legislation requires that the members of the Review Board be appointed by the Minister by instrument in writing and that the names of those members be published in the Gazette when the Review Board is first constituted and when there is a change in its composition.

[56] The Review Board, as presently constituted, was first appointed in 2016, for a period of three (3) years. At the time of the first appointment, the Review Board consisted of the Honourable Mr Justice Seymour Panton (Chairman), Ms Caroline Hay and Mr Kelso Small. They were appointed members of the Review Board for a period of three (3) years with effect from 25 April 2016 to 24 April 2019.²³

[57] Those members were re-appointed by way of letter dated 3 June 2019 under the hand of the Minister.²⁴ Their re-appointment was subsequently published in the Gazette dated 16 June 2020.

[58] The FLA submits that there was no change in the composition of the Review Board and that, as such, there was no requirement under the Firearms Act for the re-appointment of the members of the Review Board to be published in the Gazette.

²³ See – Exhibit “SD-2” to the Second Affidavit of Shane Dalling which was filed on 19 June 2020

²⁴ See – Exhibit “SD-3” to the Second Affidavit of Shane Dalling which was filed on 19 June 2020

Findings

[59] The Court accepts the submissions advanced on behalf of the FLA in this regard and finds that, from a reading of paragraph 9 of the Fourth Schedule of the Act, where there is no change in the composition of the Review Board there is no requirement under the Act for the re-appointment of the members of the Review Board to be published in the Gazette.

[60] Accordingly, this Court is of the view that the FLA has demonstrated that there was a duly appointed Review Board during the period May 2019 to June 2020. Consequently, the Court finds that there was a properly constituted Review Board in existence at the time of the Application for Leave to Apply for Judicial Review.

(iv) Whether Mr Downer acted promptly in discontinuing his Application for Leave to Apply for Judicial Review, upon the reinstatement of his Firearm Licence

[61] The chronology of events in the instant matter reveals that on 8 July 2020, the FLA was advised that Mr Downer's appeal before the Review Board had been heard and that the Minister had made the decision to reinstate his Firearm Licence.

[62] On 21 August 2020, more than a month later, Mr Downer filed a Notice of Discontinuance discontinuing the Application for Leave to Apply for Judicial Review.

Finding

[63] In those circumstances, the Court finds that Mr Downer failed to act promptly in discontinuing the Application for Leave to Apply for Judicial Review.

(v) *Whether Mr Downer acted unreasonably in making the Application for Leave to Apply for Judicial Review*

- [64]** Finally, in determining who should be liable to pay costs, the Court has regard to all the circumstances of the instant case and, in particular, to the conduct of the parties both before and during the proceedings. The Court will also have regard to whether Mr Downer acted reasonably in pursuing his application for leave to apply for judicial review and in the manner in which he sought to do so.
- [65]** It was submitted on Mr Downer's behalf that his application to the Review Board was met with silence for in excess of a year. This, in a context where the legislation mandates that the Review Board is to hear, receive and examine the evidence in the matter under review and submit to the Minister, for his determination, a written report of its findings and recommendations, within ninety (90) days of receiving an application for review. It was further submitted that Mr Downer had no choice but to make his application for leave to apply for judicial review.
- [66]** It bears repeating however, that, when all the terms of the statutory regime for the revocation of a firearm licence are broadly considered, it remains quite clear that the Firearms Act establishes a procedural mechanism that must be followed by an aggrieved party on the revocation of a licence.
- [67]** As such, the Court must consider the fact that, at the time that Mr Downer made the Application for Leave to Apply for Judicial Review, he had failed to exhaust all the alternate remedies that were available to him, in that, he had failed to apply to the Minister for the Minister's intervention in the review process.
- [68]** Accordingly, the delay would have been on the part of Mr Downer when he failed to invoke the final stage of the procedural mechanism established by the Firearms Act. As a consequence, the Application for Leave to Apply for Judicial Review was premature.

Finding

[69] In all the circumstances, the Court finds that Mr Downer is to pay the costs incurred by the FLA, in respect of the Notice of Application for Leave to Apply for Judicial Review, which was filed on 29 May 2020, during the period 29 May 2020 to 21 August 2020, the date of service of the Notice of Discontinuance.

DISPOSITION

[70] It is hereby ordered as follows: -

- (i) Mr Aggrey Downer is to pay the costs incurred by the Firearm Licensing Authority, in respect of the Notice of Application for Leave to Apply for Judicial Review, which was filed on 29 May 2020, during the period 29 May 2020 to 21 August 2020, the date of service of the Notice of Discontinuance;
- (ii) Those costs are to be taxed if not sooner agreed;
- (iii) The costs of the Notice of Application for Court Orders, which was filed on 28 October 2020, are awarded to the Firearm Licensing Authority against Mr Downer and are to be taxed if not sooner agreed;
- (iv) Messrs. Livingston, Alexander & Levy are to prepare, file and serve the Orders made herein.