Neutral Citation Number: [2023] EWFC 128

Case No: HD23P00024

IN THE FAMILY COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 26/07/2023

Before :

MRS JUSTICE JUDD

- -

(1) Steven Lord Lloyd-Bagrationi **Applicants**
(2) Gillian Mary Smith-Moorhouse

- -
- -

The Applicants appeared in person

Hearing dates: 22nd June 2023, 4th July 2023

- -

Approved Judgment

This judgment was handed down remotely at 10.30am on 26th July 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

MRS JUSTICE JUDD

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Mrs Justice Judd :

1. I am concerned with an application for a declaration of parentage which was issued on 1st March 2023. The application was originally made to the Family Court at Huddersfield. The applicants are the Right Honourable Steven Lord Lloyd-Bagrationi (as he describes himself) of Leningori, Georgia, and Gillian Smith-Moorhouse of Halford in West Yorkshire. They are seeking a declaration that the first applicant is the son of The Right Honourable Lord Stephen Henry Lloyd, born on 22nd November 1939 and Her Royal Highness Kate Erekle Bagrationi. The second applicant told me that she is a friend of the first applicant. They would like to be in a relationship but this has not been possible because of all the difficulties they have had in relation to the matters set out in this judgment.

2. This the third application that I am aware of relating to the first applicant and his parentage. On 16th July 2019 Her Honour Judge Hillier, sitting at the Family Court in Leeds dismissed an application made by the first applicant Steven and his sister Kate Lloyd-Bagrationi for a declaration that they were the son and daughter of The Right Honourable Lord Stephen Henry Lloyd and Her Royal Highness Kate Erekle Bagrationi. The order records that the application was struck out because of lack of jurisdiction as the applicants were not habitually resident or domiciled in England and Wales at the relevant date, nor were the respondents (the deceased) domiciled here for the 12 months before they died. An appeal against this order was dismissed and certified as totally without merit by Williams J on 20th November 2020.

3. On 15th May 2021, the same applicants issued another application for an identical declaration, but this time in the Family Court at East London. Section 4 of the standard application form requires the applicants to set out whether they are aware of any other court cases now, or at any time in the past, which concern the parentage of the person whose parentage is in question or the parenthood of the person whose parenthood is in question. The applicants responded by making reference to court proceedings in Zestaponi District Court in Georgia in 2010 but said nothing about the more recent proceedings before Her Honour Judge Hillier.

4. On 6th January 2023 Her Honour Judge Reardon, sitting at the Family Court in East London dismissed the application. She set out her reasons for doing so in a detailed judgment which was published. She also noted significant difficulties in managing the proceedings and obtaining evidence from the applicants. She concluded that there was no basis on which the court could accept jurisdiction to hear the application. It is clear from the judgment that Her Honour Judge Reardon was not aware of the earlier decision of Her Honour Judge Hillier.

5. An application for permission to appeal from that decision was made to the Family Division and was refused by me on the papers. I certified the application for permission to appeal as totally without merit.

6. When this application was made to the Family Court in Huddersfield was issued, the District Judge who considered the papers was alerted to the fact of previous applications because he had read the published judgment of Her Honour Judge Reardon. Part 4 of the standard application form was filled out in the same way as it had been previously, that is that there is no mention of the proceedings in Leeds or East London. The only proceedings which are mentioned are in 2010 in Georgia.

7. I was alerted to the new application which was then transferred to me.

8. On 1st March I ordered that the applicants should file a statement setting out why the latest application for a declaration of parentage to be struck out, as it appeared to be identical to previous applications. On 29th April a statement was filed, in which the applicants stated that they urgently needed 'our parents' to be recognised by the British Courts as the Georgian courts had already done so (presumably in the 2010 proceedings) and it is their 'only key which will open the gates to our normal life'. They claim that to dismiss the case will ruin their lives. They go on to assert that Judge Reardon was wrong and indeed abusive in her judgment and that they have made applications to different courts because they urgently need a court order, and that nothing will stop them until they get their parents recognised. The statement also says that although two different applications were made for an identical declaration this was lodged by different applicants on a different basis. Finally they strongly objected to the suggestion that a Civil Restraint Order might be made to prohibit future applications as it was cruel and threatening, and would permanently restrict them from their entitlements and more.

9. I listed the matter for a hearing as some of the responses were difficult to understand. I appreciate that the situation for them as litigants who live in another jurisdiction is not easy.

10. At the hearing Ms Moorhouse (who lives in the UK) joined by Microsoft Teams and the other applicants were linked to her by telephone. The did not join the court hearing and the signal was not very good. I am conscious of all the difficulties there have been in the applicants attending hearings remotely in the past and this is something that seems very unlikely to change. I therefore decided to proceed with the hearing.

11. Ms Moorhouse told me that she had been involved as a Mackenzie friend in previous proceedings and that she had been motivated to help the other applicants because of the very difficult situation that they found themselves in, stateless and rejected. She said that they had made this application because they did not really know what else to do. They could not see how they could obtain more information than they had presented to Judge Reardon and had thought that she would make the declaration sought.

12. Steven Lord Lloyd-Bagrationi told me that they had made the same application but on a different basis. When I asked him why he had not included the fact there had been two previous applications which concerned the people whose parentage or parenthood is in question in the case he said that this was because the application was made on a different basis. He acknowledged that it was in fact the same application but gave as an example a child who complained that his sibling had copied his picture of a dog. The sibling responded that it was not the picture that was a copy, but it was the same picture because it was the same dog. This is how he characterised the new application that had been made.

13. I also heard from Kate Lloyd-Bagrationi although only for a short while as the line was very bad. She said that they really needed to have the Declaration of Parentage.

14. Following the hearing the applicant Steven Lord Lloyd-Bagrationi sent an email to my clerk. It contained a number of documents, including a decision of the Georgian Court on 17th April 2007 and another on 16th December 2010. There was also a Georgian death certificate pertaining to the Right Honourable Lord Stephen Henry Lloyd, and a marriage certificate pertaining to the Right Honourable Lord Stephen Henry Lloyd and HRH Kate Erekle Bagrationi. These documents were before Her Honour Judge Reardon as they are referred to in her judgment.

15. It is quite apparent to me that the reason for the application to the court in Huddersfield is that the applicants hoped that a different judge would come to a different conclusion. The applicants have accepted as much. They have produced no new evidence of any significance. Their case is that they have been placed in a very difficult and unfair situation and the courts of this country should act to put that right.

16. Rule 4.4 of the Family Procedure Rules 2010 provides that the court may strike out a statement of case (save for applications under Part 12 or Part 14) on certain grounds. These are set out at r4.4(1)m (a) to (d). For the purposes of this case, rr 4.4(1) (a) and (b) are most relevant, namely (a) that the statement of case discloses no reasonable grounds for bringing or defending the application; and (b) that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings. Pursuant to (5), if the court strikes out an applicant's statement of case and it considers the application is totally without merit the court's order must record that fact; and the court must at the same time consider whether it is appropriate to make a civil restraint order.

17. I consider that the application is an abuse of the court's process as it is to all intents and purposes an identical application to the ones previously made to Her Honour Judge Hillier and Her Honour Judge Reardon. The applicants made no mention of earlier decisions and applied to different courts in the hope that their application might be granted by a judge who had no knowledge of the previous proceedings. There is a real risk that if not restrained they will go on to make further applications. They objected to Judge Reardon's decision to publish her judgment, and in the email sent to my clerk said that that they had warned Judge Reardon no to publish 'any single word from her disgusting judgment but she treated us with cruelty and still publish the complete judgment all over the place to discredit us'.

18. I reiterate the comments of Her Honour Judge Reardon who said in her judgment that if the applicants' account was true then they deserve the greatest of sympathy. Nonetheless, decisions in cases such as these must be based on legal principle, not sentiment. This applies to the applications themselves and to the reporting of the judgments. It was only the publication of the previous judgment that alerted the courts to what had been going on.

19. In all the circumstances I will order that this application be struck out and certify the application as being totally without merit. I have considered whether to make a civil restraint order. I note that the previous applications were not certified as being totally without merit (although the appeals from the refusals to make the declarations sought were so certified). I do not consider, therefore that there have been two applications for a Declaration of Parentage which have been dismissed as being totally without merit and so do not make a Civil Restraint order now.

20. Nonetheless if Steven Lord Lloyd-Bagrationi, Kate Lloyd Bagrationi or Gillian Smith-Moorhouse make any further applications to the court it may well be that that application is struck out and an Extended Civil Restraint order made at that point. If they make an application to any court without setting out all the previous cases which concern the parentage of Steven Lord-Lloyd Bagrationi and Kate Lloyd-Bagrationi and/or parenthood of the Right Honourable Lord Stephen Henry Lloyd and/or HRH Kate Erekle Bagrationi as required in Part 4 of the C60 application form they run the risk of being in contempt of court as made clear in the Application itself at the point when the applicants are required to sign the statement of truth at the end.