

Neutral Citation Number: [2024] EWHC 74 (Ch)

Case No: BL-2021-001939; BL-2021-002082

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 17 January 2024

Before :

Mr Justice Meade (remotely by Teams)

Between :

Barclays Bank Plc

- and -

(1) Scott Dylan

(2) Gareth Dylan

(3) Sally Ann Glover (4) David Antrobus [Action 1]

Barclays Bank Plc

- and -

(1) OLD3 LIMITED (IN LIQUIDATION) (formerly known as FRESH THINKING GROUP LIMITED)

(company number 11169385)

(2) JACK MASON

(3) OLD2 LIMITED (IN LIQUIDATION) (formerly known as INC TRAVEL GROUP LTD) (company number 13536965) [Action 2]

Claimant

Defendants

Andrew de Mestre KC and James Knott (instructed by **Eversheds Sutherland (International) LLP**) for the **Claimant**

Ian Skeate (instructed by direct access) for Mr Antrobus and Mr Mason
Scott Dylan attended the hearing remotely but was not represented and did not make submissions

Hearing dates: **17th January 2024**

JUDGMENT

Ruling by MR JUSTICE MEADE

1. The only formal application is by Mr Dylan, and it includes an application to adjourn the substantive committal hearing. There are a number of factors at play. The three that I identify as most important are the length of time required for the hearing, Mr Dylan's medical situation, and the availability of professional representation for the three respondents.
2. I think it is unnecessary to go into quite how we got where we are today, and information which might be regarded as really supervening everything else that has come from Mr Dylan in the last very short while, but I had, in reading into this case, already become quite concerned about the viability of the forthcoming hearing, and my very clear view is that it would be impractical and unjust for the hearing to go ahead starting on Monday. The difference, if it were adjourned, would be that it would be possible to deal, so far as it can be, with Mr Dylan's medical situation, that all three respondents would have not only professional representation, but professional representatives who were able to assimilate the papers, because being instructed today clearly will not put Mr Skeate in a position to deal with matters adequately next week, and a slot can be made available with a more realistic trial length. I say all of this without any judgment or attributing and blame, if there is any blame, as to how this situation came about.
3. I had, out of precaution, asked Chancery Listing when this matter could come back, and there are two possibilities. It could come back between 5th and 23rd February, or it could come back in April, starting on the 9th or the 29th, and that is for a length which I estimate as two days' pre-reading for the judge and six days in court. That might possibly be a bit too long, although I suspect it is not, actually, because having spent quite some time over the last week trying to read into this myself, I felt that, having spent probably a day or a day and a half already, I had only scratched the surface, although, as I said earlier in the course of the hearing,

that was without the sort of assistance that I have now had from Mr de Mestre's skeleton, and I am sure all of the skeletons submitted for trial will help a lot for that.

4. I am not going to try to decide today when the right time to bring this back is, but I will say that unless Mr Dylan's medical situation provides a reason for any longer delay, I entirely accept Barclays' submission that this should come back promptly, and I note that that is not resisted by Mr Skeate, who says that his clients do not want the matter to drift either.
5. So, for those very brief reasons, I adjourn the committal hearing from the existing slot, which was due to start with my reading on Friday and then in court on Monday, and I direct that there should be a hearing next week to deal with consequential matters, to give directions as to when this does come back, and to deal with Mr Dylan's medical situation, it possibly being his position that an adjournment until April is not long enough.

[AFTER FURTHER ARGUMENT]

6. I will direct the hearing for next Wednesday with the hope that it will finish on Wednesday, but I will keep Thursday free so far as I possibly can, just in case, and I will direct that it will be a remote hearing. I cannot see any difficulty in at least setting a process and a timetable for dealing with the impact of Mr Dylan's medical situation. I would certainly hope that the admission of the claimant's documents can be dealt with in that time and Ms Barreau as well, and I encourage the "as soon as possible" provision of her draft evidence along with the other two witnesses identified in Mr Antrobus's third witness statement.
7. I think we will have to wait and see where we get to with the argument about what to do if Mr Dylan cannot attend the substantive committal hearing for health reasons. I can see arguments both ways. We will have to see how far we get with that. For example, we will not know for sure how long Mr Dylan is going to be unavailable by next Tuesday, and it may be a balance as to the length of the adjournment. If it is completely unknown when he might be able to attend, it might be a different balance to be drawn, but I am certainly not ruling it out

for discussion and possibly decision next week, whilst understanding that it would be a significant matter to get into.

8. The time estimate we will look at next week as well but, as I say, Listing's indication as to when judicial time would be available was on the basis of two days' pre-reading and six days in court. The other thing we should very much try to determine next week - and subject to the other matters - is whether we say that this is going to come back in February or April. I have to say my intuition is that trying to bring it back in February is quite ambitious now, and it might be safer to go for April, but I am not ruling anything out and I will listen with care to submissions that are made, but we cannot leave it in a Schrödinger state past next week, so I must make a decision about that with the assistance of the parties.