



Neutral Citation Number: [2025] EWHC 199 (KB)

Case No: KB-2024-001387

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10 February 2025

Before :

Master Fontaine (sitting in retirement)

Between :

Peter Gaisiance

Claimant

- and -

(1) Chief Constable of British Transport Police

Defendants

(2) Commissioner of Police of the Metropolis

(3) First Great Western Limited T/A Great

Western

(4) PC 6432

(5) Jack Meary

The Claimant in Person

David Messling (instructed by **Weightmans LLP**) for the **First Defendant**

Zander Goss (instructed by **Weightmans LLP**) for the **Second Defendant**

Kayleigh Bloomfield (instructed by **Burges Salmon LLP**) for the **Third Defendant**

Hearing date: 28 November 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 10 February 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives (see eg <https://www.bailii.org/ew/cases/EWCA/Civ/2022/1169.html>).

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MASTER FONTAINE SITTING IN RETIREMENT

Master Fontaine:

1. This was the hearing of the following applications:
 - (i) The First Defendant's application dated 30 August 2024, supported by the witness statement of Matthew Foden dated 30 August 2024, for strike out and/or summary judgment;
 - (ii) the Second Defendant's application dated 9 September 2024, supported by the witness statement of Emma Jean Gallimore 9 September 2024, for strike out and/or summary judgment;
 - (iii) the Third Defendant's application dated 18 September 2024, supported by the witness statement of Ian Ross Tucker dated 18 September 2024, for strike out and/or summary judgment;
 - (iv) the Claimant's application dated 16 September 2024 for trial directions and if necessary, summary judgment.
2. The Claimant served and filed a witness statement dated 11 September 2024 in response to the witness statement of Emma Jean Gallimore, a witness statement dated 22 September 2024 in response to the witness statement of Matthew Foden and a witness statement dated 22 September 2024 in response to the witness statement of Ian Ross Tucker.

The Factual Background to the Claim

3. I summarise the facts set out in the Particulars of Claim and evidence filed as follows. The Claimant's claim arises out of an incident on 29 December 2023, when the Claimant was travelling on a Great Western Railway (GWR) train from Oxford to London. He had intended to get a Chiltern Railways train and had a ticket for the Chiltern service to London Marylebone. When he arrived at the station there was no information about the train he was due to take, and when he asked one of the security staff he was told that it had been cancelled and that there were no Chiltern services at that time, but that although his ticket was valid only for the Chiltern service, because of the disruption he could travel on a GWR operated train to London Paddington. He accordingly boarded a GWR train, but when the train reached Reading a ticket inspector told him that his ticket was not valid and he would have to purchase another ticket. Whilst he was disputing this with the ticket inspector, another passenger, the Fifth Defendant (Jack Neary) intervened and interrupted the conversation between the ticket inspector and the Claimant, telling the Claimant that he must buy another ticket. The Claimant asked Jack Neary to stop talking and there was an altercation between them.
4. When the Claimant arrived in London he was arrested by police of the First Defendant for making threats to kill, who took him to Hammersmith Police Station where he was detained in a custody suite by officers of the Second Defendant. The Claimant was told by the Police that Jack Neary had reported that the Claimant had threatened to kill him and that he was afraid for his safety. The Claimant denies that this was true, and says that Jack Neary fabricated his evidence to the police. Following his release from custody the Claimant was prosecuted for using

threatening/abusive/insulting words/behaviour with intent to cause fear/provoke unlawful violence.

5. The Claimant says that the police investigated the claim against him for 5 months, and that the prosecution concluded on 17 June when the Crown Prosecution service offered no evidence. The Claimant alleges that the case was closed earlier but that the Police reopened the claim against him when he sent an email to the investigating officer asking for disclosure of the CCTV footage from the train and the recorded footage from the train Inspector's body camera, when he was charged with a lesser offence under the Public Order Act 1986.

Procedural History

7. The Claim Form was issued on 10 May 2024 and contains brief details of claim listing 14 separate allegations. The value of the claim was stated to be £3.5 million.
8. On 16 May 2024 Master Thornett made an order (sealed on 20 May 2024) ("the order of 16 May 2024"), imposing a stay on the claim and requiring the Claimant to issue a Part 23 application supported by a fully completed N244 for permission to lift the stay, within 14 days of the date the order was sealed. It was stated that such application should be supported by a single document entitled Draft Particulars of Claim which should set out;

“2.1 the factual and legal basis for each and every claim against each named Defendant;

2.2 Identifying such loss and damage claimed against each Defendant the causal basis on which such loss and damage is claimed and the basis on which each head of loss and/or damage is calculated.”

9. The Claimant filed and served on the First, Second and Third Defendants a document entitled Particulars of Claim dated 28 May 2024 (i.e. not a draft Particulars of Claim as ordered), on which his name was typed but no statement of truth was included. A schedule of past and future losses and expenses dated the same day was also served and filed signed by the Claimant but also did not include a statement of truth. The Schedule of Loss claimed losses of £3,521,096.45.
10. On 1 August 2024 Master Thornett determined the Claimant's application dated 28 May 2024 without a hearing and lifted the stay imposed by the order of 16 May 2024. It was stated in the order: “*And further upon the court deciding only whether the claim should be permitted to proceed but expressing no view or conclusion as to its merits.*”
11. It is accepted by the Claimant that he has not served the Fourth and Fifth Defendants, and they have played no part in the litigation to date. In any event the Fourth Defendant is not properly identified. The time for service of the Claim Form and Statement of Case has expired. Accordingly, for convenience, where this judgment refers to “the Defendants” it refers only to the First, Second and Third Defendants.

The Claim

6. The Claim Form sets out the following brief details of claim, (in part my summary):

- (i) Wrongful arrest
- (ii) False imprisonment
- (iii) Assault
- (iv) Excessive use of force
- (v) False accusation of trying to kill another under s 16 OAPA 1861 and s. 4 Public Order Act
- (vi) Breach of the Claimant's human rights
- (vii) Data Protection Breach
- (viii) Malicious prosecution
- (ix) Smear campaign
- (x) Misfeasance in public office
- (xi) Wrongly putting personal information into the public domain
- (xii) Seeks to remove fingerprints, photo and DNA from the Defendants; systems
- (xiii) Complaint that the Defendants have unlawfully banned the Claimant from using public trains from Paddington for 5 months
- (xiv) Seeks an injunction for disclosure of CCTV and camera footage

The Applications

12. The applications to strike out the claims are made pursuant to CPR rule 3.4(2), which sets out three grounds on which a court may strike out a case, namely if it appears to the court:
 - (a) that the statement of case discloses no reasonable grounds for bringing or defending the claim; or
 - (b) that the statement of case is an abuse of the courts process or is otherwise likely to obstruct the just disposal of the proceedings; or
 - (c) that there has been a failure to comply with a rule, practise direction or court order.

Rule 3.3 (4) also provides that where the court strikes out a statement of case it may make any consequential order it considers appropriate.
13. The Defendants' applications for summary judgment are made under CPR r. 24.3.
14. The Claimant's application for summary judgment and for trial directions will not succeed if the Defendants' applications succeed, so I deal with the Defendants' applications first.

The Application of the First Defendant

14. The First Defendant's application is made under CPR rule 3.4(2) (a) and (c) and rule 24.3. I summarise the grounds on which the application is made as follows:
- (i) The claim against the First Defendant is incoherent and fails to set out on what legal or factual basis the First Defendant is liable to the Claimant. The First Defendant relies on CPR PD3A para. 4.4, and Paragraph (iv) of Master Thornett's order dated 16 May 2024.
 - (ii) The Claimant has listed various causes of action without explaining how each of these is said to arise against the First Defendant.
 - (iii) The Particulars of Claim do not adequately set out any cause of action against the First Defendant, in breach of CPR 16.2(1)(a) and 16(4) (a). This was also identified at paragraphs (i) and (v) of the order of 16 May 2024. The First Defendant therefore cannot fairly respond to the claim.
 - (iv) Neither the Particulars of Claim nor the Schedule of Loss have a CPR compliant statement of truth, in breach of CPR 22.1 (1) (a) and CPR PD16 para. 3.2.
15. The First Defendant also relies on the above factors as grounds for its summary judgment application, in addition it relies on the fanciful and farfetched nature of the claim, in particular the conspiracy allegations, as demonstrating that the claim has no real prospect of success.

The Application of the Second Defendant

16. The Second Defendant echoes and endorses the grounds relied on by the First Defendant in respect of its applications.

The Application of the Third Defendant

17. The Third Defendant echoes and endorses the grounds relied on by the First Defendant in respect of its applications.

Discussion

18. It is apparent from the Claim Form and the Particulars of Claim that the Defendants' submissions that the claims are vague, incoherent and lack particularity are correct. The claims show no reasonable grounds for being made. The Claimant's statements of case also constitute an abuse of process, the Defendants being unable to properly or fairly respond to the claims, and the court not being able to manage or progress the claims made, such that they obstruct the court's process and are likely to obstruct the just disposal of the proceedings.
19. **The Defendants have drawn the court's attention to *Towler v Wills* [2010] EWHC 1209 (Comm) which states at paragraph [18]:**

“The purpose of a pleading or statement of case is to inform the other party what the case is that is being brought against him. It is necessary that the other party understands the case which is being brought against him so that he may plead to it in response, disclose those of his documents which are relevant to that case and prepare witness statements which support his defence.

If the case which is brought against him is vague or incoherent he will not, or may not, be able to do any of those things. Time and costs will, or may, be wasted if the Defendant seeks to respond to a vague and incoherent case. It is also necessary for the Court to understand the case which is brought so that it may fairly and expeditiously decide the case and in a manner which saves unnecessary expense. **For these reasons it is necessary that a party’s pleaded case is a concise and clear statement of the facts on which he relies;** see *Spencer v Barclays’ Bank* 30 October 2009 per Mr. Bompas QC at paragraph 35.”

20. The Claimant has failed to apply to amend the Claim Form to address the failures and concerns set out in the order of 16 May 2024 and has failed to address these in the drafting of the Particulars of Claim. He is therefore in breach of Paragraph 2 of that order, and in breach of CPR 16 and its Practice Direction.
21. As the Claimant is a litigant in person (although he is, he has said, a law graduate and a barrister), I will consider whether the claims against the Defendants could be pursued if they are able to be properly particularised. However, I note the comments of the Supreme Court in *Barton v Wright Hassall LLP* [2018] UKSC 12 that being an unrepresented litigant is not a good reason for failure to comply with the court rules. I shall address each claim made in the Claim Form.

Wrongful arrest and False imprisonment

22. I have assumed that these claims are pursued against the First and/or Second Defendants, although this is not specified. It is not alleged in the Particulars of Claim that the Third Defendant arrested or imprisoned the Claimant. The Claimant has not identified on what basis the First Defendant wrongly arrested him or the Second Defendant wrongly detained him.

Malicious prosecution

23. Again, I have assumed that these claims are pursued against the First and/or Second Defendants, although this is not specified.
24. The requirements for establishing the tort of malicious prosecution, and how it is asserted that they are satisfied in this case are not identified in any appropriate manner in the Particulars of Claim. I accept that the first two components of the tort (1) prosecution of the Claimant in criminal proceedings and (2) that the proceedings were determined in his favour, would be likely to be satisfied. However, the Claimant has not properly particularised how it is said that each or any Defendant was malicious, and he bears the burden of proof in doing so: see *Clerk & Lindsell on Torts* 24th edn. at 15-13.

25. Further, the Claimant does not identify how any of the Defendants can be described as a prosecutor. The First Defendant arrested the Claimant, and he was taken into custody by the Second Defendant. Neither the Claimant nor the Third Defendant have been able to state definitely whether the train manager Mr Obasuti provided a witness statement in the criminal proceedings, but even if he did that would not make the Third Defendant a prosecutor. The charging decision was taken by the Crown Prosecution Service on the complaint of the Fifth Defendant.

Assault

26. It is stated at Paragraph 29 of the Particulars of Claim that “*This meticulous planned assault was a joint enterprise between all of the respondents*” but the preceding paragraphs do not allege any assault. Similarly at Paragraph 33 of the Particulars of Claim the Claimant refers to “*a meticulously planned assault on C as a joint enterprise between all of them*” (i.e. all Defendants), without any assault being identified. The Particulars of Claim box on the Claim Form at 3 states “*It was unnecessary to handcuff the claimant in front of thousands of commuters at the busy peak hours*”, which suggests that this claim is made against First Defendant. No further grounds are provided to explain why, the Claimant having been lawfully arrested, it was an assault to handcuff him. An assault requires the apprehension or the infliction of immediate, unlawful, force on a person (my emphasis).

Excessive use of force

27. It is assumed, although not identified, that this claim is pursued against the First and/or Second Defendant in relation to their actions during arrest, during which they are permitted to use reasonable force, for example:
- i) during arrest pursuant to s.117 Police and Criminal Evidence Act 1984;
 - ii) to prevent crime, pursuant to s.3 Criminal Law Act 1967; and
 - iii) to protect themselves or another pursuant to common law.
28. This claim is not particularised in any way in the Particulars of Claim.

Falsely accused of trying to kill another under s.16 of the Offences Against the Person Act 1861 & s.4 of Public Order Act 1986

29. This is not a recognisable cause of action.

Breach of human right

30. This cause of action is not particularised and does not satisfy other requirements of a Human Rights Act claim in other respects:
- (i) A statement of case must state that the Human Rights Act 1998 is being relied upon, see CPR PD 16 para 15.

(ii) The Particulars of Claim do not set out what ‘human right’ is said to have been breached; how, and by what acts, such a right is said to have been breached; or who is alleged to have breached such a right.

(iii) In so far as any claim is made against the Third Defendant, it is a private limited company and is not a public authority for the purposes of s.6(3) of the Human Rights Act 1998 and was not acting as such.

Data Protection Breach

31. It appears that this claim is pursued against the First and/or Second Defendant, as only the ‘police’ are referred to in the Particulars of Claim box on the Claim Form at [7].
32. This cause of action is not particularised in the Particulars of Claim. It does not set out what right is said to have been breached; where such a right is derived from; how, and by what acts such a right is said to have been breached; or who is alleged to have breached such a right. It is therefore impossible for the Defendants to respond to it.

Smear campaigns

33. It appears that this claim is pursued against the First and/or Second Defendant, as only the ‘police’ are referred to in this respect in Particulars of Claim box on the Claim Form at [9]. There is no allegation that the Third Defendant engaged in any such campaign. In any event, this is not a recognisable cause of action. This was specifically identified by Master Thornett in the order of 16 May 2024.

Misfeasance in public office

34. It appears that this claim is pursued against the First and/or Second Defendant. Only the ‘police’ are referred to in this respect in Particulars of Claim box on the Claim Form at [6]. This allegation does not appear to be made against the Third Defendant. In any event the Third Defendant is a private limited company and holds no public office, so this would not be a viable cause of action against Third Defendant. The claim relies on the allegation that that the police closed the investigation but reopened it when the Claimant asked to see video footage from the train and from the inspector’s body camera, and then charged the Claimant for a lesser offence under the Public Order Act 1986: see paragraph 10 of the particulars of claim endorsed on the Claim Form. The allegation is not further particularised in the Particulars of Claim.

Wrongfully putting personal information into public domain & on the Internet

35. This is not a recognisable cause of action. This was specifically identified by Master Thornett in the order of 16 May 2024.

Fingerprints, photos & DNA to be removed and destroyed from system in present of the Claimant

36. There is no allegation that the Defendants do not hold such data lawfully, and the Claimant does not set out the basis on which he seeks, or is entitled to, their destruction.

Unlawfully bans C1 from using public trains to anywhere from Paddington for over 5 months

37. This is not a recognisable cause of action. This was specifically identified by Master Thornett in the order of 16 May 2024. Such a ‘ban’ appears to have been a bail condition imposed by the Second Defendant.

Injunction (incl. three CCTV footages inside trains compartment and GWR Oxford Station & [illegible] inspector’s shoulder camera video captured images of everybody in Compartment 1 & 2

38. This is not a cause of action but a remedy. The Claimant has not adequately particularised a cause of action or any damage upon which the court can order an injunction to remedy.
Particulars of Claim
39. There are other allegations made in the Particulars of Claim not listed in the Brief Details of Claim in the Claim Form so for completeness I shall also address these also.

Paragraph 5: allegation that the Third Defendant is “Vicariously liable for the tortious acts of its employees, officers, and agents, namely, Patrick Obasuti, Bradley Hellyer, James Griffiths, and possibly Jack Neary, because of the way he ordered the train manager & tax inspector — Patrick Obasuti to call the police without causes of concerns”

40. It is not particularised what ‘tortious acts’ the Third Defendant’s employees, servants or agents committed for it to be vicariously liable. It is not a recognisable tort for a ticket inspector to call upon the First Defendant for assistance in the event of concerns arising out of a ticketing issue on a service being run by the Third Defendant. Nor is it a recognisable tort to respond to a request for evidence from the Second Defendant for the purposes of a criminal investigation.
41. There is no basis pleaded for the allegation that the Fifth Defendant, a passenger on the train, was an agent of the Third Defendant.

Paragraphs 9, 10, 11, 12, 13, 15, 17, 26 refer to actions of staff who may have been at Oxford station or onboard staff of the Third Defendant

42. None of the assertions of fact are alleged to be, nor do they appear to be, unlawful or tortious actions.

Paragraphs 29 and 33: Meticulous planned assault was a joint enterprise between all the respondents

43. Paragraphs 29 to 34 of the Particulars of Claim are incoherent and do not amount to any identifiable cause of action. It is fanciful to allege and be able to prove that all five Defendants (or their employees) somehow knew one another, knew the Claimant and came together to plan the events that took place on 29 December 2023 and that thereafter, all five Defendants have been monitoring the Claimant full-time for decades using satellites. It is fanciful and an abuse of the court’s process to allege a conspiracy by all five Defendants for the benefit of “*royal members*” and Barack Obama, Rishi Sunak, Sadiq Khan and “*a large portion of blacks and other ethnicity*”

staffed RCJ, Law Schools, Inns of Courts, and other establishments and corporations”
with no grounds pleaded for such allegations.

Paragraphs 40-48: Losses claimed

44. The Claimant has failed adequately to identify such loss and damage claimed as against each Defendant, the causal basis on which such loss and damage is claimed and the basis on which each head of loss and/or damage is calculated in breach of the order dated 16 May 2024. The losses claimed and their calculation are vague and unsubstantiated.
45. Many of the losses pleaded appear to be purely economic, which are generally irrecoverable in tort without physical damage to property or the person. There is no pleaded cause of action for which damages for reputational damage are available.
46. There is accordingly no basis on which I can conclude that the Claimant could amend his claim to a form that would comply with the court rules and practice directions. I note also that the order of 16 May 2024 clearly indicated to the Claimant what amendments he should make to the Claim Form, and how he should plead his case in the Particulars of Claim. The Claimant has given no explanation as to why he chose to ignore that careful and helpful advice. Accordingly the Defendants’ applications for strike out of the Claim Form and Particulars of Claim are granted, all the requirements of CPR 3.4 (2) being satisfied. I have concluded that the claims pleaded have no real prospect of success for all the reasons set out above, and that there is no other compelling reason for the claims to proceed to trial. Accordingly the Defendants’ applications for summary judgment in their favour are also granted. It follows that the Claimant’s application for summary judgment and for directions to trial is dismissed.

The Defendants’ applications for “totally without merit” determinations pursuant to CPR 3.4(6) and for a Civil Restraint Order (CRO).

47. I am reminded by Counsel for the Defendants that the remit of r 3.4(6) is expanded upon by the White Book 2024 commentary at para 3.4.25:

In *R. (Grace) v Secretary of State for the Home Department* [2014] EWCA Civ 1091; [2014] 1 W.L.R. 342, the Court of Appeal stated that the proper meaning of “totally without merit” is simply “bound to fail”. The court made the point that no judge would certify an application as totally without merit unless he was confident that the case was truly bound to fail. *Grace* was followed in *R. (Wasif) v Secretary of State for the Home Department* [2016] EWCA Civ 82. However, in *Wasif*, the court warned that an application should not be labelled as being totally without merit merely because it was unsuccessful. The court should distinguish between an unsuccessful application in respect of which some rational argument could be raised and an unsuccessful application in support of which no rational argument could be raised. Whilst it might be said that both types of claim were “bound to fail”, the making of a “totally without merit” certificate was appropriate only in the latter case (see [15] to [17]).

The same considerations apply to r 23.12 as to r 3.4(6): see the White Book commentary at para 23.12.2.

48. I accept the Defendants' submissions that the Claim Form and the Particulars of Claim are totally without merit, as is the Claimant's application of 16 September 2024, the reasons for which are apparent from this judgment, and which demonstrate that the claim and Claimant's applications fall into the second category of unsuccessful claims as categorised in *Wasif*, and the Order I shall make will reflect that.
49. With regard to whether a CRO should be made against the Claimant, the Defendants have referred me to the decision in *Gaisiance v Southwark LBC et al* [2018] EWHC 2062 (QB), particularly at [21]-[23], where Sir Alastair MacDuff, sitting as a Deputy High Court Judge, struck out the Claimant's claim and imposed a General Civil Restraint Order for two years. Sir Alastair took into account a volume of previous litigation behaviour by the Claimant in separate proceedings. Further examples of the Claimant's litigation are *R (Gaisiance) v Master of the Rolls* [2001] EWCA Civ 845, *R (Gaisiance) v Dr Ron McLone et al* [2002] EWCA Civ 125, and *Gaisiance v DVSA and Reed in Partnership Ltd* [2024] EWHC 893 (KB).
50. It is submitted by the Defendants that the Claimant is a prolific litigator who can be in no doubt that he has brought claims and an application which were unsustainable.
51. If the claim and/or the application are certified as Totally Without Merit, the Court must under r 3.4(6)(b) and/or r 23.12(b) proceed to consider whether to make a civil restraint order in accordance with r 3.11 and PD3C.
52. The Court may impose no order, or grant a Limited CRO, an Extended CRO, or a General CRO.
53. The Court may impose a Limited CRO where the Claimant has made at least two applications which have been deemed Totally Without Merit: PD 3C para 2.1. This requirement is satisfied. However, there is no real point in a limited CRO being imposed in respect of a claim which will be struck out. I shall therefore refer this claim to a High Court judge with jurisdiction to make either an Extended or General CRO against the Claimant.

Costs

54. There appears to be no reason why the usual rule as to costs under CPR 44.2(1) should not apply and the Claimant as the unsuccessful party to be ordered to pay the Defendants' costs of the action. However I invited the parties to provide a brief written note (no more than one A4 page) of their submissions in respect of the costs order to be made, by 4pm Friday 24 January 2025, and informed them that I would either assess costs on paper or at a remote hearing to save the further costs of an attendance in person.
55. Having received written submissions in respect of costs from the Defendants, and the Claimant choosing not to provide any submissions on either the decision on costs or the quantum of the costs claimed by the Defendants, I concluded that I could make a

determination on costs without a further hearing, to save the additional costs of such a hearing.

Costs – Summary of the Parties’ Submissions

56. The First Defendant seeks its costs of £5,215.00, as set out in its Schedule of Costs dated 25 November 2024. No VAT is claimed as the First Defendant is not VAT registerable. It is submitted that this is a reasonable and proportionate sum.
57. The Second Defendant seeks its costs in the sum of £4,918.30, as set out in its Schedule of Costs dated 25 November 2024. No VAT is claimed as the First Defendant is not VAT registerable. This figure includes Counsel’s fees for advice and for the hearing totalling £962.20, a court fee of £303, the balance being solicitors’ costs. It is submitted that this is a reasonable and proportionate sum.
58. The Third Defendant seeks its costs on the indemnity basis, relying on the guidance provided by Tomlinson J in *Three Rivers DC v Bank of England* [2006] EWHC (Comm), and pointing out that many factors pointing to an award of indemnity costs are present. The Third Defendant submits that the costs claimed are reasonable and proportionate and that the hourly rates claimed by the Third Defendant’s solicitors are akin to other comparable firms in the National 1 category of the Guideline rates. The total costs claimed for the costs of the action and of the applications are £30,551.50. This includes solicitors’ costs of £27,597.50, Counsel’s brief fee of £2,500 and a court fee of £303.00 and travel expenses from Bristol of £151.00.

Decision in respect of the Quantum of Costs

59. The Costs of the First Defendant are extremely reasonable, the hourly rates are appropriate as are the hours claimed. There were a great many factual allegations in the Particulars of Claim and these had to be checked and then work done to identify what causes of action these were capable of supporting. Counsel’s brief fee for a hearing listed for a day, but which was in the event able to be concluded within half a day is also reasonable and proportionate in the sum of £1,600. I assess the First Defendant’s costs in the sum claimed.
60. The Costs of the Second Defendant are also extremely reasonable, the hourly rates are appropriate as are the hours claimed. The same comments apply as those relating to the First Defendant’s costs. Counsel’s fees for advice and for a hearing listed for a day, but which was in the event able to be concluded within half a day is also extremely reasonable and proportionate. I assess the First Defendant’s costs in the sum claimed.
61. The costs of the Third Defendant are much higher than those of the First and Second Defendants, presumably because it is a commercial organisation whereas the First and Second Defendants are public bodies, but all parties instructed external solicitors and Counsel. However the First and Second Defendants were able to instruct the same firm of solicitors, there being no conflict of interest between them, which no doubt reduced costs as it avoided a substantial duplication of work.

Costs of Third Defendant - Basis of assessment

62. The court is able to assess costs on either the standard basis or the indemnity basis: CPR rule 44.3 (1). Where the costs are to be assessed on the indemnity basis the court will resolve any doubts it may have as to whether the costs were reasonably incurred or reasonable in amount in favour of the receiving party: CPR rule 44.3 (3). There are well established principles as to when the court should exercise its discretion to award indemnity costs. The guidance provided by the authorities is that the conduct of the litigation must be “*outside the norm*”: *Excelsior Commercial and Industrial Holdings Ltd v Salisbury Hannah Aspden and Johnson* [2002] EWCA Civ 879 per Lord Woolf LCJ. This is generally interpreted as “*something outside the ordinary and reasonable conduct of proceedings*”: *Esure Services Ltd v Quarcoo* [2009] EWCA Civ 595. The court has a wide discretion but must exercise such discretion justly. Factors that the court can take into account are the conduct of a party, a failure to comply with directions and orders, lack of proportionality and making substantial unjustified claims against multiple parties: See White Book Vol 1 at 44.3. 9.
63. I consider that the Third Defendant’s application for indemnity costs is justified. It is apparent from my judgment that there are a number of factors supporting an award of indemnity costs:
- i. The Claims are weak, vague, lacking in particularity, and many have no basis in law. I have determined that the Claim Form and Particulars of Claim are Totally Without Merit.
 - ii. The Claimant was notified by the Order of 16 May 2024 that this was the case, and given detailed guidance as to what he should do to ensure that his claims would meet the criteria in the Court rules and Practice Directions, but he failed to follow that guidance and has provided no explanation as to why he did not do so.
 - iii. The Claimant was aware from an early stage of the basis on which the Defendants sought to strike out his claims and apply for summary judgment, by service of the witness statements in support and then the skeleton arguments. He would have been aware that all three Defendants were making similar points, and that Master Thornett had earlier made the same point, but he failed to make any application for permission to amend his claim. He was however unable to make any coherent case against the points the Defendants made in respect of the defects in his claim.
 - iv. The Claimant’s claims included unparticularised claims of conspiracy not only against the Defendants but against various public figures, completely unsupported by evidence, and fanciful in the extreme. No explanation has been provided as to why he chose to proceed in this way.
 - v. The Claimant has been a serial litigator in the High Court for some years, with unmeritorious claims made such that a General Civil Restraint Order was imposed against him in 2018 for two years (see Paragraph 49 above).

Assessment of the Third Defendant’s costs

64. The total solicitor costs are £27,957. The majority of the work was carried out by a Grade C solicitor with supervision by a Grade A solicitor and input from three Grade D fee earners. There was also input from a Grade B costs lawyer. I consider that the

costs are likely to have increased by the use of six different fee earners, and there seems to be some degree of duplication from the description of work in the Schedule to the Statement of Costs. For that reason, notwithstanding that costs are to be assessed on the indemnity basis, I will reduce solicitors' costs to £25,000. I am content to approve Counsel's brief fee and expenses. The costs of the Third Defendant are therefore assessed in the sum of £27,954.00.

65. All costs are to be paid within 14 days of handing down judgment, unless the parties reach a different agreement or the court orders otherwise.