

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
INTERIM APPLICATIONS COURT

Claim No: HQ13D00493

BEFORE

THE HONOURABLE MR JUSTICE WILLIAM DAVIS

BETWEEN

PETER JOHN REYNOLDS

Claimant / Applicant

- and -

CHRISTOPHER BOVEY

Defendant / Respondent

RESPONDENT'S SKELETON ARGUMENT
Claimant's Application for an Injunction
to be heard on Tuesday 27 October 2015

1. This is an application made under CPR Part 23 for an injunction to prevent alleged harassment. The application is made in the course of libel proceedings by the Claimant in those proceedings, notwithstanding that his claim was struck out some 21 months ago.
2. By way of background, the Claimant and the Defendant were both involved in a political party ("CLEAR") that campaigned for the legalisation of cannabis. Disagreements over the running of that party led to acrimonious disputes, particularly online.
3. The Claimant, who had managed to become leader of the party, brought libel proceedings against four members who had vocally opposed him:
 - a. A case against Alun Bufry reached a drop-hands settlement;
 - b. The Claimant secured default judgment against Greg de Hoedt, apparently winning £5 in damages plus costs.
 - c. A case against Sarah McCulloch was settled by way of consent order with both parties offering reciprocal undertakings.
 - d. In the present matter, the Claimant's claim was struck-out by Master Eastman. Permission to appeal that decision was refused by Holroyde J, and is now due for an oral renewal hearing on 4 November 2015.
4. In the current proceedings were brought in libel only. Although it had been threatened in the Letter Before Action, there was no ancillary claim for harassment under the Protection from Harassment Act 1997 ("the Act"). This struck-out Part 7 claim, in which this application is made, is extant solely for the purposes of the enforcement of costs.

5. The Claimant currently owes the Defendant in the region of £30,000. He has failed to appear at a CPR Part 71 hearing on 25 August 2015, which was rescheduled for this morning.
6. Harassment is defined and prohibited by section 1 of the Act. Section 3 of the Act permits civil proceedings, for which the available remedies include an injunction and damages.
7. The procedural law in relation to harassment is set out in Section V of CPR Part 65. CPR rule 65.28 provides that claims under section 3 of the Act shall be made under the Part 8 procedure, and if commenced in the High Court, shall be commenced in the Queen's Bench Division.
8. The Defendant opposes this Part 23 application for four reasons:
 - (1) First, it is brought in breach of CPR rule 65.28, which requires such claims to be made under CPR Part 8. In *Stone v WXY* [2012] EWHC 3184, where claimants sought to add a defendant by Part 7 claim form, Eady J at [13] described this as "*clearly a significant irregularity*".
 - (2) Second, the application for an injunction is sought as an interim remedy for a cause of action that was not, and is not, pleaded. The original claim was for defamation – in order to obtain a harassment injunction the Claimant would have had to have amended his Particulars of Claim to plead a cause of action under s.3 of the Act.
 - (3) Third, subject to the oral renewal of the permission to appeal application to be heard next week, there is no live claim in these proceedings. These proceedings are extant only for the purposes of the Defendant enforcing his costs.
 - (4) Fourth, the Defendant considers that this application – and the fact that it was made in these proceedings, rather than by issuing fresh proceedings under Part 8 – is an attempt to 'muddy the waters' in respect of costs and enforcement. Insofar as the Claimant has a collateral purpose to stymie these proceedings, this application is an abuse of process, and should be dismissed for that reason also.
9. In the premises, the Claimant's application is totally without merit and the Defendant asks that it be dismissed.

GREG CALLUS
5RB
27 October 2015