Case No: HQ16X03655

Neutral Citation Number: [2017] EWHC 560 (QB)

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/03/2017

Before :

MR JUSTICE NICOL

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Between :

Mandy Richards	**Claimant**
- and -	
(1) Investigatory Powers Tribunal	**Defendants**
(2) Undercover Policing Inquiry	
(3) Metropolitan Police	
(4) MI5	
(5) MI6	
(6) Hackney Council	
(7) The Army	
(8) Progress	
(9) Royal Mail	
(10) Peabody	
(11) Department of Health	
(12) Mildmay Practice	
(13) Homerton Hospital NHS Foundation Trust	
(14) Whittington Hospital NHS Trust	
(15) University College London Hospitals NHS Foundation Trust	
(16) Guys and St Thomas' Hospital Foundation Trust	
(17) Kings College Hospital Trust	
(18) Royal Free NHS Foundation Trust	
(19) Virgin Media	
(20) UK Power Network Ltd	
(21) Npower	
(22) Thames Water Utilities Ltd	

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The Claimant in person
Sarah Hannett (instructed by **Government Legal Department**) for the **1st Defendant**
Emma Gargitter (instructed by **Undercover Policing Inquiry**) for the **2nd Defendant**
Liam Duffy (instructed by **Metropolitan Police Legal Services**) for the **3rd Defendant**
Desmond Kilcoyne (instructed by **Hackney Legal Services**) for the **6th Defendant**
Emma Dring (instructed by **Government Legal Department**) for the **7th Defendant**
Daniel Goodkin (instructed by **Royal Mail Group Legal Department)** for the **9th Defendant**
Sam Phillips (instructed by **Peabody Legal Department**) for the **10th Defendant**
Andrew Bershadski (instructed by **Bevan Brittan**) for the **13th-18th Defendants**
David Heaton (instructed by **Virgin Media Legal Department**) for the **19th Defendant**
Ian Helme (instructed by **UK Power Networks Ltd**) for the **20th Defendant**
K. Radley-Davies (instructed by **Npower Ltd Legal Department**) for the **21st Defendant**
David Dabbs (instructed by **Pitmans LLP**) for the **22nd Defendant**

Hearing date: 14th March 2017

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Judgment

Mr Justice Nicol :

Introduction

1. The Claimant, acting in person, has brought these wide-ranging proceedings against 22 defendants. I heard applications on behalf of several of them to strike out the claims against them and for those claims to be designated as totally without merit. Additionally, most, but not all, of the applicant defendants applied for an extended civil restraint order ('ECRO') against the Claimant. On 19th January 2017 Jeremy Baker J. had considered on the papers applications by the 4th Defendant (the Security Service or MI5) and the 5th Defendant (the Secret Intelligence Service or MI6). As a result of their applications, he struck out the claims as against those defendants because they disclosed no reasonable grounds for bringing the claims against those defendants. He said that the claims against them were totally without merit and he made an ECRO restraining the Claimant from bringing any further proceedings or making any further application in respect of those Defendants arising out of the same subject matter as the claims in HQ16X03179 (earlier proceedings which, as I shall explain, the Claimant had brought) and HQ16X03655 (the present proceedings) for a period of 2 years without the permission of the Court. Since the order had been made on the papers without hearing the Claimant, it expressly allowed her to apply to set it aside or to vary it. Ms Richards has applied to set his order aside and that was a further application before me. No application was made by Progress (the 8th Defendant) or Mildmay Practice (the 12th Defendant). This judgment, therefore, has no immediate impact on the claims against them.

2. It is not easy to summarise the nature of the Claimant's claims. A flavour can be seen from paragraph 2.3 of her claim form in which she says,

> 'I have for over 18 months asked the Police and others where specifically appropriate to their agency, to look into the reported incidents as they have occurred pertaining to malicious and unlawful interception, monitoring and manipulation of my communications and activities, unethical sharing of information, disruption to my personal and professional and political life, home intrusions, car tampering, electrical tampering, bike tampering and domestic disturbances resulting in a potentially lethal risk of harm to my person and to my health.'

3. I mentioned above that the ECRO which Jeremy Baker J. made had referred to the subject matter of the present proceedings and to HQ16X03179. Those were proceedings which the Claimant had issued on 9th September 2016 against 13 defendants. Those defendants included the Chief Executives of companies or other prominent figures in organisations which companies or organisations now feature as defendants in the present action. I will refer to this action as the 'September 2016 claim'.

4. In the September 2016 claim the Claimant sought interim injunctive relief by an application notice issued on 14th September 2016. On 23rd September 2016 Dove J. dismissed her application. It is right to note, as the Claimant emphasised in the present hearing before me, that Dove J. did not describe that application as totally without merit.

5. Ms Richards issued a second application notice for an interim injunction on 7th October 2016. That application came before Globe J. on 19th October 2016. He refused to grant an injunction. He struck out both the application and the claim and found them both to be totally without merit.

6. The present claim was issued 2 days later, on 21st October 2016, although it was amended under CPR 17.1(1) (presumably because it had not at that stage been served) and was re-sealed on 23rd December 2016.

7. Two themes run through all the applications by the defendants to the present claim. The first is that the claims being made by the Claimant are said to be incoherent and they fail to disclose any cause of action against the defendant in question and for those reasons they should be struck out. Furthermore, it is said, the claims advanced in the present proceedings either repeat claims which were made in the September 2016 claim or they should have been advanced in that claim. Accordingly, it is said, the present proceedings are an abuse of process and should be struck out for that reason as well. For either or both of those reasons the claims in the present proceedings are said to be totally without merit.

8. Those defendants who sought an ECRO took me to CPR r.3.11 which allows provision for civil restraint orders to be made by Practice Direction and to the Practice Direction in question, namely PD3C. A requirement of an *extended* civil restraint order is that the party must have 'persistently' issued claims or made applications which are totally without merit. For these purposes, it was submitted, and I accept, there must have been at least three claims or applications characterised as totally without merit in order for the litigant to have acted 'persistently' in this manner. Those Defendants who apply for an ECRO say that requirement is fulfilled here. Globe J. found (a) the interim injunction to have been totally without merit and (b) the September 2016 claim to have been totally without merit. Jeremy Baker J. found the claims against MI5 and MI6 to have been totally without merit. I am invited in addition to say that the present proceedings against each of the Defendants who has applied for a strike out also are totally without merit. I am conscious that a claim should not be certified as totally without merit simply because it is wrong or discloses no reasonable cause of action. It must be completely hopeless. The claims against the various defendants in the present claim are sufficiently diffuse that they can, in my view, be regarded as separate proceedings for the purpose of deciding 'persistence'.

9. In her response, Ms Richards relied on the European Convention on Human Rights ('ECHR') as incorporated into English law by the Human Rights Act 1998. She said her right to life had been imperilled by some of the environmental dangers to which she had been exposed. Both Article 2 and Article 3 (concerning torture, inhuman and degrading punishment or treatment) implicitly included an investigatory obligation which the various defendants had breached. Article 6 guaranteed a fair trial of civil rights and obligations. If the claims were struck out she would be denied those. That would also be the consequence if she was made subject to an ECRO. Her right to private life under Article 8 ECHR had been infringed, particularly by her landlord (Peabody) and her local authority (Hackney). Article 10 ensured a right to hold opinions and she believed that the actions against her or inaction on the part of the various bodies was attributable to her political opinions. Article 14 concerned the prohibition on discrimination. She had been discriminated against because of her opinions. She said that she was the victim of surveillance and interference in the same

way that those who complained about the Cleveland police had been and, as the recent Wikileaks disclosure had shown, there had been a widespread practice by the security agencies.

10. She denied that her present proceedings were simply repetitious of the September 2016 claim. She said the following parts of her claim were new:

    i) Paragraph 2.2 - which referred to an Election Petition which she had brought. It seems that she stood as a candidate in the London Assembly elections. Her petition to the Election Court was unsuccessful. She is seeking judicial review of that decision.

    ii) Paragraph 2.4 which referred to complaints she had made to various bodies.

    iii) Paragraph 2.5 which said she believed the interferences were due to her political, media and union activities.

    iv) Paragraph 2.6 which again referred to her Election Petition.

    v) Paragraph 2.7 which referred to the Cleveland case of unlawful surveillance by the police of journalists.

    Ms Richards put in a lever arch file of evidence on which she wished to rely.

11. I can then turn to the individual submissions of the Defendants and Ms Richards' responses to them.

1st Defendant – Investigatory Powers Tribunal ('IPT')

12. Paragraph 2.5 complains that the IPT will neither confirm nor deny that the Claimant has been subject to surveillance and other interference. The 'outcome' sought is a cessation of the surveillance and other interference.

13. In its application to strike out the proceedings against it, the IPT explains that the Claimant made two complaints to the Tribunal. The first was on 8th December 2015 and the second on 5th May 2016. The IPT considered both complaints and decided that they were frivolous or vexatious pursuant to Regulation of Investigatory Powers Act 2000 ('the 2000 Act') s.67(4). Having so concluded, the same provision says that the Tribunal was not obliged to hear, consider or determine the complaint.

14. Ms Hannett for the IPT says that the Claimant pleads no cause of action against the Tribunal. Furthermore, this is the type of complaint which, in relation to another public body would have to be the subject of an application for judicial review, but, in the case of the IPT Parliament has excluded even that remedy - see Regulation of Investigatory Powers Act 2000 ('the 2000 Act') s.67(8) and *R (Privacy International) v Investigatory Powers Tribunal* [2017] EWHC 114 (Admin). A limited right of appeal from the IPT will be introduced by the Investigatory Powers Act 2016 s. 242 (adding s.67A to the 2000 Act) but that provision is not yet in force. Although the IPT was not a defendant in the September 2016 claim, it was named as a respondent to the injunction application which was refused by Globe J. and that was struck out and said to be totally without merit. The present proceedings added nothing materially different or new.

15. Ms Hannett submitted that the claim against the IPT should be struck out, be certified as totally without merit and an ECRO made as regards the IPT.

16. I agree with Ms Hannett that no reasonably arguable cause of action in private law is pleaded against the IPT and, for the reasons set out above, any public law claim would be barred. I also agree with her that the essence of the complaint was previously aired in the September 2016 proceedings and the present claim for that reason is also an abuse of process. The paragraphs to which Ms Richards referred in her current proceedings add nothing of significance, nor, for that matter, does the evidence in the file on which Ms Richards relied.

17. Ms Richards' human rights arguments are of no assistance to her as against the IPT because of s.67(8) of the 2000 Act, even if they were otherwise maintainable.

18. I agree with Ms Hannett that the claims against the IPT should be struck out. They are totally without merit. Ms Richards has persistently made applications or claims totally without merit and it is appropriate to make an ECRO against her. I do not accept that Article 6 of the ECHR precludes such an order. An ECRO does not prohibit her from bringing future claims or making future applications. She must, however, first obtain the Court's permission to do so. Her previous record of bringing claims or making applications which have been totally without merit justifies adding that further procedural step. Furthermore, it is not contrary to Article 6 to strike out a claim which is not reasonably arguable – see *Akram v Adam* [2005] 1 WLR 2762 (CA) at [43].

2nd Defendant - Undercover Policing Inquiry ('UCPI')

19. This inquiry, established on 12th March 2015 under the Inquiries Act 2005, is chaired by Sir Christopher Pitchford. It is investigating various matters to do with undercover policing operations and the officers concerned. Paragraph 2 of the current pleading essentially wants an investigation as to whether the Claimant was the subject of any of these investigations or activities.

20. The Claimant asked the UCPI to investigate her suspicions. On 18th December 2015 the UCPI responded that it would not as there was no evidence of undercover policing operations in the Claimant's case. In any case, the UCPI did not have the power to determine specific complaints or to actively intervene to put a stop to any unlawful activity. The Claimant further applied to be given core participant status. Her application was refused in a ruling of 11th February 2016. The UCPI was not named as a defendant to the September 2016 proceedings but the Inquiry was named as a respondent to the October 2016 injunction application. That was part of the application which was dealt with by Globe J.

21. Ms Gargitter on behalf of the UCPI initially made the point that the Inquiry has no legal personality and so cannot be sued. She recognised, however, that it would be a pyrrhic victory if that alone succeeded and Sir Christopher Pitchford was substituted as defendant. More substantively, she submitted that there was no reasonably arguable cause of action. Sir Christopher and the other members of the Inquiry had immunity from suit by virtue of Inquiries Act 2005 s.37. In any event, there was no arguable case that the UCPI had exceeded its terms of reference or otherwise acted unlawfully. Additionally, the claim against the UCPI was a repetition of the claim made in the injunction application heard by Globe J. For this additional reason the claim should be

struck out and, for all of these reasons, the claim against it should be certified as totally without merit. Ms Gargitter did not seek an ECRO.

22. I agree with Ms Gargitter that the claim against the UCPI is not reasonably arguable. It is totally without merit. Even if the UCPI is amenable to judicial review, the documentation produced by Ms Richards and her oral submissions show no arguable basis for it having acted unlawfully. The claim against UCPI will be struck out and certified as totally without merit.

Third Defendant – Metropolitan Police Commissioner ('MPC')

23. Paragraph 3 of her claim sets out the Claimant's case against the MPC. She seeks full disclosure of investigations under the 2000 Act or otherwise. She wants disclosure of investigations into the Albion Road apartments (Ms Richards lives in a flat in Albion Road) and investigation of toxicology testing and identity theft and legacy fraud reports. She asserts that complaints by her have not been properly investigated.

24. Further detail of the Claimant's dealing with the MPC was given by Mr Bergin, a solicitor employed by the Police in his witness statement of 7th March 2017.

    i) He says that the Claimant had reported a fraud allegation. It was discovered that someone with the same name and date of birth as the Claimant had taken out a life insurance policy. The Claimant had been told about this policy in error. Scottish Widows apologised and paid the Claimant £500 in compensation. The investigation was closed.

    ii) She had also reported a poisoning incident or incidents. Blood tests conducted by the NHS were normal. The police did not accept that she had been poisoned. It was understood that she had had her blood tested privately which showed slightly raised levels of mercury but still within the normal range. She had also reported to the police that her wine had been poisoned. The testing did not confirm this.

    iii) She had made a complaint about interception of her electronic communications. The complaint was not upheld. She appealed but the appeal was dismissed by the Directorate of Professional Standards on 17th January 2017.

25. Mr Duffy on behalf of the MPC submitted that the claim against his client was not reasonably arguable and should be struck out. Alternatively, it was an abuse of process because it repeated what had been alleged against the MPC in the September 2016 claim. He argued an ECRO should be made in the MPC's favour. There was no further right of appeal after the dismissal of the appeal by the Directorate of Professional Standards.

26. Ms Richards argued that she had made numerous complaints to the police, including about electoral fraud, but these had not been followed up.

27. I agree that the claim against the MPC is not reasonably arguable. There is a system of complaints which it was, or is, open to Ms Richards to use. It seems that she has, on occasions at least, made use of them.

28. So far as she complains of inadequate investigation of interceptions, there is an added difficulty. The 2000 Act s.17 places severe restraints on the ability of the courts to entertain evidence about interception pursuant to a warrant and about interceptions which are contrary to the 2000 Act or the Interception of Communications Act 1985 if carried out by the police or a person holding office under the Crown. Those are matters which cannot be considered by the courts. The IPT can, in certain circumstances investigate allegations of misconduct in this regard, but I have already considered and rejected Ms Richards' claims regarding the IPT.

29. In some situations complaints can also be made to the Independent Police Complaints Commission, but any such complaints, if the Claimant has made them, do not feature in her present claim.

30. I understood Ms Richards' reference to Article 2 of the ECHR to be to her fears that she has been poisoned. She is right that in some circumstances the right to life which Article 2 guarantees carries with it a positive obligation to take steps to protect an individual, but there has to be an immediate and serious threat to life for that obligation to be triggered and, even then, the positive obligation is restricted to taking reasonable steps in the circumstances. Nothing in her claim begins to show that there has been a breach of the positive obligation in her case. There is also an ancillary investigatory obligation implicit in Article 2 in some circumstances, but, again, nothing in her pleading begins to make out a case for such an obligation (and certainly none that has been broken) on the present facts. I have dealt with these aspects despite the fact that it is far from clear that the present claim relies on Article 2 at all. However, since the material put forward by Ms Richards does not show that a reasonably arguable claim might be pleaded, there is no point in giving her an opportunity to amend.

31. Her present pleading is indeed very similar to that which Globe J. considered and rejected. It may be that some of her grievance (e.g. the dismissal of her appeal by the Directorate of Professional Standards) only occurred after Globe J's decision. But even if that explained why her claim against the MPC is not so clearly an abuse of process, it remains one which is not reasonably arguable and for that reason it should be struck out. The claim against the MPC is also totally without merit. I will grant the ECRO for which Mr Duffy applies.

Sixth Defendant - Hackney Borough Council ('Hackney')

32. Hackney is the local authority for the area where the Claimant lives in Albion Road. Her case against the Council appears to relate to what are alleged to be harmful atmospheric pollutants and also electrical emissions. She appears to allege that Hackney has not adequately investigated her concerns and/or has been party to improper monitoring or surveillance of her property.

33. Mr Kilcoyne on Hackney's behalf submits that her claim discloses no reasonable cause of action, and is duplicative of the September 2016 claim. Mr Kilcoyne submits that the claim should be struck out either because there is no reasonable cause of action and/or it is an abuse of process. He argues that the claim is totally without merit and an ECRO should be made in Hackney's favour.

34. Mr Kilcoyne accepted that Hackney had a duty under Environmental Protection Act 1990 s.79 when faced with a complaint to take such steps as were reasonably practicable to investigate the complaint. He denied that Hackney had failed in that duty, but, in any case, even if he was wrong about that, the breach would not give Ms Richards a private law claim. At most it would allow her to seek judicial review. Mr Kilcoyne argued that between March and July 2016 Hackney had undertaken extensive investigations. No environmental hazards were found. The Claimant had not explained what Hackney ought to have done which it had failed to do. The Claimant had made complaints to the council, but they had been dismissed. The present proceedings relied on no expert evidence to support the Claimant's assertions that environmental hazards existed. The Claimant had produced pictures of injuries which she said that she had suffered, but there was no medical evidence to show that any such injuries had been caused by any environmental pollution or electro-magnetic emission.

35. In my judgment, Mr Kilcoyne's submissions are well-founded. So far as Ms Richards relies on Article 3 of the ECHR in this context, some of the flaws which Mr Kilcoyne points to are still apposite. In this context as well, there is no clarity about what further steps Hackney should have taken. Ms Richards has argued that Hackney should have undertaken an assessment over several weeks of the environmental hazards to which she says she was exposed. But her evidence (and still less her pleading) does not explain why Hackney's response has been a breach of its duty to take 'reasonably practicable' steps to investigate her concerns. There is no medical evidence to show that such injuries as the Claimant may have suffered were caused by environmental factors or electro-magnetic emissions. Paragraph 2.7 of her present claim reflected in substance what was contained in Ms Richards' evidence in support of the September 2016 claim and which she had filed in support of her applications for injunctions. Fundamentally, there is no answer to Mr Kilcoyne's submission that any remedy which Ms Richards thought she had could only be pursued by an application for judicial review rather than a claim in private law (which is what she is advancing by her present proceedings).

36. I agree with Mr Kilcoyne that there is no reasonably arguable claim against Hackney and it is repetitious of the September 2016 claim. Her present claim against Hackney will be struck out. It is totally without merit. I will grant an ECRO in Hackney's favour.

7th Defendant - the Army

37. Paragraph 7 of the claim seeks full disclosure of investigations or 'assigned activity' on behalf of the Armed Forces against or in relation to flats in Albion Road where the Claimant lives. The Claimant appears to suspect that she may have been exposed to such investigation, surveillance or activity on behalf of the Armed Forces because of her political activity. Her claim does not set out the basis for her suspicions, still less does it explain why any such activity (if it had taken place) gives her a cause of action.

38. Ms Dring on the 7th Defendant's behalf submitted that the proper defendant was the Ministry of Defence. The Crown Proceedings Act 1947 s.17(3) requires civil proceedings to be brought against the appropriate government department which, for the Army or Armed Forces, is the Ministry of Defence. She, too, recognised that an

amendment to cure that particular defect alone would serve little purpose. She echoed the submission of the other defendants that the claim disclosed no reasonably arguable claim against the Ministry of Defence. No actual wrongdoing was alleged against the Army, nor any facts from which wrongdoing could reasonably be inferred. The claim against the 7th Defendant should be struck out, declared to be totally without merit and an ECRO made in favour of the Ministry of Defence. She also submitted that this claim repeated allegations in the September 2016 claim (although that had named the Chief of the General Staff as a Defendant, rather than the Army/Ministry of Defence). This was a speculative fishing expedition and had no merit.

39. I agree with Ms Dring's submissions. The claim against the 7th Defendant will be struck out. It is totally without merit. An ECRO will be made in favour of the Ministry of Defence.

9th Defendant – Royal Mail

40. The Claimant's claim appears to allege that her mail has been interfered with, she has made complaints to Royal Mail, but these have not been fully or properly investigated. She seeks disclosure of whatever investigation has been done.

41. Mr Goodkin on behalf of Royal Mail submits that the present claim is incoherent, pleads no reasonably arguable cause of action against Royal Mail and is, in any case, identical to the September 2016 claim. It should be struck out and certified as totally without merit. An ECRO should be granted.

42. In reply Ms Richards said that the problem with her mail was ongoing. Mail was still not being delivered properly.

43. In my judgment, Mr Goodkin is right. There is no reasonably arguable claim against Royal Mail. It is the same as the September 2016 claim. The claim against Royal Mail should be struck out and certified as totally without merit. An ECRO will be made in Royal Mail's favour.

10th Defendant - Peabody

44. As I understand it, Peabody is the freeholder of the block of apartments on Albion Road where the Claimant lives and is or may also be the managing agent of the block. Paragraph 10 of the claim says as follows,

> '**Peabody – management and freeholding agency of Albion Road apartments – failure to fully investigate reports, claims and complaints:** Request full and comprehensive investigation to be conducted into home intrusions, car tampering, electrical tampering and domestic disturbances resulting in potentially lethal risk of harm to my person and to my health. Full disclosure of any use and activity in the Albion Road apartments other than for private domestic dwelling with specific response to the issue of any of the agencies named as respondents here commandeering property for monitoring or surveillance activity; investigation into the background employment profile of all residents to ascertain the commissioning of this activity and to determine sources of actual and potential risk of harm; direct investigative inquiry and response regarding each of the

named individuals submitted as suspected perpetrators of the reported incidents; acknowledgement of harm caused and damages warranted.'

45. In its application notice Peabody comments that the majority of the complaints by the Claimant are not matters which, as landlords, it is required to perform. So far as the complaints concern electrical matters, the electrical installations within Peabody's control in the communal areas were properly investigated and no issues were found, as Peabody reported to the Claimant in its letter of 5th January 2017. Peabody argues that the Claim discloses no reasonable cause of action against it. Furthermore, the September 2016 claim against Peabody was in identical terms and reviving those claims (which were struck out by Globe J.) is an abuse of process.

46. Mr Phillips on Peabody's behalf says the present claim should be struck out, certified as totally without merit and an ECRO made in Peabody's favour. Ms Richards maintained that there had been an inadequate investigation of the harmful emissions.

47. I agree with Mr Phillips that the present claim does not set out a reasonably arguable claim against Peabody. In form the pleading may repeat what was in the September 2016 claim, although it seems there have been developments since Globe J's decision. Even if that means the present claim may not be an abuse of process, the absence of any reasonably arguable cause of action against Peabody does mean that the claim against it should still be struck out. It is totally without merit. An ECRO will be made in Peabody's favour.

13th – 18th Defendants - Homerton, Whittington, UCLH, Guys and St Thomas', King's College, and Royal Free Hospitals ('the Hospitals')

48. The Claimant's claims against the Hospitals are described in the claim as follows,

> '13. Homerton Hospital – adverse effects of transvaginal and urethra consultation and treatment leading to immediate and serious episode of DVT
>
> 14. Whittington Hospital – contraceptive coil being fitted without the Claimant's knowledge or consent
>
> 15. UCLH – Blood Urine and diagnostic consultation test failings
>
> 16. Guys and St Thomas' Hospital – toxicology consultation complaints, inaccurate recording of discussion and demonstration of presenting symptoms and causes in toxicology and A&E Departments
>
> 17. King's College Hospital – blood, urine and diagnostic consultation test failings
>
> 18. Royal Free Hospital – failure to identify and re-test for DVTs following initial scanning of severely swollen legs and ankles.'

49. The Hospitals note that CPR r.16.4(1)(e) requires particulars of claim to include 'such other matters as may be set out in a practice direction.' The Practice Direction to Part 16 says that for personal injury claims, the Particulars of Claim must include the claimant's date of birth, brief details of the claimant's personal injuries (paragraph 4.1), a schedule of any past and future expenses and losses which are claimed

(paragraph 4.2) and, where the claimant is relying on the evidence of a medical practitioner, his or her report must be attached to the Particulars of Claim. None of those requirements were observed in this case. Furthermore, the Hospitals argue, the nature of the Claimant's case against them is entirely unclear.

50. The Hospitals note that they were not defendants in the September 2016 claim, although Simon Stevens, Chief Executive of NHS England was a defendant. In any case the Hospitals were named as respondents to the injunction application which was heard by Globe J. and the allegations made against them in that injunction application were exactly the same as those advanced in the present claim. They argue that the present claims against them should be struck out because they disclose no reasonable cause of action, or because they are an abuse of process. They apply for an ECRO in their favour.

51. In her submissions, Ms Richards took me to a recent letter from the Whittington Hospital (the 14th Defendant) dated 6th March 2017 which responded to a complaint which the Claimant had made on 1st November 2016. Since the letter which deals with potentially sensitive medical information, I shall quote from it in a confidential annexe to this judgment which will be made available only to Ms Richards and the Hospitals.

52. Mr Bershadski for the Hospitals submits that the claim against the Whittington Hospital is still unsustainable. The only evidence that a coil was fitted was an auto-generated report that was not signed and which is inconsistent with other signs that would have been expected if there had been a coil. Furthermore, if the claim is in clinical negligence, he submits, it is deficient because there is no medical evidence in support and that, he submits is a necessary part of any claim for medical negligence.

53. What Mr Bershadski says may, in due course, prove to be well-founded. However, the letter from the Whittington Hospital to which I have referred leads me to conclude that the Claimant should have the opportunity to plead her case properly. Mr Bershadski may or may not be right to say that her claim is in clinical negligence. One alternative is that she is saying that a coil was fitted in her without her consent and that that amounts to an assault. Mr Bershadski argued that the Claimant should have 28 days to amend her pleading and serve a medical report. I agree that the Claimant must act expeditiously, but I will give her 6 weeks from the date that this judgment is handed down in order to make an application to amend her claim against the 14th Defendant and to serve any medical evidence (including any expert medical evidence) on which she proposes to rely. If the 14th Defendant considers that the amendments are insufficient or the omission to serve an expert report is fatal to her claim, that can be debated on the hearing of any such application. It is not appropriate to strike out her claim against the 14th Defendant or to make an ECRO in favour of the 14th Defendant.

54. I agree, however, with Mr Bershadski that the claims against the other hospitals are not reasonably arguable. They will be struck out and will be certified as totally without merit. There will be ECROs in favour of the 13th, 15th, 16th, 17th and 18th Defendants.

19th Defendant – Virgin Media ('Virgin')

55. In summary, the Claimant seeks disclosure of any surveillance conducted via Virgin's networks or otherwise.

56. The September 2016 Claim named the Chief Executive Officer of Virgin as a defendant. A complaint was made in those proceedings of malicious and unlawful interception monitoring and manipulation of the Claimant's communications and unethical sharing of information. An application for an injunction in like terms was dismissed by Dove J. A further application in very similar terms to the claim now made against Virgin was refused by Globe J. Mr Heaton, on behalf of Virgin, submits that the present claim is an abuse of process because it repeats what was in the September 2016 claim and the earlier injunction applications. In any event, he argues, complaints of improper surveillance should be made to the IPT which is the proper body to investigate them. There is no reasonably arguable cause of action against Virgin. He, too, relies on the 2000 Act s.17 which is a further reason why the claim against Virgin is unarguable. He submits the claim against Virgin should be struck out, described as totally without merit and an ECRO made in Virgin's favour.

57. Ms Richards argued that there had been no adequate investigation of her concern of interference with her phone line and there had been no investigation of Virgin's knowledge of what may have been done by MI5.

58. I agree with Mr Heaton that the claim against Virgin is not reasonably arguable. It is totally without merit. It is an abuse of process and it should be struck out. An ECRO will be made in Virgin's favour.

20th Defendant - UK Power Networks Ltd ('UKPNL')

59. The claim against UKPNL relates to Ms Richards' concern that she has suffered from electro-magnetic discharges and that there have been unexplained power surges at her flat in Albion Road. She seeks an investigation by UKPNL, an acknowledgement of harm caused to her and damages.

60. Mr Helme on behalf of UKPNL submits that this claim against his client is incoherent, discloses no cause of action and is also an abuse of process because it is duplicative of the September 2016 claim in which UKPNL was a defendant and the injunction application dismissed by Globe J was in almost precisely the same terms as the present claim.

61. Ms Richards submitted that she had sought a sustained period of testing for the electro-magnetic frequency discharges which she said she had suffered and UKPNL had not properly investigated what the problem had been.

62. I agree with Mr Helme. The claim identifies no cause of action. It is duplicative and an abuse of process. It should be struck out and certified as totally without merit. An ECRO will be made in favour of UKPNL.

21st Defendant – Npower Ltd ('Npower')

63. The claim against Npower is in very similar terms to that against UKPNL. Mr Radley-Davies' submissions were very similar to those of Mr Helme. He noted that in the September 2016 claim Npower's Chief Executive Officer was named as a

defendant. As to this part of her claim, Ms Richards said that she had suffered power surges which had led to more than one of her computers being obliterated.

64. My conclusions are the same as in relation to the 20th Defendant. There is no reasonably arguable cause of action against Npower. The claim against it is also an abuse of process. The present claim against Npower is totally without merit. An ECRO will be made in Npower's favour.

22nd Defendant – Thames Water Utilities Ltd ('Thames Water')

65. Thames Water supplies water to the Claimant's Albion Road flat. Her claim in respect of this defendant says,

> 'Request full and immediate independently commissioned investigation into any environmental pollutants affecting the water supply to [Ms Richards' flat] Albion Road, urgent initiation of detailed monitoring and assessment of pollutants over an agreed time period with particular attention paid to presence of all heavy metal traces and/or biological contaminants; acknowledgment of harm caused and damages warranted.'

66. Mr Dabbs on behalf of Thames Water argues that the Claim Form pleads no claim recognisable in law. It is not alleged that there was a specific incident of water contamination giving right to a serious risk of harm, let alone any actual harm. So far as Ms Richards was alleging a failure to take proper steps to investigate alleged pollution, that was denied, but in any case, that would be a challenge to the non-fulfilment of a public duty on the part of Thames Water and could only be made by an application for judicial review.

67. Thames Water's Chief Executive had been one of the defendants to the September 2016 claim and the present proceedings were an abuse of process because they were effectively a re-run of that claim. He submitted that the present claim should be struck out, characterised as totally without merit and an ECRO made in Thames Water's favour.

68. Ms Richards submitted that she had requested testing of the water subsequent to the dismissal of the September 2016 claim. Mr Dabbs said that this was a new allegation, but in any event his previous submissions as to no reasonable cause of action and abuse of process were maintained.

69. I agree with Mr Dabbs. The claim against Thames Water does not disclose a reasonably arguable claim. It is an abuse of process. It will be struck out. It is totally without merit. An ECRO will be made in Thames Water's favour.

The Claimant's application to set aside the order of Jeremy Baker J. striking out her claim against MI5 and MI6, certifying it as totally without merit and making ECROs in their favour

70. The application by MI5 and MI6 had been made on the basis that the claim was incoherent, made no sense, disclosed no cause of action against them and, in its material respects, repeated what had been alleged in the September 2016 claim. In any

event, it was said, the Claimant's complaints had been made to the IPT which was the appropriate forum for them.

71. In her application to set aside the Judge's orders, Ms Richards submits that the order was unfairly made because she did not have notice of it. It does not seem to me that it is fruitful to examine that matter. She has now applied for it to be set aside. She has had the opportunity at the present hearing to explain why the relief sought by MI5 and MI6 should not be granted. I will consider the matter afresh.

72. Ms Richards argues that the reports of misbehaviour by the Cleveland Police show that unlawful surveillance of journalists does occur. In the course of her Election Petition she says she presented evidence of 'collusionary activity in relation to election fraud'.

73. She says that her previous applications (in, I take it, the September 2016 claim) were unsuccessful because of the short notice of the injunction. This was not a case where there had been repeat claims or injunctions which were totally without merit. She says that, as a litigant in person, she should be allowed additional latitude.

74. She argues that the recent Wikileaks revelations demonstrate how MI5 has developed a surveillance programme in conjunction with the CIA.

75. Although I have considered afresh the applications by MI5 and MI6, I have come to the same conclusions as Jeremy Baker J. Despite Ms Richards' submissions, her claims against MI5 and MI6 disclose no reasonable cause of action against either agency. The 2000 Act is again relevant. In view of it, none of her complaints could arguably give rise to a private cause of action. Furthermore, her complaints against them are repetitious of the September 2016 claim.

76. Like Jeremy Baker J. I consider that her claims against those agencies should be struck out. They are totally without merit. It is right that ECROs should be made in their favour. It follows that I dismiss the Claimant's application to set aside Jeremy Baker J's orders.

Further matters

77. I have already dealt with some of Ms Richards' arguments based on the ECHR. To the extent that I have not, I make clear that I have considered them, but they are not maintainable. In brief:

    i) Articles 2 and 3: there is no properly arguable claim that any of the defendants have exposed Ms Richards to a threat to her life or ill-treatment within Article 3. There is no properly arguable claim that any positive obligation to her under these provisions has been breached or that there has been an arguable breach of any of the implied investigatory duties.

    ii) Article 6: Article 6 has not been infringed. Ms Richards has had a sufficient opportunity to make submissions in opposition to the defendants' applications and in support of her own application to set aside Jeremy Baker J's order. The guarantee in Article 6 is consistent with the power of the court to strike out

claims that are not reasonably arguable or are an abuse of process of the court. Likewise, the imposition of an ECRO is compatible with Article 6.

iii) Article 8: there is no arguable interference with the Claimant's right to respect for her home or private life. Any such interference as there may have been is not arguably disproportionate.

iv) Article 10: the Claimant's freedom of expression has not been arguably interfered with by any of the defendants.

v) Article 14: there is no reasonably arguable case that the Claimant has been discriminated against, still less that any such discrimination has been on one of the grounds referred to in Article 14.

78. After the hearing was concluded, the Claimant sent an email to my clerk dated 15th March 2017. There was no provision for any further submissions post the hearing. I have, though read it. It does not change any of the views or conclusions expressed above. In that recent document she also alleged that the treatment she received was because she was a black woman. This is no more than assertion. Furthermore, I have already mentioned that the claim does not obviously refer to any human rights claim. It does not allege discrimination.

79. When this judgment was circulated to the parties in draft in the usual way, the Claimant proposed a large number of alterations. Where I have thought appropriate, I have made changes to this final version of the judgment. I have read all of her proposals but do not think it appropriate to make any further changes.

80. The successful applicant defendants have, in some cases, applied for their costs to be paid by the Claimant. I will allow her 7 days to respond from the date this judgment is handed down. The Defendants will have 3 days further to reply. I will then make decisions on their applications in writing.