

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

The Honourable Mr Justice Nicklin
28 June 2021

B E T W E E N:

**(1) NUNEATON AND BEDWORTH BOROUGH COUNCIL
(2) WARWICKSHIRE COUNTY COUNCIL**

Claimants

-and-

**(1) THOMAS CORCORAN
(2)-(53) OTHER NAMED DEFENDANTS
(54) PERSONS UNKNOWN**

Defendants

-and-

**(1) LONDON GYPSIES AND TRAVELLERS
(2) FRIENDS, FAMILIES AND TRAVELLERS
(3) NATIONAL FEDERATION OF GYPSY LIAISON GROUPS**

Interveners

ORDER

UPON THE COURT by Order dated 24 May 2021 having directed the hearing of the Abuse of Process Application (as defined in the Order) on 14 July 2021 with a time estimate of ½ day

AND UPON THE COURT having granted permission to appeal to several Claimants in the Cohort Claims on Issue 2 (as identified in the judgment [2021] EWHC 1201 (QB) (“the Judgment”)) and such appeals being likely to be listed to be heard by the Court of Appeal in the Autumn 2021 (“the Appeals”)

AND UPON THE APPLICATION by the Claimant to the Court of Appeal for permission to appeal in respect of Issue 1 (having been refused permission to appeal by the Judge)

AND UPON APPLICATION by the Claimant by Application Notice dated 18 June 2021 seeking an order, without a hearing, adjourning the Abuse of Process Application until the Appeals have been heard and determined (“the Adjournment Application”)

AND UPON CONSIDERING (1) Sharpe Pritchard’s letters to the Court of Appeal dated 7 and 9 June 2021; and (2) written submissions on behalf of the Claimant (and others) submitted on 25 June 2021

AND UPON the Interveners indicating that they do not wish to make any submissions on the Claimant’s Application.

WITHOUT A HEARING IT IS ORDERED:

1. The Adjournment Application is refused.
2. In order to maximise the use of the Court time and to allow sufficient time for the parties’ arguments, the Abuse of Process Application will listed at 11am on 14 July 2021 and be heard with the similar applications in the cases of LB Havering (QB-2019-002737), Thurrock Council (QB-2019-002738) and Rochdale MBC (QB-2017-005202) over three days from 14-16 July 2021.
3. Skeleton arguments to be filed together with a bundle for the hearing by 4.30pm on 9 July 2021. Hearing to be held in person unless the Court otherwise directs.
4. Save as varied by the above, the directions given in the Order of 24 May 2021 continue to apply.
5. No order as to costs.

REASONS

- (A) The Claimant has an interim injunction. It was granted as long ago as 19 March 2019. The failure to progress the claim to a final hearing requires explanation, hence the Court has directed consideration of the Abuse of Process Application. The issues raised by the Appeals do not have any bearing on this issue. I accept that if the Court goes on to consider whether an interim injunction is nevertheless appropriate, the Court will have to assess the merits, but this will be in the context of an interim order. Again, the point for which the Cohort Claimants have permission to appeal does not bear directly on that issue.
- (B) This is not a question of the Court “retrospectively” applying the principles identified in the Judgment. The Claimant currently has an interim injunction. If it intends to progress its claim to a final hearing, given the history, the sooner that this is done the better.
- (C) The original listing of the hearings in July 2021 was in anticipation that the Court of Appeal may have dealt with the Appeals by that stage. Had it not been for that, I would have heard the cases sooner. Now that the Appeals will not be heard until the Autumn, there is much to be said for resolving promptly the question of final orders in the Cohort claims in which there are presently only interim injunctions, which includes the identification of defendants to the Claim. I have expanded the time estimate, but the economies of scale mean that each case will not take 1 day

each as there will be a substantial overlap of common issues. If the relevant Claimants are dissatisfied with any decision the Court makes, then they can seek permission to appeal.

- (D) As the Claimant has an interim injunction, no point arises in relation to Issue 1 from the Judgment. The fact that the Interveners have not made submissions in respect of the Adjournment Application is of limited weight in all the circumstances. They have particularly scarce resources, and I can well understand if they wish to prioritise those resources to the Appeals.
- (E) Finally, I am satisfied that there is no procedural unfairness in my continuing to manage the outstanding Cohort claims.

28 June 2021