

IN THE ROYAL COURTS OF JUSTICE – QUEEN’S BENCH DIVISION

Neutral Citation Number: [2021] EWHC 3610 (QB)

Case No. QB-2020-002947 QA-2021-000026

Courtroom No. 11

The Royal Courts of Justice
Strand
London
WC2A 2LL

Monday, 25th October 2021

Before:

THE HONOURABLE MR JUSTICE MARTIN SPENCER

B E T W E E N:

CAUL SILFORD GRANT

and

SECRETARY OF STATE FOR JUSTICE AND THE SECRETARY OF STATE FOR THE
HOME DEPARTMENT

THE APPLICANT appeared IN PERSON
NO APPEARANCE by or on behalf of the RESPONDENT

APPROVED JUDGMENT

MR JUSTICE MARTIN SPENCER:

1. By an application dated 2 June 2021, the applicant, Mr Caul Silford Grant, applies for an order setting aside a limited civil restraint order that was dated 14 May 2021 and was made by May J in his absence. The order stated in terms that Mr Grant would be allowed to apply to set aside any part of the order without obtaining prior permission, that such application should be made to the Royal Courts of Justice, and would be heard by a High Court Judge. In addition, the reason why the order allowed Mr Grant to make that application is, of course – as Mr Grant has submitted and as I have recognised – that the order was made in his absence, without Mr Grant having the right to be heard. Therefore, under the rights protected by the European Convention on Human Rights, Mr Grant had the absolute right to come back to this Court and be heard as to why May J should not have made that order; and that is the jurisdiction which I am exercising today.
2. However, Mr Grant has used this opportunity to be heard, to refer to wider matters. I will rehearse those wider matters briefly because Mr Grant has referred to them, but it is clear that I do so without recognising Mr Grant's right to raise those matters in this Court. I understand from what Mr Grant has told me and from what he has written, that without having heard anybody else about the matter, so without having afforded anybody else those rights which Mr Grant has emphasised he has a right to be heard, I have heard this history.
3. It would appear that everything stems from the sad death of Mr Grant's son, aged either 14 or 15 months, at King's College Hospital on 3 September 1994. In addition, I have heard the sad circumstances whereby Mr Grant was at the hospital, was wrongly told that his son was not there, how he went home, how he was given further information, some of it wrong, how eventually he ascertained that his son was in fact at the hospital on Butlins Ward, how he returned to the hospital, but too late to be there before his son had died.
4. If any of that is true, it is tragic and as sad as you can imagine, not least because Mr Grant's five-year-old daughter was at the hospital with her mother and her baby brother, and felt the need to comfort her father in those circumstances. Mr Grant has my sympathy, not just for the death of his son, but for the circumstances in which it arose.
5. Unfortunately, that led to difficulties between Mr Grant and his wife, who separated. In addition, Mr Grant sought to bring an action against the hospital, using a well-known firm of solicitors. However, that action was struck out, I understand, on 12 December 1997. In addition, shortly after that, Mr Grant, exercising what he considered to be an act of civil disobedience, vandalised the windows of the solicitor's offices, that being, of course, criminal damage, for which he was arrested.
6. In circumstances which are somewhat obscure, I understand that at some stage in 1998, Toulson J, as he then was, made an order committing Mr Grant to prison for a period of six months. Mr Grant issued a writ on, as I understand it, 3 September 1998.
7. In circumstances which, as I have said, are obscure at the moment, at some stage in 1998, Toulson J made an order committing the claimant, Mr Grant, to prison for a period of six months. In addition, Mr Grant has complained that that was an order that was made in his absence and without him having the right to be heard. There was a hearing before Buckley J in May 1999, when Mr Grant was released.
8. I understand that at some stage between 1999 and 2009, Mr Grant was sentenced to a term of imprisonment of eight years for offences involving drugs. In addition, he was released from prison, he tells me, in about September 2009 from that sentence. He was then employed by a firm called Circo. I understand that there was a further order of the Court on 9 March 2011,

whereby Ouseley J committed Mr Grant to prison for a period of three months for contempt of court, and an appeal against that order was refused.

9. Following that, on 25 May 2012, Mr Grant made a declaration as chairman of an organisation which is called The Campaign for Truth and Justice in which he asserted that neither he nor any other members of that organisation could lawfully be prosecuted by the state of the United Kingdom for any act which would otherwise be considered illegal or unlawful, thereby purporting to put himself and other members of that organisation beyond the law of this country. I do not have any knowledge of that campaign or that organisation. I do not have any knowledge of its activities since it was formed in 2012. However, what Mr Grant has done is use the opportunity to be heard before me today to reiterate the principles, as he sees them, of that declaration to put himself outside the law of this country. I make no comment on that at all, except this: that if Mr Grant and his supporters commit acts which are in breach of the criminal law, they will, of course, be liable to be arrested and to have the criminal law enforced against them.
10. Since 2011, over the last 10 years or so, Mr Grant has been involved with both the civil and criminal law on various occasions. In addition, I understand from what he has written that he made an application to the Employment Tribunal arising out of the termination of his employment by Circo, that he was arrested in 2019 for the non-payment of fines, amounting to a sum in excess of £140,000, that his mother died on 11 December 2019, and he was arrested at some stage after that, after an altercation with his nephews. In any event, in about July 2020, Mr Grant issued proceedings against the Secretary of State for Justice and the Secretary of State for the Home Department. In addition, the history of this matter, which I have referred to briefly, forms part of a document called “Statement of Claim”, which were appended to those proceedings.
11. On 3 September 2020, Master Dagnall made an order striking out the particulars of claim and staying the claim. In addition, he ordered that the claimant may only apply to lift the stay of the claim if he were to file at Court an amended particulars of claim and an amended claim form, complying with the requirements of the rules of Court, by 4pm on 23 October 2020.
12. On 25 September 2020, Mr Grant made an application to set aside that order of Master Dagnall, and that came before Master Dagnall on 2 December 2020, when he dismissed the application to set aside the order of 3 September, and declared that the claim, which had been issued in the summer of 2020, was a claim which had been totally without merit. On 4 February 2021, the claimant issued a notice of appeal against the order of Master Dagnall, which had been made on 2 December, supported by grounds of appeal which I have read.
13. On 12 March 2021, Johnson J gave directions for the hearing of the appeal, and on 12 April, Mr Grant filed a skeleton argument in support of the appeal. That came before May J on 14 May 2021. Firstly, she made an order refusing permission to appeal, and certifying the appeal to be totally without merit. In addition, she made the Limited Civil Restraint Order (“LCRO”), which is the subject matter of the application before me today. I understand that Mr Grant would wish to appeal against the dismissal of his appeal against the order of Master Dagnall; that is, appeal against the main order made by May J. However, I have no jurisdiction to deal with that appeal: an appeal from May J would go to the Court of Appeal. I do, however, have jurisdiction to hear the application to set aside the LCRO made by May J.
14. The basis for the making of that order was that Mr Grant had “made two or more applications which are totally without merit”. In addition, it would appear that the applications to which May J was referring were (i) the claim adjudged to have been made totally without merit by Master Dagnall, and (ii) her own declaration that the appeal was totally without merit. Traditionally, in these Courts, a civil restraint order is made after there have been three applications or claims or appeals which have been certified to be totally without merit. In

those circumstances, and having heard everything that Mr Grant has to say, I am going to repeal the civil restraint order, as I have jurisdiction to do.

15. In any event, it would seem to me that that civil restraint order has little effect because these proceedings in which it was made have almost come to an end in any event, by reason of them having been struck out or stayed, according to the orders of Master Dagnall. Mr Grant may apply to the Court of Appeal for permission to appeal against May J; and it will be a matter for the Court of Appeal whether or not he is granted such permission. I say nothing about the merits of any such application he might wish to make. He is now, of course, out of time to do so, although he was subject to the civil restraint order. However, so far as the present application is concerned, I allow the application and I revoke or discharge the civil restraint order.

End of Judgment.

Transcript of a recording by Ubiquis
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