

Case No: None Allocated
Urgent hearing heard in Court 37

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

BEFORE:

MR JUSTICE SPENCER

BETWEEN:

Dr Katherine Horton

Claimant

- and -

**SIS
MI5
GCHQ**

Defendants

Dr Horton, Litigant-in-person

Defendants not in attendance

Hearing date: 19th May 2016

Proceedings

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT
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Mr Justice Spencer: Yes, it's Dr Horton, isn't it?

Dr Horton: That's right, yes.

Mr Justice Spencer: Yes. I've read the documents in your file. I couldn't possibly make an order of the kind that you seek even if I was otherwise minded to without the other parties being present. You appreciate that it's a very unusual step to make an injunction without notice? This is a very unusual case in itself, so the very best that I could do would be to adjourn today's hearing to give opportunity for those you are going to serve to respond and attend on the next occasion. Can I just ask a few questions about the, the claim itself? Or perhaps you'd like to tell me a bit more about it. And I've, I've read everything that's here.

Dr Horton: Yes. Shall I stand or is it --

Mr Justice Spencer: No, no, if you're more comfortable sitting, that's fine.

Dr Horton: Sure.

Mr Justice Spencer: What subject were you researching at Oxford?

Dr Horton: So I, I went up to Oxford to get a Masters in physics in the year 2000 and I obtained --

Mr Justice Spencer: What was your first degree?

Dr Horton: That is, that was my first degree.

Mr Justice Spencer: Physics?

Dr Horton: Physics, that's right.

Mr Justice Spencer: From, from where?

Dr Horton: So I went to Oxford, university of Oxford.

Mr Justice Spencer: No, no, where, your first degree was where?

Dr Horton: That was my first degree, yes.

Mr Justice Spencer: Oxford as well? I see.

Dr Horton: Yeah, that's right. So --

Mr Justice Spencer: Which college?

Dr Horton: That was Hertford College.

Mr Justice Spencer: Right.

Dr Horton: So I went up in the year 2000 to Hertford College and I obtained a Masters of physics in the year 2004, a full year Master degree. Because I, I did quite well and I was very keen on particle physics, I proceeded to do a DPhil, so a Doctorate in particle physics also at Hertford College. Subsequently, again because that went very well, I was lucky enough to be awarded a junior research fellowship at St John's College, Oxford, and I started that fellowship immediately after my DPhil. So in a sense there are these four year intervals, 2000 to 2004 Masters and then until 2008 DPhil, and then the last four years until 2012 I was a research fellow at St John's College. And the first half I devoted entirely to particle physics. I worked as a researcher at CERN, the particle physics accelerator in Geneva. And subsequently I did some projects in medical physics for a year, but then I got very interested in systems, and what I mean by that, these are complex systems, complex human systems and it falls into the category of systems analysis and has been developed for computer science and engineering. But what is a new area of research is in a sense finding out why human systems work or do not work in most cases, and this could be anything. It could be, for example, the court system or organisations like big companies.

Mr Justice Spencer: Yeah.

Dr Horton: And I, I attended the court hearing, as I mentioned in the, in my letter to the IPT on page 2 --

Mr Justice Spencer: Yes.

Dr Horton: This is here. I, I'm saying that I --

Mr Justice Spencer: The Rolls Building.

Dr Horton: That's right. So I attended Berezovsky -v- Ambramovich specifically to study the functioning of the courts, ironically enough, and what I wanted to do is, I wanted to find out, first of all, why they are so expensive and how it can be, in a sense, made better, but I wanted to really have a case study where I actually see how evidence is collected, how it's affecting humans and so on, and this was ideal because I'd just finished my project in medical physics and the court case was announced in the press, and I didn't know that it's possible to, for the public to actually view it. So I went along and it was a very, very long court case as well.

Mr Justice Spencer: Who was the Judge in that?

Dr Horton: It was Gloster, Lady Gloster.

Mr Justice Spencer: Oh, yes.

Dr Horton: That's right. And so the court case had already started by then, I think it started in late September or October, and I followed it from, I think, the 1st November or the first Monday in November, and I was there for about, I think it was six weeks in November and two days in January. So I attended every single day of the, of the court case and what had happened is that, at first I didn't notice but after a while I, I had a

strange feeling that I was being followed home. Sometimes I would come home very late from London and in Oxford, because it's not, when it's, well when the students are not around it's not very densely populated and I noticed that I was being followed home. And at some point I noticed that there were people waiting outside my accommodation in the morning and would follow me to the train station. Some different people would take over on the train and some other people would follow me through London to the court and back. And I was trying, at first, I thought, I thought that's just a funny feeling, and then I thought, well it's probably because the litigants are so high profile maybe it's a security operation on their part. And I also realised that I was very unusual because I was the only, as far as I could tell, the only independent researcher attending. So in the beginning, well in the beginning of November there was still a lot of media interest so I met a lot of journalists who were there, but --

Mr Justice Spencer: This is five years ago, November of 2011?

Dr Horton: Yes, 2000, exactly, 2011, that's right, yeah.

Mr Justice Spencer: If you don't mind my asking, what's your country of origin?

Dr Horton: It's, well I, I'm a Hungarian born in Romania, so I --

Mr Justice Spencer: Right.

Dr Horton: I was born in Transylvania and my family fled the communist system in the mid-80s and I was brought up in Germany. So I have attended the German school system and I speak Hungarian and German as a result.

Mr Justice Spencer: Yes.

Dr Horton: And I spent my entire life in Germany before coming up to Oxford.

Mr Justice Spencer: Yeah. I see. So that's where it all started, and you've set out in the document what's happened since. I mean have you sought, or had to have, any medical treatment for the matters you complain of?

Dr Horton: No, I didn't.

Mr Justice Spencer: Well why not?

Dr Horton: So what, what I, well, first of all, what I did is, there was a lot of, as I mentioned, there's a lot of evidence that is not presented here, so there was a break-in into my flat, there I don't have any --

Mr Justice Spencer: Was that reported to the police?

Dr Horton: No, I didn't because the way it was done is how, I know by now, the security services do it, and as Carl Clark in his witness statement said. So what had happened is that someone had come into my flat and rearranged items but quite noticeably, but I could have never gone to the police and said, listen, someone has just rearranged all my shoes, because they would have not taken me seriously, just as he

says. But then what happened is that there was a lot of, well, now I also know it's called street theatre, so spectacles intended to arouse attention and then, and then also to intimidate in Oxford. But then, when I moved to Germany, a lot of things happened at that --

Mr Justice Spencer: Well, sorry, let's just stop you.

Dr Horton: Yes.

Mr Justice Spencer: I'm looking at page, I've forgotten the number, but it's the third page of your letter --

Dr Horton: Yes.

Mr Justice Spencer: To the IPT, third paragraph on the right hand side there, you talk about the harassment you've been undergoing, which then worsened to the extent --

Dr Horton: Yes.

Mr Justice Spencer: That your sister, you say, was mugged, her mobile phone stolen, your mother was sexually assaulted, your father exposed to dangerous driving.

Dr Horton: Yes.

Mr Justice Spencer: Are those things happening in Germany?

Dr Horton: Yes, they have all happened in Germany.

Mr Justice Spencer: Right. Were they reported to the police?

Dr Horton: My sister reported the theft of her mobile phone to the police definitely. When my sister was overtly stopped, that was done in such a way that only I noticed it and I pointed it out to my husband at the time, but, so what had happened is that my sister and my husband and I, we arranged to meet at, in her university town and we arranged over mobile phones the exact precise location, and this was after months of me being stalked by men in literally trench coats and dark hats in Oxford. And then, as we were going towards the square where my sister was standing, a man literally just appeared standing really strange in the middle of the, of the pavement some, some 20 yards from us and standing sideways, and as we approached he slowly turned his head, stared at me and then slowly turned his head back, dressed exactly in the same way as the men I'd seen before. And, as I followed his gaze, I realised he was staring right at my sister. And it, it sounds like nothing and, if it had been just this instance on its own, I would have not thought it strange but, because there was a very careful, systematic pattern through which I was literally conditioned to respond to this, so there was repeatedly, something like once or twice per week at least, men in trench coats and dark hats appearing in Oxford, sometimes in the middle of summer, really acting in a way that was out of order. Until, you know, I really realised that they were using a pattern whereby in, in the beginning it would happen very frequently and then less and less frequently but with a recurring theme. So pretty much the same pattern one uses to condition lab rats, and that was what was done before. And then, when this happened

with my sister, it was so unusual and so out of the ordinary, and identical dress, very odd behaviour, to me what it was signalling is, yes, they are stalking my sister.

Mr Justice Spencer: You've never taken any photographs of this?

Dr Horton: No, I didn't at the time because most of the time these situations happen very unexpectedly so, because I am not paranoid and I do not run around with a camera, I, sometimes it happens and --

Mr Justice Spencer: Well most people have a phone these days.

Dr Horton: That's right and a couple of times I actually managed to get out the phone and film some instances, so I have lots of video material now, years later, especially from Switzerland where I've, I've shown that people are standing, for example, when I go to the bank they are standing and staring and then, when I get out my phone, I'm sitting in the car, something seems to communicate to them that they are being filmed, and they are hiding behind street signs. And meanwhile my radio changes to a song that's singing, we are watching you wherever you are. So this thing with my car radio, I'm not sure, I don't think I mention it here but my, there was an instance where my car key was stolen, and then some weeks later I realised that my phone, sorry, my radio, which changed stations spontaneously, the display would change and the actual tunes being played on the radio would be all to do with watching somebody or very threatening like, we are after you, very strange and --

Mr Justice Spencer: But how, how could anyone do that, how could anyone --

Dr Horton: So --

Mr Justice Spencer: Do that remotely?

Dr Horton: So that's not done remotely. So what, what I do have is, I have the information from Philip Kerr, I mentioned his case.

Mr Justice Spencer: No, how could anyone who was trying to intimidate you control what songs are played on the radio?

Dr Horton: That's done very simply. There's, only access to the car is needed once, the car is manipulated such that I think, I'm not sure if it's a little unit placed into the radio that's modifying the electronics and then all that has to be done is that the frequency has to be shifted slightly to another channel where people nearby can broadcast exactly that song. This could be out of nearby cars and anything. And that, and this particular method of intimidating people has been actually documented by Annie Machon, she's an MI5 whistle blower, she was the girlfriend of David Shayler, and Philip Kerr, whose case I mention on page 3, he got in touch and got expert evidence from Annie Machon and it, from Philip Kerr himself I know that this includes a witness statement about how car radios are being, being manipulated.

Mr Justice Spencer: Sorry, just show me again where --

Dr Horton: Oh, this is the, my letter to the IPT, page 3 --

Mr Justice Spencer: Yeah.

Dr Horton: The second paragraph, the very last few words is Philip Kerr -v- MI5 --

Mr Justice Spencer: Oh, I see.

Dr Horton: And that's a case that started in the High Court, I think the last High Court hearing was February 2015. And January 2015 there was a hearing with the IPT, which I attended and I spoke to Philip Kerr himself and I've --

Mr Justice Spencer: So, sorry, I don't know anything about these proceedings, what are the proceedings --

Dr Horton: Yeah.

Mr Justice Spencer: Brought by Philip Kerr about?

Dr Horton: So, so Philip Kerr, I think he was, he came to the attention of MI5 because a very good friend of his was a drug dealer, and I think MI5 wanted to recruit Philip Kerr as an agent and, when he refused, it just exploded into, into a year long harassment. So I think Philip Kerr claims to have been harassed by MI5 for 13 years. This includes stalking and, and street theatre themes, scenes, break-ins into his flat, his car radio was --

Mr Justice Spencer: So what's happened in those proceedings? Are they ongoing in the High Court?

Dr Horton: Yes, I believe so. The last thing I heard, so there was one, there was one, one or two hearings in the High Court, then it was passed to the IPT. I attended the IPT hearing in January 2016 and --

Mr Justice Spencer: Why, why was it referred to the IPT?

Dr Horton: Because I think, because Philip Kerr was submitting a, he was claiming under the Protection from Harassment Act '96 as well as the Human Rights, but the Human Rights claim is I think entirely to be handled by the Investigatory Powers Tribunal because it concerns the intelligence services. So I think the situation as it's understood at the moment is that the IPT is in charge of all complaints related to the intelligence services. However, I think the, the actual Regulations state that it's all complaints brought under the Human Rights Regulations. And there's a second stream whereby people can also submit claims under the Protection from Harassment Act and it's not legally clear if the IPT is actually in charge of those or if the High Court is, is the location to deal with those. And this is a very sensitive issue because --

Mr Justice Spencer: So when, when do you say the Philip Kerr case began roughly?

Dr Horton: I, I, well I don't know the exact beginning, so I think it might have been 2014, I can check that, but I know for sure that there's, I think I found a document

online about a High Court case in February 2015, and, and the IPT case was the 20th January 2016 exactly.

Mr Justice Spencer: Right.

Dr Horton: And this case is ongoing and what has happened is that the IPT had a preliminary hearing and then Philip Kerr was given another I think 56 days to submit evidence, and I think he has now submitted evidence to the IPT, more bits of evidence.

Mr Justice Spencer: Yes.

Dr Horton: But this is, just to finish off, this is very pertinent to this case here because the, the Human Rights Act has got a, I think a time limit of a year but the, the Protection from Harassment Act has got a time limit of I think five or six years. And the situation for, for, well a victim like, like me, is that it is very, very difficult to find out who is doing the harassment and how exactly it's done or if one is imagining it or not, and in my experience one year is not enough to actually pin down what exactly is happening. So in a sense, under these conditions, victims might not be able to ever bring a case, so.

Mr Justice Spencer: Well, it's one o'clock now. It's very helpful to have had that explanation from you. I'm going to give some thought to this. Can we resume again at two o'clock?

Dr Horton: Of course.

Mr Justice Spencer: But, as I said before, the most that I will be prepared to do today is to adjourn this application of yours for a hearing on notice, as we call it. Now you've set out at the bottom of page 1 the people who should be served the application, SIS --

Dr Horton: That's right.

Mr Justice Spencer: Standing for Special Intelligence Services, is it?

Dr Horton: I think the Secret Intelligence Services.

Mr Justice Spencer: Secret, right, MI6. MI5, GCHQ. And those are addresses that you've just got from the internet, are they?

Dr Horton: These are the addresses that they themselves give as the only contact addresses. I don't think it's possible for --

Mr Justice Spencer: No.

Dr Horton: For civilians any other way to actually address them.

Mr Justice Spencer: No. I've been wondering whether it would be appropriate for the proceedings to be served on the Attorney General as well, so that his lawyers can consider the matter and effect any necessary liaison. But, if I'm going to adjourn the

case, it wouldn't be, you know, just for a week, it would have to be in at least a fortnight I think --

Dr Horton: Right.

Mr Justice Spencer: Because otherwise it would be a meaningless exercise, people wouldn't have had time to respond to it. You've tried unsuccessfully, you've explained, to obtain legal advice from solicitors?

Dr Horton: That's right, and, in my experience, as soon as they hear MI6 they refuse to take the case, which is --

Mr Justice Spencer: Yeah.

Dr Horton: Which is incredibly hard but --

Mr Justice Spencer: Have you approached the Bar Pro Bono Unit, for example?

Dr Horton: I did, I did have their paperwork and this is what I'm filling in right now, however, because of the assaults I describe I, I basically, I just decided to go on my own right now just to get into the system, as it were.

Mr Justice Spencer: When, when was the last assault you say you've had?

Dr Horton: It was actually this morning in my hotel room here in London, so --

Mr Justice Spencer: You still live in Oxford, do you?

Dr Horton: No, I live in Switzerland by now, so I live in Zurich and I've, what has happened is that I submitted a, in the end I, I took the courage to submit a complaint to the IPT with a request for an emergency injunction, but then the assaults on me literally just exploded into hourly assaults. And essentially the only time I've been completely pain free and unassaulted was actually my journey in on the train here and my time in court. So this is 24/7 assaults with these microwave weapons and, and that's why I basically decided to just, and that's why you find the documents in this kind of very haphazard way assembled because they've been assembled, written in an emergency.

Mr Justice Spencer: All right. So you'll be returning to Zurich, will you, after today?

Dr Horton: That's right, yes.

Mr Justice Spencer: So you're only really coming to the UK for the purpose of these hearings?

Dr Horton: Yes.

Mr Justice Spencer: Well why aren't you doing it in Switzerland?

Dr Horton: They are doing it in Switzerland. So they, they are, I basically, this has been a continuous story, so it started in England and it was, it was for a year entire in

the UK, but then seamlessly it followed me to Germany and then to Switzerland over the last couple of years. And I have kept quiet because I thought that, first of all, no-one's going to believe me and, second of all, one always thinks, well, all the street theatre I can just ignore and get on with my life. But in the evidence that I would like to submit there's also a lot of material where I mention the case that actually they have been trying to actively sabotage my business and my economic activities.

Mr Justice Spencer: So have you finished your research studies now at Oxford?

Dr Horton: I, I have finished them, yes. In the meantime I was in, I moved first to Hamburg and then to Munich, I followed my husband in both cases because he was working in Hamburg and then in Munich. In Munich I tried to set up a business and that's where basically the harassment made it almost impossible to actually do anything. But then I stopped and I thought, right, starting a business is probably too, too risky and I --

Mr Justice Spencer: So you're still living with your husband in --

Dr Horton: I, I live with --

Mr Justice Spencer: Switzerland?

Dr Horton: That's right, I live with my husband in Switzerland and now I am, I'm a consultant, so I'm working as a, as a self-employed consultant --

Mr Justice Spencer: Right.

Dr Horton: In, in systems analysis.

Mr Justice Spencer: Right, well I don't want to eat into the lunch break any further. So we'll resume at two o'clock, but I suspect you'll find that that's the, the order that I'll be inclined to make. All right?

Dr Horton: Thank you.

(luncheon adjournment)

Mr Justice Spencer: Dr Horton, I've made my own enquiries through the list office about the other case that you mentioned and, yes, there was indeed a case which was before the High Court in 2015 brought by the gentleman you mentioned, Philip Kerr, against the Attorney General, in fact.

Dr Horton: MI5 I think, yes.

Mr Justice Spencer: Well no, no doubt it was against the other bodies you mentioned and, as far as I can make out, that was adjourned or stayed because proceedings were being transferred to, or being heard in the Investigatory Powers Tribunal. I forget what it was you were going to check up on over the adjournment. Was there something you were checking as well?

Dr Horton: Sorry, I actually did not have the means because I don't have internet on my phone in this country.

Mr Justice Spencer: Oh, I see, all right.

Dr Horton: So I would have to submit that later in the court.

Mr Justice Spencer: Yes. Well, as I explained before, I certainly can't do any more than adjourn the case for a hearing on notice to the other parties. Now that could be listed in, say, two weeks' time, but I'm conscious that you're waiting for a positive response from the Investigatory Powers Tribunal, aren't you, and have they given any indication at all?

Dr Horton: So, no, the, actually I had to collect, correct something on the, on the documents --

Mr Justice Spencer: Yeah.

Dr Horton: Which I had compiled on the 11th May, and since then I received this reply which I photocopied in and all it says is that they are looking into it and I should be patient. And I would, I would --

Mr Justice Spencer: That's the 10th May?

Dr Horton: That's right. So they, they have marked the 10th May and when I, I wrote it on the 11th May the post hadn't reached me and, and so --

Mr Justice Spencer: Yeah, no, it's all right, it's all right.

Dr Horton: But, so then this --

Mr Justice Spencer: But you've heard nothing more from them since then?

Dr Horton: No, no I haven't. And I'm also, I'm also not sure if they have, as it were, the same legal power as the High Court towards an injunction, I'm not sure. I haven't found anything in the regulations that says that they, they do have the power to --

Mr Justice Spencer: No.

Dr Horton: Actually impose an injunction.

Mr Justice Spencer: No. Well, as you understand it, what was the nature of the remedy that Mr Kerr was seeking --

Dr Horton: I, I think --

Mr Justice Spencer: In the Investigatory Powers Tribunal?

Dr Horton: I think he was just seeking an injunction without even compensation, as I understand it, but I would have to check.

Mr Justice Spencer: Yeah, yeah. I also note from the end of your application notice that you say:

“There are other pieces of evidence and witness statements I would like to assemble to support my case.”

And you ask to be granted four weeks to obtain those. What’s going through my mind is whether it would be better really for you to have that period before the case comes back at all --

Dr Horton: Right, yes.

Mr Justice Spencer: Because otherwise I suspect we may find that the position isn’t much different next time if it’s just as short as two weeks.

Dr Horton: So my situation is that, I was going to submit the entire case to the IPT only because that’s, as I understood it, to be the right way. However, what, what I’m really asking the Court now is literally, literally just protection of my health and life to be able to even compile the evidence, because --

Mr Justice Spencer: I see.

Dr Horton: Yes. So what, what has happened and the reason why I decided to come to the High Court, I received this letter in time from the IPT but the problem is that ever since I wrote to the IPT there was not, just not a difference but there was even more severe attacks.

Mr Justice Spencer: I see.

Dr Horton: So I had serious reason to believe that people who were watching me got, got to know that this was happening and were doing their utmost to really prevent me from doing so. And, and what I really ask the Court is to step in, as it were, and actually --

Mr Justice Spencer: Yes.

Dr Horton: Just make sure that I can, I have the, the health and the capacity and the --

Mr Justice Spencer: Great, well I understand what your application is but, as I say, I can’t make that order today, I’m not saying that a Court would necessarily make it next time, but such an application has to be on notice, so I’m going to adjourn it so that you have the opportunity to serve the parties that you’ve said you were going to serve, but I’m going to direct that you also serve the Attorney General, and you’ll be able to get his details from the website. Because it’s clear from the fact that he was a party to the other case involving Mr Kerr that there is some similarity by the sound of it to, between those proceedings and these, and he may have a role as well in coordinating action on behalf of the other Defendants. I think also you should serve the government legal department, that’s what’s taken over from the Treasury solicitor. But, going back to the point I raise, the question is whether we adjourn the matter today just for a couple of

weeks or so, long enough for you to serve these Defendants, or these parties, or whether we put it off for a much longer period on the basis that, in the meantime, you could gather the other evidence you want to gather so everything could be presented in one go. From what you say, it sounds as though you don't really want to do that?

Dr Horton: Yes, I, I really would like to be able to present what I have now as quickly as possible so that at least the Court can make, can make up its mind about what's going on.

Mr Justice Spencer: Right. Well presumably you could serve these papers on those parties pretty well straightaway?

Dr Horton: Yes.

Mr Justice Spencer: And you have to, you'll have to do that, you appreciate that? You can find out how to go about that, no doubt.

Dr Horton: And just to clarify, so serving these papers, that would be as I've submitted now, the papers that I've submitted to the court today and all further evidence that I can gather, is that, is that right?

Mr Justice Spencer: Well, are you proposing to get any more evidence together, what I had in mind was a period of two weeks, you see.

Dr Horton: Oh, OK, I see, yes, I will, I will get together everything, I think I can within two weeks probably get together a couple more things including a CD with some video evidence, and I would serve those --

Mr Justice Spencer: You have to serve all that as well.

Dr Horton: Yes.

Mr Justice Spencer: Well is that all going to be capable of being done? You see you'd have, you'd have to have the additional time to, if you serve what you've got here straightaway --

Dr Horton: Yes.

Mr Justice Spencer: That's obviously no problem, but they've got to have at least three days, three clear days' notice really --

Dr Horton: I understand.

Mr Justice Spencer: Of extra evidence that you're going to rely on.

Dr Horton: I understand. So I, I guess probably the more sensible thing from my point of view would be to maybe have four weeks, I think, so then I can get most things together.

Mr Justice Spencer: Yes. I wasn't sure before whether you were saying that you didn't want to have that long a period because you were afraid that, if you started gathering more evidence, things would get worse.

Dr Horton: Yes, well I, I do fear that, but as I also, I'm very aware that the court has a limited amount of time and I think it's best if I give everything in one go.

Mr Justice Spencer: All right. I think what we'll do then is adjourn it for, Stella, can we say four weeks today?

Court Clerk: Yes.

Mr Justice Spencer: Would that be, four weeks today, so that would be, let's just work it out, one, two, Thursday the 16th June.

Court Clerk: Thursday the 16th June.

Mr Justice Spencer: So the order will be, application for, no, the Claimant's application for an interim injunction be adjourned to Thursday, what did I say?

Dr Horton: 16th June.

Mr Justice Spencer: 16th June, for a hearing on notice, and I'll say, time estimate one hour, for the time being, and I'll say, well shall be put a deadline on how long you should have to serve anything else?

Dr Horton: Yes, I think so.

Mr Justice Spencer: So three weeks from today?

Dr Horton: That, that's enough, yes.

Mr Justice Spencer: Claimant to file and serve, I'll say serve, serve any further evidence in support by 4.00pm on Thursday 9th June. Then paragraph 3, in addition to serving the proceedings on the parties named at paragraph 9(a) of the application notice, the Claimant shall also serve all proceedings (including any further evidence pursuant to paragraph 2 above) on: a) the Attorney General, b) the government legal department. Right, I don't think there's any need to make any order about costs at all. Normally the order would be costs reserved, which means that costs can be considered next time, but I'm not sure we've really got to that stage at all yet. So those will be the three paragraphs of the order. Can I just check, Stella, does that cover everything, do you think?

Court Clerk: Yes, My Lord.

Mr Justice Spencer: Yeah, right. So do you understand what's required?

Dr Horton: Yes.

Mr Justice Spencer: That order will be typed up now and I'll be able to sign it. Have you actually issued a claim form?

Dr Horton: No, I have not. Is that the form CH10, or is that, or is that something else? Hang on a minute.

Mr Justice Spencer: I'm not sure what the form number is.

Dr Horton: Hang on a minute. Sorry, because I am aware that in addition to the application notice, N244, on the website another form was mentioned and I think, I think it's, oh it's order, no, sorry, that's, that was the form CH10, order for an injunction, but that's not what you mean.

Mr Justice Spencer: No.

Dr Horton: It's --

Mr Justice Spencer: Can I just check with Stella? Will a claim form have to be issued as well? At this stage?

Court Clerk: Maybe after.

Mr Justice Spencer: Not, not at this stage?

Court Clerk: Yeah, not at this stage, yeah.

Mr Justice Spencer: Yes, righto, yeah.

Court Clerk: But she must make an application for inter partes.

Mr Justice Spencer: Yes, you'll have to issue a fresh application notice for the, the hearing on notice, which I'm afraid will involve another fee. There's no need to order that because you have to do it anyway. All right?

Dr Horton: Yes.

Mr Justice Spencer: So when you get the order now you'll need to go an issue an application, or you'll need to at some point complete an application notice for the adjourned hearing. That could be done I suppose either today or when you've got the further material. All right? Now I think probably, you've got a, have you got a spare set of papers there? You've got your own set?

Dr Horton: Yes, I do, yes.

Mr Justice Spencer: Right. I think it's probably a good idea on this occasion if the court keeps the slim file you've handed in and that can be kept with the other papers. All right? Is there anything else?

Dr Horton: No, thank you, no.

Mr Justice Spencer: No? Thank you very much indeed. There's no need to stay, you can leave now, thank you. If you wait outside, then you'll be brought the order when it's been signed.

Dr Horton: Thank you, Your Honour.

Mr Justice Spencer: Thank you very much indeed.

(court rises)
