Re Wray

CO/3883/95, (Transcript: Smith Bernal)

QUEEN'S BENCH DIVISION (CROWN OFFICE LIST)

STAUGHTON LJ, TUCKER J

11 NOVEMBER 1996

The Respondent appeared in person

I Burnett for the Applicant

STAUGHTON LJ

The Attorney-General applies for a Civil Proceedings Order under s.42 of the Supreme Court Act 1981, in the case of Mrs Wray. That section provides that if the High Court is satisfied that any person has habitually and persistently and without any reasonable grounds instituted civil proceedings, whether in the High Court or in an inferior court, or made vexatious applications in any similar proceedings, the Court may make a Civil Proceedings Order.

That means an order that no civil proceedings shall, without leave of the High Court, be instituted in any court by the person against whom the order is made, any civil proceedings instituted by her in any court before the making of the order shall not be continued without leave, and no application other than for leave shall be made by her in any civil proceedings instituted in any court by any person without leave.

The evidence in support of the application is for the most part in a series of affidavits of Mr Noble, who is a grade seven officer in the office of the Treasury Solicitor. In his first affidavit, sworn in November 1995, he said that nine actions had been brought by Mrs Wray: the first was against Dr Waters and Dr Morris Jones; the second, against the Bloomsbury Health Authority, Dr Waters and Dr Warren; the third, Camden and Islington Health Authority and Dr Waters; the fourth, against the same parties; the fifth against the same parties; the sixth against the same parties; the seventh against the same parties; the eighth against Frank Wheeler, the Lord Chancellor's Department, Department of Health and Dr Waters; and the ninth against Dr Waters, the Department of Health and Greenwich Law Centre.

Of those nine actions eight have since been struck out and one has been stayed. There have been appeals to a Judge in Chambers, to the Court of Appeal and applications for leave to appeal to the House of Lords in some cases.

In an exhibit to Mr Noble's affidavit there is an affidavit of John Charles Holmes, a partner in a firm of solicitors who says that he has conducted these matters on behalf of the Camden and Islington Health Authority, Dr Waters, and Dr Warren. In his affidavit he says this:

"I suggest that it is evident from the way in which the Plaintiff has initiated various sets of proceedings against the Defendants, that her objective is to ventilate once again her grievances against the Defendants, following the dismissal of her first action. I represented the Defendants on the attendance before Master Turner on 19th August 1993, and outside court the Plaintiff spoke to me and said words to the effect that there was no point in the Defendants having her claims struck out because she would simply issue further sets of proceedings with the objective of causing the Defendants additional expense. By way of contrast, the Plaintiff has trained as a lawyer and clearly the expense involved for her in issuing further sets of proceedings is limited to court fees. Her comments on this subject were repeated on another occasion to my firms's outdoor clerk Simon Long, so I am informed by him and verily believe".

The second affidavit of Mr Noble is sworn on 15 October 1996. It referred to another eight actions commenced by Mr Wray and to a counterclaim in an action that had been brought against her. The counterclaim was in an action in the Croydon County Court by the local authority against Mrs Wray and Miss Wray. In the County Court it was sought to join the Department of Health and Dr B Wheeler as co-defendants to the counterclaim.

The 11th proceeding was by Mrs Wray against the Department of the Health, Dr Waters, British Telecom and University College Hospital Trust; the 12th against the Department of Social Security; the 13th against Dr Allen, Department of Employment and the Department of Health; the 14th against Mr Malone and the Lord Chancellor's Department; the 15th against the General Medical Council, the Department of Health Medical Research Council, British Medical Association, Islington Borough Council and Department of Environment; the 16th against the Department of Environment and Croydon Council; the 17th against Dr Chesover, Department of Health and Department of the Environment; and the 18th against Dr O'Huiginn, Department of Health and Department of Environment.

Of those the counterclaim, as I have already said, was struck out; and two others of the actions are partially struck out. Since then Mrs Wray has instituted three or four more actions of which two are named in an affidavit of Mr Noble, dated 6 November 1996. Action 19 is by Mrs Wray and Miss Wray against Mr Hutton and Mr Hempsons; action 20 is against Professor Feachem, Dr Waters, Dr Mabey, Camden and Islington Health Authority, Department of Health, London School of Tropical Medicine and Department of Environment.

There is a many-headed hydra, as it were, in the litigation of Mr Wray; as soon as one action is struck out she starts another, if not two more.

What does Mrs Wray say about this? She says that some years ago she was at the London School of Tropical Medicine, or the Hospital for Tropical Diseases, and she was wrongly diagnosed as having leprosy. That was her initial complaint. She was refused Legal Aid to pursue that complaint against the hospital and the doctors; but she is herself legally qualified having received training as a lawyer both in this country and in the Caribbean. She maintains that she has a cause of action, or rather several causes of action, which are good in law. She says that the courts have, in effect, suppressed her complaint by striking out her actions instead of allowing them to proceed to discovery and to trial.

She also complains, and one has some sympathy with this, that the health authorities are constantly changing their names. It is true that there have been a number of changes in the way the health service is run in the last few years, as I happen to know. Mrs Wray says that this is surely a cover-up for something quite sinister.

I take two examples of her proceedings which she mentioned. Action number two is a claim for damages for personal injury against the Health Authority and two doctors. It has been stayed by a Master, and that was upheld on appeal. Apparently the stay was ordered under Ord 18 r 12 of the Rules of the Supreme Court, which says that:

"In a personal injury action there shall be served with the Statement of Claim--

(i) a medical report; and

(ii) a statement of the special damages claimed".

It does not appear to be contemplated that a plaintiff in a personal injury action may wish to proceed without a medical report. There is, however, perhaps provision for that in r 12(1)(b), which says that the Court may make an order dispensing with those requirements.

That did not happen in the present case. The Master stayed the action, and that was upheld on appeal. It is right to mention that some particulars of damage were given in the shape of lost earnings. The multiplicand, that is to say the year's income which was said to be lost, was £50,000,000 and the multiplier, the number of years for which that amount should be awarded, was £50.

The other action taken as an example is action number five, which is for defamation. What it says, in effect, is that the hospital and the doctors have recorded and circulated an assertion that Mrs Wray was suffering from leprosy. She maintains that this is untrue and that she is entitled to damages, among other reasons, under the Slander of Women Act 1891. That action has been struck out as frivolous and vexatious.

Another complaint which Mrs Wray has included in her actions, or says that she is entitled to include, is one of false imprisonment against the hospital. She says that the Council have failed to rehouse her when they should have done, that she is unable to get jobs and that she has been denied Social Security benefits.

There is authority of the Court of Appeal that where actions started by a vexatious litigant have come to an unsuccessful conclusion we, in an application of the present nature by the Attorney-General, are not entitled to reopen the question whether that conclusion should have been reached. The authority is the case of Attorney-General-v-Jones [1990] 2 All ER 636 [1990] 1 WLR 859. There Lord Donaldson MR said this at page 863 of the former report:

"The fifth and last issue of law arose out of Mr Jones' wish to challenge the conclusion of various judges in the underlying proceedings that his conduct in those particular proceedings had been vexatious or had involved an abuse of the process of the court. We ruled that he was not free to do so. If any such conclusion, was or was thought by Mr Jones to be erroneous, the remedy was to appeal in those proceedings or, where it was said that the judgment was vitiated by the fraud of other parties, to take appropriate steps to have the judgment set aside. But if that was not done, the decision must stand and is capable of forming the basis for the court being satisfied upon an application under s.42 that Mr Jones had habitually persistently and without any reasonable ground acted in the manner referred to in subsection (1)(a) and/or (b)".

In the light of that decision we cannot enter upon the question whether Mrs Wray's actions have been properly struck out. In those circumstances, it appears to me inevitable on the facts of this case, that we should conclude that she has habitually and persistently and without reasonable cause started legal proceedings and pursued applications in them in a manner which is vexatious.

The order sought by the Attorney-General must be made. We do not say that Mrs Wray has no cause of action which the law would enforce. What we do say is that her actions or applications thus far has been vexatious, as is plain. She still has the right to apply to a judge for leave to start or continue proceedings. Any such action will meet the same fate as her litigation has in the past unless she can produce a Statement of Claim, for a cause of action which is not frivolous, not vexatious and contains nothing else. For those reasons I would make the order as sought.

TUCKER J: I agree.

Order granted