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Judgment: approved by the Court for handing down | *Delivered:* **08/06/18**
(subject to editorial corrections)

IN THE HIGH COURT OF JUSTICE OF NORTHERN IRELAND

QUEEN'S BENCH DIVISION

BETWEEN:

Zeus Mitchell and Daniel Osula

Plaintiff;

and

Moya McElreavy and Gateway Social Services

Defendant.

Master Bell

INTRODUCTION

[1] The plaintiffs, Zeus Mitchell and Daniel Osula, are a married couple. They commenced legal proceedings by serving a writ on the two defendants. The first defendant is Moya McElreavy, a team leader in the Housing Solutions Department of the Northern Ireland Housing Executive, and the second defendant is Gateway Social Services. For the purpose of clarity I mention that Gateway Social Services is not an independent legal entity, but merely an operational element of the relevant Health and Social Care Trust. The plaintiffs appear as personal litigants. Mr Stephen Elliott appears on behalf of the first defendant and Mr Finbar Lavery appears on behalf of the second defendant.

[2] The writ contains an indorsement of claim. Mr Elliott submitted that, as the claim was for general damages, a generally endorsed writ rather than a specially endorsed writ should have been served. He is correct as a matter of practice but I have granted the plaintiffs some latitude here and will simply treat the indorsement on the writ as a statement of claim.

[3] The indorsement possesses a number of grammatical shortcomings. For example, at times it is unclear which plaintiff or which defendant is being referred to. However the indorsement is sufficiently clear to summarise the plaintiffs' allegations as follows.

[4] In February 2017 the first plaintiff presented herself and her son as homeless persons to the Northern Ireland Housing Executive. She claimed that Leo Varadkar, the Irish Taoiseach, had instructed other government officials to murder her family in the Republic of Ireland. Within a few days the first plaintiff revisited the Republic of Ireland, then returned to Northern Ireland with her other children, and the Housing Executive then allocated them with temporary accommodation. A few days after that, the second plaintiff came to Belfast and met with officers of the Housing Executive. He reiterated that a number of persons, including Leo Varadkar, the Director of Public Prosecutions, Judge Flanagan, the Chief State Solicitor, and the President of the Circuit Court were attempting to murder the first plaintiff and her family in order to conceal a very serious crime. The plaintiffs allege that the Housing Executive accepted the husband's claim and stated that both plaintiffs should be assessed together for housing needs.

[5] The plaintiffs allege that in March 2017 a social worker from Gateway Social Services paid the plaintiffs a home visit and compiled a report on the plaintiffs' family.

[6] The plaintiffs allege that the Housing Executive refused to fund the plaintiffs' emergency accommodation and insisted that the plaintiffs and their family must be returned to the Republic of Ireland. The plaintiffs refused to be returned to the Republic of Ireland and made a request for a copy of the records compiled in respect of them by the Gateway social worker.

[7] The plaintiffs allege that the report states, amongst other things, that the first plaintiff is delusional that her finance is controlled by the Irish government; that that there are concerns in respect of the first plaintiff's mental health and parenting skills; that the first plaintiff lacks motivation to do things herself; that the children are not in school; and that the plaintiffs' homelessness is under investigation.

[8] The plaintiffs allege that both plaintiffs purposefully excluded their claim from the report in order to protect the names of the Irish government officials involved in the attempt to murder a British family in the Republic of Ireland.

[9] The plaintiffs claim that a report which insists that a British citizen must be extradited to the Republic of Ireland, after that British citizen has made a complaint of an attempt by the Irish government, is an attempt to

undermine their British citizenship and a contempt to the British government. They claim that the second defendant's description of the first plaintiff's claims as "delusional", without any reference being made to the claims having been supported by the second plaintiff, is proof of the continuation of an attempt to murder and torture a British citizen in the Republic of Ireland.

[10] The indorsement then goes on to set out the torts which the plaintiffs allege flow from these facts and claims not only a combined sum of £1.6 million in damages from the defendants but also the resignations of all defendants named in the proceedings from all public offices.

[11] Before me are applications by each defendant under Order 18 Rule 19 to strike out the action on the basis that it discloses no reasonable cause of action.

REPRESENTATIONS

[12] On the day listed for the hearing of this application there was no appearance on behalf of the plaintiffs. Given that the hearing was being held in the Deputy Masters' chambers as my chambers were being used by the Justices of the Supreme Court as a retirement room, I asked for Mr Elliott's instructing solicitor to see if the plaintiffs had mistakenly attended there and also to have them paged at reception. After a short while he returned and informed me that he could find no trace of the plaintiffs. Given that the plaintiffs had appeared to have been properly served with the summonses issued by each defendant, I allowed the hearing to proceed.

[13] Four days after the hearing, the first plaintiff appeared in the Summons Court in connection with other litigation which she has commenced. I informed her that an application had been listed four days previously and enquired whether she and her husband had been aware of the listing. She replied that they had been aware of the listing but had taken the view that they did not need to contest the application. I informed the plaintiff that no order had yet issued on the application and enquired whether she and her husband wished to make submissions in respect of the application. She said that they did not, and that they would leave the matter in my hands.

APPLICATION TO AMEND THE SUMMONSES

[14] At the hearing I observed to counsel that each summons contained a bare application to have the action struck out on the basis that there was no reasonable cause of action. That is an application under order 18 Rule 19 (1)(a). As it stood neither party could apply to have the action stuck out on the basis that the action was scandalous, frivolous or vexatious which is an application which can be made under Order 18 Rule 19 (1)(b). However the skeleton arguments by both counsel seemed to seeking such a remedy. Both counsel then made oral applications for leave to amend their summons so as

to include an application also under Order 18 Rule 19 (1)(b). I saw no reason not to allow this and granted their applications.

THE LAW ON STRIKING OUT

[15] Order 18 Rule 19 of the Rules of the Court of Judicature provides:

> "(1) The Court may at any stage of the proceedings order to be struck out or amended any pleading or the endorsement of any writ in the action, or anything in any pleading or in the endorsement, on the ground that-
>
> (a) it discloses no reasonable cause of action or defence, as the case may be; or
>
> (b) it is scandalous, frivolous or vexatious; or
>
> (c) it may prejudice, embarrass or delay the fair trial of the action; or
>
> (d) it is otherwise an abuse of the process of the court,
>
> and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.
>
> (2) No evidence shall be admissible on an application under paragraph (1)(a)."

[16] The purpose of the striking out provisions is essentially to protect defendants from hopeless litigation. But it may not be invoked to deprive plaintiffs of their right to bring an arguable matter before the courts.

[17] In *Lonrho v Al Fayed* [1992] 1 AC 448 the court held that, on an application to strike out an action on the basis that it discloses no reasonable cause of action, the cause pleaded must be unarguable or almost incontestably bad.

[18] In *O'Dwyer and Others v Chief Constable of the Royal Ulster Constabulary* [1997] NI 403 the Court of Appeal for Northern Ireland reviewed the authorities on the test to be applied in such applications. It held that the summary procedure for striking out pleadings was only to be used in "plain and obvious" cases; it should be confined to cases where the cause of action was "obviously and almost incontestably bad"; and that an order striking out should not be made "unless the case is unarguable".

[19] The Court of Appeal in *O'Dwyer* quoted Sir Thomas Bingham in *E (A Minor) v Dorset CC* [1995] 2 AC 633 at 693-694, a passage approved by the House of Lords:

> "I share the unease many judges have expressed at deciding questions of legal principle without knowing

> the full facts but applications of this kind are fought on ground of a plaintiff's choosing, since he may generally be assumed to plead his best case and there should be no risk of injustice to plaintiffs if orders to strike out are indeed made only in plain and obvious cases. This must mean that where the legal viability of a cause of action is unclear (perhaps because the law is in a state of transition) or in any way sensitive to the facts, an order to strike out should not be made. But if after argument the court can be properly persuaded that no matter what (within the reasonable bounds of the pleading) the actual facts the claim is bound to fail for want of a cause of action, I can see no reason why the parties should be required to prolong the proceedings before that decision is reached."

[20] In reaching a determination as to whether the test for striking out on the ground that there is no reasonable cause of action is satisfied, the court is confined to consideration of the pleadings alone. The facts alleged in the endorsement are assumed, for the purpose of the application, to be correct. Order 18 Rule 19(2) prohibits the court from consideration of evidence offered by a party to supplement the averred facts.

[21] The defendants also apply for the plaintiffs' action to be struck out on the basis that it is frivolous, vexatious or an abuse of process. In *Attorney General of Duchy of Lancaster v L&NW Railways* [1892] 3 Ch. 274 at 277 Lindley L.J. held that the words frivolous or vexatious are meant to refer to cases which are "obviously unsustainable". The pleading must be "so clearly frivolous that to put it forward would be an abuse of the process of the court" (per Jeune P in *Young v Holloway* (1895) P 87 at 90). In *McClenaghan (Chief Inspector) v Maxwell* [2000] NIJB 109 the Court of Appeal for Northern Ireland considered what constituted a "frivolous" application. Carswell LCJ stated:

> "There have been several definitions of what constitutes a frivolous application in this context, and I may say that it does not partake of the normal colloquial sense of frivolity as involving light-heartedness or foolish humour. It means in law something which no reasonable person could regard as properly founded, and before the matter came before the Court of Appeal in England in the case which I am about to cite there were several definitions propounded at first instance. Perhaps the most useful one was that given by Macpherson J in R v Betting Licensing Committee Cardiff Petty Sessions, ex parte Les Croupiers Casinos Ltd (1992, unreported) where he defined it to mean that there was no possible prospect of a case succeeding because there was no

substance in the request that a case should be stated. He said in a later case, R v Lowestoft Magistrates, ex parte Adamson [1996] COD 276, that the word meant that the matter did not brook of any substantial argument, or was so clear that the matter should not be investigated. This was considered in some detail by the Court in Appeal in R v Mildenhall Magistrates' Court, ex parte Forrest Heath District Council (1997) 161 JP 401. At page 408 Lord Bingham LCJ stated as follows:

> "What the expression means in this context is, in my view, that the court considers the application to be futile, misconceived, hopeless or academic. That is not a conclusion to which Justices to whom an application to state a case is made will often or likely come. It is not a conclusion to which they can properly come simply because they consider their decision to be right or immune from challenge. Still less is that a conclusion to which they can properly come out a desire to obstruct the challenge to their decision or out of misplaced *amour propre*, but there are cases in which Justices can properly form an opinion that an application is frivolous. Where they do it would very helpful to indicate, however briefly, why they form they opinion. A blunt and unexplained refusal, as in this case, may well leave an applicant entirely uncertain as to why the Justices regard an application futile, misconceived, hopeless or academic. Such uncertainty is liable to lead to unnecessary litigation and expenditure on costs." "

[22] In reaching my decision I have borne in mind that pleadings may suffer from various degrees of defectiveness. Paragraph 18/19/13 of "The Supreme Court Practice 1999" ("The White Book") states that where a pleading is defective only in not containing particulars to which the other side is entitled, an application should be made for particulars and not for an order to strike out the pleading. It notes that even a serious want of particularity in a pleading may not justify striking out if the defect can be remedied and that defect is not the result of a blatant disregard of court orders and cites *British Airways Pension Trustees Limited (Formerly Airways Pension Fund Trustees Limited) v Sir Robert McAlpine & Sons Limited & ORS* 72 B.L.R. 26 (CA) as authority for the proposition. That decision also emphasises that the basic purpose of pleadings is to enable the opposing party to know what case is being made in sufficient detail to enable that party properly to prepare to answer it and that pleadings are not a game to be played at the expense of the

litigants, nor an end in themselves, but a means to the end, and that end is to give each party a fair hearing.

[23] In the changed legal landscape of recent years which sees a much greater number of personal litigants coming before the courts, particulars of claim may be such as were described by Butterfield J in *Mehta v. Mayer Brown Rowe and Maw (a firm) and another* [2002] EWHC 1689 (QB), namely "diffuse, opaque and on occasion wholly incoherent, and in large measure very difficult to penetrate". However, as he stated, that fact on its own does not drive the claimant from the judgment seat. The general approach therefore adopted by courts is that personal litigants should be given the benefit of any lack of clarity in a pleaded case and, as Tugendhat J said in *Merelie v. Newcastle Primary Care Trust* [2006] EWHC 150 (QB) pleadings should be interpreted with appropriate latitude. Lay litigants should not be held to the same standard of accuracy, skill and precision in the presentation of their case as that required of lawyers. As Judge Serota said in an Employment Appeals Tribunal context, where pleadings are prepared by self-represented parties, courts should not therefore be too legalistic in their approach, providing that the opposing party knows the case it has to meet and has a proper opportunity to do so. (*Pousson v. British Telecommunications plc* [2005] All E.R. (D) 34 (Aug)).

THE FIRST DEFENDANT'S APPLICATION

[24] As I observed in *Greg Foster, A Man and One of the People v John McPeake* and Others [2015] NIMaster 14 :

> [16] There is an important underlying legal issue involved in these proceedings. That issue is what legal recourse does a member of the public have if a civil servant or other public official makes a decision which the member of the public believes to be wrong and injurious. Mr Elliott submitted that it was a matter of settled law that an individual public servant does not owe a duty of care to the plaintiff. The plaintiff conversely submitted that he could sue a civil servant if their conduct caused him injury. He stated that all men and women were under law. He drew an analogy with company law, stating that where an action was carried out on behalf of a limited company, company directors could be held to account for the actions of the company.
>
> [17] I consider that the plaintiff's argument is entirely misconceived. Civil servants and public officials can only rarely be held individually accountable for actions which are performed on behalf of government departments and public agencies. The principal mechanism for doing so is the tort of misconduct in public office. The plaintiff has not alleged that

> tort against Mr McPeake (although he has alleged it against the other defendants). The plaintiff was quite frank in his submissions. He stated that he and his co-owners of the property were not aware of what their rights were in 2010 when a vesting order was proposed. They did not seek to bring judicial review proceedings in respect of the redevelopment plans, nor did they use any other appropriate mechanism to challenge the proposed order.
>
> [18] Although a lack of style and clarity which may exist in a personal litigant's pleadings can be treated with a degree of latitude, the lack of a reasonable cause of action cannot. On my analysis of the plaintiff's Statement of Claim, it contains no allegation of facts which, when one assumes them to be true, would give rise to a reasonable cause of action against Mr McPeake. On this basis alone I consider that it is appropriate to grant the application and strike out the action on the basis that there is no reasonable cause of action against Mr McPeake."

[25] The indorsement in the plaintiffs' writ completely fails clearly to identify any particular action which Moya McElreavey took on behalf of the Northern Ireland Housing Executive. There is no indication whether she is a person who interviewed the plaintiffs, whether she was a decision-maker who made decisions in the light of interviews carried out by others, or whether she simply communicated to the plaintiffs decisions which had been made by others.

[26] I note that the indorsement on the writ fails on occasion to distinguish between the two defendants. That is to say it makes an allegation against "the defendants" without distinguishing which defendant has carried out what action. Since paragraph 17 of the indorsement does seem possibly to raise an allegation that the tort of misfeasance in public office has been committed, I shall construe the indorsement in the widest possible way and deal with the application on that basis.

[27] In *Three Rivers District Council and Others v Governor and Company of The Bank of England* [2000] UKHL 33 Lord Steyn set out the requirements of the tort of misfeasance in public office as follows. Firstly, the defendant must be a public officer. Secondly, the defendant must be exercising power as a public officer. Thirdly, in terms of the state of mind of the defendant, there must be bad faith in the sense of an exercise of public power for an improper or ulterior motive, or an absence of an honest belief that his act is lawful.

[28] In *Three Rivers DC and others v Governor and Company of the Bank of England (No. 3)* [2001] UKHL 16 [at 185 – 186] Lord Millett said:

"183. Having read and re-read the pleadings, I remain of opinion that they are demurrable and could be struck out on this ground. The rules which govern both pleading and proving a case of fraud are very strict. In *Jonesco v Beard* [1930] AC 298 Lord Buckmaster, with whom the other members of the House concurred, said, at p 300:

> "It has long been the settled practice of the court that the proper method of impeaching a completed judgment on the ground of fraud is by action in which, *as in any other action based on fraud, the particulars of the fraud must be exactly given and the allegation established by the strict proof such a charge requires*" (my emphasis).

184. It is well established that fraud or dishonesty (and the same must go for the present tort) must be distinctly alleged and as distinctly proved; that it must be sufficiently particularised; and that it is not sufficiently particularised if the facts pleaded are consistent with innocence: see *Kerr on Fraud and Mistake* 7th ed (1952), p 644; *Davy v Garrett* (1878) 7 Ch D 473, 489; *Bullivant v Attorney General; for Victoria* [1901] AC 196; *Armitage v Nurse* [1998] Ch 241, 256. This means that a plaintiff who alleges dishonesty must plead the facts, matters and circumstances relied on to show that the defendant was dishonest and not merely negligent, and that facts, matters and circumstances which are consistent with negligence do not do so.

185. It is important to appreciate that there are two principles in play. The first is a matter of pleading. The function of pleadings is to give the party opposite sufficient notice of the case which is being made against him. If the pleader means "dishonestly" or "fraudulently", it may not be enough to say "wilfully" or "recklessly". Such language is equivocal. A similar requirement applies, in my opinion, in a case like the present, but the requirement is satisfied by the present pleadings. It is perfectly clear that the depositors are alleging an intentional tort.

186. The second principle, which is quite distinct, is that an allegation of fraud or dishonesty must be sufficiently particularised, and that particulars of facts which are consistent with honesty are not sufficient. This is only partly a matter of pleading. It is also a matter of substance. As I have said, the defendant is entitled to know the case he has to meet. But since dishonesty is usually a matter of inference from

> primary facts, this involves knowing not only that he is alleged to have acted dishonestly, but also the primary facts which will be relied upon at trial to justify the inference. At trial the court will not normally allow proof of primary facts which have not been pleaded, and will not do so in a case of fraud. It is not open to the court to infer dishonesty from facts which have not been pleaded, or from facts which have been pleaded but are consistent with honesty. There must be *some* fact which tilts the balance and justifies an inference of dishonesty, and this fact must be both pleaded and proved."

[29] In the light of the authorities therefore, any proper claim which the plaintiffs consider they may have in relation to how they have been treated in respect of their housing application should not have been brought against Moya McElreavey personally, but against the Northern Ireland Housing Executive as an entity. Furthermore there are no facts pleaded which give rise to any proper basis for an allegation of misfeasance in public office. I therefore have no hesitation in striking out the action as against the first defendant on the basis that there is no reasonable cause of action. I also consider that the action against the first defendant should be struck out on the basis that it is frivolous (in the previously discussed sense of being futile, misconceived, hopeless or academic).

THE SECOND DEFENDANT'S APPLICATION

[30] Having struck out the action against the first defendant, I now turn to the application by the second defendant. I shall deal with this under the headings of the various heads of claim which the plaintiffs allege against Gateway Social Services in their indorsement of claim.

Illegal extradition

[31] The first head of claim is illegal extradition. The indorsement contains no alleged facts on the basis of which it can possibly be asserted that Gateway Social Services attempted to have the plaintiffs extradited to the Republic of Ireland. Furthermore, even if such facts had been alleged, illegal extradition is not a recognised tort. Of course, had there been an illegal attempt to extradite the plaintiffs, that attempt would probably have involved an assault or false imprisonment if, for example, they had been taken into custody with a view to transporting them to the border. However no such assault or false imprisonment has been alleged as part of an attempt to extradite. This head of claim must therefore be struck out on the basis that there is no reasonable cause of action.

Fraud

[32] The plaintiffs' also allege fraud in their indorsement of claim. There are three portions of the indorsement which make reference to fraud:

> "(17) The plaintiff's claim that the defendant's claim that the plaintiff lack motivation is an abuse of the public office and a fraudulent misrepresentation of personal records held by the Housing Executive." [*sic*]
>
> and
>
> "(23) The plaintiff claim there has never been any domestic violence or any complaint or report of domestic violence to her records while living in Longford Republic of Ireland, and that the records that there is domestic violence in Longford is a complete fraud, false and farce." [*sic*]
>
> and
>
> "(28) The plaintiff claim that the second defendant is also liable to pay the sum of £600,000 for damages caused by recklessness and for the same attempt to illegally extradite a British family to the Republic of Ireland, false imprisonment of a British family in Belfast, fraud and defamation." [*sic*]

[33] There are no facts alleged which support a claim of fraud by Gateway Social Services. None of these paragraphs is therefore sufficient to raise an allegation of fraud against the second defendant and this head of claim must also be struck out on the basis that there is no reasonable cause of action.

False Imprisonment

[34] The plaintiffs claim in their indorsement to be falsely imprisoned in Belfast. The indorsement states:

> "To date, the plaintiff claim to be falsely imprisoned at [*address omitted by the court for reasons of privacy*] because she is the only British citizen with British value living in West Belfast, as all other British citizens with British values are housed in the South of Belfast, Northern Ireland." [*sic*]

[35] This head of claim stands no chance of success. Clark and Lindsell on Torts (22nd edition) states at para 15-23:

> "False imprisonment is the 'unlawful imposition of constraint on another's freedom of movement from a particular place'. The tort is established on proof of (1) the fact of imprisonment; and (2) the absence of lawful authority to justify that imprisonment for these purposes, imprisonment is complete deprivation of liberty for any time, however short, without

> lawful cause. … It is enough that his movements are constrained at the will of another. The constraint may be actual physical force, amounting to a battery, or merely the apprehension of such force, or it may be submission to a legal process."

The facts asserted by the plaintiffs do not in any way support an allegation of false imprisonment by Gateway Social Services. No deprivation of liberty at any time has been alleged. Furthermore, I note that I have at various times had appearances from each of the plaintiffs before me in the summons court and there was no indication that they were in the custody of any state agency on those occasions. It is clear from the indorsement on the writ which I have referred to that the concept of false imprisonment which the plaintiffs are basing the action on is entirely inconsistent with the definition of that concept in law. This head of claim must also therefore be struck out on the basis that there is no reasonable cause of action.

Trespass to the person

[36] The indorsement frequently claims that certain named persons in the Republic of Ireland are attempting to murder the first plaintiff and her family. Paragraph 21 of the indorsement then takes matters further and claims that it is also the defendants who have committed attempted murder:

> "The plaintiffs claim that the defendants consistent pursuit to return UK family to the Republic of Ireland is the attempt to murder a British family in Ireland and to conceal the state crime conducted by the Irish government on UK nationals." [*sic*]

[37] As a matter of law, there is a distinction between an attempt and a conspiracy. Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 provides:

> "If, with intent to commit an offence to which this Article applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence."

Article 9 of the 1983 Order provides :

> "Subject to the following provisions of this Part, if a person agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either—

(a) will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement, or

(b) would do so but for the existence of facts which render the commission of the offence or any of the offences impossible,

he is guilty of conspiracy to commit the offence or offences in question."

[38] The plaintiffs' allegation is that various Irish officials have attempted to murder them. They have alleged no act which has been committed by any of the Irish officials which is capable of being viewed, to use the language of the statute, as more than merely preparatory to the commission of an offence of murder. It is perhaps more likely that the plaintiffs have used incorrect legal language and believe that a conspiracy to murder them exists. However, even if it were true that the Irish Prime Minister, the Irish Director of Public Prosecutions, the Irish Chief State Solicitor, judges, police officers and Revenue officials had been involved in a conspiracy to have the plaintiffs murdered, it would be highly unlikely that the Housing Executive and Gateway Social Services would believe it to be true. Therefore any action taken by the Housing Executive and Gateway Social Services would not be for the purpose of protecting the identity of the conspirators.

[39] This head of action must therefore also be struck out on the basis that there is no reasonable cause of action.

Defamation

[40] Paragraph 16 of the plaintiffs' indorsement concerning this head of claim states as follows:

> "The plaintiff claim that any report compiled by Housing Executive which state that there is concern about mental health and parenting skills of an individual without advice and parenting skills of an individual without advice from a medical professional is an act of defamation, and an official attempt to illegally separate mother and child." [*sic*]

[41] Mr Elliott submitted that what the plaintiffs are alleging in their indorsement is that, because the Housing Executive reached a conclusion about the mental health and parenting skills of the first plaintiff without first seeking the advice of a medical professional, the reaching of that conclusion amounts to "an act of defamation". The indorsement therefore attacks not the conclusion itself so much as the manner in which the conclusion was reached. This head of claim must therefore also be struck out on the basis that there is no reasonable cause of action.

Violation of Article 8 of the European Convention on Human Rights

[42] The plaintiff's indorsement states ;

> "(24) The plaintiff claim that no consent was given to any organisation in Northern Ireland to approach her children's school, GP and Health officers.
>
> (25) The plaintiff claim that the defendant's approach her children's school, GP and health officers violated her right to private life and family." [*sic*]

[43] This element of the indorsement seems to fail to understand that social services have statutory responsibilities and do not require the consent of particular parents to make enquiries in the event that they have concerns about the wellbeing of children. This head of claim must also therefore be struck out on the basis that there is no reasonable cause of action.

[44] As well as striking out each head of claim on the basis that there is no reasonable cause of action, I also consider that each head of claim against the second defendant should be struck out on the basis that it is frivolous (in the previously discussed sense of being futile, misconceived, hopeless or academic). To allow this action to proceed would represent a waste of public money and delay the cases of other litigants whose cases deserve court time.

[45] I shall now hear the parties as to the costs of this application.