

Neutral Citation No: [2018] NIQB 9

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Ref: MAG10537

Delivered: 30/1/2018

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION

17/46253/01/A01

APPEAL FROM THE COUNTY COURT FOR THE DIVISION OF BELFAST

BETWEEN:

ELLEN RICE

Appellant/Plaintiff;

-and-

NORTHERN IRELAND HOUSING EXECUTIVE

Respondent/Defendant.

MAGUIRE J

Introduction

[1] This is an appeal by the appellant/plaintiff (hereinafter "the appellant") against a decision and order made by His Honour Judge Devlin ("the Judge") dated 10 October 2017 dismissing a civil bill issued by the appellant against the Northern Ireland Housing Executive ("the respondent").

[2] The terms of the order made were as follows:

"1. An order pursuant to Order 5 Rule 3(3) of the County Court Rules (Northern Ireland) 1980 dismissing these proceedings by virtue of the plaintiff's failure to provide adequate and sufficient replies to the defendant's notice for further and better

particulars ... and also by virtue of the plaintiff's failure to provide any or adequate replies to the defendant's additional notice for further and better particulars herein dated 25 August 2017.

2. An order pursuant to the inherent jurisdiction of the court and Article 49 of the County Courts (Northern Ireland) Order 1980 dismissing these proceedings by virtue of the same disclosing no reasonable cause of action."

[3] The civil bill to which the order relates was dated 11 May 2017. It claimed £30,000 damages for:

"Trauma, stress, identity fraud, fraud and deception, human rights abuse, slander, discrimination, lead into a trap at [address] provided the property for this trap."

[4] Subsequent to the issue to the proceedings, on 21 June 2017 the respondent sought from the appellant particulars of the matter set forth in the civil bill above.

[5] This request did not result in a formal response from the appellant but a number of documents were provided by the appellant to the respondent. These documents, which the court has read, refer to a wide variety of matters and are not easy to relate to the original claim.

[6] There appears to have been a case management hearing in front of the Judge on 21 August 2017. At it the Judge directed that the respondent should provide a further notice for further and better particulars to the appellant. The respondent complied with this request and such a notice was issued to the appellant by the respondent on 25 August 2017.

[7] In substance, the notice sought:

"1. ... full particulars of the alleged trauma which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

2. ... full particulars of the alleged stress which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

3. ... full particulars of the alleged identity fraud which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

4. ... full particulars of the alleged fraud and deception which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

5. ... full particulars of the alleged human rights abuse which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

6. ... full particulars of the alleged slander which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

7. ... full particulars of the alleged identity fraud which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

8. ... full particulars of the alleged discrimination which the plaintiff suffered, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

9. ... full particulars of the alleged trap at provision of accommodation at 5 Victoria Crescent, naming the person within the Housing Executive who carried out such act, the nature of that act, and the date of that act.

10. ... full particulars of how the £30,000 claim is made up."

[8] No response to this request was provided by the appellant.

[9] This led to an application to the court being made by the respondent which, *inter alia*, sought "an order that the proceedings disclosed no reasonable cause of

action” and dismissal of the proceedings under Order 5 Rule 3 of the County Court Rules (Northern Ireland) 1981 for failure to provide particulars of her claim.

[10] It was this application which led to the Judge in chambers making the order which is referred to above.

The appeal

[11] When the appeal came on for hearing the appellant represented herself. Mr Stephen Elliott BL appeared on behalf of the respondent.

The appellant’s case

[12] In the course of the appellant’s address to the court, she took the court to a variety of documents contained in an extensive book of appeal which had been supplied by the NIHE. In general terms, the appellant’s complaints centred on what she viewed as issues connected to what she divined to be fraudulent identities which have dogged her over a period of years. The origin of her concerns, as the court understood her, could be traced to complaints she had made against a police officer in 1999. This officer, she alleged, sexually harassed her. Her complaint, the appellant believes, was not handled properly by the police and, to illustrate this, she indicated that certain documents in the papers, including an alleged statement of hers to a police complaint’s officer, had been falsified. The appellant described how, in pursuance of her complaint, she had sought the assistance of a politician, who she did not name. However, this politician, far from helping her, intervened to protect persons she described as “high ranking police officers”. In the appellant’s address, she indicated that her complaint had not been addressed over the period since it was made.

[13] In addition to the above, the appellant recounted to the court a range of actions about which she complained. For example, she alleged that the police and the respondent were guilty of perpetrating identity fraud in relation to her; that she had been kept under surveillance by the police, especially by Special Branch; and that this had occurred because she was believed to be involved by the authorities in involvement in terrorism, prostitution and drugs. She said she saw a file in respect of such allegations in 2004 and that, as a result, she had for 14 years been the subject of 24 hours surveillance. Mention was also made by her of an allegation that she had been on a witness protection programme, which was, she said, untrue.

[14] Overall the appellant painted a picture of her being harassed by various State authorities. Necessarily, the summary provided above does not claim to be exhaustive of all the particular points which the appellant has raised. All, however, have been considered.

[15] As regards the NIHE, the appellant focused on failures by it to address her by her proper name or at her proper address. In this regard she took the court to various letters within the trial bundle, some of which were from the Housing Executive, and which she said were wrong because:

- The address or post code for her given in the letters was wrong; or
- She was described as a “Miss” or a “Ms”, descriptions she says are wrong; or
- Her surname was misdescribed or misspelt.

[16] Many of the documents to which the appellant referred it is clear are now of some vintage.

[17] A particular allegation made by the appellant was that her treatment constituted “one of the worst crimes since the Second World War”.

[18] Also of note was an allegation made by the appellant that a young man who had helped her in the early 2000s was later murdered. She appeared to relate this murder to the fact that he had been helping her.

The respondent’s case

[19] For the respondent, Mr Elliott argued that the legal documents relating to the proceedings disclosed no reasonable cause of action. In dismissing the civil bill on this basis the County Court Judge had acted properly and the court, he considered, should dismiss the appeal.

[20] Moreover counsel argued that the appellant simply had failed to provide replies to particulars properly sought and in that respect also the County Court Judge had been right to take the course which he did.

The court’s assessment

[21] When asked why she had not provided particulars, the appellant replied that she did not do so because she had not been addressed properly by the Judge or by the respondent’s solicitors. They had, in particular, referred to her name in a flawed way. She pointed out that since a divorce many years ago, her proper name was Mrs Ellen Thackray nee Rice, and that she was being addressed in other forms which she did not regard as proper.

[22] Having regard to all of what the applicant said and having considered the papers before it, the court has been unable to identify any reasonable cause of action against the respondent. Many of the allegations the appellant has made are against authorities other than the respondent and so are not matters within the compass of

the proceedings before the court. Where allegations have been made against the respondent they have not been substantiated by coherent particulars. In the court's view there is substance in Mr Elliott's comment that the respondent does not know the case which is being made against it. In the court's opinion, the reasons given by the appellant for not replying to the notice for particulars were neither convincing nor sufficient.

[23] While clearly the applicant is a troubled person who feels strongly about the allegations to which she referred, the court is unable to see how these allegations can properly be the substance of the current legal proceedings against the respondent. As presently constituted, the proceedings, in the court's opinion, disclose no reasonable cause of action with any prospect of success.

[24] While the court appreciates that this outcome will be a disappointment to the appellant, and that she will see the court's approach as amounting to a miscarriage of justice, the reality, in the court's view, is that the various wrongs which she considers have been perpetrated upon her are not within the scope of the proceedings that she has issued against the respondent. These proceedings lack any or sufficient focus or clarity to enable them to be defended.

[25] Regrettably, therefore, the court has no option but to dismiss the appellant's appeal.