



Neutral Citation Number: [2024] EWHC 2737 (Ch)

Case No: PT-2023-001073

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**PROPERTY TRUSTS & PROBATE LIST**

Royal Courts of Justice  
Rolls Building, Fetter Lane, London, EC4A 1NL

Date: 29 October 2024

**Before :**

**MR DAVID HALPERN KC SITTING AS A HIGH COURT JUDGE**

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**Between :**

**(1) LLOYDS BANK PLC** **Claimant**

**- and -**

**(2) TREVOR MEALHAM**  
**(3) TRACEY ALFORD** **Defendants**

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**Mr James Potts** (instructed by **DLA Piper UK LLP**) for the **Claimant**  
The **First Defendant** appeared as a litigant in person

Hearing dates: 25 and 28 October 2024  
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**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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MR DAVID HALPERN KC SITTING AS A HIGH COURT JUDGE

**Mr David Halpern KC :**

1. This judgment is structured as follows:
  - (1) The facts;
  - (2) The hearing before me on 25 and 28 October 2024, including the extraordinary behaviour of the First Defendant (“**Mr Mealham**”) which led to the police being called;
  - (3) Mr Mealham’s application of 6 June 2024 for “*set aside of repossession Order*” (the “**Application**”); and
  - (4) A civil restraint order against Mr Mealham.
2. Mr James Potts of counsel appeared for Lloyds Bank plc (the “**Bank**”); Mr Mealham appeared as a litigant in person (“**LIP**”), as he has throughout these proceedings. The Second Defendant is his long-term partner. She took no active part in the hearing before me, but she sat with him in the video-link on 28 October 2024, and he confirmed that he spoke for her.

**The facts**

3. On 30 October 2013 the Bank made a loan of £86,275 to Mr Mealham on the security of charges over Grove House, 56 Romney Road, Willesborough, Ashford TN24 ORR, owned by Mr Mealham and the Second Defendant. The loan was not repaid and the Bank issued proceedings for possession on 16 February 2017. The Defendants defended and counterclaimed on numerous grounds, including allegations of fraud by the Bank.
4. There were numerous adjournments and transfers of these proceedings, during the course of which:
  - (1) Mr Mealham made an unsuccessful application for extensive disclosure against the Bank. He appealed to HH Judge Simpkins, who dismissed his appeal on 13 November 2017 as being totally without merit (“**TWM**”).
  - (2) On 12 July 2018 HH Judge Nicholas Cooke KC granted an injunction to the Bank to restrain Mr Mealham from harassing and intimidating its witnesses. Mr Mealham’s application for permission to appeal (“**PTA**”) against that order was dismissed by Henderson LJ on 10 May 2019 as being TWM.
  - (3) On 21 July 2018 Tracey Jewsbury, a process server, attempted to serve the injunction order on the Defendants. She says in her witness statement that she was assaulted by Mr Mealham.
5. The possession proceedings eventually came to trial before HH Judge Johns KC sitting in the County Court at Central London in August 2022. He stated in his judgment at [2]:

*“The trial took place over four days. I had a number of applications to deal within the course of the trial. Two of those reflected a strong theme in these proceedings; a theme to which Mr Mealham returned repeatedly in evidence, questions, and submissions during the trial. It is that the Bank’s treatment of him is just one example of what is widespread fraud being carried out by the Bank against very many of its business customers. On the first day of the trial, I dismissed an application of his dated 18 August 2022 for orders for more than a dozen further witnesses including senior figures at, or formerly at, the Bank, as well as the former chief regulator at the Financial Conduct Authority, and a former police commissioner. On the third day of the trial, I dismissed an application to adduce in evidence several lever arch files of documents said to include evidence of fraud in 96 other cases. I gave my reasons for dismissing those applications at the time. When granting an earlier interim injunction against Mr Mealham restraining witness harassment and intimidation, HHJ Cooke QC expressed a fear that this litigation would run out of hand unless carefully controlled. To allow Mr Mealham’s applications would have been to allow the proceedings to run out of hand.”*

6. At [37] he referred to:

*“the words used by Mr Mealham during the trial to refer to the Bank, its employees, its conduct, and its lawyers. Those words included "evil", "dishonest", "deception", "systemic fraud", "fraudster", "premeditated", "an attack" and "conspiracy". Those present in court for the Bank had to listen to such words throughout the trial. I wish to make clear, having considered the evidence carefully, that none of those words were justified. The Bank, as I have said, has done nothing wrong.”*

7. A central feature of Mr Mealham’s case was that the Bank had promised him an EFG loan but failed to honour its promise. HHJ Johns KC expressly held that there was no promise of an EFG loan.
8. Mr Mealham’s application for PTA against the judgment of HHJ Johns KC was dismissed by Richards J on 1 March 2023 as being TWM. On the same occasion Mr Mealham made an application under the Bankers’ Books Evidence Act 1879, which was also dismissed by Richards J as being TWM.
9. On 31 July 2023 Mr Styles, a County Court bailiff, attended the property to serve the warrant for possession. Mr Andrew Horton of DLA Piper explains in his witness statement of 26 April 2024 that Mr Styles was assaulted by Mr Mealham and was off work for several weeks as a result of the assault.
10. On 23 August 2023 Recorder Jourdan KC, sitting in the County Court at Central London, heard an application by Mr Mealham for “*Strike out Order of Eviction and Restraining Order*”. The Recorder treated this as an application for a suspension of the possession order and for an injunction against the Bank, both of which he refused. I have seen a transcript, which is notable for the numerous interruptions made by Mr Mealham during the course of the judgment. By consent, the Recorder transferred the proceedings to the High Court. At that stage

the only remaining issue in the proceedings was enforcement of the order for possession. Mr Mealham did not apply to the High Court for PTA against the Recorder's order.

11. On 8 May 2024 Deputy Master Francis made dispensing with the requirement to deliver notice of eviction on the Defendants before issuing the writ of possession. This order was made at the Bank's request, in view of Mr Mealham's previous assaults. The order was resealed by Master Brightwell on 20 May 2024 giving the Defendants the opportunity to apply to set it aside under CPR 23.10. (I shall refer to the resealed order as the "**Order**".)
12. On 6 June 2024 the Defendants made his Application for "*set aside of repossession Order*". It is this Application which is now before me.
13. On 3 October 2024 Mr Mealham made an application to have the proceedings transferred to the King's Bench Division on the ground that they raised issues of national security (arising out of the alleged frauds of the Bank) which were better suited to that Division. On 17 October 2024 this application was dismissed by Richards J as being TWM and he directed that the court at the hearing listed before me should consider whether it was appropriate to make a civil restraint order. The reason for Richards J adjourning that question was because Mr Mealham did not attend the hearing on 17 October.

#### **The course of the hearing**

14. The hearing before me began on Friday 25 October 2024 as a hearing in person. I invited Mr Mealham to address me in relation to his Application. He stated that the case raised issues of national security and had to be transferred to the King's Bench Division. I told him that he had already made an application to that effect, which had been dismissed by Richards J, and hence it was not open to him to reopen that issue before me.
15. He then started to tell me about the frauds that he claimed had been committed by the Bank, which he said raised issues of national security. I told him that his allegations of fraud had been dismissed by HHJ Johns KC and that Richards J had refused him permission to appeal against that decision. Hence it was not open to him to reopen that issue.
16. He persisted in referring to issues of national security, to the need to transfer the case to another court, and to the frauds of the Bank. I said that he was wasting the court's time, and that he would do better to focus on the grounds for his Application. He then referred to evidence which he said had been CE-filed. I said that I was not aware of this evidence. I adjourned briefly to enable me to check the CE-file and to read a witness statement from him dated 23 October 2024 which was handed to me. I hoped that this short adjournment might allow tempers to cool.
17. When I returned to court I said that there was nothing recent from Mr Mealham on the CE-file, save for the witness statement which I had now read. I said that, as he appeared unable to address the issues arising on his Application, Mr James

Potts, acting for the Bank, should speak first and then Mr Mealham could respond to him. I reminded Mr Potts that his duty to the court, when faced with a LIP, was draw the court's attention to all relevant facts and law, including anything which might be adverse to his own case. Mr Potts confirmed, as I had no reason to doubt, that he understood his duty to the court.

18. Mr Potts then began to address me but there were frequent, and increasingly intemperate, interruptions from Mr Mealham. Mr Mealham would frequently turn round to the 20 members of the public who were sitting in court and who also became vociferous in their support for him. I warned him that he was committing a contempt in the face of the court and that, if he did not behave himself, I would have to remove him from the courtroom. He then began shouting over me, accusing me of being in contempt of court.
19. I ordered him to leave the courtroom and asked the court's security staff to remove him but he refused to leave. The police were called and attempted to remove Mr Mealham and the 20 members of the public from the courtroom, but they refused to leave. I then returned to court and directed that the hearing be adjourned to Monday, to continue as a remote hearing. My reason for doing so was to be enable me to mute Mr Mealham if he continued to disrupt the proceedings, without having to exclude him from the hearing, and to prevent further incident from the members of the public whom he was encouraging to disrupt the proceedings.
20. On Sunday 27 October 2024 he emailed the papers which he said he had previously filed on the CE-system. I have now read these papers. They are concerned with the allegations of fraud and national security, which I have already ruled are inadmissible. However, he also said: "*I am sorry that Friday ran as it did, my annoyance was being told our evidence was not there when I knew it was the days and weeks before*".
21. Mr Mealham attended the remote hearing on 28 October 2024, along with 66 members of the public, one of whom gave his name as "*King Charles III*". I told Mr Mealham that I was prepared to treat his email as an apology for his behaviour, and that I would allow him to address me, but would mute him if he persisted in referring to irrelevant matters. I am satisfied that this is a proportionate response to Mr Mealham's inability to behave in court, which respects the principles of open justice and access to justice whilst ensuring that Mr Mealham's behaviour is not permitted to further disrupt the proper administration of justice. I also bear in mind that I have Mr Mealham's written submissions, in the Application itself, in his witness statement of 23 October 2024 and in the papers which he emailed over the weekend.
22. I permitted Mr Mealham to address on his Application but I muted him after 10 minutes because he persisted in referring to national security and the Bank's frauds. I gave a short oral judgment with reasons to follow in writing.
23. I then heard Mr Potts' submissions on the question of a civil restraint order. I un-muted Mr Mealham so that he could address me on this question. Once again, he persisted in referring to national security and the Bank's frauds. I muted him

after 15 minutes and then gave a short oral judgment, with reasons to follow in writing.

### Mr Mealham's Application

24. The Application seeks “*set aside of repossession Order*”. As a matter of drafting, it is possible to construe this as an application to set aside the possession order made by HHJ Johns KC and/or the order of Recorder Jourdan KC refusing to stay the earlier order. However, it is not open to Mr Mealham to make either of these applications: he has already made an application for PTA against the order of HHJ Johns KC, which was dismissed as TWM, and he has failed to make any application for PTA against Recorder Jourdan KC's order for more than a year.
25. When I asked Mr Mealham what he was seeking, he said that his application was about “*due process*”. I understand that to be a way of seeking to reopen all the issues which have already been decided against him. This he cannot do. I therefore treat the Application as being an application to set aside the Order.
26. His evidence refers to the following grounds:
  - (1) National security: I have already made it clear that it is not open to Mr Mealham to pursue this issue.
  - (2) The Defendants' son, William is 14 years old and “*like many of the victims children has greatly suffered through Lloyds attack on us, as allowed by State Operatives being wilfully blind*”. I treat this as combining two grounds. One is the allegation of fraud by the Bank. The other is hardship to William. This was considered by Recorder Jourdan KC, who said in his judgment at [34]:

*“The Administration of Justice Acts 1970 and 1973 give the court power to prevent an order for possession from being made or enforced where there is a prospect of repayment of the loan but Mr Mealham has not sought to invoke that jurisdiction. Subject to that statutory jurisdiction, courts have to give effect to the legal rights of the chargee. There is no discretion and therefore, however much sympathy I may feel for Mr William Mealham in the situation he finds himself in, which is not of his making, I cannot see that the fact that William Mealham is a child and from what I have been told is doing very well at school, particularly in maths and undoubtedly will have a great deal of disturbance as the order for possession is enforced, I cannot see that that gives me any jurisdiction to suspend the order.”*

No proper basis has been alleged to enable me to reconsider that decision.

- (3) Apparent bias by Master Brightwell and Deputy Master Francis on the ground that they both belong to “*Lincoln's Inn Chambers*”, as does Mr Peter de Verneuil Smith KC, who appeared as counsel for the Bank at the hearing before the Deputy Master. This allegation is so self-evidently groundless that it can be disposed of very shortly. All three might well be members of Lincoln's Inn (there being only four Inns of Court) but none of the three are

or were in the same set of Chambers. Even if they had been, that would not have been evidence of apparent bias.

27. CPR r.83 contains the rules in relation to writs of possession. A writ of possession may be issued without the need for judicial consideration, provided that there is a regular order for possession and that the order has not been stayed. CPR r.83.8A is a relatively new rule, added in 2020, which requires notification of a proposed eviction to be given to the occupiers unless this is dispensed with. In other words, the only judicial decision which is involved in the Order is the decision to dispense with the requirement of notice of eviction.
28. Mr Potts told me that he is not aware of any judicial decision on r.83.8A, but he referred me to *Gupta v Partridge* [2018] 1 WLR 1 for general guidance. At [53] Foskett J said:

*“[Counsel] makes the powerful submission that those who are to be evicted should be given notice of the time and date of when they are to be evicted. It would enable them to leave beforehand and/or make arrangements for, for example, children's attendance at schools and would, in any event, prevent a family being put out on the street without notice. However, the answer to this has to be that giving notice of an application for permission to apply for a writ of possession does not of itself give such notice and, in any event, where there has, as here, been full participation in the possession proceedings, the tenant (and any associated family occupants) must know that "the clock is ticking" towards eviction before long after the order has been made and that steps for voluntary removal need to be taken in the absence of some positive application for relief being commenced. The burying of heads in the sand is not a sensible option. Any relief sought prior to eviction would be relief from the enforcement proceedings, not relief by way of defence to the possession claim: that issue would have been disposed of. Furthermore, the other side of the policy coin is that the landlord has legitimately obtained a possession order from the court and is entitled to the effective return of his property in accordance with that order.”*

29. The discretion which the court has to set aside the Order derives solely from CPR r.23.10, which provides that any party, who is not served with an application notice before an order is made, may apply within seven days to set aside the order. That is a general rule which applies to all orders made without notice. It follows that there is always a procedural basis for applying to set aside an order made without notice, but it does not follow that there will necessarily be any proper grounds for making the application.
30. As I have indicated, the only judicial decision which was made was to dispense with the requirement to give notice of eviction. I am entirely satisfied that it was justifiable to make the Order in the present case, in view of the following:
- (1) Mr Mealham's real complaint is not about the lack of notice but about the order for possession. However, that order has been in force since September 2022 and is unchallengeable. An attempt to stay it was refused by Recorder Jourdan KC.



(2) There was credible evidence of at least two previous assaults by Mr Mealham, as well as credible evidence that he is associated with a group called Rapid Response which organises gatherings outside the homes threatened with lawful eviction in order to prevent the bailiffs from discharging their duties.

31. I am accordingly satisfied that there is no basis for the Application and, that in view of the focus on allegations of fraud and national security, I certify pursuant to CPR r.23.12 that it was made TWM.

**Civil restraint order**

32. Under CPR r. 23.12 the court is required, of its own motion, to consider whether it is appropriate to impose a civil restraint order. Paragraph 3.1 of Practice Direction 3C empowers the court to make an extended civil restraint order (“**ECRO**”) against a party who “*persistently*” issues claims or makes applications which are TWM. The cases define “*persistently*” as requiring a minimum of three. However the decision is not made by simply counting up the number of TWM applications, but by an evaluation of the party’s overall conduct: *Sartipy v Tigris Industries Inc* [2019] 1 WLR 5892 at [30].

33. In the present case there have been five occasions on which the court has made a total of six TWM findings, viz:

- (1) By HHJ Simpkins on 8 November 2017;
- (2) By Henderson LJ on 10 May 2019;
- (3) By Richards J on 2 March 2023 (two TWM findings);
- (4) By Richards J on 17 October 2024; and
- (5) The finding which I have just made.

34. In addition to these findings, I take into account Mr Mealham’s conduct, which includes the following:

- (1) Credible evidence that he harassed and intimidated the Bank’s witnesses, which led to the injunction imposed by HHJ Nicholas Cooke KC;
- (2) Credible evidence of serious assaults on a process server and a bailiff;
- (3) Credible evidence that he is involved in a self-help group who set out to prevent bailiffs from enforcing regulars orders for possession;
- (4) His extraordinary conduct in court before me on Friday; and
- (5) When I invited him to address me as to why an ECRO should not be made, he persisted in referring to the Bank’s fraud, and the interests of national security. In other words, he showed every intention to continue his present crusade against the Bank unless restrained.

35. In my judgment the Bank is entitled to be protected against this crusade, and it is also necessary to restrain Mr Mealham in order to prevent him from continuing to waste a disproportionate amount of judicial time. The current proceedings are

now at an end, save for any application he may make to the Court of Appeal for PTA. Given that he shows every sign of continuing his campaign against the Bank, I am satisfied that a limited CRO will not suffice and that it is necessary to make an ECRO.

**Disposition**

36. For the reasons set out above, I dismiss Mr Mealham's Application and I impose an ECRO on him for 3 years. I gave two brief oral judgments on 28 October but indicated that my reasons would be set out in this written judgment.
37. Mr Mealham applied at the hearing for PTA against my dismissal of his Application. I refuse that application. I also treat him as having applied for PTA against the ECRO and I refuse that application. He is, of course entitled to apply to the Court of Appeal for PTA. Time for appealing will run from the handing-down of this written judgment.