



LORD CHANCELLOR'S DEPARTMENT

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C. Grant Esq.
32 Riverside Road
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Your reference

Our reference C98/363/10

Date 02 March 2001.

Dear Mr Grant

I am responding to your letter of 26 January and to your subsequent telephone conversations with my colleagues, Mr Hochfelder and Mr Coyne. I am sorry that I have not been able to speak to you myself.

You have complained about several members of the judiciary but, in particular about Mr Justice Toulson who sentenced you to a term of imprisonment in February 1999. I believe you discussed this in some detail during your telephone conversation with Mr Coyne of 16 February. As he understands it, the hearing was an ex-parte application made by Reynolds Porter Chamberlain on behalf of Bindman & Partners. You had previously taken out proceedings against Bindman & Partners and had subsequently made threats against them. They responded by obtaining an Injunction, which you subsequently breached in some way. The hearing before Mr Justice Toulson was in respect of that breach. You have complained that the Judge was unfairly biased against you because his brother, Mr A K Toulson is a senior partner with Reynolds Porter Chamberlain.

As I understand Mr Coyne explained to you on the telephone, Judges are bound by the rules of conflict of interest derived from case law. The most recent example is *Locubail (UK) Ltd v Bayfield Properties Ltd* [2000]. This case reaffirms the fundamental right of all litigants to trial by an impartial tribunal and, in order to prevent unmeritorious challenges to judicial impartiality, it gives guidance to Judges on when they must stand down. A Judge is automatically disqualified if he is shown to have an interest in the outcome of the case he is to decide. A Judge might be disqualified if, on an examination of all the circumstances, the Court concludes that there is a real danger or possibility of bias. The judgment concludes that (ordinarily) an objection could *not* be soundly based on the employment background or history of any member of a Judge's family, nor on Masonic associations. Therefore, the fact that the Judge's brother is a member of the firm of solicitors who represented Bindman & Partners in this case is not a sufficient ground for the Judge to stand down or to substantiate an allegation of bias.

Load of nonsense

In the circumstances I do not believe that there are sufficient grounds to justify our approaching the Judge for his comments.

Yours sincerely

Malcolm S Watts
Head of Division 5, Judicial Group

EXHIBIT F

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