

Neutral Citation No: [2025] NICA 57

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

Ref: KEE12893

**ICOS No: 24/52461/01/A03
& A04**

Delivered: 17/11/2025

IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

**DARREN McMATH AS TRUSTEE IN BANKRUPTCY OF
ISAAC JOHN LITTLE PATTERSON (A BANKRUPT)**

v

**ISAAC JOHN LITTLE PATTERSON
and
JOHN PATTERSON**

**Mr John Patterson appeared as a Litigant in Person
Mr McCausland (instructed by Millar McCall Wylie Solicitors) for Darren McMath
Trustees in Bankruptcy of Isaac John Little Patterson (a bankrupt)
Mr Compton (instructed by the Departmental Solicitor’s Office) for the Official Receiver
for Northern Ireland
Mr Sinton (instructed by Diamond Heron Solicitors) for John Thompson & Son Ltd**

Before: Keegan LCJ and McAlinden J

KEEGAN LCJ (delivering the ex-tempore judgment of the court)

Introduction

[1] On 19 September 2025, the applicant Issac John Little Patterson (Mr Patterson Snr), lodged a document with the Court of Appeal in the following terms:

“Notice of Motion for a nullity of Bankruptcy Order of Issac John Little Patterson, dated 2 June 2023 and incurably null and void county court debt decree of 18 June 2021, and incurably null and void order for possession and sale of lands dated 11 September 2024, due to fraud in the factum misidentification of parties and impermissible double dipping of invoices.”

[2] We invited all interested parties to respond and listed a short hearing in November 2025. That hearing date was brought forward due to a request for expedition on behalf of the applicant who has consistently been represented by his son Mr Patterson Jnr. We, therefore, did not have any case management directions to avoid delay in this case.

This hearing

[2] On the morning of the hearing, Mr Patterson Jr did not appear initially. Fifteen minutes or so into the hearing, he and another man, Mr Boyd, appeared and asked us to receive further files of documents to add to the already voluminous papers. There was also an application made for Mr Boyd to obtain rights of audience and conduct the litigation pursuant to section 106(4) of the Judicature (Northern Ireland) Act 1978. This application was not in the prescribed form we use for McKenzie Friends in the High Court; it was obviously late and was, in our view, without any merit in circumstances where Mr Patterson Jr was present and able to speak for his father as he has done many times before in this court.

[3] We note that Lord Justice McCloskey refused a McKenzie Friend application in a related case *John Issac Patterson and James Barclay and others* [2025] NICA 14, and we adopt the principles set out in that judgment which Mr Patterson Jr would have been made aware of. Overall, we are satisfied that the exceptional circumstances needed for rights of audience for a member of the public were far from established in this case.

[4] We then proceeded to hear arguments from Mr Patterson Jr including his point that his father was gravely ill and that an eviction was a breach of his human rights. We also heard Mr Patterson Jr's arguments about various invoices that were filed in the county court which grounded the original debt. We have taken the time to consider the paperwork having heard the arguments and reserved our ruling. Having done so, we find nothing new was raised of any substance in this application. Also, we are clear that the attempt to taint legal representatives and the trustees in bankruptcy with fraud allegations is unsustainable and improper.

Our conclusions

[5] The material sent to us in writing by Mr Patterson Jr after court dated 11 November 2025 confirms the position that 'this is a notice of motion for nullity not a conventional appeal.' There is no facility for the Court of Appeal to determine such an application which appears to us to be effectively an invented procedure. This court is statutory and has not inherent jurisdiction to hear an appeal where no statute confers it. The Court of Appeal hears appeals from orders and judgments of the lower courts. It does not hear original applications. The notice of motion for nullity can be refused on that basis.

[6] In any event, this court has already heard and dismissed appeals in this case, and the Supreme Court has most recently refused leave to appeal and a stay. Neither Mr Patterson Snr nor Mr Patterson Jr can relitigate matters already litigated on which are also out of time without good reason. This court will not entertain any further applications on the same subject matter having determined that all appeals were without merit previously.

[7] In particular, on 27 February 2025, when the Court of Appeal ruled on the previous appeal in giving the judgment the court highlighted the same issues that arise today.

[8] Finally, we are bound to say that a case that began with a county court decree for £21,113.54 for the cost of fertiliser plus £6,991.93 costs has now unfortunately reached enforcement stage. This was an inevitability as the money was not paid. Consequences flow.

[9] The latest order of Master Moore of 9 October 2025, was made under the Judgments Enforcement (Northern Ireland) Order 1981. Pursuant to Article 53(1) of that legislation, the Master granted the order for delivery of the property and dismissed the objections raised by the Pattersons. The Master, as is apparent from the legislation, has no power to stay any order. Any appeal pursuant to Article 141 of the 1981 Order is to the High Court which has wider powers. We simply point out the relevant statutory provisions as the applicant is a litigant in person.

[9] However, for the reasons we have given, the notice of motion is dismissed. We are firmly of the view that Mr Patterson Snr and Jr would benefit from legal advice to deal with enforcement issues particularly the father's issues which are now the only issues arising in this case.. We consider that this legal advice should be obtained as a matter of urgency. Costs will follow the event against the applicant.