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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	Delivered ex tempore: 13/01/2026

IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

SANTANDER CONSUMER (UK) PLC

v

WILLIAM YOUNG

The Appellant was unrepresented and not present
Mr Gowdy KC and Mr Hermon (instructed by Shoosmiths Solicitors) for the Respondent

Before: McCloskey LJ and McAlinden J

McCLOSKEY LJ (*delivering the ex tempore judgment of the court*)

Introduction

[1] The judicial panel have had ample opportunity both before today and, again, this morning to deliberate on the two issues that require adjudication. The first of these is the appellant’s application for recusal. I have already referred to that application and read the relevant part of the document which was filed in court yesterday. As I observed, and as the court has been reminded, this issue was one of those proactively raised by the court at the pre-hearing case management review on 8 January 2026. Furthermore, in advance of that listing the court took the trouble to email to both parties a document entitled “Recusal Principles and Practice” which contains an excerpt from para [147] of *Re Hawthorne and White* [2018] NIQB 5.

[2] The second point, which I have already made, is that the application for recusal which has now materialised contains nothing whatsoever novel. It is a repetition in substance, if not verbatim, of what the appellant had previously stated in written submissions. That makes the court’s task this morning of course an easier one because we do not have to absorb, or deliberate about, anything new.

[3] We determine the recusal application in the following way. First, the allegations of dishonesty and bias on the part of the presiding judge* are entirely

unparticularised to the point of being unintelligible. Serious allegations of this kind require full particulars and specificity. There is neither. It is not a matter for this court to speculate about what the particulars might be. It is, rather incumbent upon the appellant, who is the moving party, to provide a properly and reasonably particularised application. He has failed to do so. (*the author of this judgment)

[4] That failure has unfolded in circumstances where the court also brought to the attention of the parties, in a timeous way, its recent decision in the case of *Blaney**, which drew attention to the overarching importance of providing clarity, particularisation and specificity in every application of every kind to every court. Thus, the appellant has had ample opportunity to formulate a coherent and clear application. Indeed, he was alert to this because at the case management hearing he specifically adverted to the possibility of taking that course of action. The application which has eventuated does not reflect the intention which he mooted: he has, rather, chosen to repeat the incurable flaws and shortcomings of his previous formulation in writing. (* [2025] NICA 73)

[5] For those reasons alone, the application is entirely devoid of merit and must be refused. If, however, there is any flaw in that primary conclusion, on its merits the application has no substance of any kind to commend itself. The application of the governing principles, we are satisfied, would impel inexorably to the conclusion that the so-called judicious and well-informed bystander would have no reservations whatsoever about the fairness and impartiality of the presiding judge of this court. That secondary, alternative conclusion has the additional merit of being the view of the judicial panel, who have given this careful consideration. The following elaboration is provided.

[6] Firstly, the bystander to whom I have referred would be struck by the abject lack of particularity already highlighted. Second, the bystander would note the terms in which the appellant has expressed himself in writing in his skeleton argument, wherein he states amongst other things:

“The appellant has suffered a wrong by the respondent and an even greater injustice at the hands of the Northern Ireland judiciary.”

He averts to this by implication in other passages and then he continues at para [12]:

“It is the appellant’s submission that the bias shown towards him by the Northern Ireland judiciary in general amounts to discrimination under article 14 of the European Convention and has led to an unfairness under article 6 of the Convention.

The appellant would further submit that the actions of the Northern Ireland judiciary may also have invoked his

protections under article 1 of the First Protocol. All of the issues in this and other cases have been brought to the attention of the Lady Chief Justice of the Northern Ireland judiciary, who chose to condone the conduct of sitting judges who were guilty of deceit and dishonesty.”

[7] The first thing which would inevitably strike the bystander from those passages is that the appellant has pursued the remedy of a formal complaint against the presiding judge. That has given rise to the solemn process contained in the relevant protocols and process materials, it has been considered by an independent and impartial tribunal and it has been found to have no merit. On the information provided by the appellant to this court there has been no attempt to challenge the outcome of that process.

[8] Secondly, the bystander would be struck by the breadth of the appellant’s allegations in writing. The bystander would note that the allegations of bias and other inappropriate mental dispositions towards him are levelled at the Northern Ireland judiciary in general. The bystander would take into account that there are almost 100 full-time judges in Northern Ireland and that number swells to well over 200 if one adds the fee paid, or part-time, judges. The bystander would also note that the first reaction of the presiding judge upon being apprised of the appellant’s intention to make a recusal application was to equip the appellant with the governing legal rules and principles. That, the bystander would apprehend, in our view, is scarcely consistent with any predisposition or bias against the appellant. The bystander would then take into account that the appellant, without having read that document, simply repeated that he would be maintaining his recusal quest. That would also be a striking consideration in the bystander’s evaluation.

[9] The foregoing consists of a short outline of a series of considerations and incontestable facts which, in our view, give rise to the irresistible conclusion that the application for recusal has no merit whatsoever. Therefore, if and insofar as, there is any flaw in our primary conclusion we proceed at a second, alternative stage to dismiss the application on its merits.

[10] That brings us to the determination of the substantive appeal. The first question to be addressed is the implications of the appellant’s absence from the courtroom. We decline to infer anything adverse to the appellant from this absence. All that can be said is, there has been extensive communication with the appellant since the initiation of his appeal. That communication has continued until the eve of today’s hearing and all of the indications were that he would attend the court this morning. The second observation is that he has not communicated with the court regarding his non-attendance. He has not, therefore, provided any reason or excuse for this. The third observation is that he has not made any request of the court to adjourn today’s listing with accompanying grounds and reasons. The fourth observation which is appropriate is that to the knowledge of and in the experience of the judicial panel the appellant is a seasoned unrepresented litigant who has been

litigating in various courts of this jurisdiction, including this court, for many many years. He is more than familiar with the basic rules and processes which include exposing oneself to an adverse order in the event of failing to attend to prosecute a given claim, application or appeal. This court readily takes notice of that.

[11] We have of our own motion considered the possibility of adjourning the hearing. All of the preceding facts and factors militate firmly against this course. When one adds the further dimensions of elementary fairness to the respondent and the realities of costs recovery, the grounds for adjourning today's hearing abruptly wither and die, In short, there are none.

[12] Turning to the merits of the appeal itself, the first issue to be addressed is whether the writ of summons and statement of claim disclose any identifiable cause of action. This court is incontrovertibly of the opinion that they do not. However, we take into account that that is not the basis upon which the appellant has been unsuccessful to date and we therefore proceed to the next question, namely, whether the appellant requires leave to appeal to this court. He has not applied for or secured leave to appeal to this court. That, in our view, is an incurable flaw having regard to, inter alia, the decision in *Flynn v Chief Constable* [2020] NICA 293 at, inter alia, at para [19].

[13] Again, if there is any shortcoming in that assessment and conclusion we proceed to examine a third question and that is whether the notice of appeal on its face is sustainable. In this context we refer to the recent decision of this court in *Blaney (No.1)* which, in particular, highlights the fundamental requirement of clarity, intelligibility and particularity in notices of appeal. This notice of appeal fails all of those tests. It is fundamentally lacking in clarity, specificity, particularity and, ultimately, coherence. On this further, freestanding, ground the appeal falls to be determined dismissed.

[14] For each of those reasons, every one whereof is sufficient to warrant the following course, the appeal is completely devoid of merit and must be dismissed. We go one step further and we make clear the view of this court that the appeal is an abuse of process, nothing more and nothing less.

Costs

(Having considered submissions from respondent's counsel).

[15] The court has had an opportunity to consider the issue of costs on a contingency basis. First of all, we take into account the conduct of the appellant which in the absence of any available explanation or excuse is entirely inappropriate. Second, the court has been mindfully particular of the consideration that this appeal could not have reached this point if the respondent's solicitors had not discharged the duties imposed upon the appellant in the matter of preparing not just basic bundles but a further bundle, which the court noted at the review hearing on 8 January, would be

of considerable assistance. That bundle has materialised. It is, therefore, the case that the respondent's legal representatives have manifestly incurred substantial costs in the eyes of the court. Given those considerations, coupled with everything we have said in the course of these *ex tempore* rulings, we are clearly of the opinion that there should be an order for costs against the appellant to be calculated on an indemnity basis.

[16] The final matter will concern the order of the court. The judicial panel will in the usual way liaise with the Court of Appeal office in that matter. If there is anything in that exercise which out of basic fairness the court considers should be the subject of deliberation with the parties, then that step will be taken and, as appropriate, questions will be raised or perhaps a draft order will be circulated. Absent anything of that kind the order of the court will materialise and issue in the usual way.

POSTSCRIPT

- (I) The appellant has applied for leave to appeal to the United Kingdom Supreme Court. He made his application prior to receiving either this transcribed judgment or the final order of this court. In this application, he invokes Articles 6 and 14 ECHR and "*natural law*." These are the grounds of his contentions that (1) unspecified courts have in some unparticularised way/s acted without jurisdiction; (2) the presiding judge in this appeal is in some unparticularised way "... a compulsive liar and has repeatedly shown bias towards the appellant in this and other actions ..."; and (3) in some unparticularised way "... [the appellant] has suffered discrimination by the Northern Ireland judiciary, and one of the appeal judges in particular, and treated differently to other others, throughout this ongoing matter." Finally, the appellant asserts, again without particulars, "... the NICTS have been found to have committed maladministration by the NIPSO on three separate occasions."
- (II) The gratuitous use of denigrating and disparaging language is unbecoming in any context and advances no cause. It is especially improper in a formal legal document as it demonstrates contempt for the legal system and is antithetical to the rule of law. It is also cowardly as the author will doubtless be aware that conscientious judges who are faithful to their statutory oath of Office have no right of reply.
- (III) This intemperate requisition discloses no coherent point of law, much less any point of law of general public importance appropriate for consideration by the United Kingdom Supreme Court. It is an abuse of the process of this court. It is dismissed accordingly.
- (IV) The following passage in the judgment of the Northern Ireland Court of Appeal in *Re O'Neill's Application* [2009] NICA 19, para [31], resonates strongly, both in the context of this appeal and beyond:

“It is the considered, and unanimous, opinion of the members of this court that this litigation was, from the outset, characterised by a mixture of futility and misuse of the court’s process. The processing and determination of the appellant’s case has entailed the investment of substantial resources both at first instance and on appeal. This futile and misconceived litigation has engaged the time and attention of a total of four judges and has also entailed the dissipation of human and financial resources on the part of the public authorities concerned. Further, the time and effort employed in the preparation of this judgment were utterly disproportionate, having regard to the hopeless, confused and incoherent nature of the appellant’s challenges. At the conclusion of the main hearing, the appellant stated, in terms, that he intended to litigate about these matters continually, referring to a “perpetual judicial review application.” Whether he will be permitted to indulge in such conduct remains to be seen.”

In an *ex tempore* ruling concerning the same litigant, the High Court employed the language of “... cost free jamboree through the courts of Northern Ireland.”

- (V) The question which arises in the mind of this court is whether the Attorney General for Northern Ireland will exercise the vexatious litigants declaration power conferred by section 32 of the Judicature (Northern Ireland) Act 1978. This court expresses no opinion on the appropriate course for the Attorney-General.