

Neutral Citation No: [2018] NIQB 24

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

Ref: McC10608

JR 2017/34530/01

*Delivered: ex tempore &
edited, 15/03/18*

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)

IN THE MATTER OF AN APPLICATION BY MICHAEL SHERRIE
FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

McCloskey I

[1] Mr Sherrie ("the Applicant"), who is self-representing, brings this challenge on foot of an Order 53 Statement which recites (verbatim):

*"In the matter of a decision of Court Eimer Coll
[and continues] ... to get MP recording and written
transcripts of every Court meeting regarding Mrs Nora
Sherrie welfare, care, property, positin finances and all
material relating to my son Michael Sherrie and ability to
care for me."*

If and insofar as the Applicant is purporting to bring these proceedings as a surrogate for some other person, namely his mother, the challenge is fundamentally misconceived.

[2] The second formal document lodged is a completed "Ex Parte Docket" which repeats the language of "Court Eimer Coll" and, in response to the instruction that the relief sought must be specified, states:

*"Obstructing justice for not getting the MP3 recordings
and written transcripts and she as been ask to come of
recorded as Eimer Coll and the Court know there is no
declaratory law in NI."*

[Again verbatim.]

[3] The third formal document lodged by the Applicant bears the title “Affidavit” and has the following text:

“I Michael Sherrie of 39 Lancaster Street, Belfast, aged 18 years and upwards make oath and say as follows ...

Emergency please please see [?] pages.”

A perusal of the remainder of this document confirms that it is not an affidavit. The section entitled “The party or parties whose decision you are judicially reviewing” is uncompleted.

[4] The papers lodged include a letter dated 15 March 2017 written by Ms Coll, a solicitor employed in the Office of the Official Solicitor, responding to the Applicant’s request for the aforementioned recordings and transcripts in the following terms:

“This letter has been passed to our office as Mrs Sherrie has been deemed to lack legal capacity and we act as her next friend and Guardian ad Litem. We do not require the requested transcripts and recordings and therefore do not intend to pursue this application on behalf of Mrs Sherrie. You, of course, as a party to proceedings, are entitled to make the application on your behalf should you require.”

These proceedings were initiated some two weeks later, on 28 March 2017.

[5] The papers available to the Court contain a fuller letter dated 22 June 2017 from Ms Coll to the Court. This Court took steps to ensure that the Applicant was provided with a copy. It points out that the recordings and transcripts which the Applicant pursues:

“... are information that the Applicant has repeatedly asked for, in his own capacity, throughout the currency of the case involving his mother. He specifically requested them of Keegan J and was refused, he requested them from the Court of Appeal and had his request granted in relation to one particular segment of evidence only.”

The factual matrix is completed by a letter dated 15 June 2017 from the Registrar of the Supreme Court of the United Kingdom to the Applicant:

“... the Supreme Court does not have jurisdiction to entertain your application to appeal the order made on 20 February 2017 refusing permission to appeal against Keegan J’s order of 08 September 2016. This is because the

Court of Appeal refused your application for permission to appeal."

Ms Coll's letter further observes:

"The Official Solicitor does not hold, control or have access to any of the items requested."

[6] In presenting his case to this Court, the Applicant invoked "human rights", without particulars or elaboration, and repeated his assertion of "*obstructing justice*". He also liberally accused Ms Coll of lying and ventilated his oft repeated allegation that a named solicitor had committed perjury.

[7] These proceedings are another affront to the rule of law and the administration of justice perpetrated by this litigant. They are fundamentally misconceived. They are an abuse of the process of the High Court. They have generated yet another appalling waste of resources on the part of this Court, its administration and a publicly funded authority, the Official Solicitor's Office. The Applicant's cost free, risk free jamboree through the senior courts of Northern Ireland must be halted. The Court trusts that the Attorney General will not delay in taking the action recommended in this Court's earlier judgment, neutral citation [2017] NIQB 134.

[8] Leave to apply for judicial review is refused. Having regard to the Court's assessment above and taking into account that the Official Solicitor, *qua* proposed Respondent, participated fully in these proceedings, to the extent of being represented by counsel at the hearing, this is an obvious case for departure from the conventional approach to costs at the leave stage. I order that the Applicant pay the reasonable costs and outlays of the Official Solicitor incurred in these proceedings to be taxed in default of agreement.

[9] Finally, the Applicant's request that this Court recuse itself on the ground of his judicial review challenge to an earlier dismissal order by me, utterly doomed to failure, is barely worthy of mention. See, *inter alia*, Shaw v Kovac [2017] EWCA Civ 1028.