



Neutral Citation Number: [2025] EWHC 1429 (KB)

Case No: KB-2024-CDF-000080

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**CARDIFF DISTRICT REGISTRY**

Cardiff Civil Justice Centre  
2 Park Street, Cardiff, CF10 1ET

Date: 11 June 2025

Before :

**THE HONOURABLE MR JUSTICE PEPPERALL**

Between :

**JONATHAN BISHOP**

**Claimant**

- and -

**THE STUDENT LOANS COMPANY LIMITED**  
trading as  
**Student Finance Wales**  
(sued as The Student Loans Company)

**Defendant**

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**Judgment No. 2**  
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**The Claimant** appeared in person

Hearing date: 7 April 2025

## **Approved Judgment**

This judgment was handed down remotely at 12 noon on 11 June 2025  
by circulation to the parties by email and by release to the National Archives.

**THE HONOURABLE MR JUSTICE PEPPERALL:**

1. By the judgment handed down on 16 December 2024 with the neutral citation [2024] EWHC 3241 (KB), I dismissed Jonathan Bishop's applications for interim relief against Student Loans Company Limited and certified that such applications were totally without merit. By rule 23.12 of the Civil Procedure Rules 1998, I was therefore required to consider whether it was appropriate to make a civil restraint order. For the reasons explained in my further order dated 16 December 2024, I made a general civil restraint order against Mx Bishop for a period of three years. Since such order was made without a further hearing, I directed that Mx Bishop could apply to set aside, vary or stay the civil restraint order. On 20 December 2024, Mx Bishop applied to set aside my order.
2. Earlier hearings of this application in both January and February 2025 were adjourned upon Mx Bishop's application and the matter was finally heard on 7 April 2025. I had on each occasion directed the orderly submission of bundles and skeleton arguments. By my order made on 25 February 2025, I had extended time for lodging the hearing bundle to 2 April and for skeleton arguments to 3 April. In the event, and notwithstanding that this application was made as long ago as 20 December, Mx Bishop failed to comply with my directions and emailed papers for this hearing at 6.21pm on Sunday 6 April for hearing the following morning. Such conduct of litigation is unacceptable. Mx Bishop gave the Student Loans Company no proper notice of their arguments or time to prepare for the hearing (although in the event the company chose not to make representations to the court) and deprived the court of the ability to prepare properly for the hearing and to deliver a timely ex tempore judgment straight after the hearing. Mx Bishop sought to excuse this default by reliance upon disability but there was, in my judgment, no good reason for their failure to comply with my directions.
3. Between Mx Bishop's written and oral arguments, they argue four grounds for setting aside my earlier order. First, Mx Bishop seeks to reargue the applications for interim relief and to challenge my finding that they were totally without merit. Such arguments might be pursued by way of an appeal, but are simply not open to Mx Bishop on this application: Crimson Flower Productions Ltd v. Glass Slipper Ltd [2020] EWHC 942 (Ch); Chief Constable of Avon & Somerset v. Gray [2019] EWCA Civ 1675; and Achille v. Calcutt & Carrington (No. 3) [2024] EWHC 2169 (KB).
4. Secondly, Mx Bishop argues that inadequate weight was given to their successful litigation history. Mx Bishop makes the disarmingly frank submission that if one brings as many claims as they do, some will fail. The fact that Mx Bishop has brought some claims that have either been successful or led to a favourable settlement does not mean that they have not also persisted in issuing other claims or making other applications that are totally without merit. The purpose of the restraint order is to protect both the administration of justice and respondents to claims or applications made by such a litigant from further totally without merit litigation while providing a filter that allows their meritorious claims and applications to proceed.

5. Thirdly, Mx Bishop complains that the effect of the civil restraint order is oppressive and discriminatory. Mx Bishop argues that the order denies them access to justice and prevents them from raising legitimate claims about what they regard as “a pattern of persecution orchestrated by state institutions and public authorities”. Mx Bishop submits that civil restraint orders are used for “punitive social control”. Mx Bishop complains of “sustained legal and institutional oppression” and gives notice that if their application to set aside the civil restraint order were to be refused, they would apply for asylum in the United States of America.
6. Access to justice is a fundamental right long protected by the common law and more recently enshrined in Article 6 of the European Convention on Human Rights and Fundamental Freedoms. The conduct of litigants who persist in pursuing unmeritorious litigation presents a significant challenge to the administration of justice. Such conduct has the capacity to clog up the system and prevent the timely and efficient resolution of arguable claims. Further, it has real cost to society in causing the unfortunate targets of the unmeritorious litigation to divert substantial time and resources away from more productive economic activity to the defence of hopeless claims and applications. The system of making civil restraint orders against those who persist in pursuing unmeritorious litigation does not preclude such litigants from bringing further claims and applications, but does impose an important and time-limited filter in that they need to obtain the court’s permission before bringing any new claim or application.
7. The effect of paragraph 19 of Schedule 2 to the Civil Proceedings Fees Order 2008 is that litigants who are subject to a civil restraint order must pay a court fee upon seeking that permission. The fee was raised from £65 to £67 on the day after the hearing of this application. Such fee is payable regardless of the litigant’s entitlement to fee remission but is refunded in the event that the court grants permission. Accordingly, the 2008 Order imposes a cashflow disadvantage upon litigants who are subject to a civil restraint order and the risk of some unrecoverable expense in the event that they do not obtain permission to proceed. For the reasons explained in Achille at [19]-[26], the requirement that a litigant who persists in issuing claims or making applications that are totally without merit should pay a modest fee for seeking permission to issue claims or make applications is a legitimate deterrent to further unmeritorious litigation and it will be a rare case in which such a litigant could show that the requirement imposes a bar upon their access to justice.
8. In this case, there is no evidence that Mx Bishop’s finances are so parlous that the requirement to pay £67 before issuing a new claim or making an application in existing proceedings denies them access to justice. Rather such requirement is, in my judgment, a necessary, proportionate and justified control upon further unmeritorious litigation.
9. Fourthly, Mx Bishop argues that the order is disproportionate and that the court should have considered making a limited or extended order. A limited order would only control Mx Bishop’s conduct in this claim which has in any event now been struck out. As to an extended order, I dealt with that issue at paragraph 6 of my order where I observed:

“The Claimant’s failed applications again relate to diverse claims against different defendants such that an extended civil restraint order would not be sufficient or

appropriate. Accordingly, it is appropriate now to make a general civil restraint order in this case.”

10. For these reasons, I dismiss this application to set aside the civil restraint order. Yet again, the application is totally without merit but it is not appropriate to consider the making of any further civil restraint order.