

Metroline Ltd v Araujo



No Substantial Judicial Treatment

Court

Queen's Bench Division

Judgment Date

5 May 2021

Where Reported

[2021] 5 WLUK 46

Subject

Civil procedure

Other related subjects

Administration of justice

Keywords

Committal for contempt; Making false statements; Permission; Proportionality; Public interest; Road traffic accidents

Judge

[Judge Walden-Smith](#)

Counsel

For the applicant: Hannah Saxena.

For the respondent: No appearance or representation.

Case Digest

Summary

It was proportionate and in the public interest to grant a bus company permission to bring contempt proceedings against an individual where there was prima facie evidence that he had made false statements in his claim in respect of alleged damage to his motorbike following what appeared to have been a minor road traffic accident.

Abstract

The applicant bus company applied for permission to bring contempt proceedings against the respondent.

The respondent had brought a claim in April 2019 following a road traffic collision involving a bus which had collided with his motorbike. The respondent alleged that his motorbike was "a complete write-off". He maintained that the motorbike had been knocked to the ground as a result of the collision. A substantial part of the claim was for hire charges. He also claimed for alleged damages to his mobile phone, helmet, and for loss of earnings. The claim contained a statement of truth. CCTV footage showed that it had been a minor collision: the respondent had been thrown slightly forwards but his motorbike could still be ridden to the side of the road and remained standing there. Subsequently, the motorbike was seen at the respondent's address. The applicant wished to inspect it, but the respondent refused. He claimed that it had been sold for salvage in June 2019, but the evidence suggested that it had been sold in July. The respondent also changed his position as to who had bought it. In the light of the CCTV evidence, over 10 months after first bringing it, the respondent discontinued the claim. The applicant made six allegations of contempt concerning (1) the respondent's claim to have sold the bike in June 2019; (2) the alleged inflated value claimed for the motorbike; (3) non-inspection of the motorbike; (4) contradictory accounts regarding who had bought the motorbike; (5) the claim for damage to the helmet and phone; (6) alleged repairs to the motorbike.

Held

Application granted.

Legal principles - The application had been brought under [CPR r.81.35](#). In considering an application for permission, the court should not determine substantive matters in any detail. It could not prejudice the outcome of the final hearing. In order for an allegation of contempt to succeed it had to be shown that, in addition to knowing that what was said was false, the contemnor knew that what they had said was likely to interfere with the administration of justice. The burden of proof was on the party alleging the contempt, who had to prove each element beyond reasonable doubt. A statement made by somebody who did not care whether it was true or false was liable as if they had known that what was being said was false, but carelessness was not sufficient. Permission should not be granted unless a strong prima facie case had been shown against the alleged contemnor. The court had to be satisfied that the public interest required committal proceedings to be brought, that they were proportionate, and were in accordance with the CPR's overriding objective. In assessing proportionality, regard had to be given to the strength of the case against the respondent, the value of the claim in respect of which the allegedly false statements had been made, and the likely costs and court time involved in pursuing contempt proceedings. In assessing the public interest, regard should be had to the strength of the evidence, the circumstances in which the alleged false statements had been made, their significance, the use to which they had been put, and the maker's understanding of their likely effect, bearing in mind the public interest in highlighting the dangers of knowingly making false statements, *Stobart Group Ltd v Elliott* [2014] EWCA Civ 564, [2014] 5 WLUK 184 followed.

Application to the facts - The respondent had not attended the hearing, but the evidence was that he had been properly served. The public interest required committal proceedings to be brought. There was a considerable disjunction between the actual value of the vehicle allegedly rendered worthless and the hire charges claimed. Hire charge claims could take a great deal of a district judge's time. It was plainly in the public interest to prevent claims being brought on false grounds. They distorted the entire judicial process, and the time and money spent on them could be substantial. Given the very real public benefit in sending out a clear message, the time and costs involved in bringing committal proceedings was proportionate. A strong prima facie case had been shown in respect of all six alleged contempts. Although the respondent had eventually discontinued the claim, that was not in itself a reason to refuse permission. If a party could bring a false claim only to discontinue it when further evidence came to light, then they would always be able to avoid contempt proceedings. There had been a delay of approximately 12 months, but that was not a surprising length of time for proceedings to be brought and it would not cause prejudice to the respondent. It was in the public interest to grant permission with respect to each ground.