



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**Constitutional and Legal Affairs
and Justice Committee**

LAW OF ADVERSE POSSESSION

HANSARD

Douglas, Monday, 20th January 2020

PP2020/0019

CLAJ-AP, No. 1/19-20

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Members Present:

Chairman: Mrs J P Poole-Wilson MLC
Mr L L Hooper
Mr C C Robertshaw

Clerk:
Mr R I S Phillips

Assistant Clerk:
Mr P Smith

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Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice

Law of Adverse Possession

*The Committee sat in public at 3.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MRS POOLE-WILSON *in the Chair*]

Procedural

The Chairman (Mrs Poole-Wilson): Good afternoon and welcome to this public meeting of the Constitutional and Legal Affairs and Justice Committee. I am Jane Poole-Wilson MLC and I chair this Committee. With me are the other members of the Committee, Mr Lawrie Hooper MHK and Mr Chris Robertshaw MHK. We are assisted today by the Clerks of the

5 Committee.

The Constitutional and Legal Affairs and Justice Committee is a Standing Committee of Tynwald with a wide scrutiny remit.

On 5th July 2020, Mr Cleator submitted a Petition for Redress to Tynwald concerning the law on adverse possession arising out of his experience with a legal case over disputed land

10 ownership.

In November 2019 Tynwald Court referred this Petition to this Committee. Today we are taking evidence from the Petitioner. The Petition asks the Committee to inquire into three areas which I now summarise: (1) the Isle of Man Land Registration Act, particularly in relation to the adverse possession rules; (2) the creation and monitoring of a system to ensure that it is not

15 possible for financial weight to overwhelm a person's right to a fair hearing; and (3) the creation of a system to recognise misuse of the legal system, vexatious litigation and financial intimidation and to penalise litigators or their advocates for employing tactics amounting to sharp practice.

The Committee's attention is drawn by the Petition to the Senior Courts Act of Parliament

20 1981, with a view to introducing similar protections against vexatious litigation on the Isle of Man. These points in the prayer of the Petition will serve as the remit of this inquiry.

It is important to bear in mind the principle that petitions for redress are not allowed to act as a mechanism for appeal from decisions of tribunals or courts. The Committee will avoid seeking to rehear any legal cases but will concentrate on the specific remedies sought in the

25 Petition.

Before we begin could I please ask everyone to ensure that any mobile phones are switched off or on silent so that we do not have any interruptions, and for the purposes of *Hansard* I will also be ensuring that we do not have two people speaking at once.

**EVIDENCE OF
Mr Mark Cleator, Petitioner**

30 **Q1. The Chairman:** Thank you for attending today. For the record please could you state your name and the capacity that you are appearing in today?

Mr Cleator: Hello there, my name is Mark Cleator and I am the Petitioner.

35 **Q2. The Chairman:** Thank you, Mr Cleator.

I understand that you had prepared a statement for us but that you will provide that separately to the Committee in writing (**Mr Cleator:** I will.) and then the Committee can now proceed to have some more discussion with you about the points you have raised in your Petition.

40 Perhaps if we could start with the first area of your Petition which is in relation to the Isle of Man Land Registration Act and how it deals, or perhaps I think you suggest does not deal, appropriately with adverse possession. I wonder if you could tell us a little bit, please, about what sort of procedure you think or what changes you think might be helpful in order to find a better way of dealing with land disputes.

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Mr Cleator: Okay. Well firstly, this actually does refer to adverse possession and I expect that most of the public do not appreciate what adverse possession actually is. Adverse possession on the Isle of Man – the timescales change for different jurisdictions but on the Isle of Man: if certain conditions are met and if those conditions can be shown to have been met for 21 years then it is possible for the non-paper owner of a piece of land to claim what is referred to as possessory title over that land. In other words, he now owns it instead of the paper owner.

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So Deemster Doyle set five conditions in one of his hearings a few years ago, and if those conditions are met then that land can be transferred to the new owner with what is called possessory title instead of absolute title which is when somebody owns land based on their deeds. So the actual owner loses his land to what is referred to in adverse possession as a squatter.

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Obviously I am not reading this out, I am now ad-libbing, okay. The concept of adverse possession is really that the possession is supposed to be adverse – in fact if you give me a moment I think I did put the five points in here. Excuse me. Yes, this is Deemster Doyle's wording from a judgment. I cannot work out from this what it is, but five conditions must be satisfied for a successful adverse possession claim: the claimant must have had possession of the land; that possession must have been exclusive; the paper owner must have been dispossessed or must have discontinued possession; the claimant must have had the intention to possess the land; and possession must have been adverse possession in the statutory sense.

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So apparently, as I have read, if any one of these points cannot be shown then adverse possession does not stand. So on the face of it, it would appear that it is actually quite difficult to claim adverse possession, but in my experience, and possibly those of others, if a man of ordinary means such as myself finds his ownership of something being claimed by individuals who theoretically have a source of funds behind them that is much greater than mine, or potentially infinite compared with what the likes of I might be able to come up with, the amount of ammunition, the amount of theoretical evidence that could be thrown at a case can be overwhelming – filibustering and, I believe, overwhelming, in my case, my lawyer and overwhelming the courts to a point where the judgments can be enormous in order to stay safe.

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In my case the land in question which currently has been stolen from me, legally, was unbelievably taken by adverse possession having been shown to have taken place between the period of 1950 to 1971. Okay. So that period of time is obviously – well, I was four in 1971 so I have no bearing over and in 1971 this particular land was being held in trust by my grandfather and to be ultimately owned by my father once my grandfather died. That was 1978; my father

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80 came into ownership of this particular land in 1978 and then after a fairly long period of time he started getting involved with the land later on in the 1980s with me when I was a teenager. In 2004 I took responsibility for this particular land and then in 2008 it was transferred to me.

The difficulty is that there is the land in our case and then the top of our lane sticks out into somebody's garden and I found myself in dispute with the people who have recently bought that house; and they are not the people funding the hearing, funding the advocate that is fighting 85 me, effectively. It is my belief that they were coaxed into moving to the Isle of Man for reasons that you will read in my long statement here, and have found themselves embroiled in something that I am quite sure they would not want to have found themselves embroiled in for the benefit of somebody else.

Moving off that, because I have gone off on a tangent slightly, and going back to the adverse 90 possession, after four-and-a-half days in court for a 3.7 m² piece of land was concluded it took the Deemster two-and-a-half months to produce a 77-page judgment which then settled on the fact that we had lost this small 3.7 m² piece of land at the top of my lane in 1971 when adverse possession had apparently kicked in.

I have got many problems with that judgment but the most obvious one was that at that 95 period in time it was nothing to do with me and it was nothing to do with my father – it has been used since then; and particularly that it was actually held in trust. I have forgotten the actual word. My grandfather was a life tenant. Effectively, he could not sell it, it had to come into ownership of my father once my grandfather died which is a trust.

So when discussing whether or not we ought to appeal that decision, my lawyers Callin Wild 100 advised me that whilst they found the decision very surprising because we were actually fighting for a property application that was absolute title not possessory title, which is where adverse possession would have otherwise come into it, we were protecting absolute possession, absolute title, I told them, as advised by my father, that they could not take that land using adverse possession because it was held in a trust. In the UK the law is that adverse possession 105 cannot be used against land held in trust, but in the Isle of Man I was told by my lawyers that the trusts element of the adverse possession rule had been ignored or not used, for want of a better word. It was backed up by advice from the Attorney General in *Hansard* in 1984.

So I took that as, well, okay, this is not right but it is the case with law on the Isle of Man. So with all of the other things I had experienced to do with this, and it is nearly five years, I chose to 110 go to Tynwald with it to have that law put right, but also the fact that adverse possession as a whole, I think, is little understood by the public – most of the public do not know it actually exists – everybody thinks it is ridiculous. I certainly think that it needs to be investigated as to why it exists, why it is needed and there may well be reasons; the law abhors a vacuum, I believe, and it might be a situation where it might be useful in situations to actually put 115 ownership back to someone else when other owners have actually vanished, potentially. But when somebody is using their land, and certainly in this instance, when the ultimate result of this is me landlocked from my field, it seems not safe.

After I submitted my Petition to Tynwald I have continued researching, and other people I know as well who have interest in what is happening here and so we are all interested in it and 120 people throw things at you to have a look, and it appears that ... I think I wrote it at the front of this one; on page 2 of my evidence supporting the Petition, paragraph 3 after number 8, I have said:

Notwithstanding the above, I would draw the committee's attention to Page 35 of the IOM Limitation Act 1984 which has recently come to light – "Right of action not to accrue or continue unless there is adverse possession".

That is the heading.

Section 9 states "no right of action to recover the land shall be treated for the purpose of this act as accruing during that possession to any person in whom the land is vested as a trustee ...

125 So I am not a lawyer but I can read and I have looked at this a lot and I cannot see how that
actually is not the protection that I should have been afforded, which means if that is true then
the adverse possession rules on the Isle of Man do have protection for land that is held in trust.
And if that is the case then no law needs changing. I am not suggesting that adverse possession
should not be looked at as a whole, because it certainly should. Adverse possession is wholly
130 abhorrent and the more you look at the decisions that have been happening on the Isle of Man
using adverse possession through the years and what is going on at the moment it is used
almost as an extra option just in case in some situations, which I know you are going to see at
some point. But in the past I know there are people fighting still to try to have their family lives
put back together because of the cost of trying to protect your own property against bigger,
more powerful people and twists and turns mean that you end up losing the land, paying your
lawyers, paying the other side and it is devastating.

135 Certainly in my case where the costs that I have been ordered to pay are entirely
unreasonable just to protect what ... Five years ago I did not have a problem, five years later I
have suddenly got somewhere near £80,000 of costs to pay out, plus the £50,000 that has
already been paid to my lawyers, to try to protect a 3.7 m² piece of land that allows me to get to
my field which I now cannot do because I am landlocked. The next stage will be that that field is
140 now going to be claimed as well and if I want to try to protect that then I have got the same
problem.

So adverse possession is designed for the aggressor, if he is wealthy, to win – as simple as
that. You cannot fight it because a very clever lawyer can twist you and turn you and try to
change words that you say in statements and then prove once and for all that certain things
145 were not done. How am I supposed to show usage of something between 1950 to 1971 – two
generations before? But here I am 40 years later with costs because of something that did or did
not happen that long ago and nobody has actually claimed adverse possession up until now but
we are told that they have. But they have not.

150 **Q3. The Chairman:** Mr Cleator, thank you for explaining all of that. I would like to thank you
as well because you have sent into us the Land Registration Act, an Act of Parliament 2002. So I
think maybe at this point it is just helpful on this point about how our land rules operate.
Obviously the Committee today cannot opine on the operation of any law that is going to be
part of our ongoing inquiry as to what our laws provide or do not provide for. But can I just
155 clarify that in sending us the UK Land Registration Act 2002 the points you are drawing to our
attention are that there is specific provision in there about the position of trustees.

Mr Cleator: No, there is actually in the Isle of Man Limitation Act –

160 **The Chairman:** No, Mr Cleator, I have got that point about what you have raised in your
introduction and that that is the Limitation Act, but if we can –

Mr Cleator: I have 1984 actually written here.

165 **Q4. The Chairman:** Yes. This is just a specific question about the rules on how land is
registered or not, and how people come to know about potential adverse possession
proceedings or not; and I wanted to clarify with you, in sending us the UK Act which is obviously
a more up-to-date version of the Isle of Man's Land Registration Act which dates back to 1982,
what you wanted to say about what you think is preferable about the UK's Act. I wanted to
170 understand with you that in the UK Act there are specific rules in a schedule dealing with
adverse possession and specifically dealing with the position of a trust and beneficiaries under a
trust.

175 I just wanted to make sure that we as a Committee have understood that that is part of what we should be looking at when we are examining the state of the law on the Isle of Man and any potential for future change.

180 **Mr Cleator:** When I sent the Petition through it was not evident from the Land Registration Act that there was any protection for trusts, and the advice from my lawyer and certainly the comments by the Attorney General in *Hansard* in 1984 supported that. So in the Land Registration Act itself there is no obvious protection for trusts whereas in the UK Act, which I think you said is 2002, it is listed in the Land Registration Act of the UK. So it is really clear; if you just compare the two Acts you can see the omission and then you can refer to the comments made by Attorney General William Cain in 1984 where he specifically refers to trusts as also within the remit of adverse possession, so that land that was held in trust would also be able to be taken by adverse possession. So the trustee loses his land before he even knew he had it, in some cases.

190 That situation was discussed at length by, was it, Baroness Lady Ashtall of Scotland (**The Chairman:** Yes.) in the *Hansard* of the UK. I cannot recall the date, but she made some extremely important analogies as to why such a protection should be in place and it is quite compelling when you read her examples, because there is another Lord who was quite keen on having it removed and she ensured that it stayed and her examples were clear. It is an important thing and it probably would stop what is happening here now today.

195 But further on from that, I then looked at the Limitation Act. I have forgotten the date, but the Isle of Man Limitation Act does actually refer to trusts as being excluded from when the time starts to accrue, the 21-year period that needs to build up, the limitation period that starts and needs to finish. It cannot start while land is held in trust and it says that in the Limitation Act; and the Isle of Man Land Registration Act relies on the Limitation Act. So I actually think what we need to be doing is clarifying that that is the case, that land that is held in trust is already protected on the Isle of Man; and if that is true then actually the way the laws are written may be a bit weird. Maybe the little trust element should be added into the Land Registration Act, and made clear because it seems to me that it is in the wrong place possibly, because it was not spotted by my advocate, it was not spotted by the Deemster and it seems to be confirmed by the Attorney General in 1984 that it also is not a thing as such. Yet in the Limitation Act it is actually mentioned. So presumably the question that was asked of the Attorney General in 1984 led to what looks to be possibly the wrong answer, potentially.

205 If when your legal team look at this you agree with me that it is actually in place then what we have is a situation where the law does not need changing, it is okay apart from the fact that adverse possession as a whole needs to be discussed.

210 **The Chairman:** I will just invite my fellow Committee members in case they have got any other questions on this particular aspect of the Petition. But my understanding is that what the Committee is going to do is look at how the law operates currently on the Isle of Man in relation to adverse possession and the interaction with the limitation period and particularly where land is held in trust and look to compare that with how the situation is in the UK, particularly, as there is a more up-to-date piece of legislation around, the Land Registration in the UK, that appears to be relevant. So that is what I would understand the Committee is going to inquire into.

Mr Robertshaw, did you –? (**Mr Robertshaw:** I'm fine.) Mr Hooper?

220 **Q5. Mr Hooper:** My only question really is your concern is simply predominantly about unregistered land, so land that has not already been registered at the Land Registry; it seems to me the situation in the UK treats registered land much more favourably than unregistered land, whereas our system at present does not. Would that be your understanding as well, that at the moment in our system it does not matter whether your land is registered or not, it seems to give

225 the same level of protection whereas the UK, through its updated Land Registration Act, actually says that in essence if you registered your land you are relatively well covered?

Mr Cleator: Well, I think you have probably read this because I am pretty sure I have mentioned that somewhere in here, though I wrote it before Christmas.

230 The Isle of Man Land Registry, which they had the idea for I think in the late 1980s, it started to kick in around then, it took a little bit of time to gain traction and I think it became compulsory to register your land in the Land Registry in 2009.

The deed that was done for me for this land was produced in 2008. According to my father, the lawyers were actually ... he was quite keen, my father, and he believes he paid the lawyers
235 to actually register it in the Land Registry even though it was not compulsory at that time. It did not happen. So that aside, it seems to me that the act of registering something in the Land Registry is being used in certain cases as an excuse to have a fight. So what we are saying here is that the deeds in the Deeds Registry are not good enough anymore.

I used to work in the Deeds Registry in 1988. I was the last deeds master and I computerised
240 it with Ruth Vondy and so I know how it works or I seem to think I can remember how it works. Obviously there is no actual scrutiny in the Deeds Registry as to whether or not a deed, a plan, for instance, was maybe encroaching onto another plan. So I entirely understand the reason for the Land Registry existing, but far too much onus is being put on maybe the respondent in such cases where their land maybe being encroached upon and they have got to protect themselves.
245 This business of pushing everything through to a Land Commissioner and we all have to go to court and we all have to get a lawyer and we have all got to pay £390 an hour until the job is done, it is not right.

If you have got a piece of land and you own it and it is registered in the Land Registry and it has been in the Deeds Registry, I should say, and it has been there for years and years, that
250 should be 'unencroachable' unless you have caused a problem. The trouble is if the person who wants to cause a problem is incredibly wealthy they can cause a problem until the other person has to give up because we have got a situation where we have got a changeover and we are now trying to put this Land Registry into place with the lines that have been drawn and I think originally started from overhead pictures that have been pieced together and then put onto a
255 system, and then bit by bit everything is going to get moved around. But it is going to be moved around by court cases at phenomenal expense to the public, to private individuals who thought they owned land and now the boundaries are in a different place and somebody is going to say, 'That line is there and I have got my deeds here and my deeds are right, I have had these deeds for years.'

260 But because somebody now is trying to register something in the Land Registry it can all be fought over and I have got a situation here where something has been in my family since 19 – well, my root title goes back to 1939 and it was in my family a *long* way back before; and here I am, because we have got a Land Registry it has opened the floodgates to have a fight. And it is not equitable, basically.

265 **Q6. The Clerk:** I do not want to refight the case because that is not why we are here, but this is sort of a daft question: you talk about the period 1950 to 1971; after 1971 your family occupied the land, why didn't you claim adverse possession back, as it were?

270 **Mr Cleator:** Adverse possession had been claimed on us at that time. There had not been any claim of adverse possession –

Q7. The Clerk: Yes, but when they said between that 21-year period they held it, whether that is right or wrong, why didn't you say, 'Yes, but it has been a long time since 1971 –'?

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Mr Cleator: We are talking about people who have just moved into their house. (**The Clerk:** Yes.) They certainly did not hold it. What has been done is they have looked back and back and found overhead photographs that make it look like it was not in use and we cannot say that it was. I was four, my father was an electronics engineer in the Airport and my grandfather was a wagon driver, but in 1978 it came into ownership of my father. This is the top of a lane. So there is nothing you do; you drive through it which happens to be in front of someone's house to continue down your lane.

It is a bizarre layout but it is done like that so it cannot be blocked. So there is no question about why didn't this happen or why did that happen. In 1987 onwards my dad made it perfectly clear that this land was in our ownership and the previous owners of this particular house became very good friends of mine; it is the new people who have been treated as – the word stooges has come into my mind. I do not believe they even knew what they were getting themselves involved in because there is more to this.

Q8. The Clerk: Right, yes, but you were not able to establish that since 1971 you had had a 21-year period of ownership?

Mr Cleator: They were not asking for that. Out of the blue we got this 1950 to 1971 period. We had photographs in usage from 1987 onwards. My dad came into ownership of it via a will in 1978. But the whole crux of it was that this particular application, when unfortunately the people at the top of my lane tried to register their house and put a separate application in to register the top of my lane, they tried to register it with absolute title. So, quite rightly, my lawyer has prepared all of the deeds and shown that they do not own it because, 'Here are the deeds that show that you do not own it and that we go all the way back to 1939.'

It got twisted around in court into a possessory title thing, which I do not believe is right. Had I understood what that actually meant at the time, because I know a lot more now than I did then, I would have stood up and said, 'I am not having that, it is ridiculous. We are fighting absolute title here and I have got absolute title.'

There has never been a time where I have had to try to show usage between 1950 to 1971, and had I known that then we would have still had people, like there was a farmer Winston Corkish who did use it then. He was not one of the witnesses that were called. (**The Clerk:** Okay.)

So hopefully that answers your question. It is too deep to just discuss here probably, but what has happened is a travesty, it is wrong. What it has done to me and the five years that I have had fighting over 3.7 m² of land to try to maintain access to my field which is not an important part of my life but I do own and it is family land, it is just ridiculous. It has completely taken over my life. It does because when you are being bombarded with legal documents and you are going to do this and you have got to fight that and you have got to go to however many, three court cases. It is just going on forever. So this is easy compared with that.

Q9. The Chairman: So, Mr Cleator, I know you have talked already about the process and the inequity of arms and so on, and I think it would be helpful just to understand a little bit more about the suggestion you put forward in your Petition: the creating and monitoring of a system to ensure it is not possible for financial weight to overwhelm a person's right to a fair hearing.

I do not know whether you have any particular models in mind. (**Mr Cleator:** I do.) Okay. It would be most helpful to hear then what your thoughts are on this.

Mr Cleator: I have thought about this a little bit. How it actually gets achieved I am not sure but what I have observed in a number of cases, not just mine, is that the Deemsters, wrong or right, because obviously I happen to think the Deemster is wrong in my case on the overall decision ... but what I have seen is criticism from the Deemsters of the lawyers, and in some cases, which you will see evidence of, those lawyers have made continuous fraudulent claims –

in some cases modified documents – and generally withheld or misled the court in any way that is possible in order for a gain for their client.

330 If a Deemster has found it necessary to include that in his judgment or summing up, or whatever you would like to call it, wherever it comes from, if a Deemster finds something impossible to believe which actually is something that came up in the appeal that I had to go through ... No, I did not go through, I did not take part of actually, but I have seen the judgment and the Deemster found a certain thing impossible to accept and yet he still handed over more rights to the other side.

335 I have seen other documents where there are multiple criticisms of a certain advocate, and obviously I am only focusing on one, but if I carried on my life in the way that I am seeing here I would not be in work. If I just kept doing things wrong, kept doing things wrong, 'Oh, there is a right thing,' I would not be in business.

340 So what I think should happen is that every judgment – and there are not that many of them relative to how many man hours there are to actually read these things – should be read by an impartial member of the Government, maybe with some training so he understands how to read these things, and a marker put by the side of anything that looks like it is a criticism against a professional – in other words, an advocate. Those documents could then be passed onto somebody with a little bit more experience who would say, 'Yeah, that really is a little bit wrong, 345 so let's add that to a database against that advocate's name.' Hopefully it would be a copy of the line so that you can see what got printed by the Deemster and it might be given a mark out of five or 10 of its seriousness.

Then over a period of time it would become quite obvious, using graphing or whatever you like, that particular ones have a bad habit of overegging the pudding; in other words, misleading 350 the courts. Because at the moment you have got a situation where courts are being misled, what seems to me, on a regular basis, but it ends up as not being relevant to the outcome of the decision and it is all just put aside. But the courts had been misled. Whether it is relevant to the decision or not, what it was was another thing that the opponent had to fight against, that his lawyer has had to spend time dealing with because every point has to be argued at a great 355 expense – it was £390 an hour in my case; every point has to be argued.

If we could reduce the amount of irrelevant points by reducing the amount of times the courts might be misled and have to filter out all of the rubbish, then I think we could certainly save a lot of court time which is public money because I am not paying the Deemsters, I am not 360 paying the ushers – somebody is paying all that: the taxpayer is paying all of that. We are having court time wasted by multiple points being thrown at it. Actually the phrase that my advocate used was 'a scattergun approach', which is quite interesting, 'bang, bang, bang, bang,' and one of them hits.

But my lawyer has had to argue every one of those and some of them could be misleading the court and the Deemster decides if he has found he has been misled or not and he sums it up, 365 and they do. It is there in black and white. So what you then have is if you have got a misleading of the court there are actually rules in the Fraud Act as in what the punishments might be for misleading the court. But where is the bit in the middle where this Deemster on this case which is not specifically focusing on the fact that that person has misled the court ...? Who picks that up and says, 'That was fraud that was. Let's do some punishment please.'

370 **Q10. The Chairman:** So to your knowledge, certainly in the matters you have been involved in, where there has been a statement by a Deemster of either information not being provided or the court being misled, to your knowledge there has been no follow up to any of that –

375 **Mr Cleator:** There is no follow up.

The Chairman: – whether from a disciplinary perspective of the legal profession or in terms of costs, because that is the other tool open to the court: where somebody has spent a lot of

380 time and misled and put the other party to extreme costs (**Mr Cleator:** Yes.) to deal with all those points, that can be taken account of in the ultimate award of costs. So do you think it has been weighed up in that context at all?

Mr Cleator: Unless you can tell me of anything, I cannot find or see any part of the system of government which picks up on the fact that a Deemster has identified that the courts have been misled and the part of the Fraud Act that deals with that is then matched up to it.

385 There is an assumption that if it is said in court and if the Deemster says he has been misled but he has made a decision whichever way, all of these times the Deemsters have been misled and said they have been misled are just ignored. They are not followed up on.

390 If they were followed up on, very quickly I think you would find that the court hearings would be much shorter, much quicker, with much less cost to the public and significantly less cost to the Government, which is ultimately the public as well.

I would mention another point that as far as I can see, every time you want to make a complaint about a lawyer overstepping the mark the suggestion is that you might go to the Law Society. Well certainly in my case, the lawyer that I have been having issues with was a President of the Law Society. So you are not going to do that! Nearly every other professional body that I know of there are regulations to control them and to keep them in place, but it seems to me that the legal system on the Isle of Man, certainly the lawyers on the Isle of Man, are running their own shop and I do not think there is anybody in place with the ... I am not suggesting the will is not there but it is probably going to take something like this to actually kick-start that will.

395 400 There needs to be some regulation over these guys because they are just running rings around the legal system and our Deemsters. The other problem of course is that our Deemsters are actually coming from the pool of lawyers on the Isle of Man so it is a bit of a closed shop there as well.

405 If you are in the UK you have a circuit judge. Judges go around a circuit, as far as I know, so there is definitely going to be no confliction. In my case, the Deemster owned the company that did my deeds in 1978. Lawrie laughed! Well, how can that be? How is that not conflicted? As a layman in my case if that man owned outright the company that did my deeds and now he has effectively said that those deeds actually should not have been done because adverse possession happened 40 years ago, why were they doing the deeds in the first place? Why wasn't it spotted then? Why wasn't I advised that adverse possession could have taken place? I have been dragged through this kicking and screaming. I have not instigated this and I have basically been on a roller coaster that I cannot get off. Once you are in this you cannot get out of it, there is no way out.

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415 Even when the appeal happened I tried to go neutral. My lawyer told me to go neutral and it cost me another £15,000. I did not appeal, the winners appealed. So when you have a situation where the winners appeal because they did not like the fact that the Deemster had given me a right of way over the land that used to belong to me, it is then shown that he makes 18 errors in law – I do not take a part in it and yet I am still given the actual bill for it.

420 **Q11. Mr Robertshaw:** Mr Cleator, can I just interject one point where you said that Lawrie laughed. The Committee takes these matters incredibly seriously and I think it was an expression of anxiety.

Mr Hooper: I think it was an expression of incredulity actually.

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Mr Cleator: Good lad! Yes.

Mr Robertshaw: Just for the record I think –

430 **Mr Cleator:** I did not take exception. I was very happy with it, to be honest, because it is a ridiculous situation.

I am just reminded as well of course in this situation where the equity of arms ... we can get back to the equity of arms and one of the things that is happening on a regular basis is that the rules of courts are totally being flouted. You have a situation where there is a time limit for
435 doing something. So in the case of the absolutely horrific judgment against me you have a period of time to appeal. We had discussions. My lawyer knew what date that appeal should be and once we worked out I could not afford to do it and also the law was not going to protect me sufficiently anyway, what was the point in appealing so I did not appeal. We were the losers. You would expect us to appeal or not appeal. That is usually what happens.

440 So the appeal date passes and 20 days after that we receive appeal documents from the other side. They have appealed because the Deemster has given me a right of way over what used to be my piece of land but he has taken it away. In order not to land lock me he has now given me a right of way. I did not ask for that right away because obviously I did not know I was not going to be owning it. I had a right of way by the fact I owned it. So now we have got
445 a situation where they have appealed and they think the Deemster has made 18 errors in law – 18 errors in law – and I am supposed to fight that. I have just been faced by 80% of £63,000 – is what I am expected to pay, plus the bills from my lawyer as well; and now I am supposed to go to court to fight to protect the Deemster's decision.

Not only does that sound ridiculous because it is ridiculous, who am I going to pay to come up with 18 answers – 18 answers – errors in law by the Deemster that I have apparently got to pay a lawyer to argue? And the appeal Deemster accepted that as well even though it was late. So we have gone to there, bang, we have not appealed. If we had appealed they would have answered that, but what has happened is we have not appealed so they have appealed. Okay? That is not fair. If they were going to appeal they should have appealed there because it should
455 have been all over after that, but they appealed there. That has been allowed to happen and that has cost me another £15,000 for doing absolutely nothing, for not taking part because it was not my decision. It was not something I asked for, as has been shown by them, and yet because that Deemster allowed that appeal to go ahead late it has cost me even more money.

I did not take part because I could not afford it, partly. What part of not being able to afford it did the appeal Deemster not understand? He actually thinks it is okay for £5,000 for transcription. It cost £5,000 for transcription of the original hearing. I think I might become a transcription clerk because that is bloody good money in a month! And the other £15,000 was the one month of preparation for that appeal hearing by this particular lawyer.

When you compare that with the costs for the full hearing, which was £63,000 on their side –
465 between two to three years of legal preparation and four and a half days in court was £63,000 – how have we managed to work up £20,000 for an appeal that never even went to court, when apparently it is only £63,000 for four and a half days in court and two to three years' worth of preparation? The whole thing stinks and it is very obviously attrition. That is what this is. It is firing big numbers at me to put me in a position where I cannot carry on.

470 To be honest, once your house is actually arrested you cannot carry on anyway and that is where we are now. The Coroner – not the Coroner that should have been, by the way, I do not understand that, not the Coroner from my area – has now arrested the field that I cannot get to. So I cannot get to the field that has been arrested to get the arrest document because I would be trespassing now.

475

Q12. Mr Robertshaw: What is your point about it is not the right Coroner?

Mr Cleator: What did I say? I have gone on a rant.

480 **Mr Robertshaw:** You said it was not the coroner expected. I just –

The Clerk: From your area.

485 **Mr Cleator:** I expected it to be the Coroner for Middle, which I think is Mark Wrigley, and in fact it was Stuart Gardner who is the Coroner for Glenfaba and Michael. I just think it is a bit unusual that it is not the Coroner for my area that chooses to serve documents upon me on my property.

490 **Q13. The Clerk:** I do not know if it has got any distinction with any difference at all. I mean they are just carrying out the court order.

Mr Cleator: It might not make a difference but it is a bit unusual that it is not the one in the area. It is almost as if it might be one that is usually used, potentially.

495 **Mr Robertshaw:** Sorry, I just sought clarity on that.

Mr Hooper: Do you mind if I ask a question?

500 **Mr Cleator:** I would love it!

Q14. Mr Hooper: You have raised a couple of quite important points here on the course of arms. There are two systems that supposedly exist to try and protect equality of arms within the Manx system. The first is the legal aid system. That is supposed to ensure that people who do not have the resources to fight their own cases are provided with resources to do so by the state. Have you had any interaction at all with the legal aid system throughout this?

510 **Mr Cleator:** Yes, it is done through your lawyer. The lawyer asks you for a statement of earnings. My earnings are devastated, to be honest. Over five years of this is not very good because I run my own small business. Obviously these sorts of things ... but over a period of time it is pretty obvious to everybody around me that my productivity has nosedived actually to an extent where I now turn work down because it is too hard. So my partner who has a part-time job, Nicola, works for one of the local property companies doing their books while also she is looking after our disabled kid.

515 So we are not actually very well off and yet when our earnings were submitted to my lawyer he came back and said we were not eligible for legal aid because we had £200, I think he said, a week disposable income. It is £390 an hour for a lawyer so I do not understand how that comes anywhere near it. But I could not get it, so that was out the window. I could not afford to appeal, I could not get legal aid and I have got the evidence of that – I might have included it in here somewhere – but also the law at that time ... it looked like I had nothing to fight anyway.

520 Now I think I would have had, but of course the time limit ... We honoured the time limit. We did not appeal, but then the opposition appealed afterwards, even as the victors, out of the blue – very unusual. I do not think that those time limits should be being exceeded by anybody at any time. It looks to me, and I have seen it over and over again through this, that unless you actually apply for an extension and if you do apply for the extension before the time limit, then fair enough, as long as everybody agrees, there can be an extension. Because people can be busy, people can be on holiday, people could be in the middle of other cases etc., but they should keep an eye on their time limits. We all have to pay our tax in time. We all have to pay our National Insurance payments in time. Lawyers should have to put documentation in in time and they certainly should not be confused about when those times are. But again in the documentation I have got here I think I have actually shown, I have probably put the one in there where this particular lawyer was confused about the time – when it started, when did the clock start up until when the appeal could go in? He seems to know that he will be allowed to continue anyway.

535 I believe that these limits are put in for fairness but if everybody puts their documents in on
the same day then there is none of this, 'Let's see what they have written before we put ours in.'
But if you put your documents in and they see them and then they put a version in, which now
they have had a chance of answering what was all in here, it has actually moved it one stage
backwards for them; and you are here and they are a stage ahead now. So the Deemsters need
to stop allowing these time limits to be exceeded because it is not fair.

540 **The Chairman:** You had a second –

Q15. Mr Hooper: The second question I had was about when it comes down to the conduct
of lawyers. You have –

545 **Mr Cleator:** Lawyers should know where the time limits are.

Mr Hooper: Yes. What I am getting at is you said earlier that you were advised to contact the
Law Society if you have an issue or concern over the conduct of either party. (**Mr Cleator:** Yes.)
550 Are you aware of the Advocates' Disciplinary Tribunal which is a body that you are always
entitled to reach out to? You do not have to go through the Law Society at all. I am just
wondering if you have had any experience of dealing with the ADT.

Mr Cleator: No, I have heard the phrase. Is it a UK one?

555 **Q16. Mr Hooper:** No, it is an Isle of Man body. I am just wondering if you had any experience
dealing with them.

Mr Cleator: No. I have not been in touch with them. But is it a Government body?

560 **Mr Hooper:** It is an independent tribunal –

The Clerk: It is a public sector body. It is independent of the Government, but it is a formal
way in which you can make a complaint against an advocate.

565 **Mr Cleator:** Is it the same sort of system as the Financial Supervision Commission?

The Clerk: Well, if you do not know about it I recommend that you go online and look at it
and see whether it is useful to you.

570 **Mr Cleator:** But that is me having to do something. (**The Clerk:** Yes.) Are they setting the stiff
rules that the advocates are having to stick to?

The Clerk: No, they are applying the rules and if you have got a complaint you can look and
575 see what they can do about them. I do not know if we ought to go into too much detail because
actually I recommend you just go on their website and have a look and inform yourself about
what they can do for you.

Mr Cleator: Yes, but what you are doing here is moving it over onto me and I am now trying
580 to demonstrate where the shortcomings are.

The Clerk: No, you asked the question about what the ADT is so I am just –

585 **Q17. Mr Hooper:** Sorry, the reason I asked is because that is the current way that conduct and behaviour of advocates is regulated on the Isle of Man. (*Mr Cleator:* Fair enough.) So obviously if you have had issues –

Mr Cleator: If it is regulated. Is it regulation?

590 **Q18. Mr Hooper:** That was my question: as to whether you were aware of them and whether you had gone through them.

Mr Cleator: My question was: is it like the Financial Supervision Commission, because this is more serious than regulating finances because if these people are allowed to run roughshod like they have done here over the likes of me then the figures we are talking about are life changing, whereas a few hundred quid here and a few hundred quid there and a slight break of the rule here and a slight break of the rule there does not really affect ordinary people, it might affect people's millions of savings and stop potentially money laundering or whatever. Well, I am not that interested in that but we certainly seem to have a very strong will to control the financial institutions and yet it looks like we do not have a body in place to control the legal institutions where they are presumably being held to account on a regular basis like the financial institutions are.

600 **Q19. Mr Robertshaw:** Just for my clear understanding about this, when you first mentioned the point about, 'Well, I was required, as it were, or would be expected to approach the Law Society,' and then you mentioned the President's involvement; could you just clarify that for me a little bit please?

610 *Mr Cleator:* Okay. Well, the particular lawyer – who I respect, I do certainly respect his intelligence – who is the driving force behind all of this, apart from his paymaster, was the President of the Isle Of Man Law Society, not specifically when I would have considered necessarily making a complaint. I had him looked into, but obviously I realised that if it was that closed a shop that is like the Police trying to investigate itself which is not something that has worked out that well in the past. You bring in external bodies to investigate something, you do not have yourselves investigate yourselves, because that is not going to go so well. That is what that feels like to me, it might not to you, but it does not feel right. And if he can be a president of it then it certainly has got to be not the right place to be going to have the investigation done.

620 The rules need to be stuck to. I actually think that the rules are in place, it is very clear that the Deemsters give instructions on the directions hearings and those are taken note of and then they appear to be totally ignored. The fact they have been totally ignored gets waived as long as eventually the court hearing goes ahead and we are now getting somewhere.

625 But the effect of all of that is dragging everything out to the nth degree, not giving one of the parties the choice as to whether they think that it is fair for the time to be extended – you might want to get on with your life. I have been in quite a few of these hearings now, of these court cases, and I have seen it over and over again where it is just brushed off as a thing that happened, 'But moving on, we shall now do this'. Whereas I think, again, it should be one of these monitoring situations where if habitually the times that are set by the Deemsters perhaps when they are doing their directions, if they are not stuck to then that needs to be another point on the monitoring system and then you would soon start to see the graphs pointing in directions.

630 **Q20. The Chairman:** Just picking up on that, Mr Cleator, on that delayed time limits, not submitting things in time so not complying with the directions you are given by the courts, I mean it is possible that that can happen and it does not really have a big impact because it is a small thing and you are a day late or something. It is also possible you could be weeks late and

what you generate is very significant or you leave out very significant information that puts the other party to a lot of time and effort and cost. So there is a spectrum of impact when people do not comply with the directions the court has made.

640 In your experience, have you seen that that has been addressed in any way? Because the classic way to address that is also through costs at the end. When somebody has put the other side in a piece of litigation to a lot of extra time, expense etc. the way that can sometimes be addressed, as well as looking at the advocate's actual behaviour, is to make it very clear that that should not have happened and a costs order is made. But that has not happened in your cases

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Mr Cleator: The cost orders against me have been astronomical. They are life changing.

Q21. The Chairman: But they have not taken –? (**Mr Cleator:** No.) There has been no weighing up of these facts?

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Mr Cleator: They mentioned it. My advocate in this instance had to be late a few times but he wrote to the courts and requested or said, however they work, he wrote in and said he was going to be late. The other advocate is late and then apologises for being late. There is a big difference. Okay.

655

Certainly going by the size of the costs that they think are fair, I cannot see any allowance for that whatsoever. In fact, the costs are just ridiculous. If somebody is going to apply for adverse possession of a piece of land then as far as I am concerned if they get that land they can pay for the costs because the person who owned the land and has tried to fight for their own land has lost so much and probably had to fight their corner so hard they have already been absolutely wiped out, which is certainly what has happened to me.

660

I think there is a case called, and it is actually used, *Pogue v Woodrow 2005*, that gets used as case law now. Well that Woodrow person is the person that is fighting still ... the son of the father, he is still fighting for justice because of what was done to his family because of adverse possession. I do not know him, I would like to meet him because I would like to shake his hand. There is a situation where they presumably considered themselves as being the owners but somebody else came along with a stronger case, used adverse possession, managed to twist it around and it is a landmark case and it has been used, I could not tell you which parts of it have been used against me. I see it in the –

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The Clerk: Law reports? The skeleton argument?

Mr Cleator: No.

The Chairman: The bundles.

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Mr Cleator: In the bundles, yes. The things they refer to – I cannot remember the word.

Q22. The Chairman: Do you have anything?

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Just on the equity of arms point again, we have talked about legal aid and you have explained the circumstances and you were not eligible, is there anything else that you have considered through all of this that you think might make a difference in terms of equity of arms as well? Any other systems you have become aware of or any other ways you think it is possible to address this concern that someone in your position feels that there is an inequality of arms dealing with this sort of case?

685

Mr Cleator: I was never advised that it would end up like this. So all that happened on day one was some people moved into the house at the top of my lane, they started knocking down a

690 wall into a field opposite which at that time was one of my boundary walls, because although it was in front of their house it was one of the boundary walls. I had a word with them. I wrote them a letter, I asked them to stop knocking it down. They carried on knocking it down.

As I did mention, somewhere my field had actually been sold around the same time as the house using the same estate agents because I had an arrangement with the previous owners that we would try to sell the properties together. I did not particularly need it. I have got better things, as you know, to be getting on with than that down there. It would have been a nice little windfall, to be honest, and everything was going okay.

695 They moved in, started knocking this wall down into – when you read this you will know what I am talking about – somebody else’s field. I was already with the lawyers with the agreement for sale for the field and that ended up being stopped by a caveat. The field had a caveat put on it three days after the registration of their house. So I did not realise, I did not know that it happened at the time, that it was three days after the registration of Green Hills, this house.

700 Obviously I have worked out all of the machinations since then. But the caveat was on my land so my lawyers were working to try and have that caveat removed. I had a meeting about it and I have given you some information to do with that meeting as well, trying to get it removed. It was very clear that that particular person was trying to claim that I did not own my piece of land. He had actually been in touch with me before trying to steal it, trying to claim that he owned it and this business at the top of this lane is the way that that has actually – or that is still in progress – that that has been able to be achieved. It is phenomenally complicated. It is a very clever plan.

705 So when I was going through the, what is called, restoration of status quo process that my lawyers had to apply for one week before, again, a limitation period of six months ... for the restoration of status quo on the Isle of Man, while that was in progress I dug out the registration application for the house at the top and gave it to my lawyer. He noted that they had tried to register this little piece of land that we are talking about, the access to my lane and field, and they had registered their house with absolute title, they had ignored the burdens that are required for me to get to my lane – that had all been missed out – which had been in all the previous deeds, but they had also, this little square had been registered separately with absolute title.

710 So my lawyer wrote a letter to the Land Registrar, as anyone would do, objecting to that registration of absolute title where they are saying they have absolute title to the top of my lane. All right? And that is how we have ended up here. So I have not been contacted by the Land Registrar and told, ‘Actually I think you could lose this by adverse possession.’ My lawyer was fighting absolute possession, and if it goes to court you expect, ‘Well I have got all these deeds so it is cut and dry.’ In fact, that was a phrase used by my lawyer: ‘It is a very simple cut and dry case. There are the deeds. These deeds go back further than those deeds. Job done.’ But this has been twisted around to this adverse possession, possessory title argument in court. Four-and-a-half days later and £80,000 of costs against me – it is not quite that because of the percentage knocked off – plus the nearly £50,000 to my lawyers.

715 So from one piece of paper into the Government it ends up being pushed up to the Land Commissioner and, honestly, reading the judgment it feels like the Land Commissioner took a disliking to me as well. It is sickening to read, to be honest. So I think every possible effort should be made at the Land Registry stage because it is the Land Registry that has got control of this. Every possible effort should be made for it not to go to the Land Commissioner. Perhaps you might consider the courts to be arbitration but certainly not once you have got to get a lawyer involved; that is not arbitration, that is extortion – legal extortion.

720 So if there is something that is going to raise such an ugly head as this it needs to be dealt with at the Land Registry stage, not be sent straight up to the Land Registrar. If there are systems in place to stop that happening they certainly are not being used. I have not been advised of anything. Quite simply, via my lawyer, we objected to registration – already trying to have this caveat lifted, already having to fight, which did not go to court, a restoration of status

740 quo hearing and then that wall got rebuilt. I then went to court unrepresented with Deemster
Doyle and was given my costs because I could not have even continued to now if I had not done
that. Then the registration in the Land Registry of absolute title for this little piece of land has
been pushed up through the courts, 3.7 m² of land has ended up in £150,000 worth of costs,
effectively.

745 It is just not equitable, it is not right, it is not fair. It is just out of hand and it seems to me that
the root of the problem is in the Land Registry because there is a stage missing. It should not
have gone to court. But it was going to go to court, as from when you read this there is more to
this. So it was going to go to court because of the man I am ultimately against. It was going to go
to court no matter what and that is the attrition element. That is the vexatious ... Point 2, I think,
750 on the Petition: it can be demonstrated that there is a culture of serial or more accurately
parallel litigation being practised on the Isle of Man overwhelming the courts and administration
by those who would utilise this inconsistency in Manx law for their own aggrandisement of
property and position. That is all proven in everything you see.

755 Parallel litigation is because I am not the only person who is suffering this at the moment and
all you have to do is look in court listings and you will see a certain name popping up time and
time again. Whether it is one of his companies or whether it is him on his own, it is there, it is
happening and it needs dealing with. I have said it there and it is parallel, it is not serial which
means one after another, it is parallel which is all at once. Everybody is getting hammered.

760 On top of that, that is being supported, that attitude towards Manx law and misuse of Manx
law and knowledge, that you can twist it and turn it and abuse it, put things in late, mislead the
Deemsters, submit incomplete or inaccurate documents to court, say whatever you like, pepper
gun approach, scattergun approach to documentation to have, I think there were, something
like six folders in front of me when I was being cross-examined – six! My father was there; he
was up there for four or so hours, five, four-and-a-half hours. He could hardly stand and he is
765 having to stand to open up his folders. It is just ridiculous. My lawyer had a sack truck in order to
carry everything that was required. It just looks ridiculous for something as small as this.

770 So you have got a situation where it is happening. Somebody can afford to do it and because
the lawyer knows what he can get away with through lax sticking to the rules and he knows he is
not going to be brought up against anything, it just carries on, which is why then you have got
point 3 there: monitoring. If you monitor it, it will stop; if you do not monitor it, it will carry on. I
do not think monitoring takes that much, it just takes somebody with a brain to read each
judgement and spot ... if the Deemsters know then the Deemsters could highlight them for you:
'There's one. There's one. There's one.' Add it to the list, put it on a database, produce a graph.
If something is getting out of hand do something about it. In general you have got the Fraud Act
775 to back you up on all of those things, but you have not got any monitoring.

Q23. The Chairman: Mr Cleator, thank you for everything that you have said so far. The one
other thing that you have mentioned, I think, and highlighted to us is the Senior Courts Act
which again is a UK Act in 1981 which you have suggested we look at from the point of view of
780 managing the issue of a vexatious litigant. Is there anything you want to say to us about that or
point us –?

Mr Cleator: No, I have not read it in detail. That is something I looked at that seemed to be
the Act in the UK that deals with this and they have got processes in place which I just cannot
785 bring to mind immediately. But I did read it. I did not think it was sufficient because I thought it
put too much of the onus on people like me to actually draw attention to it. I think people like
me have got better things to be doing than drawing attention to people being vexatious and
what I have named parallel litigation.

790 All I can do is my best and point out that it is happening and suggest the way I would think of
it as somebody who knows about IT – and I computerised the Deeds Registry once – but I would
have this in a database – a very quick ... You have got IT people, just have somebody read these

795 rules, keep a list, once you have got a big pile of them you can approach the perpetrator. ‘What are we going to say?’ Well, what I would prefer you did was just referred it to the fraud squad: ‘There are the rules. Go.’ It does not need any more than that. It is not much more complicated. If the Deemster has already said it then you have got a ruling, haven’t you? If it was not true the Deemster would not have said it. Is that not the case? Or we could drag it out forever and have court hearings till the end of time and they just carry on. But it needs dealing with before it gets any more out of hand.

800 **The Chairman:** Mr Robertshaw, would you –?

Mr Robertshaw: No.

805 **Mr Cleator:** I have worn him out!

Mr Robertshaw: Not at all.

Mr Cleator: You have got me going now!

810 **Q24. The Chairman:** There was not anything else particularly that I think as a Committee we wanted to ask you about today.

Obviously we would be grateful to receive your written statement and thank you for the paperwork you have sent us. If there is anything further that occurs to you after today’s hearing that you think the Committee should be aware of, whether it pertains to your circumstances or ideas or information you have had about things that could be considered for the future, please do write to the Committee with that information.

815 But thank you very much. I appreciate you coming in today, Mr Cleator, and giving evidence to the Committee. (**Mr Cleator:** You’re welcome.) Is there anything finally that you wanted to say before I bring the hearing to a close?

820 **Mr Cleator:** I don’t think so, if we have covered the points in the original Petition and I think I have spelt out there is a lot more to this than I think we have discussed here, but that you are going to see. I do not expect this Committee to do anything in two minutes or even two months, it could be two years. I would hope that an awful lot more people will find out about the Committee and come forward because there are three very serious things in here that should not be treated lightly and are important for the Isle of Man, and if we can sort this out then it may well be that the Isle of Man actually creates a precedent for the rest of the country, for the UK and beyond, where we might actually be leading the way.

825 Certainly the Senior Courts Act did not deal with this the way I would want it dealing with. Have a read of that and you will see that there is something in place. We have got nothing in place; they have got something in place that I consider inadequate. What I have suggested is a much more modern way of dealing with something once it has been extracted from each hearing which nobody has suggested before, I expect: extract the key points, not to do with the hearing but to do with the judgment, specifically focusing on the professionals. Because if you cannot control the professionals, if professionals can be sought out that will do and say anything then the people with the money will always be able to get what they want in the end because the money will not stop and the professional, if the money keeps getting paid to him, also will not stop. So the only way is by dealing with that professional and doing that; allowing their own committee to control themselves is not the way, because these are very clever people – some of the most highly trained people in the country. They have been through absolutely everything and they think – some of them, not all of them – some of them definitely think they are above the law and that definitely needs changing and it is absolutely clear and you are going to see it. You will see it.

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The Chairman: Thank you. Thank you very much.

Mr Cleator: You are welcome.

The Chairman: I am going to bring the hearing to a close and the Committee will now sit in private.

The Committee sat in private at 5.06 p.m.