

FAIRNESS FIRST IN ENGLAND AND WALES

One rule change reaches almost every civil case in England and Wales

Today one rule overrides every other rule in a civil Court. It names cost. It does not name fairness.

Make fairness the overriding objective

One rule overrides every other rule in a civil Court. It names cost, and not fairness. **Reword it so fairness comes first.**

One amendment. No Act of Parliament. Made by the rule committee that already exists.

In this very case a Court called contempt the remedy for lies in evidence, then used the same rule, the overriding objective, to not use it. That is the rule deciding, in its own words.



WHY THIS CAMPAIGN EXISTS

Stuart Thompson. Pioneer of AI video analytics, a market forecast to pass \$100 billion by 2035. Fighting for his property since 2020. He is not asking for his case to be reopened. He is asking for one rule to be reworded.

"I would have lost on day one, but COVID stopped proceedings and put me on a five-and-a-half-year path to show how institutional litigants exploit a rule that ranks cost above fairness. This is not about my case. It is about the rule that decided how my case was run, and the accident that let me prove it."

Financial institutions are invited first

No industry gains more from a Court the public trusts. Institutional failures stay cheap while fairness ranks below cost and speed, and the most careful firms are undercut by the most reckless.

One research dataset. One independent investigation, published in full. One short film. Local support groups run to one standard. Funders get no veto, whoever pays for it.

A Court the public can use is where failures elsewhere are meant to be put right, from banking to social care. Rank fairness below cost, and that door narrows. One reworded rule holds it open.

OUR TARGETS FOR SUCCESS, AND WHO WILL CHECK THEM

40 to 45 million

UK adults reached at least once a year.

10 million

people reached every month.

1 million

email supporters in twelve months.

Who checks it. Reach and monthly audience are measured by independent site and audience measurement, not by our own counts, and audited before any figure is published. Supporters are counted from our own database of registered campaign followers.

Market forecast: Precedence Research, Video Analytics Market, 18 August 2026, which puts the market at \$109.85 billion by 2035. The case referred to throughout is Santander UK PLC v Stuart Thompson, claim G1PP9250. No judge is named, because the argument is about a rule and not a courtroom. The proceedings are continuing and nothing here is intended to influence their outcome.

The rule does not say what Parliament told it to say

Parliament set the terms on which the Court rules may be made. The rule made under that power ranks them differently. Nothing below is contested. It is the Act, and the rule, in their own words.

PARLIAMENT PUT FAIRNESS FIRST. THE RULE DOES NOT

"The power to make Civil Procedure Rules is to be exercised with a view to securing that the civil justice system is accessible, fair and efficient."

Civil Procedure Act 1997, section 1(3)

"These Rules are a procedural code with the overriding objective of enabling the court to deal with cases justly and at proportionate cost."

Civil Procedure Rules, rule 1.1(1)

"Dealing with a case justly and at proportionate cost includes, so far as is practicable ... (d) ensuring that it is dealt with expeditiously and fairly."

Civil Procedure Rules, rule 1.1(2) and 1.1(2)(d): the only place the word fairly appears

Parliament said fair. The rule that implements Parliament says cost, and puts cost inside the objective that overrides everything else. The word fairly appears once, tied to speed and governed by **"so far as is practicable"**. So cost overrides, and fairness is practicable. That is the whole of it, and it is on the face of the rule. This is not a change of policy. It is bringing the rule into line with the Act that authorises it. Move fairness into that sentence and a fair hearing stops being an objective the Court may reach so far as is practicable, and Court stops being the cheap first step for whoever can afford it.

THE PROMISE ALREADY MADE

"My Government's legislative programme will be mission led and based upon the principles of security, fairness and opportunity for all."

The King's Speech, setting out the Government's programme, 17 July 2024

"The Rule of Law: the certainty of stable and accessible rules, an independent judiciary resolving disputes and delivering impartial justice."

The King, addressing the United States Congress, 28 April 2026

Back the change

Fairness first needs no new Act of Parliament. In 2013 cost was promoted into the opening line of the rule. The rule has been amended four times, in 2013, 2021, 2022 and 2024. Fairness has never once been moved. The wording already works: the Employment Tribunal rules, remade in 2024, open with **"fairly and justly"** and put saving expense last.

The committee has already started this work. In 2021 it amended rule 1.1(2)(a) to add that the parties **"can participate fully in proceedings, and that parties and witnesses can give their best evidence"**. It has therefore already accepted that effective participation belongs inside the overriding objective. This asks it to finish what it began. If the rule is not changed, the public must be told that the cost of managing their case comes before fairness.

WHAT ADVICE IS WORTH TO THE PUBLIC PURSE

£908 million

saved for the Treasury for every 100,000 people who get free specialist legal advice.

When a legal problem is not resolved it becomes a housing problem, a health problem, a benefits problem, a job lost, and the state pays for all four. Where a person needs specialist advice the Treasury pays about £12,400 in the first year if they do not get it, against about £3,300 if they do: £9,100 saved on every single case. On the legal aid numbers alone, 155,523 civil legal help matters started in one year (Ministry of Justice legal aid statistics, 2024 to 2025), that is £1.4 billion. Citizens Advice puts its own saving to government at £783 million in the same year. The report behind the per-case figures claims a national total of **"around £4.5 billion in the first year"**. Nobody has counted what the Courts cost when the same people arrive there. The money is not the argument for fairness. It is the answer to anyone who says fairness is unaffordable.

WHAT YOU CAN DO ON OUR WEBSITE, AND HOW IT CAN HELP YOU

Draft your letters automatically

Answer a few plain questions. The site drafts both letters for you, to the committee and to your MP. You read them, change anything, and send them. About two minutes.

[Click here to start](#)

Join the supporter list

One email address. We tell you what the committee does, and nothing else.

[Click here to start](#)

The main rule changes are signed in January and July, in force in April and October. Write to the committee directly at CPRC@justice.gov.uk or Post Point 7.38, 102 Petty France, London SW1H 9AJ.

THE EVIDENCE

68.6 against 283 weeks

68.6 weeks is the average wait from claim to trial. This case waited 283, one of the reasons it is of exceptional public interest.

Ministry of Justice, Civil Justice Statistics Quarterly, January to March 2026: a mean of 68.6 weeks on the fast, intermediate and multi tracks, still slower than before the pandemic. This case: claim issued 11 March 2020, tried 14 August 2025. No causal claim is made.

3.5 million

people live in areas with no civil legal aid provider at all, after the number of providers more than halved since 2010.

Institute for Fiscal Studies, 5 June 2026.

Sources. Civil Procedure Act 1997, section 1(3); Civil Procedure Rules rule 1.1 as amended 2013, 2021, 2022 and 2024; Civil Procedure (Amendment) Rules 2021, SI 2021/117, rule 4. Ministry of Justice, Civil Justice Statistics Quarterly, January to March 2026 (published 11 June 2026). Pragmatix Advisory for the Access to Justice Foundation and the Bar Council, The value of justice for all, 5 August 2024: the per-case figures and the £908 million per 100,000 clients are its central scenario; the £4.5 billion is its own estimate for around half a million people. Ministry of Justice Justice Data, civil legal aid 2024 to 2025. Citizens Advice, impact 2024 to 2025. Employment Tribunal Procedure Rules 2024, SI 2024/1155, rule 3. Civil Procedure (Amendment) Rules 2025, SI 2025/106 and SI 2025/893, made 30 January and 16 July 2025, in force 6 April and 1 October 2025. The King's Speech, 17 July 2024, gov.uk; the King's address to the Joint Meeting of Congress, 28 April 2026, royal.uk. Quotations are matters of public record; no endorsement of this campaign is stated or implied.

Why this case is exceptional public interest

Not one refusal in this case was made in bad faith, and none needed anyone to break a rule. That is what makes it exceptional: it shows what the rule itself produces, on a Court record anyone can check.

"My case is nothing in comparison to many that I've followed. The only exception is the accident that led to this campaign." Stuart Thompson

£21,553.58

the arrears claim this case was to be managed in proportion to

AGAINST

\$87,000,000

one contract in the evidence before the Courts that decided Stuart's case (filed core bundle, pages 82 to 84, application of 4 May 2025)

The rule told the Court to measure this case by the first number. The Court spent five and a half years of working life behind the second. What those years cost is the one number nobody will ever know: the £15,000 expert asked for to count it was refused, and the counterclaim was then dismissed for want of the very number he would have counted.

THE MECHANISM

1. Cost overrides. Fairness is practicable

The overriding objective is to deal with cases ***"justly and at proportionate cost"***. Cost was promoted into that sentence in 2013. Fairness never has been: ***"fairly"*** sits at rule 1.1(2)(d), tied to ***"expeditiously"***, beneath a list governed by ***"so far as is practicable"***. Nothing in that list can override the sentence above it.

2. The merits are irrelevant to how a case is run

Whether a party is right has nothing to do with how their case is managed. *Prince Abdulaziz v Apex Global Management* [2014] UKSC 64 at [29].

3. A fair hearing is weighed against the Court's diary

Rule 1.1(2)(e) directs the Court to allot a case an appropriate share of its resources while taking into account the need to allot resources to other cases. Every party's hearing is weighed against every other party's.

4. And case management cannot be appealed

In practice these decisions are effectively unappealable. *Walbrook Trustee v Fattal* [2008] EWCA Civ 427 at [33]; *Mannion v Ginty* [2012] EWCA Civ 1667 at [18].

Put the four together and the failure is built into the rule

Fairness is one consideration among several, and only so far as is practicable. Their hearing is weighed against the Court's other work. And the decisions that follow are, in practice, unappealable. So whoever exercises the discretion decides the case, and nobody reviews it. **Whether he was right never decided how his case was run.** Nothing improper has to happen for the outcome on the next page. It is what the rule permits, in more than twenty thousand mortgage possession claims a year.

WHAT THE RIGHT TO A FAIR TRIAL ALREADY REQUIRES

"each party must be afforded a reasonable opportunity to present his case ... under conditions that do not place him at a substantial disadvantage vis-à-vis his opponent. It is left to the national authorities to ensure in each individual case that the requirements of a 'fair hearing' are met."

European Court of Human Rights, *Dombo Beheer BV v Netherlands* (1993) at [33], on litigation between private parties. In England and Wales the national authority that writes those conditions is the Civil Procedure Rule Committee.

WHAT THIS CASE SETTLES

Ten days, on Santander's own admission. It took 72, and a denial

Santander's own witness accepted at trial that Stuart's settlement offer should have been answered within ten days. It went unanswered for 72 days, was denied in writing three weeks after the claim was issued, and was admitted six days later, on the last working day before a hearing the pandemic then adjourned. No rule was broken to produce that. It is what a rule that ranks fairness below cost and speed produces.

One rule has changed already, and it does not reach this one

On 1 October 2023 a new practice direction took effect: a case whose counterclaim takes the trial beyond a day may not be allocated to the fast track. It came too late for him, and it is proof that these rules can be changed. But it governs only which track a case is put on. It does not change what a Court must weigh once the case is there, which is everything else on these pages.

One change goes to the root of it

Move fairness into the sentence that overrides, where cost already sits. If it stays where it is, the public must at least be told what the rule says, so that nobody else stakes years of their life on a promise it does not make.

One case, and what it proves

Five and a half years. Twelve hearings listed, ten held. A possession claim against Stuart Thompson over mortgage arrears, met by a counterclaim the Court was told was worth many times more. Everything below is taken from documents filed in these proceedings, from orders made in them, from the Court's own correspondence, and from an approved judgment transcript.

ADJOURNED ONCE. STOOD OUT TWICE, THE FIRST BEFORE A DATE WAS SET



Each dark mark is a hearing that took place. The hollow mark is the first hearing, adjourned by the pandemic. The two red marks are trial dates lost: the first stood out before a date was set, the second taken out of the list four days before it was due.

ACT ONE. MARCH TO APRIL 2020. THIRTY FOUR DAYS

The claim. Issued over arrears of £21,553.58. The checklist certifying that the pre-action rules had been followed is dated the same day, is unsigned, and names a firm under a name it would not adopt for another fourteen months. The judgment records that no explanation was given.

The offer denied, admitted, rejected. His settlement offer, worth two and a half times the claimed arrears, went unanswered for 72 days. On 3 April Santander's solicitors wrote that no offer had been received. Two business days later its own file recommended no further response, leaving its solicitors to deal with **"offers to settle the mortgage"**. On 9 April, the last working day before the hearing, the solicitors apologised: it had the offer. The same letter rejected it, and gave no reason.

What the pandemic did. The hearing of 14 April 2020 did not go ahead. On that date no reason for refusing the offer existed on paper, Santander had not accepted before any Court that it held the offer before it sued, and its file on the mis-selling complaint was not in his hands. The stay gave him what the rule gives nobody: time. Everything now on the record was found in it.

ACT TWO. APRIL 2020 TO OCTOBER 2021. EIGHTEEN MONTHS WITHOUT A HEARING

553 days to the first effective hearing.

The reason, a year and a half late. The first reason for rejecting the offer arrived on 13 August 2021, one year, six months and sixteen days after the offer was made. It later changed.

The affidavit. In October 2021 the Court read his affidavit, took from it that any money owed was **'dwarfed by the losses I have suffered'**, and told him to write to the Court because he had a recognised counterclaim. In the same hearing it refused the affidavit as evidence and barred any more. Good enough to create the counterclaim; refused as evidence in it.

The fast track. The case was put on the track for claims expected to be tried in a day. His counterclaim was then recorded at over £200,000, with a fee of £10,000.

What he did with the time. Between hearings he went back to the business he was **'usually forced to ignore because of fighting this case'**. What it produced went into the Court record, including the contract on the previous page.

ACT THREE. 2022 TO 2023. THE TRIAL THAT KEPT MOVING

Admitted, at last. On 10 May 2022 Santander accepted in a witness statement that his offer **"was received by the Claimant prior to the issue of the current proceedings"**. Two years and twenty six days after the hearing the pandemic adjourned, and nearly seven months after the case went on the fast track.

Adjourned. On 21 October 2022 the trial listed for 4 November was adjourned, because a hearing he had applied for in December 2021 still had no date. The estimate went from one day to two, on the complexity of the evidence. The case stayed on the fast track.

Six months of silence. On 12 January 2023 Stuart asked, because of the Court's mistakes, for the case to be moved to the High Court. No trial date had been fixed. The request needed a judge's decision, the file went to another Court for it, and the Court later apologised that his letter **"was overlooked in favour of your more recent correspondence in error"**. The apology took 174 days.

Stood out before a date was set. Then, on 15 May 2023, a hearing was stood out **"due to a lack of judicial time"**. The Court's own complaint reply of 5 July 2023 shows no date had yet been set: only then was the file passed to the listing team **"to obtain a date"**.

The wrong basis. In August 2023 his application to move the case to the High Court was refused on paper and recorded as totally without merit, on the stated ground that the claim had to be heard in the County Court. At the next hearing the Court accepted it had decided **"on the wrong basis"**, not having appreciated the property was within Greater London, and set aside the finding that the application was without merit.

Too close to move, then taken out anyway. Having set that finding aside, on 30 October 2023 the Court refused the transfer for a different reason: granting it would mean **"the two day trial scheduled to begin in two weeks' time will not happen"**. Ten days later that trial was taken out of the list, four days before it was due. The trial too close to move never took place, and it had only been listed at all after the Court mislaid his request for six months.

ACT FOUR. 2023 TO 2026. THE RULE, THE JUDGMENT, AND WHAT IS STILL OPEN

The rule, caught deciding. A month before the trial the High Court told Stuart he did not need sworn affidavits because contempt was a sufficient remedy for lies in a witness statement: a witness who gave false evidence would, in the Court's words, **"attract a sufficient penalty"** and commit an act **"tending and intended to pervert the course of justice"**. When Stuart brought that very contempt application, the High Court deferred it until after the trial, because **"it is in accordance with the overriding objective that the Trial should take place"** first. The remedy was the reason to refuse him protection, and the overriding objective was the reason to withhold the remedy. His application, issued in June 2022, has never been heard.

The expert refused. His application for a forensic accountant was listed to be decided at the start of the trial it was meant to prepare him for, then deferred to its end. He ran the trial not knowing whether the expert would be allowed. The answer was no.

Possession. Ordered in November 2025, with a money judgment of £298,740.36, of which £153,740.36 is described as arrears and has never been itemised. The counterclaim was dismissed for want of proof of loss and causation, the loss he had asked the refused expert to quantify.

Where it stands. His application to postpone possession was never listed, then dismissed in two sentences at a hearing convened for something else. An appeal and a judicial review are live.

At judgment it was said that the time this case took beyond the usual was the result of Stuart's own applications, and that he was entitled to make every one of them. The usual, on the Ministry of Justice's own figures, is 68.6 weeks from claim to trial. This case took 283, four years and one month longer. Eleven of those months contain no application of his at all: the five months the Court took to calculate its own fee, and the six months his letter went unanswered.

6 mistakes

the Court's own record puts beyond dispute: 3 administrative, 2 procedural, 1 legal

174 days

for the Court to answer one letter, on its own apology

Never heard

his contempt application, filed June 2022

Note on sources. The case is Santander UK PLC v Stuart Thompson, claim G1PP9250. Drawn from Mr Thompson's own statements of case, applications, affidavit, grounds, chronology and skeleton arguments, from orders made in the proceedings, from the Court's own correspondence, and from transcripts of judgment approved by the judge, which are Crown copyright and quoted in short extract only. The count of six is deliberately the narrowest: it takes only mistakes the Court's own orders and correspondence put beyond dispute, not every delay or refusal described above. The proceedings are continuing and nothing here is intended to influence them.

Unfairness pays. Fairness first changes that

Unfairness is not only cruel. It is a business model. When the public cannot use the Courts, cutting corners pays, the most careful firms are undercut by the most reckless, and the public buys the difference.

The rule keeps cutting corners cheap

The regulated road is not optional. On it every firm must treat its customers fairly and, since 2023, deliver good outcomes; a complaint costs the customer nothing and the firm pays the fee. The Court's own protocol says a possession claim **"should be a last resort and must not normally be started unless all other reasonable attempts to resolve the situation have failed"**. Two steps undo it. A dispute can be moved into Court instead, where fairness is one item on a list weighed against cost and speed. Once the claim is issued, the Ombudsman may dismiss the same complaint without considering its merits. So the harder forum is always open to the stronger side, and the regulated road becomes optional. Cutting corners becomes a strategy, because the careful firm prices in doing it properly and loses to the one that knows the complaint will never be made to stick. A rule that puts fairness first re-prices that choice for every regulated firm at once.

The regulated road, never allowed to finish

Stuart complained his mortgage was mis-sold. With the complaint still open, Santander's solicitors began legal action for his property. He offered a settlement worth two and a half times the claimed arrears (page 4). Santander's own file recorded that the mortgage appeared **'to have been sold on an advice basis'**, the basis on which the firm, not the customer, must show the sale was suitable, and which requires the complaint to be investigated. The complaint was closed on 6 February 2020, four business days after Santander's own escalation note of 31 January 2020, and 113 days after those solicitors first wrote to him about possession, on 16 October 2019. The only part of it ever upheld was the time it took: £30 was credited. The first reason for rejecting his offer took a year, six months and sixteen days, then changed. The road where the burden sat with the firm closed from the inside. Court, where it sat with him, opened instead, and its legal costs went onto the mortgage: one notice added £7,440.20 before VAT.

THE HARM NOBODY COUNTS

Parliament agrees

Its own Justice Committee found in 2025 that the County Court is **"a dysfunctional operation"** and that its published statistics **"do not aid transparency"**. The National Audit Office found **"limited curiosity"**. So this campaign is counting it.

House of Commons Justice Committee, Work of the County Court, HC 677, 21 July 2025, Summary and paragraphs 31 and 32; National Audit Office, Government's management of legal aid, 9 February 2024, paragraph 1.17.

Parliament asked for plain rules too

The same Act that created the rule committee also told it that when it makes rules it must **"try to make rules which are both simple and simply expressed"**. Rule 1.1 is where the trying should have started.

Civil Procedure Act 1997, section 2(7).

When the Post Office prosecuted its postmasters, a public inquiry counted the human cost: thirteen suicides it could not rule out, at least fifty nine people who contemplated taking their own lives, a thousand prosecutions. No such count is kept for what civil litigation does to the people caught in it, most of whom never get the years this case did to prove the pattern. This campaign calls for one.

Fairness first eases the pressure on the Courts

Courts are overwhelmed because unfairness is worth litigating: the stronger side gains by choosing the harder forum. Put fairness first and that gain shrinks. The incentive to force a dispute into Court weakens, and more disputes settle on the regulated road where they began. One case ran five and a half years and twelve listed hearings against a claim his first offer exceeded twice over. A Court the public can use is not a cost, it is infrastructure. Fairness first will not cure every fault in the County Court. It removes the one excuse, that cost comes first, that lets the stronger side cut corners without consequence. Nothing improper has to happen for unfairness to win today. Fairness first.

The UK has already promised it

Parliament required an **"accessible, fair and efficient"** civil justice system in the Act that created these rules. It has been promised again since. **"My Government's legislative programme will be mission led and based upon the principles of security, fairness and opportunity for all."** The King's Speech, 17 July 2024. **"The Rule of Law: the certainty of stable and accessible rules, an independent judiciary resolving disputes and delivering impartial justice."** The King, addressing the United States Congress, 28 April 2026. Matters of public record; no endorsement of this campaign is stated or implied. That word is not in the sentence that overrides every other rule in a civil Court.

Sources. Post Office Horizon IT Inquiry Final Report, Volume 1, 8 July 2025. Santander UK PLC v Stuart Thompson, claim G1PP9250, judgment of 6 November 2025. Pre-Action Protocol for Possession Claims based on Mortgage Arrears, paragraph 7.1. FCA Handbook, PRIN 2.1.1R, Principles 6 and 12 (the Consumer Duty, 31 July 2023); DISP 3.3.4A R(4); Financial Ombudsman Service case fees: £680 a case beyond a £2,000 allowance. The £30 and the £7,440.20: judgment, paragraphs 29 and 55. The file notes of 29 and 31 January 2020 and the letter of 16 October 2019: exhibit ST4-10 and his filed first witness statement. Institutions are named from public records anyone can check. No judge is named, and nothing here suggests any judge acted improperly: the argument is about a rule, not a courtroom. The proceedings are continuing and nothing here is intended to influence them.