On behalf of: Defendants
M. Gill
Statement No: First
Exhibit: MG1
Date: 20 October 2025

Case Number: KB-2025-003209

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

BETWEEN:

SETU KAMAL

Claimant

-and-

TAX POLICY ASSOCIATES LTD

First Defendant

DANIEL NEIDLE

Second Defendant

FIRST STATEMENT OF MATTHEW GILL

I, **MATTHEW GILL**, of Good Law Project Limited, [redacted] **WILL SAY AS FOLLOWS**:

INTRODUCTION

1. I am a solicitor at the Good Law Project Limited ("GLP") of the above address. GLP acts for the Defendants. I have care and conduct of this matter on behalf of the Defendants, under the supervision of GLP's Head of Legal, James Douglas. I am duly authorised to make this statement on behalf of the Defendants.

2. I make this witness statement in support of the Defendants' application (the "Strike Out Application") for:

    a. An order that the Claim Form and Particulars of Claim be struck out for being a SLAPP claim within the meaning of section 195 of the Economic Crime and Corporate Transparency Act 2023 ("ECCTA"), which the Claimant will be unable to show is more likely than not to

succeed at trial pursuant to CPR 3.4(2)(d) and/or as an abuse of process under CPR 3.4(2)(b).

b. And/or an order that the Claim Form and Particulars of Claim be struck out for failure to comply with a rule, practice direction, or court order pursuant to CPR 3.4(2)(c).

c. And/or an order that parts of the Claim Form and Particulars of Claim be struck out because those parts of the Claim Form and Particulars of Claim disclose *"no reasonable grounds for bringing or defending"* those parts pursuant to CPR 3.4(2)(a).

d. And/or summary judgment on the whole of the claim pursuant to CPR 24.3.

e. If the claim is permitted to continue, security for costs pursuant to CPR 25.26.

3. This statement has been prepared following face-to-face, video discussions and extensive email correspondence with the Second Defendant in his own capacity and as director and sole member of the First Defendant.

4. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.

5. There is now produced and shown to me a paginated bundle of true copy documents marked "MG1". There is also now produced and shown to me a paginated bundle of true copy documents marked "DN1", which is the exhibit to the witness statement of Daniel Neidle. In this statement references to those exhibits are in form **MG1/tab/page** and **DN1/tab/page**.

BACKGROUND

6. In June 2024, the Second Defendant contacted the Claimant offering a right of reply concerning an investigation by the Defendants into *"annuity structures used by umbrella companies*" and advice the Defendants had learned that the Claimant had given to a number of umbrella companies about annuity structures [**MG1/26/M145-150**].

7. Following an exchange of correspondence, the Claimant published an eight-page reply on his X account on 22 July 2024 [**MG1/27/M224-232**]. I understand from the Defendants that they did not proceed to publish anything about the Claimant in 2024.

8. On 21 February 2025, the Second Defendant wrote again to the Claimant offering a right of reply concerning an investigation by the Second Defendant into Arka Wealth, a business which promoted an "*aggressive tax avoidance scheme which has no realistic prospect of success*" called "*work for your trust*" and described the Claimant as its "*legal partner*" [**MG1/26/M154**].

9. In response, on 24 February 2025 the Claimant asked the Defendants to "*commit to posting my reply on your personal X account on settings so that it is consistently capable of being viewed by each of your subscribers for a period of six months?*" [**MG1/26/M154**] and when the Defendants declined to give this commitment [**MG1/26/M152-154**], the Claimant added that "*I am trying to respond but I need access to the subscriber base.*" [**MG1/26/151**]

10. The Defendants proceeded to publish their investigation on 26 February 2025 (the "February Report"). The February Report was edited at various times. For the purpose of the Strike Out Application, I exhibit the original version of the February Report [**MG1/1/M4**], the version after edits in May 2025 [**MG1/2/M20**], and the current version [**MG1/3/M32**].

11. On 2 April 2025, the Claimant wrote to the Defendants asking that the Defendants "*remove the link with my name associated with failed tax avoidance at once and that you retract your statements and commit to compensating me for any damages caused. If not, I shall proceed with legal action COB today.*" [**MG1/26/M158**]

12. The Defendants responded on the same day, defending the February Report but confirming that *"If you can identify any specific factual errors then I will correct them promptly.*" [**MG1/26/M157**]

13. The Claimant did not respond to the Defendants.

14. On 25 April 2025, the Defendant wrote again to the Claimant to explain that "*We will be updating our report soon, so if you do have any factual corrections it would be helpful to receive them.*" [**MG1/26/M159**]

15. In a response on the same day, the Claimant said that "*I did not respond because rather than showing an interest in the points arising, you relied on honest belief and also used that interaction to post more negative comments about me.*" [**MG1/26/M159**] Further, instead of engaging with the Defendants' offers to make factual corrections, the Claimant informed the Defendants that he had written to "*Google, Bing, Cyprus Data Protection Office and the ICO*".

16. A copy of the Claimant's ICO complaint, which was dated 4 April 2025, was enclosed and ran to 13 pages [**MG1/26/M160**]. That complaint explained that the Claimant sought to have the February Report delisted from the search engines [**MG1/26/M168**].

17. On 25 and 26 April 2025, the Claimant sent the Defendants a handful of further emails criticising the February Report [**MG1/26/M173-176**]. On 9 May 2025, the Claimant sent the Defendants an email purportedly in compliance with the Pre-Action Protocol for Media and Communications Claims (the "PAP Letter") [**MG1/26/M177**].

18. The Claimant and Defendants, and GLP on behalf of the Defendants, exchanged further correspondence throughout May 2025 [**MG1/26/M181-195**], following which the Defendants did not hear further from the Claimant until August 2025.

19. On 8 August 2025, the Claimant wrote to GLP seeking confirmation as to where the Defendants could be served with proceedings [**MG1/26/M196**]. The Claimant and GLP subsequently exchanged a number of emails regarding service [**MG1/26/M196-201**].

20. On 26 August 2025, the Second Defendant received an email from the court [**MG1/27/M235**] attaching a copy of the order of The Honourable Mrs Justice Steyn DBE dated 22 August 2025 (the "August Order") which dismissed an application (the "Injunction Application") by the Claimant for, per the August Order:

> *"... an interim injunction restraining the Defendant, whether by themselves or through their agents, from publishing or continuing to publish the defamatory and/or false words identified in the Particulars of Claim, or any words to similar effect, on the basis that the publications are plainly defamatory and/or constitute malicious falsehoods, cause serious and continuing harm, and the Defendants have no viable defence."*

21. The Injunction Application was dismissed due to defects in both the procedure pursued and in the substance of the Injunction Application.

22. On 8 September 2025, the Claim Form and Particulars of Claim were deemed served on the Defendants.

23. On 18 September 2025, Acknowledgments of Service were filed on behalf of the Defendants.

24. On 2 October 2025, the parties agreed to extend the period for filing a defence to 20 October 2025 pursuant to CPR 15.5 [**MG1/26/M207**] [**MG1/26/M213-216**]. On 3 October 2025, GLP informed the court of that extension of time [**MG1/27/M244**].

STRIKE OUT FOR BEING A SLAPP

25. The Defendants seek an order that the Claim Form and Particulars of Claim be struck out for being a SLAPP claim within the meaning of section 195 of ECCTA, which the Claimant will be unable to show is more likely than not to succeed at trial pursuant to CPR 3.4(2)(d) and/or as an abuse of process pursuant to CPR 3.4(2)(b).

Delisting request and ICO complaint

26. Before the Claimant sent the Defendants the PAP Letter, the Claimant says he wrote to "*Google, Bing, Cyprus Data Protection Office and the ICO*" [**MG1/26/M159**]. We understand from the ICO complaint, which the Claimant shared with the Defendants, that the Claimant wrote to these organisations to seek to have the February Report delisted [**MG1/26/M160**]. In doing so, the Defendants believe the Claimant sought to restrict the Defendants' right to freedom of speech.

Disproportionate remedies sought pre-action

27. On 9 May 2025, the same day the Claimant sent the PAP Letter, the Claimant sent another email which sought the following disproportionate remedies from the Defendants which would restrain the Defendants' exercise of the right to freedom of speech (emphasis added):

> *"1. Publication of a clear and public confirmation of your sincere belief that I am the leading barrister in the field of taxation in the country, as previously stated, and a sincere apology for your misleading and disparaging remarks;*
>
> *2. Retraction or substantial amendment of the headline and body of the article so as to remove the defamatory implications it currently conveys;*
>
> *3. Publication in full of my letter to the Information Commissioner, together with acknowledgment of the outcome of the BSB investigation;*
>
> *4. Written confirmation that you shall apply higher editorial standards in the future, and that no further false or misleading references to any persons will be made in your publications;*
>
> *5. Undertaking to make the following payment: you shall undertake to pay 80% of any amounts which my regular or historic clients represent to you, in writing, as amounts they would have paid to me under an*

engagement with me, but did not do so because of your publications." [**MG1/26/M185**]

28. I understand that a court would be unable to order the remedies sought at (1), (3) and (4) above in these proceedings. Further, the undertaking sought at (5) was vague, unspecific and likely to have a chilling effect. In making these demands, the Defendants believe the Claimant sought to restrict the Defendants' right to freedom of speech.

The Injunction Application

29. The Claimant additionally made the Injunction Application to prevent the Defendants from criticising him. The Injunction Application consisted of an application notice, draft order and a witness statement by the Claimant dated 14 August 2025 (the "Injunction Witness Statement"). The Injunction Application was dismissed by Mrs Justice Steyn in the August Order for wholesale failures by the Claimant to comply with the relevant procedure and to meet the necessary tests for an interim injunction.

30. In particular, Mrs Justice Steyn explained in the reasons attached to the August Order:

> *"In circumstances where the Applicant filed the Application seeking an on notice hearing to restrain publication of articles published on 26 February 2025 and 23 May 2025, there is no justification for the Application being made prior to the issue of proceedings. The procedure for seeking interim relief in respect of intended proceedings should only be used where the application is so exceptionally urgent that there is no time to issue the claim prior to making the application. This is manifestly not such a case."*

31. Mrs Justice Steyn added that an application to restrain publication of an allegedly defamatory statement must show that the publication is *"unarguably defamatory"* and that the claimant's claim is *"bound to succeed"* and reasoned that:

> *"The Applicant's witness statement states that "there is no viable defence open to the Defendants on the face of the current pleadings" but there are no current pleadings and he has not put before the Court any correspondence with the Defendants' representatives. The Application does not address the test to which I have referred.*
>
> *Moreover, in the absence of a pleaded claim, there is a lack of clarity as to precisely what words the Applicant complains of or what meaning he contends the words bear."*

32. The Defendants' position and defences had been set out in GLP's response to the PAP Letter on 22 May 2025. It seems this correspondence was not provided to the court.

33. Mrs Justice Steyn concluded:

> *"In my judgment, given the defects in the procedure pursued and the defects in the Application which I have identified, the appropriate course is to dismiss the Application without a hearing."*

34. It is also relevant that the Claimant made the Injunction Application without giving notice of it to the Defendants. The Claimant was required to give notice of the Injunction Application to the Defendants pursuant to CPR 25.6, there having been no *"good reason"* for not serving the Defendants with the Injunction Application.

35. The Claimant did not give the Defendants notice of the Injunction Application despite:

    a. The Claimant having exchanged emails with GLP concerning service of proceedings on the Defendants only a few days before the Claimant filed the Injunction Application [**MG1/26/M196-201**].

    b. The application notice having stated on its face that "Matthew Gill" should be served with the Injunction Application, providing GLP's address, indicating to the court that the Defendants would in fact be put on notice.

36. As a consequence, the court was led to believe that the Injunction Application had been served on the Defendants. The order of 22 August 2025 twice stated that the Injunction Application was *"on notice".*

37. In response to correspondence from GLP seeking an explanation as to why the Injunction Application had not been served on the Defendants [**MG1/26/M202-204**], the Claimant said:

> *"I note your point concerning CPR 25.6. To clarify: when the Application was filed, it was my understanding that it was being made "on notice," in the sense that it was not being sought ex parte or in secret. This was done in reliance of Stephens Scown LLP, who were engaged to assist with the filing. The Court's recital that the Application was "on notice" reflects that understanding.*
>
> *For completeness, I should add that I had previously exchanged correspondence directly with Mr Neidle in relation to the publications complained of. It was on that basis that I understood the Application to*

be "on notice": that the Respondents were aware of the substance of the allegations and the relief sought." [**MG1/26/M206**]

38. On 3 September 2025, the Defendants contacted Stephens Scown LLP:

> *"I understand you have been acting for Mr Setu Kamal and advised him on an interim injunction he applied for against me.*
>
> *This was an "on notice" application but no attempt was made to service notice on me. That was a serious breach of the CPR and may have misled the court.*
>
> *Mr Kamal says that he took this approach in reliance on your advice.*
>
> *I will be writing about this soon. If you have any comment, please provide it by 5pm today."* [**MG1/27/M238**]

39. Stephens Scown LLP responded:

> *"Due to client confidentiality, we are unable to comment on your email save to say that we do not agree with your comments.*
>
> *We are not currently instructed by Mr Kamal and therefore suggest that you direct any further enquiries to him."* [**MG1/27/M238**]

40. It is clear from the Claimant's explanation that he made no attempt to serve the Defendants with the Injunction Application. It also defies belief that a practising barrister in this jurisdiction could not know what it means to put respondents to an application on notice.

41. It also does not appear that *Bonnard v Perryman* [1891] 2 Ch 269 (CA), which is clear law to the effect that courts are highly unlikely to grant interim injunctions to restrain publication in libel cases, was raised with the court, nor does it appear to have been raised that the Claimant ought to give an undertaking for damages if the Injunction Application were granted.

Information that is or would be disclosed has to do with economic crime

42. Section 195(3) of ECCTA states that information mentioned in subsection (1)(b) *"has to do with economic crime"* if—

> *"(a) it relates to behaviour or circumstances which the defendant reasonably believes (or, as the case requires, believed) to be evidence of the commission of an economic crime, or*
>
> *(b) the defendant has (or, as the case requires, had) reason to suspect that an economic crime may have occurred and believes (or, as the case requires, believed) that the disclosure of the information would*

facilitate an investigation into whether such a crime has (or had) occurred."

43. It is the Defendants' position that the information which the Claimant seeks to restrain from being disclosed, including the allegations published in the February Report, "*has to do with economic crime*."

44. This is because the Defendants have and had reason to suspect that an economic crime may have occurred and believe and believed that the disclosure of that information would facilitate an investigation into whether such a crime has occurred (section 195(3)(b) of ECCTA).

45. The Second Defendant sets out the basis on which he held and holds these beliefs and suspicions in a witness statement in support of the Strike Out Application.

Behaviour intended to cause the defendant harassment, alarm, distress, expense, harm or inconvenience beyond that encountered in properly conducted litigation

46. The Claimant's behaviour in these proceedings has, in my view, been intended to cause the Defendants harassment, alarm, distress, expense, harm or inconvenience beyond that encountered in properly conducted litigation.

47. The following conduct of the Claimant demonstrates a disproportionate reaction to the matters complained of in the claim.

48. The Claimant has consistently denied that he *"opined"* on the Arka Wealth tax avoidance scheme described in the February Report despite evidence to the contrary:

    a. At first, the Claimant appears to have sought to avoid the question of whether he opined on the scheme. Instead, in an email of 9 May 2025, the Claimant denied allegations which the Defendants had not made:

        "Your article, and the headline in particular, falsely and damagingly assert that I am the creator, promoter, or controller of a tax scheme which you describe as a "hopeless attempt to avoid tax" and which you claim "fails as a matter of law." That allegation is wholly untrue. I am not the designer of the scheme, I do not promote it, and I have no proprietary or controlling interest in it."

    b. Then, in a LinkedIn post on 24 May 2025, the Claimant said:

        "[...] My view is that Dan Neidle has attributed a scheme to me which was not devised by me or opined by me at all. Having

attributed it to me, he posted an article with the link 'Failed Tax Avoidance from… Setu Kamal.' I have made the point to him, which he has failed to take into account. You should be able to see this in the correspondence which I believe Dan has posted. [...]" [**MG1/27/M233**]

c. On 28 May 2025, GLP wrote to the Claimant in relation to the LinkedIn post, asking:

> *"It is unclear from this statement whether you are seeking to distance yourself from Arka Wealth, from Arka Wealth's description of your role in their operations, or from our clients' description of the tax structures which you are creating for Arka Wealth's clients. Your position in this regard is plainly relevant to the claim you seek to advance."* [**MG1/26/M193**]

d. GLP's letter asked the Claimant to explain his position before issuing proceedings [**MG1/26/M193**]. The Claimant did not respond openly.

e. At paragraph 5(a) of the Particulars of Claim, the Claimant now denies having opined on the Arka Wealth tax avoidance scheme:

> *"The body of the article describes a scheme ('Scheme') which is said to be publicised by Arka Wealth Limited ('Arka'), a company and then assigns to the Claimant authorship of the Scheme- whereas in fact that is not the case. Whilst the Claimant has worked with Arka, he has not opined on the Scheme at all."*

f. [redacted]

g. However, the Claimant's position is entirely at odds with:

i. Arka Wealth's "*FAQs*" page on its website which said (emphasis per the original webpage):

> *"Am I legally protected when implementing the "Work For Your Trust" Structure?*
>
> *Yes, through our legal partner, Arka Wealth offers <u>several layers of legal protection</u> to ensure you can enjoy the benefits of the "Work For Your Trust" structure with full peace of mind. This includes:*
>
> - ***Professional Indemnity:*** *Protection against legal liability.*

- ***Fines and Penalties Coverage:*** *Safeguarding you from financial penalties.*
- ***Comprehensive Legal Opinion:*** *A detailed legal opinion from our esteemed legal partner, ensuring your trust structure is secure and compliant with all relevant laws.*

Our legal partner, a leading tax and chancery barrister, has extensive experience in trust law and a proven track record with regulatory bodies. This top-tier expertise guarantees that your trust benefits from the highest level of legal protection and compliance." [**DN1/2/D48**]

ii. Arka Wealth's "*Legal Partner*" page on its website which said:

"Meet Tax Barrister Setu Kamal

Setu Kamal is Arka Wealth's legal partner, providing Arka Wealth's clients with a legal opinion." [**DN1/2/D44**]

iii. A video which appeared on Arka Wealth's social media, in which a representative of Arka Wealth said to the Claimant,

"Every Arka Wealth client gets a legal opinion from you".[1]

iv. The Arka Wealth website repeatedly described the tax avoidance structure it was promoting as the "*Work For Your Trust*" structure [**DN1/2/D25-26**] [**DN1/2/D33**] [**DN1/2/D35-37**] [**DN1/2/D47**]. And on 20 June 2025, after publication of the February Report, the Claimant applied in his own name for three trade marks; "*work for your trust*", and "*Setu Kamal's work for your trust*" in classes 36, 41, and 45 [**MG1/4/M51-54**] and "*invest for your trust*" in classes 36 and 41 [**MG1/5/M55-57**]. Those classes cover:

[1] https://taxpolicy.org.uk/wp-content/assets/setu%20-%20why%20you%20need%20a%20legal%20opinion.mp4

> Class 36: Financial advisory and consultancy services; provision of information relating to investment and trust structures; trust management; estate planning; tax planning and wealth management services; financial planning incorporating the use of LLPs and discretionary trusts.
>
> Class 41: Educational services relating to financial literacy, trust law, estate planning, and personal finance.
>
> Class 45: Legal services in relation to the establishment and administration of trusts and the client then working for his trust with the view to generating wealth in his trust directly; drafting of trust deeds and loan agreements; legal representation in disputes relating to trust structures and wealth planning.

49. Instead of engaging with the Defendants' 21 February 2025 right of reply email [**MG1/26/M154**], the following occurred:

    a. On 24 February 2025 the Claimant insisted that the Defendants *"commit to posting my reply on your personal X account on settings so that it is consistently capable of being viewed by each of your subscribers for a period of six months?"* before providing a response [**MG1/26/M154**].

    b. When the Defendants declined to give this commitment, later on 24 February 2025 the Claimant added that *"I am trying to respond but I need access to the subscriber base."* [**MG1/26/M151**]

    c. When the Defendants reasonably declined these proposals [**MG1/26/151**], the Claimant did not respond.

50. Following publication of the February Report:

    a. On 26 February 2025, the Defendants wrote to the Claimant to inform him of publication and said *"Please let us know if you see any errors and we will fix them immediately."* [**MG1/26/156**].

    b. Instead, on 2 April 2025 the Claimant wrote to the Defendants insisting that the February Report be taken down, without identifying any inaccuracies, or else he would issue proceedings that day:

> *"I ask that you remove the link with my name associated with failed tax avoidance at once and that you retract your*

statements and commit to compensating me for any damages caused. If not, I shall procced [sic] with legal action COB today." [**MG1/26/M158**]

c. The Defendants responded on the same day, declining to take the February Report down but inviting the Claimant, once again, to identify any inaccuracies in the February Report [**MG1/26/M157**].

d. Instead of engaging with that offer, the Claimant instead wrote to the "*Google, Bing, Cyprus Data Protection Office and the ICO*", as explained in the Claimant's email to the Defendants of 25 April 2025, to seek to have the February Report delisted [**MG1/26/M159**].

51. After sending the PAP Letter, on 9 May 2025 the Claimant sought the disproportionate remedies set out at paragraphs 27 to 28 above [**MG1/26/M185**].

52. When GLP sought a 14-day extension of time for the Defendants' defence from the Claimant pursuant to CPR 15.5, which GLP explained would likely be a strike out and summary judgment application rather than a defence, the Defendant initially said he would need 14 days to respond, by which time the defence deadline would have passed [**MG1/26/M213-214**].

53. The following conduct of the Claimant in the Defendants' view also demonstrates a failure by the Claimant to comply with a pre-action protocol, rule of court or practice direction:

a. The Claimant's failure to comply with the Pre-action Protocol for Media and Communications Claims, despite GLP's requests that the Claimant do so in its response to the PAP Letter on 22 May 2025 [**MG1/26/M188**]. In particular:

i. Failure to provide *"sufficient details to identify the specific publication which contained the statement complained of"* (para 3.2).

ii. Failure to enclose *"a copy or transcript of the statement complained of"* (para 3.2).

iii. Failure to provide clearly and consistently *"the imputation the Claimant contends was conveyed by the statement complained of"* (para 3.2).

iv. Failure to explain *"how or why the Claimant says that the statement complained of has caused or is likely to cause*

serious harm for the purposes of section 1 Defamation Act 2013" (para 3.2).

v. Failure to disclose a copy of the Bar Standards Board's ("BSB") decision following the Claimant's *Hamid* referral, which GLP requested the Claimant provide a copy of in accordance with the aim of the Pre-Acton Protocol *"to enable the parties to prospective claims to: (a) understand and properly identify the issues in dispute and to share information and relevant documents"* (para 2.1). This issue is explained in more detail at paragraphs 72 to 91 below.

b. The Claimant having taken the inappropriate step of making the Injunction Application prior to the issue of proceedings, despite it being obvious that the matter was not *"urgent"* nor was it *"desirable to do so in the interests of justice"* pursuant to CPR 25.2(2). While the Claim Form was signed on 12 August 2025, according to CE-File it was "*submitted*" on 18 August 2025 (which I understand means it was filed on that date), and "*filed*" on 1 September 2025 (which I understand to mean it was issued on that date, though in practice the court sealed the Claim Form with the date it was filed with the court) [**MG1/6/M58**]. The court confirmed that the claim had been issued in a letter to the Claimant on 2 September 2025; the Claimant enclosed a copy of that letter with the Claim Form and Particulars of Claim when they were served on the Defendants [**MG1/27/M236**]. I do not know if the Claimant paid the issue fee on 18 August 2025 or at some later date. Mrs Justice Steyn explained in the August Order that the procedure of applying for an interim injunction before a claim is issued *"should only be used where the application is so exceptionally urgent that there is no time to issue the claim prior to making the application."* Mrs Justice Steyn reasoned that "*This is manifestly not such a case"* and there was *"no justification"* for the Injunction Application being made prior to the issue of proceedings.

c. The Claimant's failure to serve the Injunction Application on the Defendants, as required by CPR 25.6, there having been no *"good reason"* for not serving the Defendants with the application.

d. Given that the claim had not yet been issued, the Claimant's failure to comply with CPR 25.8(2)(c) which requires that:

> *"Where the application is to be dealt with at a court hearing before the issue of a claim form, in addition to the requirements*

of paragraph (1)— (c)the order must state in the title after the names of the applicant and respondent 'the Claimant and Defendant in an Intended Action'."

e. The Claimant's failure to, as required by CPR 25.9(3), provide in the draft order in the Injunction Application: (a) an undertaking to pay any damages incurred by the Defendants; (b) given that the Injunction Application was made without notice, an undertaking to serve the application documents on the Defendants; (c) given that the Injunction Application was made without notice, a return date for a further hearing; and (d) (if the issue fee had not been paid) an undertaking to issue and pay the issue fee.

f. The fact that the Claimant sought the defamation injunction at all in face of *Bonnard v Perryman* [1891] 2 Ch 269 (CA).

g. [redacted]

[redacted]

h. The Claimant's failure to identify the publications complained of in the Claim Form as required by PD 53B 4.1(1).

i. The Claimant's failure to set out the words complained of in the Particulars of Claim as required by PD 53B 4.2(1).

j. The Claimant's failure to verify the Particulars of Claim with a complete statement of truth as required by CPR 22.1(a), PD 16 para 3.2, and PD 22 para 2.1.

k. [redacted]

l. The Claimant having brought claims which are liable to be struck out since the Claimant has pleaded *"no reasonable grounds for bringing or defending"* those claims pursuant to CPR 3.4(2)(a), including the claim for malicious falsehood, the claim that a standalone claim for defamation can be brought in relation to the URL slug and/or meta title of the February Report, the claim that the Defendants falsely stated that the Claimant had breached his duties to the court in circumstances where a judge explicitly said this in a judgment, and claim for a remedy of an apology.

54. While the Injunction Application was ultimately unsuccessful, it is the Defendants' view that the Claimant intended to cause alarm, inconvenience and expense to the Defendants beyond that encountered in properly conducted litigation by wrongfully obtaining such an injunction without notice. The Defendants do not believe that the Claimant, a practising barrister in this jurisdiction, can honestly believe what he said in his explanation for why he did not put the Defendants on notice (see paragraph 37 above). It is also difficult to believe that a practising barrister would not have carried out even the most basic research to find established law which would mean seeking such an injunction would be near impossible.

55. Further, it is the Defendants' view that the Claimant has repeatedly failed to comply with the Pre-Action Protocol for Media and Communications Claims, rules of court and practice directions with the intention of putting the Defendants at additional inconvenience and expense. This is particularly egregious where the Claimant failed to engage with the Defendants' response

to the PAP Letter and the inadequacies the Defendants identified in that letter before issuing the Injunction Application and then proceedings.

56. It is the Defendants' position that the Claimant's conduct - including his refusal to respond to the Defendants' right of reply email, his decision instead to send letters to search engines and regulators, his persistent non-compliance with court rules, his decision to bring claims which are liable to be struck out, and his Injunction Application sought inappropriately without notice despite having indicated to the court that he had done so - have been intended to cause the Defendants harassment, alarm, distress, expense, harm or inconvenience beyond that encountered in properly conducted litigation.

More likely than not to succeed at trial

57. The Claimant will be unable to show that the claim is more likely than not to succeed at trial.

58. It is the Defendants' position that, if the court does not strike out the claim for the reasons given in this witness statement, the court should give summary judgment because the Defendants have a full defence of honest opinion under section 3 of the Defamation Act 2013.

59. If the court declines to give summary judgment on the basis of that defence, the Defendants' position is that the Claimant is unable to show that the claim is more likely than not to succeed at trial in face of the Defendants' available defences under ss 2-4 of the Defamation Act 2013 or any other defences that obtain to this.

STRIKE OUT FOR FAILURE TO COMPLY WITH A RULE, PRACTICE DIRECTION OR COURT ORDER

60. If the court declines to strike out the claim for the reasons above, the Defendants seek an order that the Claim Form and Particulars of Claim are struck out for failure to comply with a rule, practice direction or court order pursuant to CPR 3.4(2)(c).

STRIKE OUT OF PART OF A STATEMENT OF CASE

61. The Defendants alternatively and/or additionally seek an order that parts of the Claim Form and Particulars of Claim be struck out because those parts of the Claim Form and Particulars of Claim disclose *"no reasonable grounds for bringing or defending"* pursuant to CPR 3.4(2)(a).

Malicious falsehood

62. The Defendants seek an order that the following parts of the Claim Form and Particulars of Claim are struck out pursuant to CPR 3.4(2)(a):

a. Paragraphs 11, 12, 13(b) and 15(b) of the Particulars of Claim; and

b. Consequently, the whole pleaded malicious falsehood claim in paragraphs 1, 5, 7, 15, 16 and 17 of the Particulars of Claim and the equivalent parts of the Claim Form.

63. Without prejudice to the Defendants' position that the meanings complained of by the Claimant are honest opinion, alternatively that they are true, it is the Defendants' position that the claim for malicious falsehood should be struck out since there are no reasonable grounds for claiming that the Defendants acted with malice i.e. with an improper motive, or with knowledge or was reckless as to the alleged falsity of what the Defendants published.

64. The Second Defendant is an investigative journalist, who seeks to expose tax avoidance and its causes. He is highly regarded as both a journalist and tax lawyer. I understand from the Second Defendant that he won the Press Gazette's award for Investigative Journalist of the Year in 2023, was awarded "Outstanding Contribution to Taxation in 2022-23 by an Individual" in the Tolley's 2023 taxation awards and received the John Stokdyk Outstanding Contribution Award at the 2024 Accounting Excellence Awards.

65. Each of the Defendants' publications concerning the Claimant was thoroughly researched. The level of research the Second Defendant conducted is self-evident from the detail provided in the February Report, providing 34 footnotes with further information and more than 130 hyperlinks to supporting and explanatory sources of information in the body of the February Report and footnotes [**MG1/1/M15-17**]. The Second Defendant explains in his statement that he speaks to a range of legal and tax accountant experts about his reports, and did so in relation to the Defendants' publications concerning the Claimant. Indeed, the Defendants credited those contributors at the end of the February Report [**MG1/1/M15**].

66. It is clear from the February Report and the Second Defendant's witness statement that he wrote the February Report to, among other reasons, highlight the flaws in the Arka Wealth scheme and call for an investigation by HMRC, but also to highlight the failure of the BSB to regulate barristers who are involved in these schemes, which are bound to fail and put the public at risk.

67. The Second Defendant shared his publications about the Claimant so far as is reasonable of a journalist or publisher seeking to promote their work and engage their audience.

68. When the Claimant threatened the Second Defendant with legal proceedings, the Second Defendant sought to highlight through a further blog and further social media posts how the Claimant's threat failed to address the concerns

identified in the February Report, and the Claimant's attempts to silence the Second Defendant's criticisms [**MG1/7/M71-74**] **[MG1/8/98]**.

69. When the Claimant made the defective Injunction Application, the Second Defendant sought to highlight that through a further blog and social media posts in the context of the Claimant's and Arka Wealth's previous assertions that the Claimant is a *"leading tax barrister"*, who should be trusted to give advice on complex tax avoidance schemes [**MG1/7/M75-82**] [**MG1/8/M99-103**]. The Injunction Application was plainly also relevant to the Claimant's attempts to silence the Second Defendant's criticisms.

70. For completeness, I enclose copies of the Second Defendant's publications on X, LinkedIn, the TPAL website, and Substack concerning the Claimant between 26 March 2025 and 7 September 2025 [**MG1/7/M59**] [**MG1/8/M88**]. I do not include the Second Defendant's publications on Bluesky or Threads since those publications were materially the same as those published on X and had a much smaller audience.

71. It is clear that the Defendants have not acted with malice and, there being *"no reasonable grounds"* for the Claimant making this claim, it should be struck out.

Claimant's breach of his duties to the court

72. At paragraph 5(b) of the Particulars of Claim, it is said that:

> *"The Article also falsely attributes legal or regulatory failure to the Claimant and directly associates his name with misconduct. It falsely states as a fact that a court had found that the Claimant had breached his duties to the court. Whereas in R(Apricot Limited) v HMRC CO/2772/2023, the judge did not make a finding of breach and he simply referred the matter for possible review under the Hamid procedure, which is used when there's possible misuse of the court's processes in judicial review application. The referral was precautionary, not a final determination; The Hamid process was duly concluded by the Bar Standards Board in March 2025 without any finding of disciplinary action which necessitated further measures other than a fine of £600. The Defendant's suggestion that a judicial finding of breach was made is therefore false and misleading."*

[redacted]

74. On the issue of the Claimant's *Hamid* referral, the February Report originally said (relevant information underlined):

> *"In June 2023, Mr Kamal acted for two tax avoidance schemes called Vision HR and Veqta. HMRC planned to list the schemes on its*

website; the promoters sought judicial review to stop that. Mr Kamal ran the surprising argument that EU law overrode domestic UK law even after Brexit. The court described this as "unarguable" – we believe almost all EU law and constitutional law advisers would agree. Three other of his arguments were held to be "unarguable". Mr Kamal also failed to answer the Judge's questions as to how the scheme worked (although, having devised the scheme, we expect that he knew the answers). The promoters were found to have breached the "duty of candour". Judicial review was refused.

A month later, Mr Kamal acted for another tax avoidance scheme, Apricot, on very similar facts; and Mr Kamal made almost identical legal arguments. His application referred to another similar legal challenge "underway in the case of Veqta". However he failed to disclose that the Veqta challenge had failed, and his arguments had been rejected. The Judge said this prima facie constituted a breach of a barrister's duty to the court, and made a "Hamid" referral to the High Court to consider whether Bar disciplinary proceedings should be brought against Mr Kamal.

[...]

The Hamid referral was heard by the High Court in March 2024. The judgment indicates that Mr Kamal made no apology for his omissions, nor any acknowledgment that he failed to comply with his obligations to the court (although he said he had been "flustered"). He failed to attend the hearing, initially claiming he had made an application to attend remotely, but then admitting he hadn't done so. The Court found that Mr Kamal had breached his duty to the court, and referred the matter to the Bar Standards Board. We don't believe the BSB has heard the matter yet." [**MG1/1/M11**]

75. In May 2025, following correspondence with the Claimant, the Defendants updated the February Report to replace the final sentence with:

> *"Mr Kamal has told us that the investigation by the Bar Standards Board concluded on 5 March 2025, he was fined £650, and no further disciplinary action was taken against him, but he has so far refused to provide evidence that the BSB did in fact reach this conclusion."* [**MG1/2/M24**]

76. Each of the judgments referred to in the February Report were also hyperlinked.

77. In *R. (on the application of Apricot Umbrella Ltd) v HM Revenue and Customs* (unreported), on 26 July 2023 the Honourable Mr Justice Chamberlain ordered:

> *"The application discloses possible abuses of the court's procedures and the papers are accordingly referred to the Hamid judge pursuant to para. 18.1.3 of the Administrative Court Judicial Review Guide ("the Guide")."*

78. In the reasons, Mr Justice Chamberlain added:

> *"At first sight, the matters described above appear to amount to abuses of the urgent consideration procedure, and of the court's procedures more generally, which ought to be investigated further. The papers should therefore be referred to the Hamid judge pursuant to para. 18.1.3 of the Guide."*

79. In *R. (on the application of Apricot Umbrella Ltd) v Revenue and Customs Commissioners* [2024] EWHC 665 (Admin), giving judgment in relation to the *Hamid* referral, The President of the King's Bench Division said in relation to the Claimant's representations:

> *"We do not consider those representations provide an answer to the points made by Chamberlain J, and this matter should now be referred to the Bar Standards Board."* [59]

> *"The decision of Ritchie J and its implications for the cases being presented to Chamberlain J, should plainly have been drawn to the Court's attention. The failure to do this was breach of counsel's duty to the court and to make full and frank disclosure of all relevant matters. In short, regardless of any arguments now raised as to its materiality, the court should have been told about the case, and what it decided. Similarly, the court should have been told of the test applicable to applications for urgent injunctive relief to restrain publication by a public body pursuant to statutory powers and duties; and this was the position even if, which we do not accept, there were reasons to doubt its applicability."* [61]

80. [redacted]

81. The Claimant's explanations as to what occurred after he was referred to the BSB have varied.

a. In a letter to the ICO on 4 April 2025, the Claimant said: *"The investigation by the Bar Standards Board concluded on the 5th March 2025. No disciplinary action was taken, though I was subjected to a fine of £650, which I paid."* [**MG1/26/M164**]

b. On 9 May 2025, the Claimant said, *"... the Bar Standards Board completed its assessment and took no disciplinary action against me."* [**MG1/26/M178**]

c. Also on 9 May 2025, the Claimant said, *"... The Bar Standards Board's decision that no disciplinary action would be taken against me."* [**MG1/26/M184**]

d. [redacted]

e. [redacted]

f. [redacted]

g. At paragraph 5(c) of the Particulars of Claim, the Claimant says: "... *The Hamid process was duly concluded by the Bar Standards Board in March 2025 without any finding of disciplinary action which necessitated further measures other than a fine of £600."*

h. At paragraph 11(j) of the Particulars of Claim, the Claimant says: *"The Second Defendant was informed by the Claimant on the 25th April 2025 that the Bar Standards Board had concluded the Hamid proceedings with no finding of misconduct or disciplinary action…".*

82. Despite GLP's request that the Claimant provide a copy of the BSB's decision in its response to the PAP Letter on 22 May 2025 [**MG1/26/M191**], the Claimant is yet to do so.

83. I infer from paragraph 5(b) of the Particulars of Claim and the above context that it is the Claimant's position that it was false of the Defendants to assert that

the Claimant had breached his duties to the court because the BSB had imposed an administrative sanction on him rather than a disciplinary sanction.

84. I understand from guidance published by the BSB that it can impose administrative and disciplinary sanctions [**MG1/9/M107**].

85. The BSB says it can impose administrative sanctions, namely a written warning or a fine up to £1,000 [**MG1/10/110**], *"for breaches of the rules"* [**MG1/9/M107**]. The BSB explains that *"Administrative sanctions are not disciplinary sanctions and do not result in the barrister having a disciplinary record."* [**MG1/9/M107**]

86. The BSB further explains that:

> *"If the conduct is serious, we can take disciplinary action against the barrister for professional misconduct. Disciplinary action includes referring the barrister's conduct to an independent Disciplinary Tribunal or to a panel of our Independent Decision-making Body"* and they will decide *"whether the barrister has committed professional misconduct and, if so, what sanction is appropriate."* [**MG1/9/M107**]

87. Disciplinary sanctions include *"reprimands, fines, suspensions, and in the most serious situations, they can be disbarred."* [**MG1/9/M107**]

88. The Claimant accepts that he was fined £600 or £650. It therefore appears clear that as a minimum the Claimant must have received an administrative sanction for breach of the rules. [redacted]

89. This casts doubt on the Claimant's claim, at paragraph 11(j) of the Particulars of Claim, that "*the Bar Standards Board had concluded the Hamid proceedings with no finding of misconduct or disciplinary action…".* While the Claimant may not have received a disciplinary sanction, given he received a fine, it seems likely he had been found by the BSB to have committed some misconduct.

90. In any event, the February Report said "*The Court found that Mr Kamal had breached his duty to the court, and referred the matter to the Bar Standards Board."* [**MG1/1/M12**] It is clear from the express words of the President of the King's Bench Division that the Claimant's failure to draw the court's attention to the decision of Richie J in *Veqta* "*was breach of counsel's duty to the court and to make full and frank disclosure of all relevant matters"*. There is no ambiguity in the court's wording; the court clearly had found that Mr Kamal had breached his duties to the court.

91. There are, therefore, no reasonable grounds on which it can be argued by the Claimant, as he does at paragraph 5(b) of the Particulars of Claim [redacted]

[redacted] that the February Report *"falsely states as a fact that a court had found that the Claimant had breached his duties to the court"* or that *"The Defendant's suggestion that a judicial finding of breach was made is therefore false and misleading."*

SUMMARY JUDGMENT

92. If the court declines to strike out the claim, the Defendants invite the court to give summary judgment under CPR 24.3 because the Claimant has no real prospect of succeeding on the claim and there is no other compelling reason why the case should be disposed of at a trial.

93. The Defendants make the Strike Out Application without prejudice to the position which they may wish to take on the meanings of the February Report in their Defence.

94. It is the Defendants' position that all the meanings pleaded by the Claimant at paragraph 6 of the Particulars of Claim are statements of opinion and that the Defendants have a full defence of honest opinion under section 3 of the Defamation Act 2013.

95. In accordance with PD53B para 6.1 "*at any time in a defamation claim the court may determine – … (3) whether the statement is a statement of fact or opinion.*" The Defendants first ask the court to determine that the statements complained of are statements of opinion. On the basis that the statements are opinions, the Defendants have an unassailable defence of honest opinion.

96. Section 3 of the Defamation Act 2013 provides that the defence of honest opinion applies where:

    a. *"the statement complained of was a statement of opinion"* (section 3(2));

    b. *"the statement complained of indicated, whether in general or specific terms, the basis of the opinion"* (section 3(3)); and

    c. *"an honest person could have held the opinion on the basis of (a) any fact which existed at the time the statement complained of was published; (b) anything asserted to be a fact in a privileged statement published before the statement complained of"* (section 3(4)).

97. Section 3(5) states that *"the defence is defeated if the claimant shows that the* defendant *did not hold the opinion"* (section 3(5)).

98. It is the Defendants' position that each of the pleaded meanings are statements of opinion. As described in the witness statement of the Second Defendant, these opinions were genuinely held by the Second Defendant.

99. In each case, the bases for each opinion were indicated, whether in general or specific terms and an honest person could have held each opinion on the basis facts which existed at the time the February Report was published.

100. I address each pleaded meaning in turn.

"The Claimant was professionally involved in unlawful or discredited tax avoidance schemes"

101. It is the Defendants' position that the ordinary reader would understand *"unlawful"* in the context of the meaning alleged by the Claimant to mean a tax avoidance scheme that had or would fail, rather than a tax avoidance scheme that was as a matter of law illegal.

102. The February Report highlighted several tax avoidance schemes which the Claimant had been professionally involved in, and which had been unlawful or discredited, and the bases on which the Defendants expressed that opinion.

103. In each case, the Defendants say that an honest person could have held the opinion that the Claimant was professionally involved in unlawful or discredited tax avoidance schemes on the basis of facts which existed at the time the February Report was published. In this witness statement, I focus on five of the tax avoidance schemes which the February Report described.

Vision HR and Veqta

104. In relation to these schemes, the February Report said:

> *"In June 2023, Mr Kamal acted for two tax avoidance schemes called Vision HR and Veqta. HMRC planned to list the schemes on its website; the promoters sought judicial review to stop that. Mr Kamal ran the surprising argument that EU law overrode domestic UK law even after Brexit. The court described this as "unarguable" – we believe almost all EU law and constitutional law advisers would agree. Three other of his arguments were held to be "unarguable". Mr Kamal also failed to answer the Judge's questions as to how the scheme worked (although, having devised the scheme, we expect that he knew the answers). The promoters were found to have breached the "duty of candour". Judicial review was refused."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M11**]

105. That paragraph hyperlinked to the judgment in that case: *R. (on the application of Vision HR Solutions Ltd) v Revenue and Customs Commissioners* [2023] EWHC 1659 (Admin).

106. As well as the facts upon which an honest person could hold the opinion are underlined above and the judgment, other facts upon which an honest person

could hold the opinion which existed at the time the February Report was published include:

a. Vision HR Solutions Ltd was added to HMRC's *"Current list of named tax avoidance schemes, promoters, enablers and suppliers*" ("HMRC's tax avoidance list") on 5 July 2023 [**MG1/11/M112**].[2]

b. Veqta Ltd was also added to HMRC's tax avoidance list on 5 July 2023 [**MG1/12/M113**].

Apricot Umbrella Ltd

107. In relation to the Apricot Umbrella Ltd scheme, the February Report said:

> *"A month later, Mr Kamal acted for another tax avoidance scheme, Apricot, on very similar facts; and Mr Kamal made almost identical legal arguments. His application referred to another similar legal challenge "underway in the case of Veqta". However he failed to disclose that the Veqta challenge had failed, and his arguments had been rejected. The Judge said this prima facie constituted a breach of a barrister's duty to the court, and made a "Hamid" referral to the High Court to consider whether Bar disciplinary proceedings should be brought against Mr Kamal."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M11**]

108. The paragraph hyperlinked to an order in that case: *R. (on the application of Apricot Umbrella Ltd) v HM Revenue and Customs* (unreported), which showed that the Claimant had represented Apricot Umbrella Ltd.

109. And in relation to that scheme (and two others), the February Report said:

> *"Three of the contractor schemes that we believe were created with Mr Kamal's help have been listed by HMRC as tax avoidance schemes and, we expect, will in due course either lose in front of a tribunal, or vanish before HMRC can pursue them."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M11**]

110. It was clear that this sentence referred to the Apricot Umbrella Ltd scheme because the sentence provided a hyperlink to Apricot Umbrella Ltd's entry on HMRC's tax avoidance list [**MG1/13/M114**].

111. In addition, the February Report said:

[2] The screenshot of the HMRC tax avoidance list at MG1 was taken on 16 October 2025. HMRC did not publicly associate the Claimant with the MLG Pay Limited, The Umbrella Agency Limited, Veqta Ltd, and Vision HR Solutions Ltd schemes until after publication of the February Report.

> *"The Advertising Standards Agency ruled that the same three schemes misled people."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M11**]

112. Again, it was clear that this sentence referred to the Apricot Umbrella Ltd scheme because the sentence provided a hyperlink to a decision by the ASA concerning Apricot Umbrella Ltd [**MG1/14/M115**].

Oculus

113. In relation to this scheme, the February Report said:

> *"Soon after the Hamid hearing, in April 2024, Mr Kamal acted in another judicial review, Oculus, against HMRC's decision to force disclosure a promoter who hadn't disclosed their avoidance scheme under DOTAS. He again ran EU law, GDPR and ECHR arguments which the court found to be "unarguable"."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M24**]

114. The paragraph hyperlinked to an order in that case: *Oculus Ltd v (1) Commissioners for HM Revenue and Customs (2) Griffith Anderson Ltd* [2024] EWHC 1102 (Admin).

Arka Wealth

115. In relation to this scheme, the February Report said:

> *"Mr Kamal is listed as the legal adviser for Arka Wealth and Benedictus Global as their "legal adviser"."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M10**]

116. That sentence hyperlinked to an archived copy of a page on Arka Wealth's website which said:

> *"Setu Kamal is Arka Wealth's legal partner, providing each of Arka Wealth's clients with a legal opinion."* (facts upon which an honest person could hold the opinion are underlined) [**DN1/2/D44**].

117. The February Report also said:

> *"Arka Wealth refer extensively to their reliance on the advice of tax barrister Setu Kamal. They host videos in which Mr Kamal recommends that business owners set up a trust, and says that every Arka Wealth client receives a legal opinion from him."* (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M10**]

118. That sentence hyperlinked to a copy of a video which appeared on Arka Wealth's social media in which a representative of Arka Wealth was shown saying to the Claimant *"Every Arka Wealth client gets a legal opinion from you"*[3] (facts upon which an honest person could hold the opinion are underlined).

119. That sentence also hyperlinked to a copy of another video which appeared on Arka Wealth's social media in which a representative of Arka Wealth was shown saying to the Claimant *"Would you recommend business owners to set up a trust?"* and the Claimant responded:

> *"Yes, there are many benefits of creating a trust. I mean a trust is unlike a company because when you create a company there are normally rules that have to be applied but a trust, it's a bit like you've created a company, but you can define what the rules of the company will be. How can profits be extracted? How do profits go in? So this is quite a broad statement I'm making because actually it depends on the facts of the particular client but depending on its facts the trust will be bespoke and it will achieve for him what it is that he needs whether he needs income coming in or going out, asset protection or wealth creation."*[4]

120. The references to the Claimant on Arka Wealth's website and his appearance in Arka Wealth's videos are in and of themselves facts upon which an honest person could hold the opinion that the Claimant was professionally involved with Arka Wealth.

121. The February Report also described the structure of the tax avoidance scheme as it was being promoted by Arka Wealth:

> *"The idea is:*
>
> 1. *Your company transfers all its intellectual property to a Cyprus trust.*
> 2. *When your company trades, it's using the trust's intellectual property, so it pays over the company's profits over to the trust.*
> 3. *Your company is therefore "broke on paper" and has no taxable profits. You are, they claim, now "working for your trust".*
> 4. *Or you can put other assets – your house, cryptocurrency, etc – into the trust, leaving you personally "broke on paper".*
> 5. *When you want to purchase a sizeable asset (house, car, etc) the trust buys it for you and lets you use it.*

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[3] https://taxpolicy.org.uk/wp-content/assets/setu%20-%20why%20you%20need%20a%20legal%20opinion.mp4

[4] http://taxpolicy.org.uk/wp-content/assets/setu_business_trust.mp4

6. *For everyday living expenses you take a loan or investment from the trust.*
7. *The trust is then exempt from all tax, and you and your company don't own anything, so aren't taxed.*

They promise 0% corporation tax, income tax, capital gains tax and inheritance tax. And they say their legal protection acts as an insurance policy, so you are fully legally protected." [**MG1/1/M7**]

122. The February Report then went on to share the views of a number of lawyers with whom the Defendants had discussed the Arka Wealth tax avoidance scheme:

"We discussed the structure with our usual panel of experts, and several other leading tax lawyers. The immediate response of James Quarmby, one of the UK's leading private client tax and trusts lawyers, was: "it's nuts". A tax KC with expertise in trusts taxation told us that the claims made were "legally illiterate". Another senior tax/trusts barrister told us simply: "it stinks"." (facts upon which an honest person could hold the opinion are underlined) [**MG1/1/M7**]

123. The February Report then set out what the Defendants believed to be an *"incomplete list of the technical problems with the structure"*:

"It's hard to know where to start, but here's our incomplete list of the technical problems with the structure:

- *There are rules requiring people selling tax tax avoidance schemes to disclose them to HMRC. We understand this scheme wasn't disclosed. Arka Wealth will likely have incurred penalties of up to £1m. And a very bad consequence for their clients: the usual HMRC time limits are extended, so HMRC has 20 years in which to pursue the tax.*

- *Arka Wealth says that a UK trust is subject to inheritance tax, but a Cypriot trust is not. That's incorrect: there is an immediate 20% "chargeable lifetime transfer" if a UK domiciled individual puts property into an offshore trust, and then an ongoing 6% charge every ten years or on exit. So the transfer of the intellectual property into the trust will create an immediate inheritance tax charge.*

- *Arka Wealth say the trust is not subject to capital gains tax. That's incorrect: if you put property into an offshore trust then*

you are personally taxed on the trust's capital gains.

- *Arka Wealth also believe that, unlike UK trusts, Cypriot trusts don't pay income tax. That's again incorrect. The trust will be taxed at 45% on its UK source income. The client will also be directly taxed on the trust's income under the "settlements" rules or the "transfer of assets abroad" rules.*

- *The claim is that the client will "own nothing, control everything". It therefore may not even be a trust from a UK tax perspective. This is likely the best outcome for a user of the scheme because, whilst they'd fail to obtain any tax benefit, they'd also probably escape up-front tax liabilities caused by the structure.*

- *The company's payments to the trust for the use of the IP will be subject to 20% royalty withholding tax.*

- *The company will likely not be able to deduct the royalty payment to the trust.*

- *The company will likely be subject to corporation tax on the capital gain from its disposal of the intellectual property into the trust, with the sale price deemed to be its market value.*

- *There are potential additional problems, and complex interactions, with the benefits in kind and disguised remuneration rules, plus the potential for a market value stamp duty land tax charge and ATED on any real estate moved into the trust.*

- *The claim that a barrister's insurance provides clients with full protection is often made by tax avoidance scheme promoters. The problem is that the barrister may be insured, but that's for his protection, not his clients. If his advice is negligent, you will have to sue him and/or Arka Wealth – and win. The insurers will then typically take over the defence; only if you win do they pay out. And the cover could be as low as £500,000.*

This is a tax disaster. Like other schemes we've investigated, it won't just fail to obtain any tax benefit for the clients. It will likely trigger large up-front tax liabilities." [**MG1/1/M7**]

124. The facts underlined in the "*list of the technical problems with the structure"*, taken together or individually, are facts upon which an honest person could hold the opinion.

125. It is the Defendants' position that the February Report identified at least five tax avoidance schemes which, in each case, explained the bases on which the Defendants believed (a) the Claimant was professionally involved in that tax avoidance scheme; and (b) that the scheme was unlawful or discredited, by reference to HMRC and ASA decisions, judgments, the opinions of leading tax experts, and/or the structure of those tax avoidance schemes.

"The Claimant provided advice that was reckless, unethical or incompetent"

126. It is the Defendants' position that the ordinary reader would understand *"advice"* in the context of the meaning alleged by the Claimant to include legal advice or representation.

127. The bases indicated for this opinion in the February Report include that (facts upon which an honest person could hold the opinion are underlined):

> *"We discussed the structure with our usual panel of experts, and several other leading tax lawyers. The immediate response of James Quarmby, one of the UK's leading private client tax and trusts lawyers, was: "it's nuts". A tax KC with expertise in trusts taxation told us that the claims made were "legally illiterate". Another senior tax/trusts barrister told us simply: "it stinks"."* [**MG1/1/M7**]
>
> *"Whilst the Arka Wealth scheme is targeted at wealthy individuals, many of the other schemes Mr Kamal has advised on are "contractor schemes", targeted at people on modest or low earnings. They think they are signing up for normal agency work, but (thanks to complex documents they are asked to sign without advice) end up participating in complex and contrived tax avoidance schemes. Scheme users typically have no idea of the nature of the scheme they are signing up to, and often end up with large tax liabilities as a result. The risks are very high, but rarely if ever disclosed. There's a good Computer Weekly article on these schemes here."* [**MG1/1/M10**]
>
> *"Three of the contractor schemes that we believe were created with Mr Kamal's help have been listed by HMRC as tax avoidance schemes and, we expect, will in due course either lose in front of a tribunal, or vanish before HMRC can pursue them. The Advertising Standards Agency ruled that the same three schemes misled people.*
>
> *In defending these and other schemes in court, Mr Kamal has a history of pursuing arguments that we regard as hopeless. This culminated in*

him being referred by the High Court to the Bar Standards Board for a disciplinary hearing." [**MG1/1/M11**]

"In June 2023, Mr Kamal acted for two tax avoidance schemes called Vision HR and Veqta. HMRC planned to list the schemes on its website; the promoters sought judicial review to stop that. Mr Kamal ran the surprising argument that EU law overrode domestic UK law even after Brexit. The court described this as "unarguable" – we believe almost all EU law and constitutional law advisers would agree. Three other of his arguments were held to be "unarguable". Mr Kamal also failed to answer the Judge's questions as to how the scheme worked (although, having devised the scheme, we expect that he knew the answers). The promoters were found to have breached the "duty of candour". Judicial review was refused." [**MG1/1/M11**]

"Soon after the Hamid hearing, in April 2024, Mr Kamal acted in another judicial review, Oculus, against HMRC's decision to force disclosure a promoter who hadn't disclosed their avoidance scheme under DOTAS. He again ran EU law, GDPR and ECHR arguments which the court found to be "unarguable"." [**MG1/2/M24**]

"In August 2024, Mr Kamal acted on a failed attempt to challenge the loan charge as contrary to EU law (very far-fetched, particularly post-Brexit) and contrary to the ECHR (which the Court of Appeal had already ruled against). Mr Kamal made an application in which he claimed that two judges were biased and there was an appearance of "institutional corruption". The court rejected the application, saying it was "frankly scurrilous" and "lacking in any merit"." [**MG1/1/M12**]

128. The Defendants' position is that an honest person could have held this opinion on the basis of the facts underlined above which existed at the time the February Report was published.

The Claimant poses a risk to clients and to the public

129. The bases indicated for this opinion in the February Report include that:

    a. The bases, set out at paragraphs 101 to 128 above, on which the Defendants gave their opinion that the Claimant was professionally involved in unlawful or discredited tax avoidance schemes and provided advice that was reckless, unethical or incompetent.

    b. *"Mr Kamal is listed as the legal adviser for Arka Wealth"* and *"Arka Wealth refer extensively to their reliance on the advice of tax barrister Setu Kamal. They host videos in which Mr Kamal recommends that*

business owners set up a trust, and says that every Arka Wealth client receives a legal opinion from him." [**MG1/1/M10**]

c. And in relation to the Arka Wealth scheme:

i. *"In our view, anyone using the scheme will fail to save tax and instead incur large up-front tax liabilities."* [**MG1/1/M4**]

ii. *"We believe closing down schemes like this should be a policy imperative, to protect the public purse – but also to protect the public from buying hopeless tax schemes."* [**MG1/1/M4**]

iii. *"This is a tax disaster. Like other schemes we've investigated, it won't just fail to obtain any tax benefit for the clients. It will likely trigger large up-front tax liabilities."* [**MG1/2/M22**]

iv. *"The claim that a barrister's insurance provides clients with full protection is often made by tax avoidance scheme promoters. The problem is that the barrister may be insured, but that's for his protection, not his clients. If his advice is negligent, you will have to sue him and/or Arka Wealth – and win. The insurers will then typically take over the defence; only if you win do they pay out. And the cover could be as low as £500,000."* [**MG1/1/M8**]

v. *"Whilst the Arka Wealth scheme is targeted at wealthy individuals, many of the other schemes Mr Kamal has advised on are "contractor schemes", targeted at people on modest or low earnings. They think they are signing up for normal agency work, but (thanks to complex documents they are asked to sign without advice) end up participating in complex and contrived tax avoidance schemes. Scheme users typically have no idea of the nature of the scheme they are signing up to, and often end up with large tax liabilities as a result. The risks are very high, but rarely if ever disclosed. There's a good Computer Weekly article on these schemes here."* [**MG1/1/M10**]

130. An honest person could have held this opinion on the basis of the facts, which existed at the time the February Report was published, that:

a. The facts, set out at paragraphs 101 to 128 above, that show that the Claimant was professionally involved in unlawful or discredited tax avoidance schemes and provided advice that was reckless, unethical or incompetent.

b. The Claimant's referral to the *Hamid* judge for matters which *"appear to amount to abuses of the urgent consideration procedure, and of the court's procedures more generally, which ought to be investigated further": R. (on the application of Apricot Umbrella Ltd) v HM Revenue and Customs* (unreported).

c. The Claimant's *"breach of counsel's duty to the court and to make full and frank disclosure of all relevant matters"* and referral to the BSB: *R. (on the application of Apricot Umbrella Ltd) v Revenue and Customs Commissioners* [2024] EWHC 665 (Admin) [61].

d. The Claimant's involvement in four tax avoidance schemes which had already been included on HMRC's tax avoidance list at the time the February Report was published (MLG Pay Limited, The Umbrella Agency Limited, Veqta Ltd, and Vision HR Solutions Ltd) [**MG1/15/M117**] [**MG1/16/M119**] [**MG1/12/M113**] [**MG1/11/M112**], and in relation to which HMRC would later (after publication of the February Report) say it *"suspects Setu Kamal is responsible for the design of the scheme arrangements and has created and supplied contract and agreement templates which are integral to the implementation of the relevant arrangements."* I infer that the Claimant's involvement in those schemes, discredited by HMRC prior to publication of the February Report, was a fact that existed at the time the February Report was published.

Disciplinary or regulatory action ought to be taken against the Claimant

131. It is the Defendants' position that the ordinary reader would understand "*disciplinary or regulatory action ought to be taken*" to include action not only under existing rules but also under rules the Defendants indicated in the February Report they believed should be put in place. This is because the February Report makes several proposals as to how the rules should be changed to crack down on tax avoidance schemes.

132. The bases indicated for this opinion in the February Report include:

a. The Claimant's referral to the *Hamid* judge [**MG1/1/M11**].

b. That the Claimant "*breached his duty to the court*" and the matter was referred to the BSB [**MG1/1/M12**].

c. The bases indicated in the February Report for the opinions that the Claimant (a) was professionally involved in unlawful or discredited tax avoidance schemes; (b) provided advice that was reckless, unethical or incompetent; and (c) poses a risk to clients and to the public, as set out

at paragraphs 101 to 130 above, taken with the Defendants' recommendation that:

> *"The Bar Standards Board should bring barristers up to the same standards as solicitors and accountants.*
>
> *A solicitor, chartered accountant or chartered tax adviser is bound by the rules of the Professional Conduct in Relation to Taxation (PCIRT). These rules include:*
>
> > ***Advising on tax planning arrangements***
> >
> > *Members must not create, encourage or promote tax planning arrangements or structures that: i) set out to achieve results that are contrary to the clear intention of Parliament in enacting relevant legislation; and/or ii) are highly artificial or highly contrived and seek to exploit shortcomings within the relevant legislation.*
>
> *This protects the public, because any tax structures falling within this paragraph are very unlikely to work.*
>
> *However there is no such restriction on barristers – they are free to create and promote aggressive and abusive tax avoidance schemes which have no realistic prospect of their success. What's worse is that such barristers usually act for scheme promoters, not the end-users of the scheme. So when – inevitably – the scheme goes wrong, the end-users were not the client, and will not be able to sue the barrister for negligence.*
>
> *This is nothing to do with the "cab rank" rule, which obliges a barrister to take on any appropriate case with a paying client. It would be unfair and unreasonable to criticise a barrister for (for example) defending a person accused of tax avoidance or tax evasion. However that is very different from the case where a barrister devises and/or promotes an aggressive tax avoidance scheme. That was the barrister's choice and, in our view, an indefensible one.*
>
> *Thanks to the PCIRT, few of the schemes we have investigated involve a solicitor or accountant; but many of them have involved barristers. A small number of barristers are actively damaging the integrity of the tax system – and everyone in the tax world knows who those barristers are.*

It is over ten years since Jolyon Maugham wrote an article about the problems caused by barristers issuing impossible opinions without consequence. Nothing has changed.

We will be asking the Bar Standards Board to reconsider its position, and make the PCIRT binding on barristers." [**MG1/1/14**]

133. An honest person could have held this opinion on the basis of the facts, which existed at the time the February Report was published, that:

    a. The BSB's investigation into the Claimant was ongoing. According to the Claimant's letter to the ICO on 4 April 2025, the BSB concluded its regulatory process after publication, on 5 March 2025 [**MG1/26/M164**].

    b. The facts, set out at paragraphs 101 to 130 above, that show the Claimant was (a) was professionally involved in unlawful or discredited tax avoidance schemes; (b) provided advice that was reckless, unethical or incompetent; and (c) poses a risk to clients and to the public.

    c. I understand from the Second Defendant, solicitors, chartered accountants and chartered tax advisers are bound by PCIRT, but barristers are not.

134. In light of the above, the Defendants invite the Court to give summary judgment because the Defendants have a full defence of honest opinion, the Claimant has no real prospect of succeeding on the claim, and there is no other compelling reason why the case should be disposed of at a trial.

SECURITY FOR COSTS

135. In a letter of 29 September 2025, GLP informed the Claimant that the Defendants required security for their costs from the Claimant [**MG1/26/M209**]. The grounds for that request, namely those provided in CPR 25.27(b)(i) and (vi) and CPR 3.1(5), were set out in the letter. The letter enclosed a costs budget confirming costs incurred to 24 September 2025 and estimated future costs up to the Costs and Case Management Conference, those figures amounting to £109,196.50 plus VAT in total. The Claimant was invited to confirm within 7 days that he would provide security in the sum of £93,000 plus VAT.

136. The letter also asked, if the Claimant would not provide the security sought:

    "a. What assets you own and in which jurisdictions; and

    b. In each case, whether you are absolutely entitled to those assets or whether they are held under a trust, nominee or agency arrangement." [**MG1/26/M209**]

137. On 30 September 2025, the Claimant responded:

> *"… the time allotted to me within which to respond is disproportionately short. I shall revert within 14 days. The extension will allow me to take proper instructions and respond fully. Please confirm by return that you agree."* [**MG1/26/M213**]

138. Upon the Claimant agreeing an extension of time for the defence, which GLP explained would likely be a strike out and summary judgment application rather than a defence, the Defendants agreed that they would await the Claimant's response concerning security for costs by 4pm on 13 October 2025 [**MG1/26/M217**].

139. In the course of that correspondence, the Claimant asked:

> *"In relation to the application for the security sought by the Defendants, the following points arise. The security sought ought to be proportionate to the costs which may come to be awarded. This in turn begs the question as to what costs may come to be awarded in the future. This is not something I can comment on at present. The following points arise:*
>
> *(1) My primary claim is that a scheme has been attributed to me which I have not opined on at all. In a similar vein, the publication stated that the court had found that I had breached my duties to the court. My claim is relatively straightforward in the sense that I claim that these statements are false.*
>
> *(2) The points arising are pithy and the legal questions arising are not novel. On this basis, I do not see costs arising significantly. If you were to convey to me your arguments or otherwise how the matter is more complicated than summarised by me at paragraph (1) above, then that would assist me in responding to your draft application for security.*
>
> *(3) At present, I don't see why the CMC cannot be agreed to or else decided on the papers. This is standard for defamation cases.*
>
> *I shall await your thoughts."* [**MG1/26/M216**]

140. In response, on 3 October 2025, GLP responded:

> *"In relation to our clients' request for security for costs, if the Defendants' anticipated application for strike out and/or summary judgment of the claim does not succeed in whole, the defence may need to address issues including, without limitation, meaning, whether those meanings are statements of fact or opinion, serious harm,*

malice, defences of truth, honest opinion, and public interest, and damages.

Accordingly, it is our position that the draft budget and security sought are proportionate to the claim.

In relation to the budgeted costs of a Costs and Case Management Conference, it is reasonable for the Defendants to budget on the assumption that some of the issues which would normally be dealt with at a CCMC may not be resolved between the parties or on the papers and that therefore a hearing may be required.

We look forward to receiving your full response to our request for security by 4pm on 13 October 2025." [**MG1/26/M217**]

141. In the absence of further open correspondence from the Claimant, GLP wrote to the Claimant on 14 October 2025 asking:

"Please now urgently confirm that you will provide security for our clients' costs in the sum of £93,000 plus VAT. If we do not receive this confirmation by midday on Thursday, 16 October, our clients will proceed to make an application for security for costs." [**MG1/26/M220**]

142. The Claimant responded on the same day:

"I wrote to you yesterday, perhaps it slipped through the net." [**MG1/26/M221**]

143. GLP responded on 15 October 2025:

"We did not receive any correspondence from you on 13 October 2025 sent on an open basis.

We reiterate that if you do not confirm that you will provide security for our clients' costs in the sum of £93,000 plus VAT by midday on Thursday, 16 October, our clients will proceed to make an application for security for costs." [**MG1/26/222**]

144. At the time of signing this witness statement, the Claimant had not responded on an open basis.

145. CPR 25.27 provides that:

"The court may make an order for security for costs if—

(a) it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order; and

(b) either an enactment permits the court to require security for costs, or one or more of the following conditions apply—

(i) the claimant is resident out of the jurisdiction

[...]

(vi) the claimant has taken steps in relation to their assets that would make it difficult to enforce an order for costs against them.

146. Further, CPR 3.1(5) provides that:

"The court may order a party to pay a sum of money into court if that party has, without good reason, failed to comply with a rule, practice direction or a relevant pre-action protocol."

147. I address each of those bases in turn.

Resident out of the jurisdiction

148. The following matters demonstrate that the Claimant is resident out of the jurisdiction:

a. The Claimant was appointed an *"LLP Designated Member"* of Khalisi LLP on 8 March 2018 [**MG1/17/M121**]. On that date, Khalisi LLP informed Companies House that the Claimant's *"Country of residence"* was Cyprus.

b. The Claimant filed to register "*In the name of the Family*" as a trade mark on 16 June 2022 in class 35 (personal management consultancy services). The Claimant's given address was "[redacted], *Limassol, 4520, Cyprus*" [**MG1/18/M122**].

c. The Claimant was appointed as a "*Director*" of Maharishi Third Act Ltd on 19 June 2023 [**MG1/19/M125**]. On that date, Maharishi Third Act Ltd informed Companies House that the Claimant's *"Country of residence"* was the United Arab Emirates.

d. The Claimant was appointed as an *"LLP Designated Member*" of Fair Share Legal LLP on 16 October 2024 [**MG1/20/M126**]. On that date, Fair Share Legal LLP informed Companies House that the Claimant's *"Country of Residence"* was the United Arab Emirates.

e. At paragraph 58 in *R. (on the application of Apricot Umbrella Ltd) v Revenue and Customs Commissioners* [2024] EWHC 665 (Admin), being the judgment regarding the Claimant's *Hamid* referral, the court summarised the Claimant's witness statement in those proceedings as

having said *"that he had been based in Cyprus since 2017 but had spent most of 2023 in the UAE."*

f. [redacted]

g. The Claimant has stated on the Claim Form that his address is "[redacted], *Palm Jumeirah, Dubai, UAE 00000".*

h. The Claimant has stated on the Claim Form that the *"address to which documents should be sent"* in this claim is the Claimant's *"Parent's Address in UK"*. An address in Hull is provided.

149. For completeness, the Claimant was appointed a Director of 25 WTR Management Company Limited on 30 November 2006 [**MG1/21/M128**]. On 7 October 2011, 25 WTR Management Company Limited informed Companies House that the Claimant's *"Country/State Usually Resident"* had changed to "*United Kingdom*" [**MG1/22/M130**]. Despite the residence information the Claimant provided to Companies House on 16 October 2024 in relation to Fair Share Legal LLP, the information provided concerning 25 WTR Management Company Limited remains unchanged. I infer that the Claimant's much more recent declarations of his residence and address outlined above are more likely to be accurate.

150. It is accordingly unclear if the Claimant is resident in Dubai, Cyprus, or both.

151. While the English courts have previously found that there was not a real risk of substantial obstacles to the enforcement of an English costs award in Dubai or Cyprus, given the evidence set out below that the Claimant holds his assets in trusts, as he advises his clients to do for tax avoidance purposes, including in the jurisdiction of Cyprus [**DN1/2/D25**] [**DN1/2/D38**], and the Claimant's inconsistent declarations of his address and residence, the Defendants believe that the fact of the Claimant's residence outside of the jurisdiction as well his use of trusts means that there is a real risk of difficulty enforcing any costs order against the Claimant.

152. The Claimant's failure to answer GLP's questions about his assets is also an important and relevant factor.

153. Having regard to all the circumstances, the Defendants believe it is just to make an order for security for costs.

Taken steps in relation to assets making it difficult to enforce a costs order

154. The following matters demonstrate that the Claimant has taken steps in relation to their assets that would make it difficult to enforce an order for costs against them:

    a. The Claimant previously held shares in, and was an *"LLP Designated Member"* of, Khalisi LLP, as a trustee of *"The Kamal Cyprus Trust"* [**MG1/17/121**]. This suggests that the Claimant held these assets, namely shares in Khalisi LLP, through a trust.

    b. The Trustees of the Setu Kamal Action Man Trust 2022 previously issued at least two judicial review claims challenging the statutory arrangements underlying the so-called *"Loan Charge"*, which is designed to combat the use of "*disguised remuneration schemes*" by both employees and the self-employed: *The Commissioners for HMRC v Donatas Labeikis & Ors* [2024] EWHC 2009 (KB) [19]. This suggests that the Claimant was using a remuneration trust structure to divert/receive his UK income into a trust.

    c. The European Court of Human Rights State of Proceedings applications database shows that applications were made on 5 April 2024 with number 12201/24 [**MG1/23/132**] and 26 April 2024 with number 12943/24 [**MG1/24/133**] by "Setu Kamal in the name of the Family Trust".

    d. The Claimant has patented a transfer method which is a "*Lease for transferring ownership of mortgaged property including break clause*". I understand from the Second Defendant that this transfer method is a mechanism for opaquely transferring the ownership of mortgaged property without the consent of a lender. The mechanism involves granting a lease which in reality is an agreement for sale. A patented mechanism designed to shift value away from the legal owner of property such as this creates a real risk of impeded enforcement of a costs order if the Claimant has deployed such a structure [**MG1/25/134**].

    e. The Claimant has repeatedly promoted the benefits for businesses of setting up trusts, including *"asset protection"*.[5]

155. There is authority to the effect that putting monies into a trust might constitute a step by a claimant to make it difficult to enforce a costs order. In light of this evidence that the Claimant holds some of his assets in trusts, which would make it difficult to enforce an order for costs against the Claimant, and having

[5] For example in the video at: http://taxpolicy.org.uk/wp-content/assets/setu_business_trust.mp4

regard to all the circumstances, the Defendants believe it is just to make an order for security for costs.

Failed to comply with a rule, practice direction or a relevant pre-action protocol without good reason

156. As outlined above, the Claimant has failed to comply with a number of rules, practice directions and the Pre-action Protocol for Media and Communications Claims.

157. In light of those failures, many of which appear intended to cause alarm, distress, expense, harm or inconvenience beyond that encountered in properly conducted litigation, and having regard to all the circumstances, the Defendants believe it is just to make an order for security for costs.

Amount of security requested

158. The Defendants' incurred costs to 24 September 2025, excluding the costs of the Strike Out Application, are £23,321.50 plus VAT [**MG1/26/211**].

159. A detailed estimate of future costs up to and including the Case and Costs Management Conference, excluding the costs of the Strike Out Application, has been prepared in the form Precedent H and is enclosed [**MG1/26/211**]. Estimated costs are £85,875.00 plus VAT.

160. The total costs incurred and estimated to be incurred by the Defendants up to and including the Case and Costs Management Conference is £109.196.50 plus VAT. The Defendants seek security of 70% of their incurred costs and 90% of their estimated costs, totalling approximately £93,000 plus VAT.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:  …….

Matthew

Date: 20 October 2025