



**In the High Court of Justice  
King's Bench Division  
Administrative Court**

AC-2025-LON-003830



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**In the matter of an application for judicial review**

**THE KING**

**on the application of**

**(1) Susannah Hickman-Gray  
(2) Alison McDermott  
(3) Dr Hinaa Toheed**

**Claimants**

**-and-**

**Judicial Conduct Investigations Office**

**Defendant**

**-and-**

**Judge Neil Lancaster**

**Interested Party**

**Notification of Judge's Decision (CPR 54.11, 54.12)**

Following consideration of the documents filed by the parties

**ORDER BY Mr Justice Johnson**

**Addition of interested party**

1. Judge Neil Lancaster is to be added as an interested party to the proceedings. Within 14 days of receipt of this order, the claimants must file and serve on the interested party all of the papers that have been filed with the court.
2. The claimants must file and serve a certificate of service specifying the date of compliance with paragraph 1 of this order.
3. The interested party must file and serve an acknowledgement of service within 21 days of the date on which the claimants comply with paragraph 1 of this order.

**Stay**

4. The defendant's application for a stay of the proceedings is refused.

### **Costs protection order**

5. The claimants' application for a costs protection order, in respect of the costs incurred by the defendant, is granted.
6. The costs that are recoverable by the defendant from the claimants in these proceedings are capped at:
  - (a) £20,000, or, if greater
  - (b) 50% of the amount received by the claimants' solicitor pursuant to the claimants' crowdfunding campaign.
7. The costs that are recoverable by the claimants from the defendant in these proceedings are capped at £75,000.
8. The rates chargeable by the claimants for the claimants' counsel and solicitors under any order(s) for costs in their favour in these proceedings shall be limited to the standard rates set for Treasury Counsel and Treasury Solicitor of equivalent seniority in a case where the Secretary of State is successful.
9. Paragraphs 5 – 8 above have no effect in respect of the costs incurred by the interested party, and do not limit the power of the court to make a costs order in favour of the interested party and against one or more of the claimants.

### **Permission to claim judicial review**

10. Permission is granted on all grounds.

### **Case management directions**

11. The defendant must, within 35 days of the date of service of this Order, file and serve
  - (i) Detailed Grounds for contesting the claim or supporting it on additional grounds and
  - (ii) any written evidence to be relied on.
12. The defendant may comply with sub-paragraph 11(i) above by filing and serving a document which states that its Summary Grounds are to stand as the Detailed Grounds required by CPR 54.14.
13. Any application by the claimant to serve evidence in reply must be filed and served, together with a copy of that evidence, within 21 days of the date on which the defendant serves evidence pursuant to paragraph 11 above.
14. The parties must agree the contents of the hearing bundle. An electronic version of the bundle must be prepared and lodged, in accordance with the Administrative Court Judicial Review Guide Chapter 21 and the Guidance on the Administrative Court website, not less than 28 days before the date of the substantive hearing. The parties must, if requested by the Court, lodge 2 hard-copy versions of the hearing bundle.
15. The claimants must file and serve a Skeleton Argument (maximum 25 pages),

complying with CPR 54 PD para. 15 and the Administrative Court Judicial Review Guide paras 20.1 to 20.3, not less than 21 days before the date of the substantive hearing.

16. The defendant must file and serve a Skeleton Argument (maximum 25 pages), complying with CPR 54 PD para. 15 and the Administrative Court Judicial Review Guide paras 20.1 to 20.3, not less than 14 days before the date of the substantive hearing.
17. The parties must agree the contents of a bundle containing the authorities to be referred to at the hearing. An electronic version of the bundle must be prepared in accordance with the Guidance on the Administrative Court website. The parties must, if requested by the Court, prepare a hard-copy version of the authorities bundle. The electronic version of the bundle and if requested, the hard copy version of the bundle, must be lodged with the Court not less than 7 days before the date of the substantive hearing.
18. The time estimate for the substantive hearing is 2 days. If either party considers that this time estimate should be varied, they must inform the court as soon as possible.
19. If the interested party contests the claim, in whole or in part, then the obligations imposed on the defendant by paragraphs 11 – 18 above shall also apply to the interested party.

#### **Right to apply to vary or set aside this order**

20. This order was made in circumstances where the interested party had not been served with the proceedings and did not have an opportunity to make representations in respect of the applications for a stay or for a costs capping order or for permission to claim judicial review. The interested party may apply to the court for an order varying or setting aside this order. Any such application must be made within 14 days of service of this

#### **OBSERVATIONS AND REASONS**

##### Interested party

Judge Lancaster is an interested party and should have been added as such at the outset. He has a direct interest in the outcome of the proceedings. It is routine for the subject of an underlying disciplinary complaint to be an interested party in a claim for judicial review against the applicable disciplinary body. There is no reason to take any different approach in this context. The fact that, in the underlying disciplinary investigation, the claimants would be entitled to anonymity (and Judge Lancaster would not be notified) does not affect the position. The claimants have not sought, or been granted, anonymity in these proceedings and there is no reason to deprive Judge Lancaster of the right to be heard.

I have considered whether the claimants' failure to join Judge Lancaster as an

interested party means that no further steps should be taken until he has had an opportunity to respond to the proceedings. I have concluded that the application for a stay (which arises as between the defendant and the claimants, rather than between the interested party and the claimant) can and should be addressed now. So too the application for a protective costs order (which I have only made in respect of the proceedings between the claimants and the defendant). So too the application for permission to claim judicial review. As to the latter, the interested party will have a full opportunity to contest the claim if he wishes to do so, and he also has permission to apply to set aside the grant of permission. That strikes the appropriate balance between avoiding undue further delay and ensuring that the interested party's rights are protected.

### Stay

The underlying issues relate to events that date back up to 4½ years. Further delay is undesirable. There is no timescale for resolution of the rule 132 process or the decision as to sanction. Nor is there any good reason to believe that these will resolve all issues between the parties. There is an issue of principle between the parties as to the correct application of the 2023 Rules (see below) which ought to be authoritatively resolved by a court in a timely manner.

The refusal of the application for a stay does not preclude a further application for a stay, or for further case management directions, in the event that there is a material change in the position.

### Costs capping order

I am satisfied that (as between the claimants and the defendant), the conditions for a costs capping order are satisfied. Although aspects of the proceedings are fact sensitive, there is (having regard to the factors listed in section 88(8) of the 2015 Act) at the heart of the claim an issue of general public importance as to the correct application of the 2023 Rules, the public interest requires that issue to be resolved, and these proceedings are likely to provide an appropriate means of resolving it. I see no reason to go behind the claimants' evidence that they would not be able to pursue this claim if an order is not made – the steps that they have taken hitherto are different in nature and do not expose them to a significant costs jeopardy. I agree that it is appropriate to have regard to the Crowdfunder and I have done so in formulating the terms of the order.

### Permission to claim judicial review

It is arguable that although there is a conceptual difference between misconduct and judicial case management, they are not mutually exclusive, such that complaints of misconduct may be investigated under the 2023 Rules even if the alleged conduct took place in the context of judicial case management. If so, it is arguable that it is an error of law to find that conduct cannot amount to misconduct if it relates to a judicial decision or judicial case management. This is encapsulated within ground 1 of the claim. I do not restrict the grounds that may be advanced. They interlink and, anyway, I consider that each are arguable. Grounds 5 and 6 may now be academic but that is

better resolved in the context of the substantive proceedings.

**Case NOT suitable for hearing by a Deputy High Court Judge**

**Case to be referred to Judge in Charge for allocation**

Signed 

Date 15 January 2026

**The date of service of this order is calculated from the date in the section below**

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**For completion by the Administrative Court Office**

Sent to:

The Claimant / The Claimant's solicitors [      ]

The Defendant / The Defendant's solicitors [      ]

The Interested party / The Interested Party's solicitors [      ]

Date: **15<sup>th</sup> January 2026**

Ref No.

**Notes for the Claimant**

To continue the proceedings, a fee is payable.

For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>.

Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out.

The form to make an application for remission of a court fee can be obtained at <https://www.gov.uk/get-help-with-court-fees>

**You are reminded of your obligation to reconsider the merits of your claim on receipt of the Defendant's evidence.**