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Your ref: CO/11766/2010
Our ref: JMT/JL/203392/0009

17 February 2011

By Email: administrativecourtofficeleeds.skeletonarguments@hmcourts-service.x.gsi.gov.uk

Dear Sirs

**Graham Nassau Gordon Senior-Milne v.
Institute of Chartered Accountants in England and Wales**

We act for the Institute of Chartered Accountants in England and Wales and have received notification from you of this matter having been listed for oral hearing on 2 March 2011 at Berwick upon Tweed Magistrates Court.

In the interests of both saving Court time and keeping costs to a minimum, we do not seek to appear at the hearing on 2 March.

We will be grateful if the Court can take into account the contents of this letter when considering Mr Senior-Milne's application. If it is the Court's view that it would be of assistance for the Institute to be represented in Court on 2 March then we will of course arrange that.

We do not intend to respond to Mr Senior-Milne's Notice of Renewal paragraph by paragraph.

1. We refer to the Summary Grounds for Contesting the Claim (provided to the Applicant by email on 22 December 2010 and by post).
2. In respect of the reasons set out by His Honour Judge Behrens:-
 - 2.1 The Court is referred in particular to paragraphs 4 to 11 inclusive of the Summary of Facts and to the documents at pages 5 to 21 and 26 and 27 of Annex 1.

In our submission the Learned Judge was correct to identify that the reality of Mr Senior-Milne's complaint is that he is simply trying to find another way to require the Institute to deal with the matter with which it has already dealt at length long ago.

- 2.2 Mr Senior-Milne has not addressed the second of His Honour Judge Behrens' reasons for refusal and Mr Senior-Milne appears to have made his application plainly out of

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time. Even if (which is denied) Mr Senior-Milne's complaint of 26 July 2010 was a new complaint, then the application for Judicial Review was not made promptly or, in any event, within three months.

3. Mr Senior-Milne had been informed by letter of 21 July that further correspondence would not be responded to unless deemed appropriate; Mr Senior-Milne referred in an email of 4 August 2010 to sending a letter before claim in accordance with the Civil Procedure Rules and he purports to have done so on 5 October 2010. Mr Senior-Milne, despite acting in person, appears to be well aware of the relevant Court rules in relation to making a claim for Judicial Review. See Annex 1, pages 21 to 27.
4. In relation to the paragraphs of Mr Senior-Milne's Notice of Renewal not otherwise addressed above:-
 - 4.1 The reasons provided by His Honour Judge Behrens for refusing leave are clear, albeit brief.
 - 4.2 The Acknowledgement of Service was filed with the Court in due time in accordance with the rules. The Acknowledgement was served on the Claimant by letter of 22 December, which was sent by email and by post. It is accepted that it was not served within the required seven days. This was due to a mistaken expectation of the need to provide a sealed copy for service. We apologise for this slight delay in service but respectfully point out that no prejudice has been caused to the Applicant by the delay of less than a week.

Yours faithfully

Bates Wells & Braithwaite