

In the High Court of Justice
High Court Appeal Centre Royal Courts of Justice
Order of Master Fontaine dated 11 August 2016
Case number: HQ15D04769
Appeal ref: QB/2016/0209



BETWEEN

Nicholas Colin Paul De Gloucester

Claimant and Appellant

and

1. Springer Nature/Macmillan Publishers Limited
2. Elizabeth Gibney
3. David Reay

Defendants and Respondents

ORDER

Before **the Honourable Mr Justice Jeremy Baker** sitting at the Royal Courts of Justice, Strand, London, WC2A 2LL on the 17th day of November 2016

IT IS ORDERED THAT

1. Appellant's application for permission to appeal is refused.
2. **REASONS:**
 - i. The Master, for the reasons which she provided in her written judgment dated 11th August 2016, was entitled to strike out the claimant's claim, and enter judgment with costs for the defendants, on the basis that the statement of case disclosed no reasonable grounds for bringing the claim (CPR3.4(2)(a)) and/or was otherwise an abuse of the court's process (CPR3.4(2)(b)), and that the claimant had no real prospect of succeeding on the claim (CPR24.2(a)(i)), and there was no other compelling reason why the case should be disposed of at a trial (CPR24.2(b))
 - ii. Essentially, this was a claim for damages for defamation and malicious falsehood, arising from an article published in Nature magazine, which reported an incident involving the claimant,

[. . . Verleumdungen redigiert]
 - iii. The article was first published on 7th August 2014, a matter of which the claimant was aware from at least 13th August 2014, yet the proceedings were not issued until 16th November 2015, outside the 12 months' limitation period provided for by section 4A of the Limitation Act 1989.

- iv. Furthermore, [. . . Verleumdung redigiert], the judge was entitled to conclude that the claimant would neither be able to surmount the threshold imposed by section 1(1) of the Defamation Act 2013, nor prove malicious falsehood, as a result of the inclusion in the article [. . . Verleumdungen redigiert] and that this provided the mo
- v. Bearing in mind the public interest in the incident, and the fact that the contents of the article had previously been published in the media, there was no reasonable grounds for a claim either in privacy, the Data Protection Act 1998, nor the Human Rights Act 1998.
3. The Appellant may, within seven days of receipt of this Order, apply for a hearing at which he may renew his application for permission to appeal. Such application may be made by post to the High Court Appeal Centre Royal Courts of Justice, Strand, London, WC2A 2LL quoting the above appeals reference number. Any such application must also be served on the Respondents.

Signed



Dated 17 xi 16