

IN THE HIGH COURT
(KING'S BENCH DIVISION)

Case No: P381/25

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983

AND IN THE MATTER OF A PARLIAMENTARY BY-ELECTION FOR
RUNCORN AND HELSBY PARLIAMENTARY CONSTITUENCY HELD ON 1
MAY 2025

Before Lady Justice Yip and Mr Justice Butcher, sitting as a Divisional Court

Dated 13th October 2025

B E T W E E N : -

GRAHAM HARRY MOORE

Petitioner

- and -

ROYAL MAIL GROUP LIMITED

First Respondent

MARK ROBERTS (CHIEF CONSTABLE OF CHESHIRE CONSTABULARY)

Second Respondent

SARAH JOANNE POCHIN MP

Third Respondent

STEPHEN YOUNG (RETURNING OFFICER)

Fourth Respondent



COSTS ORDER

UPON the Court handing down its judgment on 11 September 2025 and directing that in relation to any applications for costs written submissions should be provided by 18 September 2025

AND UPON considering the written submissions of the Petitioner, the First Respondent, the Second Respondent and the Fourth Respondent

AND UPON no submissions on costs being received from the Third Respondent

IT IS ORDERED THAT:

1. There be no order for costs in relation to Third and Fourth Respondents' applications to strike out the petition.
2. The Petitioner shall pay the First Respondent's costs summarily assessed in the sum of £12,300.
3. The Petitioner shall pay the Second Respondent's costs summarily assessed in the sum of £12,327.40.

Reasons

1. The Third and Fourth Respondents made applications to strike out the petition which were unsuccessful. The Fourth Respondent contends that the appropriate order is that costs shall be costs in the petition. The Third Respondent has made no representations on costs. The Petitioner argues that all parties should be responsible for their own costs.
2. The Fourth Respondent contends that "costs in the petition" is the usual order. He relies on orders in three previous cases. In one of those three examples, the order was not for costs in the petition but rather was for the costs to be reserved. These cases do not establish a rule or universal practice that the costs of an unsuccessful application to dismiss should be costs in the petition. In the exercise of our discretion as to costs, we do not consider costs in the petition to be the appropriate order on the facts of this case. The applications to dismiss resulted in significant additional costs being incurred. We see no reason why the Petitioner should be responsible for those costs even if the petition is eventually dismissed at trial. The Petitioner has not applied for costs against the Third or Fourth Respondents. He was unrepresented so has not incurred legal costs. Any expenses such as travel expenses associated with attending hearings would necessarily have been incurred by him in any event in responding to the First and Second Respondents' applications which succeeded.
3. We do not think it necessary or appropriate to reserve the costs of the Third and Fourth Respondents' applications to the court hearing the trial. The appropriate order as between the Petitioner and the Third and Fourth Respondents is no order as to costs and we make that order now.
4. We have granted special leave to appeal to the Court of Appeal in relation to the Third and Fourth Respondents' applications. If that appeal succeeds resulting in the dismissal of the petition, the Court of Appeal will need to reconsider costs.
5. The First and Second Respondents successfully applied to have the petition dismissed against them. That concludes the proceedings so far as they are concerned and it is appropriate that we deal with costs as between the Petitioner and the First and Second Respondents now.

6. We consider that the starting point for the exercise of our discretion as to costs is that the successful parties (the First and Second Respondents) should receive their reasonable and proportionate costs of responding to the petition from the unsuccessful party (the Petitioner).
7. At the hearing before Yip J on 13 June 2025, the Court expressly warned the Petitioner that the costs that may be recoverable by the Respondents in the event that their applications succeeded and/or if the Petition was dismissed at trial could substantially exceed the sum of £5,000 which he had been ordered to pay by way of security for costs. The Petitioner indicated that he understood that.
8. The position so far as the First and Second Respondents was not complex. As a matter of law the First and Second Respondents could not be respondents to an election petition.
9. At paragraph 18 of our judgment, we made observations as to matters that were likely to have a bearing on the exercise of our discretion.
10. The First Respondent has addressed those observations in particular at paragraph 16 of its written submissions on costs. We are prepared to accept that it was reasonable to defer the hearing of the First Respondent's application to dismiss until the hearing on 25 July 2025 rather than having it determined at the directions hearing. We acknowledge that the First Respondent acted properly to give the Petitioner a reasonable opportunity to consider the application. We also acknowledge that the First Respondent clearly identified why neither Emma Gilthorpe nor Royal Mail Group Limited could be a respondent to the petition. In doing so, the Petitioner was given ample opportunity to see the strength of the First Respondent's application. Having chosen to resist the First Respondent's application despite it being clearly identified to him that the First Respondent (whether Emma Gilthorpe or Royal Mail Group Limited) could not be a respondent to an election petition, the Petitioner should be responsible for the costs reasonably incurred by the First Respondent.
11. However, we do not accept that the costs incurred by the First Respondent are in any way proportionate to the issues as between the Petitioner and First Respondent. The Petitioner had included Emma Gilthorpe, a party who could not at law be a respondent. On her behalf, an application was made to substitute another party who could not be a respondent. The appropriate application, however, was one to strike out the petition against her. That was a simple matter. It was grossly disproportionate to incur costs in excess of £80,000 in order to advance the very simple proposition that neither she nor Royal Mail Group Limited could be a respondent.

12. Given that we consider the costs claimed are clearly disproportionate, the costs schedule submitted by the First Respondent does not provide us with any proper basis for conducting a summary assessment. We do not think it would be fair to direct a detailed assessment. Rather than taking a line-by-line approach, we intend to make a broad assessment of the costs that would have been reasonably incurred.
13. We accept the Second Respondent's submissions on costs in their entirety. Having considered the Second Respondent's costs schedule, we consider that the costs sought by the Second Respondent demonstrate an efficient, fair and cost effective response which realistically reflects the matters that had to be dealt with. We see no reason to reduce the sum claimed.
14. We therefore make an order that the Petitioner pays the Second Respondent's costs in that sum.
15. The Second Respondent's properly claimed and particularised costs provide us with a fair starting point for assessing the costs which it is reasonable to allow the First Respondent. We see no reason why the First Respondent could not have dealt with matters in a similarly efficient and cost effective manner. As we have found the First Respondent's claim is disproportionate and as we have no better basis to make a fair assessment of the costs reasonably incurred, we will allow a similar sum on the First Respondent's claim for costs.
16. We note that the First Respondent claims 32.51% of the VAT incurred on the basis that the balance can be reclaimed as input tax. The basis for that apportionment is not explained. Given the very broadbrush approach we are taking, we do not intend to explore this further. It may be that the First Respondent's net VAT liability on the reasonably recoverable base costs may be less than the liability incurred by the Second Respondent. On the other hand, the issue of the identity of the First Respondent (Emma Gilthorpe / Royal Mail) may have led to slightly higher reasonable base costs.
17. The approach we take is to allow a rounded sum of £12,300 inclusive of VAT as a contribution to the costs incurred by the First Respondent. We consider that summary assessment in that sum represents a fair way of dealing with the First Respondent's costs where we have determined that they are entitled to costs in principle but where we have found the costs claimed are grossly disproportionate.

By the Court