

# General Form of Judgment or Order

In the County Court at  
Edmonton

**Claim Number** E00ED049

**Date** 12 June 2018



THE LONDON BOROUGH OF ENFIELD

**1<sup>st</sup> Claimant**  
**Ref** LS/C/L1/155584

MR SIMON CORDELL

**1<sup>st</sup> Defendant**  
**Ref**

Before District Judge Dias sitting at the County Court at Edmonton, 59 Fore Street, London, N18 2TN.

**UPON** hearing Counsel for the Claimant and the Defendant not attending and upon hearing from the Defendant's mother and uncle

**AND UPON** the Defendant's mother and uncle informing the court that the Defendant has suffered historical mental health issues and was sectioned under the Mental Health Act 2005 in 2016

**AND UPON** the court having concerns regarding the Defendant's capacity to litigate and/or capacity to understand the meaning of the interim injunction

**AND UPON** the court being satisfied by reason of his attendance at the hearing on 05 February 2018 (subject to any issues regarding mental health) that the Defendant was aware of the terms of the interim injunction dated 09 January 2018 by at least 05 February 2018 and that it would be appropriate to dispense under CPR 81.8 with the need for personal service of the interim injunction from at 05 February 2018

**AND UPON** the interim injunction dated 9 January 2018 with attached Power of Arrest remaining in force

**AND UPON** the court being asked to address the safety of the witnesses pending the production of any report concerning mental health

**AND UPON** the court commenting that it would expect the police to arrest the Defendant under the power of arrest if there is reasonable cause to suspect that the Defendant has breached the interim injunction dated 09 January 2018

**AND UPON** the court not being satisfied that it is appropriate at present to exclude the Defendant from Burncroft Avenue, Enfield

**AND UPON** the court noting in respect of the committal proceedings that the Defendant may apply for criminal legal aid which is non means tested and is strongly advised to see independent legal advice

The court office at the County Court at Edmonton, 59 Fore Street, London, N18 2TN. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 020 8884 6500. Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

**AND UPON** the Defendant's mother confirming that she has evidence and will produce all relevant documentation (including documents from the occasion on which the Defendant was sectioned) and will file the same by 4pm 01 June 2018 by email [enquiries@edmonton.countycourt.gsi.gov.uk](mailto:enquiries@edmonton.countycourt.gsi.gov.uk)

**IT IS ORDERED THAT**

1. By 4pm on 13 June 2018 the Defendant shall undergo medical assessment by the community mental health team at an appointment to be arranged of which the Defendant shall be given at least 24 hours' notice and a report shall be prepared in relation to the Defendant's capacity to litigate and capacity to understand the meaning of the interim injunction dated 09 January 2018 and that report shall be filed at court and served on each party to the litigation.
2. If the report indicates that the defendant lacks capacity then the Official Solicitor shall be invited to represent the Defendant.
3. In the event that the Defendant fails to engage with the community mental health team and that the Defendant's mother takes no steps as the Defendant's nearest relative to have the Defendant's mental health assessed then the Defendant shall be presumed to have capacity.
4. The Claimant shall, if so advised, file and serve a witness statement appending any relevant documentation dealing with the question of the Defendant's capacity to litigate and/or capacity to understand the meaning of the interim injunction dated 09 January 2018 by 4pm on 13 June 2018.
5. The matter is re-listed urgently on 26th June 2018 at 10:00 a.m. with a time estimate of half a day with no other cases.
6. No earlier than seven and no later than three days prior to the relisted hearing the Claimant shall file and serve a paginated bundle of documents for use at the hearing.
7. This order will be deemed served on the Defendant if the Claimant emails a copy of the order to the Defendant's mother.
8. Costs reserved.

Cases are listed in accordance with local hearing arrangements determined by the Judiciary and implemented by court staff. Every effort is made to ensure that hearings start either at the time specified or as soon as possible thereafter. However, listing practices or other factors may mean that delays are unavoidable. Furthermore, in some instances a case may be released to another judge, possibly at a different court or adjourned to another date. Please contact the court for further information on the listing arrangements that may apply to your hearing.

Your case has been listed at the same time as several other cases but you are required to attend Court at the time given in your notice, or earlier if you need to speak to your legal representative. When you arrive at Court you should report to an Usher who will tell you if the other party are in attendance. You may wish to consult with them before going into Court to attempt to clarify/resolve any outstanding issues.

The Judge will decide the order in which cases are called based on who is in attendance, the time estimate and other factors. Please ensure that the Usher is aware of your whereabouts at all times. If you are not in the court at the required time and your case is called it will be heard in your absence.

If your case does settle prior to the hearing date please notify the court in writing.

Dated 5 June 2018