



James Henry

Year of Call: 2010

Practice Areas

- Civil Fraud
- Credit Hire
- Inquests
- Insurance
- Personal Injury

Email:

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Experience

James specialises in cases involving personal injury and insurance work. He is also well known for his expertise in insurance fraud litigation and has extensive advisory and trial experience in high temperature cases where allegations of dishonesty arise.

Personal injury: Multi-Track claims involving complex medical evidence, including brain injury and chronic pain.

Insurance fraud: Opportunistic and staged motor claims, first party coverage and holiday sickness.

Insurance contracts: Coverage and indemnity, repudiation and avoidance including business protection, motor trade, fleet policies, theft, flood, contents and property damage.

James also has considerable experience in the related fields of costs, credit hire and coronial law.

Before coming to the Bar James worked for a major national insurance law firm of solicitors. During his time there he worked closely with lay clients and technical claims handlers on a varied case load which included work ranging from insurance fraud rings to high value personal injury claims.

Education

Bar Vocational Course, City University (2009)
LLB (Hons) Law, Durham (2007)

Cases

Shaw-Matthews v THO Logistics - Coventry CC, 19.02.19 - HHJ Gregory

30/05/2019

Barristers involved: James Henry

Finding of fundamental dishonesty against an opportunistic claimant who knew how to try and work the compensation system, but whose dishonesty was uncovered after being 'tied up in knots'. (Instructed by Katie Islip of Horwich Farrelly.)

Sharp & Bickerdike v LV= (Hastings CC, 05.02.19)

30/05/2019

Barristers involved: James Henry

Findings of fundamental dishonesty against two claimants and an enforceable order for indemnity costs in a case involving late intimation and FNOL call recordings. (Instructed by Leah Whitehead of Horwich Farrelly.)

Noah v Insurer (Huntingdon CC, 08.01.19)

30/05/2019

Barristers involved: James Henry

Dishonest injury claim dismissed following concessions of dishonest evidence during cross-examination. (Instructed by Jessica Bradley of Horwich Farrelly.)

Sobieraj & 3 Ors v Pilarski (1) Insurer (2) (Bristol CC, 21.12.18)

30/05/2019

Barristers involved: James Henry

Findings of fundamental dishonesty against claimants who had staged a collision with the First Defendant. Inconsistent routes, mapping evidence and adverse inferences were all crucial to the success. (Instructed by Karen Mann of Horwich Farrelly.)

Wells v Zenith - Staines CC, 08.11.18 - DDJ Harvey

30/05/2019

Barristers involved: James Henry

Claim dismissed on the basis of fundamentally dishonest evidence about gym attendance and injuries sustained. (Instructed by Katie Islip of Horwich Farrelly.)

Dereli v Carol (Slough CC, 20.10.18)

30/05/2019

Barristers involved: James Henry

Finding of fundamental dishonesty following discontinuance by the Claimant, after it was discovered that the claimant had submitted a false repair invoice. (Instructed by Karen Mann of Horwich Farrelly.)

Amin v McDowell (Wandsworth CC, 20.09.18)

30/05/2019

Barristers involved: James Henry

Fundamental dishonesty in relation to the Claimant's injury claim led to the dismissal of otherwise recoverable credit hire charges of c.£10k pursuant to s.57 of the Criminal Justice and Courts Act 2015. (Instructed by Gemma Day of Horwich Farrelly.)

Tang v LV= (Central London CC, 05.09.18)

30/05/2019

Barristers involved: James Henry

Finding of fundamental dishonesty in a causation dispute where the claimant alleged ongoing pain for over three years following an accident in a car park. (Instructed by Aysha Ahmad of Horwich Farrelly.)

Kempster v Kelsey (Salisbury CC, 10.08.18)

30/05/2019

Barristers involved: James Henry

Dismissal of claim following fundamentally dishonest evidence on liability. (Instructed by Bradley Sutcliffe of Horwich Farrelly.)

Bayram v Yigiturk (1) Sabre (2) (Central London CC, 18.07.18)

30/05/2019

Barristers involved: James Henry

Finding of fundamental dishonesty following discontinuance by the claimant prior to the amendment of the defence. (Instructed by Karen Mann of Horwich Farrelly.)

Ward v Aviva (Cardiff CC, 27.06.18)

30/05/2019

Barristers involved: James Henry

Dismissal of entire claim pursuant to s.57 on the basis of fundamentally dishonest exaggeration in relation to the claim for injuries. (Instructed by Naila Ali of Horwich Farrelly)

Dounoras v Allianz (Romford CC, 07.06.18)

07.06.18

Barristers involved: James Henry

Finding of fundamental dishonesty in a 'late notification' case. (Instructed by Samantha Donovan of Keoghs.)

Aggarwal v Markerstudy (Brentford CC, 17.05.18)

18/05/2018

Barristers involved: James Henry

Finding of fundamental dishonesty and award of indemnity costs in a late intimation case. (Instructed by Matthew Hill of Horwich Farrelly.)

Khan v Blue Triangle Buses (Romford CC, 10.05.18)

15/05/2018

Barristers involved: James Henry

Dishonest injury claim dismissed following collision with London bus. Despite attending her GP and undergoing a course of physiotherapy, the Claimant had been dishonest in the presentation of her claim and sought to exaggerate her losses. (Instructed by Sandra MacMichael of Weightmans.)

Stimpson v AXA (Colchester CC, 22.02.18)

22/02/2018

Barristers involved: James Henry

Finding of fundamental dishonesty in a call recording case, despite C and his expert both endorsing onset of injury after the call (+2 days). (Instructed by Tim Ibbotson of Keoghs.)

Young (1) Bradley (2) v Cooper, Hull CC, 02.02.18

21/02/2018

Barristers involved: James Henry

Finding of fundamental dishonesty and dismissal of the entire claims in an LSI case where the court found that the claimants had sustained injury. *LOCOG v Sinfield* considered.

Carpenter v EUI, Basildon CC, 23.01.18

21/02/2018

Barristers involved: James Henry

An application of *Howlett v Davies* leading to the dismissal of a claim and an award of indemnity costs in a late intimation case where the Court found 'the strongest evidence of dishonesty'. (Instructed by Husnain Yousaff of Horwich Farrelly.)

Voican v Moses (1) Advantage (2), Clerkenwell & Shoreditch CC, 15.11.17

21/02/2018

Barristers involved: James Henry

Finding of fundamental dishonesty in a slam-on case where fraud had not been pleaded. *Howlett v Davies* applied.

AFTAB v Metroline (Clerkenwell & Shoreditch CC, 25.01.17)

25/01/2017

Barristers involved: James Henry

Finding of fundamental dishonesty for Metroline following late discontinuance by the Claimant, an alleged bus passenger.

(Instructed by Sandra MacMichael of Weightmans)

Saleem v Parker (Leeds CC, 26.05.16)

26 May 2016

Barristers involved: James Henry

Finding of fundamental dishonesty following filing of a notice of discontinuance in a case arising from a 'slam-on' induced collision forming part of a fraud ring in Leeds. (Instructed by Matthew Warne of Horwich Farrelly.)

Valentin & Anor v UPS Ltd (Bedford CC, 28.01.16)

28.01.2016

Barristers involved: James Henry

Findings of fundamental dishonesty on the papers following discontinuance the day before trial. (Instructed by Adrian Cottam and Amy Hickey of Clyde & Co.)

Claims worth c.£70,000 defeated and indemnity costs awarded. (Instructed by Adrian Cottam and Amy Hickey of Clyde & Co.)

Oaida v Wise (1) Tesco Underwriting Limited (2) Central London CC, 08.09.15

08/09/2015

Barristers involved: James Henry

Claimant's solicitors ordered to show cause pursuant to the wasted costs rules on the basis of improperly translated documents.

(Instructed by Tim Ibbotson of Keoghs.)

Mehmood v Singh (1) Advantage (2) Central London CC, 03.09.15

03.09.15

Barristers involved: James Henry

Claim arising from a staged accident dismissed with a positive finding of fraud on the basis of inconsistent damage. (Instructed by Morgan Davies of Hill Dickinson.)

During cross-examination the Claimant stopped answering questions and exercised his right against self-incrimination. (Instructed by Morgan Davies of Hill Dickinson.)

Sheikh v London General Transport

Clerkenwell & Shoreditch CC, 30.04.15

30.04.15

Barristers involved: James Henry

Finding of fundamental dishonesty and an order for indemnity costs made against London bus driver following dishonest injury claim. (Instructed by Sandra MacMichael of Weightmans.)

Yasin v Karim (1) (Sabre (2))

Kingston-Upon-Hull CC, 17.04.15, LTL 18.06.15 AC0146705

17/04/2015

Barristers involved: James Henry

Successful appeal against a decision to strike out 'concerns' pleaded in a Defence that did not advance a positive case of fraud. (Instructed by Karen Mann of Greenwoods.)

Bernas & 6 Ors v Jennings

Manchester CC, 16.01.15, LTL 22.06.15 AC0146713

16/01/2015

Barristers involved: James Henry

Seven fraudulent 'slam-on' claims defeated following a 5-day trial involving telematics 'black-box' data. (Instructed by Karen Mann of Greenwoods.)

Alchalabi v Seaward Travel Ltd

Brentford CC, 14.12.14

14/12/2014

Barristers involved: James Henry

Finding of substantial exaggeration on the part of the claimant consultant gynecologist reduced her award from nearly £15,000 (as pleaded) to £900. (Instructed by Cheryl Harrison of Weightmans.)

Publications

TGC Fraud Newsletter Issue IX - February 2019

26/02/2019

Authors: Tim Sharpe Anthony Johnson James Henry Ellen Robertson Elizabeth Gallagher

Please see link below for Issue IX of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Newsletter Issue VIII - July 2018

02/07/2018

Authors: James Henry Ellen Robertson Paul McGrath James Yapp Matthew Waszak Elizabeth Gallagher Tim Sharpe Edward Hutchin William Irwin Helen Nugent

Please see link below for Issue VIII of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

Personal Injury Law Journal - April 2018 (No.164)

18/05/2018

Authors: James Henry

'To plead or not to plead' – Article discussing the need to positively plead dishonesty.

TGC Fraud Newsletter Issue VII - February 2018

21/02/2018

Authors: James Laughland James Henry Marcus Grant Tim Sharpe Ellen Robertson George Davies

Please see link below for Issue 7 of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

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TGC Fraud Update v3 - June 2016

22/06/2016

Authors: Marcus Grant George Davies Tim Sharpe Anthony Johnson David R. White James Henry Anthony Lenanton Piers Taylor Matthew Waszak

Stemming the tide of the fraud. Please see link below for the third edition of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Update February 2016

03/02/2016

Authors: Charles Curtis Marcus Grant Edward Hutchin George Davies Tim Sharpe Anthony Johnson James Henry Richard Boyle Matthew Waszak

Facing up to the challenge of fraud rings. Please see link below for the second edition of TGC Fraud Update, a publication which was set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters. Thank you also for all of the kind words and helpful feedback received about the inaugural edition.

You can view the publication on our website <http://tgchambers.com>

TGC Fraud Update

09/10/2015

Authors: Marcus Grant Alex Glassbrook Tim Sharpe Anthony Johnson James Henry Emily Wilsdon

Welcome to the inaugural edition of TGC Fraud Update, a new publication from the fraud team at Temple Garden Chambers containing a number of articles on legal matters relevant to insurance fraud practitioners and a digest of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication on our website <http://tgchambers.com>

News

TGC Fraud Newsletter

26/02/2019

Barristers involved: Tim Sharpe Anthony Johnson James Henry Ellen Robertson Elizabeth Gallagher

This publication has been set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication at http://tgchambers.com/wp-content/uploads/2019/02/Newsletter_Fraud_issue9_v3.pdf

TGC Fraud Update Issue VIII - July 2018

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Please see link below for Issue VIII of the TGC Fraud newsletter.

You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

TGC Fraud Update Issue VII - February 2018

21/02/2018

Barristers involved: James Laughland James Henry Marcus Grant Tim Sharpe Ellen Robertson George Davies
Please see link below for Issue VII of the TGC Fraud newsletter.

You can view the publication on our website <http://tgchambers.com>

Metroline secures enforceable costs order against fundamentally dishonest bus passenger

25/01/2017

Barristers involved: James Henry

The claimant submitted a personal injury claim against Metroline Travel Limited. She claimed to have been a passenger on bus that was involved in a genuine accident. Placing reliance on inconsistencies in the claimant's evidence, a statement from an operations manager at the bus company and CCTV footage, an application was made to amend the defence to plead fraud. Shortly before hearing of the application the claimant filed a notice of discontinuance.

The court exercised its powers in accordance with CPR PD44.12 to direct that issues arising out of an allegation that the claim was fundamentally dishonest be determined notwithstanding that the notice of discontinuance had not been set aside.

DDJ Rollason (sitting at the County Court at Clerkenwell and Shoreditch) heard evidence and submissions before finding that the claim was fundamentally dishonest. Permission was given to Metroline to enforce the costs order to its full extent.

TGC Fraud Update v3 - June 2016

22/06/2016

Barristers involved: Marcus Grant George Davies Tim Sharpe Anthony Johnson David R. White James Henry Anthony Lenanton Piers Taylor Matthew Waszak
Stemming the tide of the fraud.

Please see link below for the third edition of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

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Finding of fundamental dishonesty following filing of a notice of discontinuance in a case arising from a 'slam-on' induced collision forming part of a fraud ring in Leeds

17/06/2016

Barristers involved: James Henry

The Claimant claimed damages following a rear-end shunting collision on a motorway roundabout. A Defence and Counterclaim were filed pleading fraud on the basis that the Claimant had deliberately slammed on his brakes to induce the collision for the purpose of bringing fraudulent insurance claims. Investigations carried out by Hastings and Horwich Farrelly revealed that the

Claimant was linked by his address, insurance policy and previous claims to at least two other people of suspect character. Between them they had been involved in four accidents in two years, all of which bore the hallmarks of deliberately induced collisions involving the use of decoy vehicles. It also appeared that the decoy vehicle in the index collision had been used in another induced collision.

The Claimant discontinued proceedings at an early stage and on the Defendant's application the case was listed for a hearing to determine whether the costs of the claim and counterclaim were enforceable. District Judge Prest QC considered the Defendant's evidence and the similar fact evidence arising from the linked claims before finding that the Claimant had been fundamentally dishonest. Costs were awarded on the indemnity basis with permission to the Defendant to enforce against the Claimant.

TGC Fraud Update

03/02/2016

Barristers involved: Charles Curtis Marcus Grant Edward Hutchin George Davies Tim Sharpe Anthony Johnson James Henry Richard Boyle Matthew Waszak

Thank you for reading this second edition of TGC Fraud Update, a publication which was set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters. Thank you also for all of the kind words and helpful feedback received about the inaugural edition.

Some of the trickiest types of fraud cases to defend at trial are those involving fraud rings- linked cases involving several separate purported road traffic accidents featuring the same or overlapping personnel (sometimes organised criminals, albeit frequently caught out by their disorganisation!) and usually deliberately staged, contrived or induced accidents. Often there is an overall 'guiding mind' linking seemingly unrelated incidents, be it an individual, an accident management or hire company or even a firm of solicitors.

However, one of the challenges that arises is that intelligence can never be perfect and often the identities of some of the dramatis personae will never be known (this may well often be because they do not exist). Often the fraud ring cases that do reach trial are those where the links between the claims and the claimants are at their most oblique- direct evidence of communication and co-operation between individuals who claim not to know each other is usually enough to scare off even the most stubborn claimant solicitors!

As with most rapidly developing areas of law, information about the outcome of decided claims, and more importantly the reasons behind them, is a great way equipping oneself to best tackle future claims where the same or similar issues are raised. Fortunately, TGC has had a glut of fraud rings successfully defended to trial in the last couple of months- the lead article focusses on the particular challenges posed (and duly overcome) in some of these cases. It can be seen that thorough preparation is critical, as these types of cases are invariably 'document heavy', but also that there is no substitute for demolishing the credibility of a suspect individual through robust cross-examination.

The TGC fraud team are more than happy for you to contact them if you have any queries about any of the contents of this issue, or indeed about any other issues relating to insurance fraud and related matters.

[TGC Fraud Update February 2016](#)

Findings of fundamental dishonesty following successful defence of 'slam-on' motor fraud involving a £53,000 credit hire claim.

29/01/2016

Barristers involved: James Henry

James Henry (instructed by Adrian Cottam and Amy Hickey of Clyde & Co) acted for UPS in its successful defence of fraudulent claims for injury, loss of earnings, credit hire, storage and recovery charges totalling c.£70,000.

UPS contended that the two claimants had deliberately induced a road traffic accident on the A406 by slamming on their brakes in front of a UPS delivery lorry. The case was listed for a two-day trial, but on the day before the trial was due to start a notice of discontinuance was filed.

The case fell under the QOCS regime. UPS proceeded to trial and sought findings of fundamental dishonesty against both

claimants, notwithstanding that the claimants would not be giving evidence, in order to secure an enforceable costs order. HHJ Harris QC considered the case on the papers and found that the claims were fundamentally dishonest within the meaning of CPR r.44.16. Permission was given to enforce costs, which are to be assessed on the indemnity basis.

Oaida v Wise (1) Tesco Underwriting Limited (2)

15/10/2015

Barristers involved: James Henry

It also appeared to the court that there was a prima facie case that the Claimant's solicitors had conducted the case in an improper, unreasonable or negligent manner. They have been ordered to show cause as to why they should not pay the Defendants' costs personally in accordance with the wasted costs provisions of CPR r.46.8.

Vehicle damage and credit hire claim dismissed for want of proof

06/08/2015

Barristers involved: James Henry

The Claimant initially claimed damages for personal injury but abandoned the claim, leaving just the vehicle related damage claims. The First Defendant took no part in proceedings and the insurer was joined as Second Defendant. It relied on expert evidence that the damage to the Claimant's vehicle could not have been caused by a collision with the First Defendant's vehicle, as well as numerous inconsistencies and concerns with the Claimant's account of the accident.

HHJ Harris QC was not satisfied that a collision occurred as alleged and dismissed the claim, giving judgment for the Second Defendant insurer.

Finding of fundamental dishonesty and an order for indemnity costs made against London bus driver following dishonest injury claim.

30/04/2015

Barristers involved: James Henry

The claim was defended as a low velocity impact on the basis that the claimed injuries could not have been sustained. During the course of cross-examination an unsuccessful application was made to amend the defence to plead fundamental dishonesty.

Notwithstanding that the amendment had been refused, District Judge Manners found that it was not credible in any shape or form that the accident caused the injuries complained of. There had been a blatant attempt to get more money from the defendant than should have been paid. The Judge found the claim was fundamentally dishonest and ordered the claimant to pay the defendant's costs on the indemnity basis.

Successful appeal against a decision to strike out 'concerns' pleaded in a Defence that did not advance a positive case of fraud.

24/04/2015

Barristers involved: James Henry

The Claimant alleged that he was involved in a genuine road traffic accident caused by the First Defendant's negligence. The First Defendant failed to cooperate with his insurer and could not be traced. The insurer did not have sufficiently cogent evidence to make an allegation of fraud as against the Claimant, but it did have a large artillery of information that it said would undermine the claim to the extent that the Claimant could not prove his case. The insurer's Defence did not make an allegation fraud, but did rely on several particular concerns in support of its contention that the Claimant could not prove his case.

The Claimant applied to strike out parts of the insurer's Defence on the basis that it amounted to a pleading of fraud by insinuation (placing reliance on the obiter comments of Davis LJ in *Hussain v. Amin* [2012] EWCA Civ 1456). The District Judge at first instance agreed and struck out parts of the Defence which he thought amounted to a pleading of fraud.

The insurer appealed on the ground that the District Judge had fallen into error by characterising the Defence as one that pleaded fraud. It was argued that the Defence was properly pleaded in accordance with the well-established line of case law (including *Kearsley v. Klarfeld* [2005] EWCA Civ 1510 and *Francis v. Wells* [2007] EWCA Civ 1350) which establish that in this type of case it is not necessary for the defence to make a substantive allegation of fraud or fabrication, but it is sufficient to set out the detailed facts from which the court would be invited to draw the inference that the claimant has not suffered the injuries or damage alleged.

His Honour Judge Jeremy Richardson QC allowed the appeal, relying on the Judgment of Cranston J in *Ahmed v. Lalik* (1) *Cooperative* (2) [2015] EWHC 651 and emphasising that it is necessary for parties to put their cards on the table by way of pleading, the artillery and ammunition they seek to use.

Mehmood v Singh (1) Advantage Insurance (2)

10/02/2015

Barristers involved: James Henry

The Second Defendant insurer placed reliance on expert engineering evidence to demonstrate that the vehicles said to have been involved could not have been in collision with each other. During cross-examination the Claimant told the Judge he did not want to answer any further questions and exercised his right against self-incrimination. Relying on the engineering evidence and multiple inconsistencies that had been exposed in the Claimant's evidence, Deputy District Judge Turner dismissed the claim and held that the insurer had proven its positive case of fraud. The claim was found to be fundamentally dishonest and costs were awarded on the indemnity basis.

Seven fraudulent 'slam-on' claims defeated following a 5-day trial involving telematics 'black-box' data.

16/01/2015

Barristers involved: James Henry

Seven claimants who targeted an off-duty female Police Officer in Manchester by slamming on their brakes have had their claims for injury, credit hire, storage and recovery charges dismissed following findings of fraud.

The case is one of the first of its kind to deploy 'black-box' telematics data in court to support the defence that the claimants deliberately slammed on their brakes to induce a collision. The defendant applied for specific disclosure of telematics data collected by a black-box fitted in the claimants' vehicle. There were two important data packages. Firstly, a GPS tracker showed that the claimants had driven up and down the same stretch of road for c.40 minutes before the collision. Secondly, the black-box was also fitted with an accelerometer that showed the severity and duration of the claimants' braking in the seconds before the collision. After hearing evidence from the claimants' insurer as to the purpose and effect of the telematics data, Mr Recorder Mcloughlin found that the data supported the defendant's case that the braking manoeuvre was sudden, and not slow or gradual as contended by the claimants.

The claims were dismissed and the claimants have been ordered to pay the defendant's costs on the indemnity basis.

Robust application of the CPR in a case where Court resources were being wasted

03/06/2013

Barristers involved: James Henry

The Claimants had been struck out in previous proceedings for failure to file a Pre-Trial Checklist. No decision was made on the merits. Fresh proceedings were issued for the same damages and the Second Defendant applied to have the claims struck out. The Court held that it would drive a coach and horses through the April 2013 changes if the Claimants were allowed to ignore orders and simply seek to re-issue proceedings. Their behaviour and the waste of court resources was an abuse of process and the claims were struck out.

Court refuses relief from sanctions under new rules where claimant breached unless order

18/04/2013

Barristers involved: James Henry

James Henry (instructed by Karen Mann of Greenwoods and representing Sabre Insurance) successfully opposed a Claimant's application for relief from sanctions in an early decision applying the new CPR r.3.9. The Court refused relief from sanctions where the Claimant's case was struck out for failure to comply with an unless order. The decision represents an early indication of the robust approach Courts will adopt in their application of the new CPR r.3.9 and the need to enforce compliance with rules, practice directions and orders.
