

**DECISION OF THE CERTIFICATION OFFICER ON AN APPLICATION  
MADE UNDER SECTIONS 31(1), 55(1) AND 108A(1) OF THE TRADE  
UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992**

**Mr P Trummel**

**v**

**National Union of Journalists**

**Date of Decision:**

**28 September 2009**

**DECISION**

Upon application by Mr Trummel (“the Claimant”) under sections 31(1), 55(1) and 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”).

Pursuant to section 256ZA of the Trade Union and Labour Relations (Consolidation) Act 1992, I strike out the Claimant’s application on the grounds that the manner in which the proceedings have been conducted by the Claimant has been unreasonable and on the grounds that the complaints as advanced by the Claimant have no reasonable prospect of success.

**REASONS**

**The Background**

1. Mr Trummel brought this application as a member of the National Union of Journalists (“The Union” or “the NUJ”). He did so by a registration of complaint form which was received at my office by email on 13 March 2009 and in signed, hard copy form on 19 March.
2. On his registration of application form Mr Trummel sought to bring an application against the NUJ and its London Freelance Branch (“the LFB”). He made three allegations, with non-sequential notation; namely that they:

*“(c) Failed to ensure that the election of its senior officers and/or members of its Executive satisfies the requirements of the Act (sections 46-54) of the 1992 Act:*

*(f) Failed to meet a request from a member for access to its accounting records (section 30 of the 1992 Act):*

*(i) Either itself or one of its sections or branches has breached, or threatened to breach, the rules of the Union in relation to certain matters (section 108A of 1992 Act)."*

Mr Trummel stated that a breach of section 29 of the 1992 Act (duty to keep accounting records) and section 30 (right of access to accounting records) occurred during 2008 and was ongoing. He alleged that these sections were breached by "*repeated stonewalling by withholding NUJ and LFB accounts, agendas and minutes*". He further stated that the alleged breach of section 46 (duty to hold elections) and section 47 (which he described as "requirements to be satisfied with respect to elections") occurred during 2000 – 2008 and were ongoing. He described the respects in which he alleged these sections to have been breached in the following terms:

*"Pattern or practice of violation of election rules in order to set up a self-perpetuating self-interested oligarchy without giving all LFB members an opportunity to participate and to vote by postal ballot or by other means of inclusive balloting. Officials used silent withholding of agendas and minutes also slanted website information to facilitate election, re-election, or self-succession by officials. A reasonable person must assume that an annual general meeting attended by between 30 and 50 members of whom about 50% can vote (out of a total branch membership of 3,000 +) does not meet the requirements of a fair and unbiased election. That has become abundantly clear from machination by LFB officials during the past seven years who effectively succeeded themselves then repeated filibustered to deny due process to a member and to cater to other special interests."*

Mr Trummel did not specify on the form any particular rule that he alleged had been breached but stated such breaches had occurred repeatedly during the years 2002 through 2009 and were ongoing.

3. In his registration of complaint form, Mr Trummel referred to a number of exhibits, each of which he identified only by reference to a computer pdf file number. He referred to six such pdf files. My office printed these files which totalled some 75 pages. They were mainly documents which appeared to have been prepared for other purposes, together with certain correspondence. It was not possible to discern from these documents with any clarity the necessary particulars of Mr Trummel's allegations which would enable them to be put to the Union in a way that it could ascertain with the requisite certainty any complaints to which it must answer.
4. In the documents which accompanied the registration of complaint form, Mr Trummel described himself as having worked as a journalist in the UK since 1957 and having been a member of the NUJ since about 1960. He stated that he worked both in the UK and the United States. Whilst not a lawyer, Mr Trummel is clearly a much educated person who is able to absorb arguments and express himself in writing. This is apparent from the qualifications which he includes beneath his signature in correspondence. These are "PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK) BSc (UK) Associate Professor, Communication and Rhetoric (Retired), Fellow International Society of Typographic Designers (FISTD), Fellow, Institute of Paper Printing and Publishing (FIOP), International Federation of Journalists, Brussels, International (Press Card GB 8953), National Union of Journalists, London,

(Press Card 025057), Society of Authors, London (0039806), UK equivalencies in graphic communication recognised by Boston University, North Eastern University, Rochester Institute of Technology, Fitchburg State College, San Jose State University, Rensselaer Polytechnic Institute, and University of Washington with comparability twice certified by International Education Research Foundation (IERF), a credential evaluations service accredited by US Department of Education". The documents record that in 1992 Mr Trummel founded "Contra Cabal" as one of the first electronic magazines to appear on the web. He states that it "*contains articles and descriptions of unlawful prior restraints and abrogation of journalism rights also details of imprisonment and ongoing Internet harassment using denial-of-service attacks. Articles cover ongoing criminal activity by bureaucrats and elder abuse. They describe the actions of corrupt judges and gross misconduct by lawyers who file frivolous law suits against tenants in government financially-assisted housing. They also outline how managers use unlawful retaliatory measures and propaganda to destroy the reputations of people who report illegal activity and racism.*" A number of the documents attached to emails from Mr Trummel were articles from Contra Cabal. The documents appended electronically to the claim form record that in 2002 Mr Trummel spent 111 days in jail in the United States for contempt of court arising out of material he had published about financially assisted housing. The documents state that he was released "under a writ similar to habeas corpus". He alleges that the British Consul colluded with the 'straw' judge and the UK Foreign & Commonwealth Office to destroy all the evidence to cover up that collusion. The documents also record that in 2006 the Supreme Court in the United States "reversed all previous findings", leaving him three years "to file international tort actions for illegal imprisonment and unlawful prior restraint". Mr Trummel is critical of the assistance he received from a number of sources in connection with these matters, including the NUJ. It also appears that a number of individuals, both within and outside the Union, who have had some involvement with Mr Trummel on this and other matters have also been criticised by him in his various electronic publications. One of the letters appended electronically to the claim form is a letter to the NUJ in which he asks to be sent, for the years 2000 to 2009, all LFB meeting agendas, all LFB meeting minutes and all LFB annual financial statements.

5. On 18 March 2009, my office wrote to Mr Trummel explaining my jurisdiction and seeking clarification of his complaints. In particular, Mr Trummel was asked to specify which rules were alleged to have been breached and whether the breach of statute complaint concerned only the elections to the London Freelance Branch. The letter pointed out that section 30 of the 1992 Act does not give members a right to be sent accounting records (as opposed to having access to them). The letter also asked Mr Trummel to provide documentary evidence of his request for access to accounting records. A reply was requested by 8 April, which was extended to 30 April, upon Mr Trummel's request.
6. On 28 April 2009, Mr Trummel responded by email as follows: "*See attached pdf. If you need anything else, then please let me know.*" My office printed out the pdf, which contained some 99 pages, including the 2008 Rules of the NUJ and other pages which stated merely "*this page contains no comments*". Mr Trummel did not attempt to respond directly to the questions he had been

asked but reproduced the letter from my office of 18 March with passages highlighted in yellow and lines leading from the highlighted passages to the pages overleaf. He appeared to allege a breach of rules 8(c)(i)(b), 8(c)(ii)(b), 8(d), 8(q), 20 and 23(b). He stated that the alleged breaches of statute related to both the LFB and NEC elections and claimed in relation to the LFB that:-

*“A pattern or practice of violation of election rules exists in order to set up a self-perpetuating, self-interested oligarchy without giving all LFB members an opportunity to participate and to vote by postal ballot or other means of inclusive balloting. Officials used silent withholding of agendas and minutes also slanted website information to facilitate election, re-election or self-succession by officials. A reasonable person must assume that an annual general meeting attended by between 30 and 50 members of whom about 50% can vote (out of a total branch membership of 3,731 eligible to vote) does not meet the requirement of a fair and unbiased election. That has become abundantly clear from machination by LFB officials during the past seven years who effectively succeeded themselves then repeatedly filibustered to deny due process to a member and to cater to other special interests. This extends to NEC because it affects the election of the two NEC officers and granting of remunerated contracts to them (apart from remuneration under Rule 8(q) and LFB officials as an alleged quid pro quo. A new rule requires NEC officers to be elected for two years; however, refusal of access to minutes and accounts precludes openness and encourages gerrymandering and filibustering to evade discussion of election issues. Most LFB NEC officers have for the past decade run unopposed by design.”*

As to the alleged breach of section 30 of the 1992 Act, regarding access to accounting records, Mr Trummel stated:-

*“After months of trying to access copies of AR21 (the Union’s annual return), I downloaded documents for the years 2004 through 2008 from the Certification Office website. NUJ continues to block access to AR21 for the years 2001 through 2003. Jeremy Dear, General Secretary and Bernard Roche, NUJ Financial Officer, have set up a merry go round using proxies to delay access to NUJ documents. LFB ignores requests for access to its documents and Dear claims he has no power to order them to comply.”*

7. My office replied to Mr Trummel’s email on 5 May 2009. It noted the rules allegedly breached and informed Mr Trummel that in order for his complaints to be considered further, he needed to put forward an arguable case as to why he considered those rules had been breached and when. As to the alleged breaches of statute, Mr Trummel was asked to state which sub-sections of sections 46 and 47 of the 1992 Act he was alleging to have been breached, when the alleged breach had occurred and the brief circumstances of the alleged breach. As to the alleged breach of section 30, the letter asked for evidence of a request for access to accounting records. Mr Trummel was informed that he had the right to inspect all the Union’s annual returns on Form AR21 at my office and that copies could be provided. He was also asked to furnish my office with any future documentation in a more conventional form, even if within a pdf file.
8. On 13 May 2009, Mr Trummel responded by email, thanking the Case Officer, Ms Halai, for her help in addressing the issues. He attached a further 47 pages in which he purported to respond to the letter of 5 May and provided certain explanatory notes. In relation to the complaints of breaches of rule,

Mr Trummel began with a general commentary in which he repeated that there was a pattern or practice of violation of election rules in order to set up a self-perpetuating, self-interested oligarchy. He referred, amongst other things, to the practice of voting by show of hands, the restriction of access to minutes, the low turnout, the members' ignorance of the rules, the election of members with no qualifications and the slanting of web-site information. As to the precise rules alleged to be breached, Mr Trummel dealt only with rules 8(d), 8(e) and 8(q). Rule 8(d) deals with elections to the NEC and requires nominations by branches. Mr Trummel commented that his branch had returned candidates unopposed and that he had received no prior notice of elections or promotional material. Rule 8(e) also deals with elections to the NEC and provides, amongst other things, that there shall be no ballot when the number of nominations does not exceed the number of representatives required for a sector. Mr Trummel commented that in the past seven years he has not received "*any statements or details of Union officers held by candidates for NUJ NEC/LFB positions and ballot papers by mail or any other means although I have received similar material for election of NUJ executive officers.*" Rule 8(q) relates to the payment of expenses to members of the NEC and provides for the expenses of members who are freelance journalists to be determined at a rate determined by the NEC from time to time. Mr Trummel commented that NUJ commissions are wide open for freelance officials to pad out not only the number of hours charged but also the rate. As to the complaints of breach of statute, Mr Trummel provided a copy of sections 46 to 48 of the 1992 Act and highlighted sections 46(1)(a), 46(2)(a), 46(3), 46(5) and 48(1). As to the complaint of a breach of section 30 (access to accounting records), Mr Trummel submitted a copy of an email he had sent to the NUJ on 7 May 2009. The email requested access to all annual financial reports for both the NUJ and LFB for 2000 to 2008 and access to financial documents to include detailed income and expenditure accounts and supporting documents in relation to the "*UK Government "Strategic Grant Agreement", British Embassy Kiev, Ukraine, and the NUJ Education and Training Programme*". Mr Trummel stated that he was willing to attend the Union's offices in London by appointment for the purposes of inspecting these documents but that he may wish to bring a legal witness and forensic accounting specialist to the meeting.

9. On 20 May 2009, my office replied to Mr Trummel. The letter informed Mr Trummel that it is not for my office to construct his complaints for him from his general correspondence but for him to put forward an arguable case stating when the various breaches are alleged to have occurred. The letter went on to consider Mr Trummel's apparent complaints under the following three headings; breaches of sections 46 and 47; breaches of rule, and breach of section 30. As to the alleged breaches of sections 46 and 47 Mr Trummel was asked to explain why he considered each particular sub-section in question had been breached and to provide the date of the alleged breach. As to the alleged breaches of rule, it was explained that rule 8(q) did not appear to be within my jurisdiction and that it was not clear how he alleged the other rules had been breached. As to the alleged breach of section 30, it was noted that Mr Trummel had presented no evidence of having made a prior request for access to accounting records and that accordingly no further action would be taken on

that matter. It was also noted, however, that Mr Trummel had now made such a request, by his subsequent email to the Union of 7 May 2009.

10. Mr Trummel responded by email of 31 May 2009 to which he attached a further 35 pages. He asserted that he had previously provided my office with all the details that had been requested and that he could not supply the required information in the form requested because of obstruction by the NUJ. He complained that my office was requiring from him a legal brief and that he was not a lawyer. He stated that he was being denied entitlement to a lawyer by the Union and by "*the dereliction of NUJ during 2008 cost at least £500,000 which has virtually bankrupted me*". He asserted that the outstanding issues were:-

"...

1. *Foreign and Commonwealth Office dereliction in a consort with NUJ which resulted in my illegal jailing in Seattle, Washington.*
2. *Denial of pension credits and pension (with income now pegged at a total of £35.37/week).*
3. *Neglect to reimburse EU medical costs.*
4. *Fraudulent quid pro quo between an NUJ officer and the government minister which obstructs justice through political expedience and a criminal cover up."*

He maintained that these matters had been brought to the attention of the Union, of Gareth Thomas MP, of Jack Straw MP and David Milliband MP. He also commented "*I appreciate the time you have spent on this issue and fully understand your stated requirements*". Within the attachments to the email were two undated letters to Mr Trummel from the Union's Finance Officer, Mr Roche, replying to his letters of 7 and 13 May. Mr Roche informed Mr Trummel that the Union would give him access to such accounting records as he was entitled to inspect and the conditions which the Union proposed to apply in accordance with the 1992 Act.

11. My office replied to Mr Trummel on 8 June 2009 by a letter from the Assistant Certification Officer, Mr Walker. Mr Walker made a further attempt to explain what information was required from Mr Trummel and the reasons why it was required. The letter informed Mr Trummel that my office was not seeking a legal brief, but merely sufficient information for a complaint which was within jurisdiction and time, to be formulated and put to the Union. Mr Walker concluded by repeating the requests made in the letter to Mr Trummel from Ms Halai of my office of 20 May.
12. In an email of 21 June 2009, Mr Trummel stated that he could not respond to Mr Walker's letter without a discussion. He attached an email from the NUJ dated 5 June which noted that he had not kept the appointment offered to him to view the accounts and that a further appointment had been offered.
13. An arrangement was made for Mr Trummel to attend at the Certification Office on the 6 July 2009, where he met with Mr Walker and Ms Halai. Mr Trummel explained the background to his complaints. Mr Walker explained the jurisdiction of the Certification Officer, why the information requested in his letter of 8 June was required and how Mr Trummel's claim could not be progressed in the absence of that information.

14. On 8 July 2009, Mr Trummel sent an email to my office in which he stated that he would write to the Union again about access to accounting records, having regard to the recent discussion at the Certification Office. He further stated that he would concentrate on accounting records *“and set aside the election and balloting complaint for the time being”*. He also attached links to three website articles he had published in “contracabal” the previous week.
15. Mr Trummel sent a further email to my office on 14 July 2009 in which he stated that he had already provided the information requested. He went on to describe, *“with regard to S46 and 47(c)”* a meeting of the London Freelance Branch that he had attended the previous evening and at which a number of candidates had been elected unopposed. He complained about the adequacy of the notice given for this meeting which appeared in the “Freelance” newspaper of 25 June and argued that this was typical of a practice that denies the majority of LFB members an opportunity to participate.
16. My office replied on 16 July 2009 commenting that, whilst Mr Trummel had provided a vast amount of information, he had not provided the information requested so as to enable the precise nature of his complaints to be identified or for it to be ascertained whether they were in time and jurisdiction. It was also pointed out that there is no section 47(c) of the 1992 Act.
17. On the same day, Mr Trummel sent an email in which he attached a copy of sections 46 to 48 of the 1992 Act with section 46(1), (2), (3) and (5) and section 48 highlighted in yellow.
18. My office replied on 28 July 2009 stating that the information requested was not clearly apparent from Mr Trummel’s email of 16 July or any of his previous correspondence and that I required any complaint to set out clearly the alleged breach to which the Union will be required to respond. It was pointed out that merely highlighting paragraphs in the 1992 Act is not enough and that Mr Trummel should either provide specific answers to the questions raised by way of a brief narrative or refer to the precise document, page and paragraph number in the documentation already supplied. It was noted that Mr Trummel’s response only referred to breach of statute issues. He was asked if he still intended to pursue the alleged breaches of rule.
19. On the same day, Mr Trummel sent an email to my personal email address stating that “low-echelon” employees had corresponded with him in a manner which showed *“a pattern or practice of stonewalling arguably in an attempt to obstruct justice”*. He stated that the required information had been submitted repeatedly and that *“any further delay can only interpret (sic) as thwarting due process for political expedience”*. He continued, *“Therefore personal information about you and details of the outstanding issues will appear”* on the web. He went on *“The text will be updated to reflect the position at the time of publication”*.
20. I responded personally to Mr Trummel by a letter dated 4 August 2009. I refuted the criticism of my staff and assured him that his application was being dealt with appropriately, with a view to identifying one or more complaints that

were within my jurisdiction, within time and expressed in such a way that the Union might know the case it had to meet and could prepare its defence. I asked him to respond to the questions that had been put to him and informed him of the process which would then lead to an oral hearing. I went on to inform him of my powers to strike out a complaint under section 256ZA of the 1992 Act and that a continued failure to supply the basic information needed to establish an arguable complaint might force consideration under that provision.

21. Mr Trummel's response to my letter came by way of an email of 13 August 2009 to which he attached six web links to different articles he had written and had published on the web, totalling some 48 pages, including an article critical of the way this complaint had been handled by my office and by myself. These articles contained no clear response to the requests for information previously made by my office.
22. On 25 August 2009, my office wrote to Mr Trummel informing him that although he had provided a vast quantity of documentation, he had not provided the information as requested. Mr Trummel was given notice under section 256ZA(4) of the 1992 Act, requiring him to show cause why his application should not be struck out pursuant to section 256ZA(1) and/or (2). He was given until the 7 September to respond.
23. Mr Trummel responded to the show cause letter by emails of 26 and 28 August 2009, in which he did not advance any cogent grounds for his claim not to be struck out. The email of 28 August dealt mainly with race discrimination and appeared to argue that I had committed acts of race discrimination by requiring Ms Halai to write letters to him, which could arguably amount to an "*indictable offence.*"

## **The Relevant Statutory Provisions**

24. The provisions of the 1992 Act which are relevant for the purpose of this application include:-

### **Section 30 Right of access to accounting records**

*(1) A member of a trade union has a right to request access to any accounting records of the union which are available for inspection and relate to periods including a time when he was a member of the union.*

*In the case of records relating to a branch or section of the union, it is immaterial whether he was a member of that branch or section.*

*(3) The inspection shall be at a reasonable hour and at the place where the records are normally kept, unless the parties to the arrangements agree otherwise.*

### **Section 31 Remedy for failure to comply with request for access**

*(1) A person who claims that a trade union has failed in any respect to comply with a request made by him under section 30 may apply to the court or to the Certification Officer.*

### **Section 55 Application to Certification Officer**

*(1) A person having a sufficient interest (see section 54(2)) who claims that a trade union has failed to comply with any of the requirements of this Chapter may apply to the Certification Officer for a declaration to that effect.*

### **Section 108A Right to apply to the Certification Officer**

*(1) A person who claims that there has been a breach or threatened breach of the rules of a trade union relating to any of the matters mentioned in subsection (2) may apply to the Certification Officer for a declaration to that effect, subject to subsections (3) to (7).*

- (2) *The matters are -*
- (a) *the appointment or election of a person to, or the removal of a person from, any office;*
  - (b) *disciplinary proceedings by the union (including expulsion);*
  - (c) *the balloting of members on any issue other than industrial action;*
  - (d) *the constitution or proceedings of any executive committee or of any decision-making meeting;*
  - (e) *such other matters as may be specified in an order made by the Secretary of State.*

**Section 256ZA Striking out**

- (1) *At any stage of proceedings on an application or complaint made to the Certification Officer, he may-*
- (a) *order the application or complaint, or any response, to be struck out on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived,*
  - (b) *order anything in the application or complaint, or in any response, to be amended or struck out on those grounds, or*
  - (c) *order the application or complaint, or any response, to be struck out on the grounds that the manner in which the proceedings have been conducted by or on behalf of the applicant or complainant or (as the case may be) respondent has been scandalous, vexatious, or unreasonable.*
- (2) *The Certification Officer may order an application or complaint made to him to be struck out for excessive delay in proceeding with it.*
- (3) *An order under this section may be made on the Certification Officer's own initiative and may also be made*
- (4) *Before making an order under this section, the Certification Officer shall send notice to the party against whom it is proposed that the order should be made giving him an opportunity to show cause why the order should not be made.*

## **The Relevant Rules of the Union**

25. One of the rules allegedly breached by the union is rule 8 (q) which provides:

*"Each member of the NEC shall be paid reasonable expenses for each attendance at a duly convened meeting of the council or its committees or for any other union work authorised by the NEC. Should attendance at such a meeting entail financial loss to a member who is a freelance journalist he/she shall be allowed to claim compensation at a rate to be determined by the NEC from time to time. In the case of a job share, such payments shall be limited to the reasonable expenses and allowances of one of the two job-sharing individuals, save for the first meeting of any body, when both may attend and be paid reasonable expenses and allowances. Accounts of all expenses and allowances claimed by NEC members shall be rendered to the General Treasurer.*

## **Conclusion**

26. It is axiomatic that any complaint which is to be determined judicially or quasi-judicially must be expressed in terms which enable the adjudicating body and the respondent to understand the case that has to be met sufficiently for the respondent to investigate the complaint and prepare arguments on the merits and, if appropriate, on whether the complaint is in jurisdiction and/or made in time.
27. I find that the complaints that Mr Trummel sought to bring by his registration of complaint form received on 19 March 2009 were not expressed in a way which would have enabled the NUJ to understand the case that it had to meet and to prepare its defence, including, if appropriate, arguments on jurisdiction and/or time.
28. In the above circumstances, it is the practice of the Certification Officer to seek further information from the Claimant so as to concentrate his or her mind on the minimum information necessary for a claim to be put to the Union and then to proceed to an oral hearing in the usual way. Sections 31(2A)(a), 55(2)(a) and 108(B)(2)(a) of the 1992 provide that, on an application being made, I shall make such enquiries as I think fit. As the information required from a Claimant

is not unduly onerous or technical, it is extremely rare that this process does not result in a clear complaint being identified and for that complaint to proceed to a hearing. The information must merely be sufficient for the Union to know what rule or statutory provision has allegedly been breached, when that alleged breach occurred and some brief facts to describe the nature of the breach. Such basic information does not require “a legal brief” as Mr Trummel has asserted. Indeed, few Claimants before me are legally represented.

29. I find that the requests for further information made to Mr Trummel by my office, seeking to more clearly identify his complaints, were reasonable and, indeed, necessary in order for his claims to be justiciable. I have considered Mr Trummel’s responses to those requests and find that they fail to supply sufficient information to enable there to be a clear understanding of his complaints.
30. Mr Trummel has supplied voluminous documentation by way of email attachments and links to websites. However, it is not for my office or for a respondent to search through such lengthy material and attempt to formulate the Claimant’s complaint for him or her. Indeed, if this process were undertaken, a Claimant may well dispute any such formulation. The onus is on the Claimant to state his or her case with sufficient clarity.
31. I find that by failing to respond to the many requests for further information made by the Certification Office in a way which clearly identified any complaints that he wished to advance, Mr Trummel acted unreasonably in the conduct of his case. Accordingly, I exercise my discretion under section 256ZA(1)(c) of the 1992 Act to strike out his application on the grounds that the manner in which it has been conducted by the Claimant has been unreasonable.
32. Further, I find that the complaints as advanced in the registration of complaint form and subsequent correspondence have no reasonable prospect of success, having regard to the lack of relevant particularity. I specifically find that the complaint of a breach of section 30 of the 1992 Act has no reasonable prospect of success on the ground that there is no assertion that there was a request for access to inspect the accounting records of the Union prior to the commencement of these proceedings. I further find that the alleged breach of rule 8(q) of the rules of the Union has no reasonable prospect of success on the ground that it is not a rule which relates to any of the matters mentioned in section 108A(2) and an alleged breach of this rule is therefore outside my jurisdiction.
33. For the above reasons I strike out Mr Trummel’s application. I do so on the grounds that the manner in which the proceedings have been conducted by the Claimant has been unreasonable and that the complaints as advanced by the Claimant have no reasonable prospect of success.
34. Mr Trummel’s email of 3 August 2009 indicated that he intended to publish personal information about me, the text of which would “*be updated to reflect the position at time of publication*”. I consider that this could be interpreted as a threat intended to put pressure on me to act in a particular way in relation to

this application and, as such, could be found to be a gross example of unreasonable conduct by a Claimant. I have, however, expressly disregarded this conduct in my decision to strike out Mr Trummel's application.

**David Cockburn**  
**The Certification Officer**