

Witness statement on behalf of: Claimant
Statement of: Martin Richard Walsh
Exhibit: EX-MRW-X4
Dated: 05/09/2025

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM: KB-2024-001774

BETWEEN:

PERSEUS VENTURES LIMITED

Applicant/Claimant ("C")

- and -

(1) DAVID FOSKETT
(2) RICHARD ALFORD
(3) EMMA LOUISE ATKINSON
(4) JOHN DUFFY
(5) BARCLAYS BANK UK PLC
(6) BARCLAYS BANK PLC

Respondents/ Defendants ("D")

Pursuant to Section 9 of the Criminal Justice Act 1967:

WITNESS STATEMENT OF MARTIN RICHARD WALSH DATED 4 SEPTEMBER 2025

I Martin Richard Walsh, a director of Perseus Ventures Limited, former owner of 94 Rope Street, Rotherhithe, London, SE16 7TF ("**Property**"), will say as follows:

1. In this statement I rely on my exhibit of 457-pages; EX-MRW-X4, (hereafter I'll refer to as "**X4**").
2. I make this statement expressly in defence of and disposing of, the Defendant's application dated 21 August 2025, which I am saying is totally without merit, and should be certified to that effect after the Judge has read this statement.

The 'TWM' certifications are contrary to the final public policy decisions on the matter by the Court of Appeal in *Grace & Wasif* and there is a 'purported determination' of the interim application case and the claim resulting in nullities:

3. I refer to X4, pages 2 – 3 contain the purported determination by Murray J of 18 August 2025. Murray J certified C's application of 26 June 2025 as 'TWM' but he failed to determine the arguments in the grounds of the application whatsoever, or those set out in C's 10-page letter dated 30 June 2025.

3.1. Referring to page 2, Murray J said this (bold underlined for emphasis):

*“AND UPON **noting that the Applicant’s letter dated 30 June 2025 seeks various orders by way of application** (“the Applicant’s Application”) in relation to a claim that has been fully struck out by the Master Brown Order and, **in any event, has not been properly made in compliance with Part 23 of the Civil Procedure Rules**”*

3.2. The statement above by Murray J proves beyond doubt that he did not even consider C’s application of 26 June 2025 to declare void and set aside on the grounds of fraud and acts without jurisdiction. Murray J specifically purported to deal with C’s letter (X4, pages 4 - 13), but he dealt with none of the substance of the letter, or the application on which it was based. There is no determination of anything at all that needed to be. There is a ‘purported determination’ disposing of the application, which is a fresh cause of action founded by fraud, relying on fresh evidence never considered by any Court in this case, that has been disposed of to conceal the substance of the litigation and the arguments set out in the grounds of the application. Murray J’s order is in itself a fraud and a non-judicial act without jurisdiction. The decision to certify as ‘TWM’ is an affront to the final public policy decisions of the Court of Appeal in Grace (p.15 as set out below) and in Wasif (p.19, 20 & 21 as set out below – bold underlined for emphasis):

P.15 in R (Grace) v Secretary of State for the Home Department [2014] EWCA Civ 1091 (see: X4, pages 451 – 455):

*“15. The adoption of this approach does contain within it two important safeguards. **First, no judge will certify an application as TWM unless he is confident after careful consideration that the case truly is bound to fail.** He or she **will no doubt have in mind the seriousness of the issue and the consequences of his decision in the particular case.** Secondly, the claimant still has access to a judge of the Court of Appeal who, with even greater experience and seniority, will **approach the application independently and with the same care.** To my mind, these safeguards are sufficient. CPR 54.12.7 so applied does not detract from the vital constitutional importance of the judicial review jurisdiction. Moreover, it is consistent with the overriding objective of the CPR”*

3.2.1. No care or should I say, there was, wilful blindness / judicial concealment of the crucial evidence and facts, was taken in respect of the crucial arguments set out in C’s letter that Murray J purported to determine, but without consideration of the substance of the application pursuant to CPR Part 23 dated 26 June 2025, on which it was based. In consideration of the public policy final rule on the issue at p.15 in Grace above, it is necessary to read EX4, pages 4 – 13.

No judge, acting reasonably in considering the letter, could possibly conclude that the case was 'TWM' it was a lie, and an affront to the rule to do so.

P.19 - 21 in R (Wasif) v Secretary of State for the Home Department [2016] EWCA Civ 82 (see: X4, pages 426 – 450) the public policy duties of a judge when certifying as 'TWM':

“19. But where the application is certified as TWM, so that the claimant has reached the end of the road (subject to appeal), peculiar care must be taken to ensure that all the arguments raised in the grounds are properly addressed. This is not just for the important reasons of principle discussed in Flannery v Halifax Estate Agents Ltd [2000] 1 WLR 377 and in the many other authorities to the same effect. There is the further point that if permission to appeal is then sought from this Court, real difficulties can be caused if the judge refusing permission at first instance has not given adequate reasons, particularly since the option of directing an oral hearing is not open.”

“20. It does not follow that the reasons for refusing permission need always be lengthy. On the contrary, conciseness is a virtue, and if a ground can properly be disposed of adequately in a sentence or two so much the better. But what is necessary depends on the case. All the claimant’s points must be identified and addressed. If there are professionally pleaded grounds, those grounds should be taken in turn. If, however, as is alas too often the case, the grounds are discursive or repetitious, it is the Judge’s responsibility to analyse them into their component parts and say why each fails to give the claimant a realistic prospect of success (unless the case is one where disposing of one ground renders it unnecessary to consider the others).”

“21. There is a further point about reasons in TWM cases. It is in our view important in principle that the judge gives reasons for the TWM certification separately from the reasons for refusing permission. We acknowledge that since the difference between the two thresholds is one of degree it may be that all that can be said in many or most cases is something to the effect of “I consider the application is totally without merit: my reasons are those already given above”.

But even saying that much is a valuable discipline because it reminds the judge that the exercises are distinct."

A 'purported determination' is a nullity in the eyes of the law (see: *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147. – X4, pages 349 – 425):

3.2.2. It is a fact that both 'purported determinations' by Master Brown of 3 June 2025 and by Murray J of 18 August 2025 are entirely absent any determination at all of any of the arguments set out in the grounds of the application. (See: X4, pages 52 – 318). None of the arguments or grounds have ever been determined in this case at all, and no purported determination touched on any of those grounds, of which, the preliminary issue is set out at X4, page 5, reading p.3 – 33.3).

3.2.3. Referring to X4, page 53, this is C's application of 26 June 2025 which Murray J suppressed, whilst falsely stating the application did not comply with CPR Part 23. My letter of 30 June 2025 was inextricably linked to the application made pursuant to CPR Part 23 which came before it, and formed the foundation on which the letter was based, of which nothing was determined. I ask the reader to digest the contents of pages 53 – 79 (including reading my supporting witness statement of 26 June 2025).

3.2.4. It becomes clear that what happened was that M. Brown had asked Murray J to help him out, I guess, by disposing of what M. Brown had been concealing in fraudulent breach of his judicial duties after acting without jurisdiction to originate an order of 3 June 2025 that statute precluded him from making. 'There are not varying degrees of nullity'.

3.2.5. From *Anisminic* C relies on the House of Lords established public policy principle that a 'purported determination' has no existence in law. I recite p.153D – F (all of which apply to the present case – bold underlined for emphasis):

"The respondents rely on section 4 (4) of the Foreign Compensation Act, 1950, but such enactments do not bite on nullities, where there is no determination and therefore nothing on which the subsection can operate. Section 4 (4) refers to a real and not to a purported determination which in law has no existence. In such a case there is nothing to be questioned.

Take a case where a tribunal is not properly constituted or where the application is not in accordance with the Act, so that the tribunal has no jurisdiction from the outset, or where the inquiry is not conducted in accordance with statutory form or natural justice, or where the so-called determination was of a kind not authorised by the Act, e.g., sending to prison a defendant who was under age, or where a tribunal,

by a misconstruction of a relevant section, has assumed a wider jurisdiction than the law has committed to it. In all such cases the purported determination is a nullity and the section does not then confer a bite.”

3.2.6. C also relies on p.170(A) - F by Lord Reid in Anisminic:

They say that "determination" means a real determination and does not include an apparent or purported determination which in the eyes of the law has no existence because it is a nullity. Or, putting it in another way, if you seek to show that a determination is a nullity you are not questioning the purported determination-you are maintaining that it does not exist as a determination. It is one thing to question a determination which does exist: it is quite another thing to say that there is nothing to be questioned.

Let me illustrate the matter by supposing a simple case. A statute provides that a certain order may be made by a person who holds a specified qualification or appointment, and it contains a provision, similar to section 4 (4), that such an order made by such a person shall not be called in question in any court of law. A person aggrieved by an order alleges that it is a forgery or that the person who made the order did not hold that qualification or appointment. Does such a provision require the court to treat that order as a valid order? It is a well established principle that a provision ousting the ordinary jurisdiction of the court must be construed strictly-meaning, I think, that, if such a provision is reasonably capable of having two meanings, that meaning shall be taken which preserves the ordinary jurisdiction of the court. Statutory provisions which seek to limit the ordinary jurisdiction of the court have a long history. No case has been cited in which any other form of words limiting the jurisdiction of the court has been held to protect a nullity. If the draftsman or Parliament had intended to introduce a new kind of ouster clause so as to prevent any inquiry even as to whether the document relied on was a forgery, I would have expected to find something much more specific than the bald statement that a determination shall not be called in question in any court of law. Undoubtedly such a provision protects every determination which is not a nullity. But I do not think that it is necessary or even reasonable to construe the word "determination" as including everything which purports to be a determination but which is in fact no determination at all. And there are no degrees of nullity. There are a number of reasons why the law will hold a purported decision to be a nullity. I do not see how it could be said that such a provision protects some kinds of but not others: if that were intended it would be easy to say so.”

- 3.2.7. It is a fact that there is no real determination of any part of the claim or the applications that were before M. Brown and Murray J, but there are purported determinations that deliberately conceal the substance of litigation. Those orders are products of collateral fraud themselves, nullities.
- 3.2.8. Moreover however, Brown, a Master, was precluded by statute at Practice Direction 2B, Section 2, Rule 3.1(b) and Rule 7(A)(1) from making any order purporting to dispose of the claim. The order by M. Brown of 3 June 2025 is automatically void for failing to comply with the statutory requirements that limits his jurisdiction and the Murray J purported determination is a fraud for deliberately failing to determine any part of C's application, the arguments and the grounds put forward, nor the fresh evidence or any of the issues on which the application of 26 June 2025 were based. There is a 'purported determination' which has been finally determined by the House of Lords, to be a nullity.
- 3.2.9. Furthermore, the Murray J purported determination and the 'TWM' certifications by both Brown on 3 June 2025, and then by Murray J on 18 August 2025 are void acts without jurisdiction which are direct affronts to the final public policy decisions established by the Court of Appeal in Grace and Wasif as I have set out at p.3.2 and 3.2.1 above establishing the public policy rules that Master Brown and Murray J were not to have disposed of the application or proceeding in absence of properly addressing the grounds and providing reasons as to why each of the arguments failed. This was deliberately absent, because there was no determination of anything that needed to be at all and there never has been in this case. Therefore, conclusively, and 'there are not varying degrees of nullity', there is no single application by C that is 'TWM' in truth and reality, but there are 'purported determinations' that are in fact nullities in the eyes of the law for all the reasons I have given, substantiated by the case law I have also given.

Issue estoppel applies to the purported determination by Murray J in his reasoning that it is not appropriate to make a restraint order and D's affronted that decision by making the application, which is an abuse of process:

- 3.3. I take the reader to the bottom of page 2 and page 3 of EX4, reading the lame order absent any real determination or reasoning, and I recite what Murray J determined in respect of making a restraint order in this case (bold underlined for emphasis):

"OBSERVATIONS

*I am required by CPR r 23.12 to consider whether it is appropriate to make a civil restraint order against the Claimant. **I do not consider it necessary to make one on the basis of the Applicant's Application alone. It may be necessary to do so, however, in due course should the Applicant issue any further claims or applications relating to this or any related matter that the court finds to be totally without merit.**"*

- 3.3.1. Murray J already decided it is not necessary to make a restraint order after failing in his judicial duty to have done what any judge should have done.
- 3.3.2. Murray J decided that it may be necessary to do so “*should the Applicant issue any further claims or applications relating to this or any related matter*” but no such claims or applications have been made.

Jurisdiction to make a Limited Restraint Order:

- 3.3.3. A ‘TWM’ certification must obviously conform to the final public policy decisions on the issue established in *Grace and Wasif*, and it is evident the bar has not been reached in respect of the two ‘purported determinations’ by M. Brown of 3 June 2025 and Murray J of 18 August 2025 and so therefore there is no jurisdiction under CPR Practice Direction 3C, Rule 2.1 (set out below) from which to make any restraint order against C in this case and conclusively therefore, D’s application of 21 August 2025 is a direct affront to the decision not to make a restraint order, by Murray J, and is in any event, truly ‘TWM’ for none of C’s applications or claims are ‘TWM’. C is therefore seeking an order disposing of D’s application after hearing C remotely for less than 1-hour, and certifying their application of 21 August 2025 as TWM.

*“2.1 A limited civil restraint order may be made by a judge of any court **where a party has made 2 or more applications which are totally without merit.**”*

4. C’s application dated 26 June 2025 was to declare void and set aside orders of Master Brown and HHJ Pearce for all the reasons made out in C’s application and 23-page draft order sought disposing of its application, at X4, pages 281 – 303. None of the professionally considered reasoning was accounted for in any determination whatsoever, and yet for the main, the preliminary issue is that set out, precisely, in the reasoning for the order sought.
5. I request that the Court carefully considers the evidence set out in my exhibit supporting my statement in defence of, and disposing of D’s application. I pray that the Court does justice in accordance with the order by Murray J, and dismisses D’s application and certifies as ‘TWM’ and an abuse of process as it was decided not appropriate to make a restraint order and there is no jurisdiction to make one in this case, none of the issues that needed determination, have ever been touched on.
6. Fundamentally, C’s application of 26 June 2025 has never been touched on at all, and C is seeking an order restoring that application and listing it for a remote hearing in the usual way on the basis that the application is a fresh cause of action, relying on fresh evidence of fraud.

An established breach of duty by Barclays Bank PLC and a claim for unjust enrichment against it and the Ds jointly and severally:

7. Lastly, I refer to X4, page 59, reading p.3.5 – 3.51. M. Brown had no jurisdiction to determine a triable issue by pre-determining that Barclays Bank UK PLC and Barclays Bank PLC are not defendants when it is well established by C that they are as culpable as D1 and D2 are for the loss suffered by C in consequence of their acts, acting together with their co-defendants. The act by M. Brown in doing so was beyond his judicial powers as a Master. Only a judge can dispose of a triable issue. None of the issues set out have been considered in any proceeding.

Absolute contradictions and a dishonest statement in a material particular by D's solicitors:

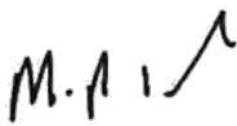
8. I take the reader to X4, pages 14 – 15 where I exhibit the letter from Ms O'Callaghan dated 27 June 2025 purporting to respond to C's application of 26 June 2025 and I recite the obvious contradiction / dishonest statement:

"We have received notification from the Claimant of an intention to file a further application within the above proceedings. As explained above, these proceedings were automatically struck out after the Claimant's failure to comply with the terms of the Order on 24 June 2025 such that the proceedings no longer exist."

9. D's frivolous argument is an absolute contradiction for what they were implying is that C could not make an application to set aside Brown and Pearce's purported determinations because the "proceedings no longer exist" that was the excuse they used to evade dealing with the substance of the litigation, the preliminary issue set out in my letter dated 30 June 2025. I do not believe it is a coincidence that both the judges in this case and the D's have concealed and evaded the substance of litigation in this case enshrined in the contents of that letter.
10. However, the point I make is really 'what's good for the goose, must also be good for the gander' so to speak, because on 21 August 2025, Ds made their 'TWM' application within the proceedings that on their terms, they said 'no longer exist'.

Statement of truth:

I believe the facts stated in this statement, comprising of 8-pages are true. I understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a statement of truth without honest belief in its truth:



Martin Richard Walsh

5 September 2025