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Deputy Head of Civil Justice
Judicial Communications Office
Office of the Lord Chief Justice
11.07 Thomas More Building
Royal Courts of Justice
Strand
London
WC2A 2LL

Dear Sirs

Invitation to stay cases involving penalty bank charges

I have been involved in campaigning against penalty bank charges since November 2004. Since January 2007, I have also run a small claims management business helping bank customers to recover these charges.

I understand that you have recently invited judges around the country to stay all those cases where bank customers are claiming for refunds of penalty charges, pending the outcome of the OFT test case; it would seem that, generally, judges are accepting your invitation to do so.

I respectfully request that you make a parallel invitation in respect of all those claims that banks have made and are in the court system, and those claims that the banks make in the future, against their customers for repayment of monies where the customer is indebted to the bank. In the majority of these claims, there will be a large element of charges of the same type as those being considered in the OFT test case. It is inevitable that this would be the case because the bank would be unlikely to pursue legal action until some time after the initial indebtedness occurred and, during the intervening period, charges would have been incurred for exceeding overdraft limits, unpaid cheques, unpaid direct debits etc.

The banks should, in each case, be asked to make a declaration of how much of the claimed amount is in respect of such charges and the judge can then decide in each case whether the whole claim be stayed pending the outcome of the test case, or the bank be invited to amend their claim to exclude such charges. This invitation to stay cases should extend not only to the high street banks but also to any debt recovery business that may have acquired from the banks the right to pursue such debts.

I enclose for your information copies of papers of a claim made by Barclays Bank plc against one of its customers for recovery of monies it alleged were owed. I was asked to assist the woman sued and, on examination of her bank statements, found that the total claimed by the bank was less than the amount that she had been charged in penalty charges. We issued a counter claim for the larger amount and, within a few weeks, Barclays offered to drop their claim and paid the customer the balance of the two claims. If we had not issued a counter claim, the bank's claim against her would have been successful – she would have had a county court

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are trading names of sole proprietor Robert W. Egerton

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judgment against her and she would have been put in severe financial difficulties. I would ask that you treat the details of this woman's case in confidence.

There is no doubt that tens or hundreds of thousands of bank customers have been sued by their banks for recovery of monies which have included those charges now the subject of the test case. There will be tens of thousands more customers who will be faced with similar claims from their banks over the next year. It cannot be right that the banks can continue to make these claims unconstrained by the test case. I, and my fellow campaigners, cannot possibly find all of these people who are sued by their banks and assist them with counter claims. It is unrealistic to expect individual defendants in these cases to be able to make applications of their own to the court for stays of their cases.

It is imperative for fairness and equality of treatment that a general invitation is made to stay these claims until the outcome of the test case is known.

I should be grateful, therefore, if you would give this matter sympathetic and urgent consideration.

Because I am about to depart for two weeks holiday in Italy, would you please respond to me by email at the above address. I can be contacted by mobile phone on 07785 748844.

Yours sincerely

A handwritten signature in black ink that reads "Bob Egerton". The signature is written in a cursive, slightly slanted style.

Bob Egerton