COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

COMMON LAW AND EQUITY DIVISION

2025/CLE/gen/00733

In The Matter of the Limitation Act, Ch. 83

BETWEEN

TREVOR RUSSELL

Claimant

AND

THE ROYAL BAHAMAS POLICE FORCE

First Defendant

AND

THE ATTORNEY GENERAL

Second Defendant

Before: Mr. Renaldo Toote, Registrar

Appearances: Mr. Brian Dorsette and Ms. Roshar Brown of Counsel for the Claimant

Dr. David Whyms of Counsel for the Defendants

Hearing date: 30th July 2026

***Striking Out – Rule 26.3(1)(a) and (c) of the Supreme Court Civil Procedure Rules, 2022 – Sections 5, 9 and 12(2) of the Limitation Act, Ch. 83 – Statute Barred – Frivolous, Vexatious, Abuse of the Court's Process*.**

RULING

Toote, Registrar

[1]. This is an application brought on behalf of the Defendants requesting that the Claimant's Fixed Date Claim Form and Statement of Claim be struck out: (i) pursuant to Rule 26.3(1)(a) and (c) of the Supreme Court Civil Procedure Rules, 2022 ("CPR") as being frivolous, vexatious and an abuse of the Court's process; (ii) pursuant to section 12(2) of the Limitation Act, Ch. 83 ("the Act") as the action is statute-barred; and (iii) under the inherent jurisdiction of the Court. The Notice of Application was filed on 2 June 2026.

[2]. I note the reference to Rule 26.3(1)(a) of the CPR in the application. It is not apparent from the affidavit evidence or the skeleton arguments what rule, practice direction, order or direction of the Court Mr. Russell is said to have failed to comply with, and Counsel for the Defendants did not press the point at the hearing. In any event, I shall refer to it as it is raised, though the application falls to be determined principally under Rule 26.3(1)(c) and section 12(2) of the Act.

[3]. The Court has considered the Fixed Date Claim Form and Statement of Claim, the Defence, the affidavit evidence filed in support of the application, the parties' skeleton arguments, and the bundle of authorities placed before it.

[4]. For the reasons that follow, I find that Mr. Russell has brought an institutional claim against the Royal Bahamas Police Force ("the RBPF"), as a public authority, and against the Attorney General. He has not established a claim against any individual police officer personally. That omission does not, by itself, render the claim incompetent, but it does define the legal question properly before the Court under section 12 of the Act.

[5]. The claim, properly characterized, concerns the RBPF's investigation, detention, charge and related response to a reported kidnapping and alleged extortion. Those acts fall within the execution, or at least the intended execution, of public police duties. Mr. Russell commenced these proceedings outside the mandatory twelve-month period.

Background facts

[6]. The First Defendant, is the Royal Bahamas Police Force ("RBPF") of the Commonwealth of The Bahamas. It is sued here as an institutional defendant in respect of the acts of its officers and agents.

[7]. The Second Defendant is the Attorney General of the Commonwealth of The Bahamas, whose office is representing the Government of The Bahamas pursuant to the Crown Proceedings Act.

[8]. The Claimant, Mr. Trevor Russell commenced this action by Fixed Date Claim Form filed on 15 August 2025, which was subsequently served on the Office of the Attorney General on 12 September 2025.

[9]. The Statement of Claim advances allegations arising from two distinct incidents: first, an incident said to have occurred in 2018; and secondly, an incident said to have occurred "sometime in or around February 2024. Although the narrative identifies particular officers in relation to both incidents, none is named as a defendant, and no personal liability is sought against any officer outside the scope of his or her public duty.

The 2018 Incident

[10]. It is alleged that, after reporting himself the victim of an armed robbery, Mr. Russell was summoned to the Central Detective Unit ("CDU"), however, he was subsequently arrested on an allegation of suspected threats of death made by a relative, and detained for three days. He alleges that an officer sought $500 in exchange for dismissing the matter and threatened him with further arrest if he failed to comply, and that, following his release, the officer continued to make further demands. Mr. Russell says he subsequently complained to the RBPF's Complaints and Corruption Department. The Defendants deny these allegations. They plead that Mr. Russell was lawfully arrested for making threats on 26 November 2018 and released on 28 November 2018.

The February 2024 Incident

[11]. As to the February 2024 incident, Mr. Russell pleads that he was working as a taxi driver when he accepted a booking from a man and a female tourist. He alleges that he was thereafter contacted by police, who informed him that the mother of the female tourist had

complained that he had kidnapped her daughter and was extorting the mother for money. The Statement of Claim particularizes that Mr. Russell did in fact receive $1,500 by way of Venmo transfer from the mother, which he says was payment to provide the female tourist with an island tour.

[12]. Mr. Russell alleges that he attended the police station, was questioned, then arrested and taken to CDU. He says he was threatened, assaulted, and pressed to procure a further payment of $1,500; that a friend delivered the cash; and that he was charged the following day with minor extortion. He further pleads that the charge was ultimately dismissed by the court following a number of adjournments, and that the $1,500.00 has not been returned to him.

The Defence

[13]. The Defendants' pleaded case is materially different. They aver that a ship's agent reported a hostage or extortion demand from a local telephone number; those police responded to the report; and that Mr. Russell was cautioned and arrested in relation to the alleged extortion. They further plead that a formal complainant attended the Police Station, that an identification was made, and that telephone-call evidence was obtained. It is not for the Court, on this application, to resolve these competing factual accounts. They are relevant only to show the public law and policing context in which Mr. Russell's institutional claim is pleaded.

[14]. Mr. Russell characterizes the alleged conduct as negligence and constitutional breach. He seeks special damages of $1,500.00, general damages, compensatory damages, aggravated damages, exemplary damages, interest, costs, and further relief. The Claim Form does not rely on Article 28 of the Constitution as its jurisdictional foundation; it names no officer personally, and it sets out no separate procedure for constitutional redress. His prayer for relief is as follows:

a. Special damages of $1,500.00;
b. General damages;
c. Compensatory damages;
d. Aggravated damages;
e. Exemplary damages.

[15]. The Defendants plead a preliminary limitation objection and seek to strike out the entire Claim Form and Statement of Claim pursuant to section 12 of the Act. It is, however, notable that Mr. Russell's submissions does not directly address the section 12 defence. It addresses instead the question of service, the propriety of commencing by Fixed Date Claim Form, the case-management conference, and the lateness of the Defence.

The Hearing

[16]. At the hearing on 30 July 2026, the Defendants submitted that the pleaded 2018 and February 2024 claims fall outside section 12. As to the February 2024 incident, Counsel relied on the pleaded incident date and the filing date of 15 August 2025. Counsel for Mr. Russell accepted that those were the dates appearing on the face of the Claim Form.

[17]. Counsel for Mr. Russell opposed the application orally. It was submitted on his behalf that the choice of a Fixed Date Claim Form was a curable procedural matter causing no prejudice; that the claim concerned alleged theft of funds, threats of death and constitutional wrongs; and that the Supreme Court decision of *[28]. Calvert Hart v Attorney General of The Bahamas & Ors, unreported decision* 2023/CLE/gen/00175 (Fraser SJ, 8 April 2024) was said to leave open a six-year period. It was further submitted that the constitutional point was Mr. Russell's strongest position.

[18]. Counsel for Mr. Russell requested one week to file fuller written submissions, explaining that he was holding brief and had received instructions only the day before. The Defendants objected. Having acknowledged Mr. Russell's skeleton arguments and his oral reliance on *Calvert Hart*, I declined leave to file further submissions and reserved the interlocutory application for decision. This ruling is accordingly determined on the materials properly before the Court.

The Defendants' Evidence

[19]. The Defendants filed affidavit evidence in support of the application, exhibiting the Claim Form and Statement of Claim, the Defence, and the correspondence and pleadings establishing the dates of the alleged 2018 and February 2024 incidents, together with the dates of filing and service of these proceedings.

Mr. Russell's Evidence

[20]. Mr. Russell did not file affidavit evidence in response to the application. He relied instead on his skeleton arguments and on the oral submissions made on his behalf at the hearing.

Issue

[21]. The issue that the Court must determine is whether Mr. Russell's Fixed Date Claim Form and Statement of Claim ought to be struck out: (i) pursuant to Rule 26.3(1)(a) and (c) of the CPR, as being frivolous, vexatious and an abuse of the Court's process; (ii) pursuant to section 12(2) of the Limitation Act, Ch. 83, as being statute-barred; and/or (iii) under the inherent jurisdiction of the Court. That issue resolves into four narrower questions:

i. whether the pleaded claims are claims to which section 12 applies;
ii. whether the proceedings were commenced within the prescribed period;
iii. whether Mr. Russell has pleaded a continuance of injury or damage, a properly constituted constitutional-redress claim, or any other matter capable of avoiding the statutory bar; and
iv. if the claim is time-barred, whether this is a proper case for the exercise of the Court's power under CPR rule 26.3(1)(c).

The Law

[22]. Insofar as it is relevant, section 12 of the Act provides:

> "12. (1) Where any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any written law or of any public duty or authority or in respect of any alleged neglect or default in the execution of any such written law, duty or authority the provisions of subsection (2) shall have effect.
>
> (2) The action, prosecution or proceeding shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect or default complained of or in the case of a continuance of injury or damage within twelve months next after the ceasing thereof."

[23]. The language of section 12(2) is mandatory. Where its conditions are fulfilled, a proceeding "shall not lie or be instituted" unless commenced within twelve months. The Court is not given a general equitable jurisdiction to extend that statutory period.

[24]. Section 9 of the Act prescribes a three-year period for specified personal-injury claims. It does not enlarge or displace section 12 where section 12 applies; section 9 becomes relevant only if the claim does not arise from conduct within the execution or intended execution of a public duty.

[25]. Under CPR rule 26.3(1)(b), the Court may strike out a statement of case that discloses no reasonable ground for bringing a claim. Under rule 26.3(1)(c), it may strike out a statement of case that is frivolous, vexatious, scandalous, an abuse of the process of the Court, or likely to obstruct the just disposal of the proceedings.

[26]. It is a settled distinction that a limitation defence bars the remedy; it does not extinguish the underlying cause of action. That distinction does not, however, require the Court to permit a proceeding to continue where the statutory bar is conclusively established on the pleadings and the claimant discloses no legally tenable basis for avoiding it. In those circumstances the proceeding cannot properly be maintained and falls to be struck out pursuant to CPR rule 26.3(1)(c).

[27]. In *Ronex Properties Ltd v John Laing Construction Ltd & Ors* [1982] EWCA Civ J0722-4, *Donaldson LJ* opined:

> *"Where it is thought to be clear that there is a defence under the Limitation Act, the defendant can either plead that defence and seek the trial of a preliminary issue or, in a very clear case, he can seek to strike out the claim upon the ground that it is frivolous, vexatious and an abuse of the process of the court and support his application with evidence."*

[28]. The caution in Ronex is not a reason to require a trial in every limitation case. It requires the Court to distinguish a case depending on contested facts from one in which the dates, the pleaded legal character of the claim, and the absence of an available statutory exception together demonstrate the bar. Where the latter conditions are satisfied, a trial would serve

no legitimate purpose and would consume the resources of the parties and the Court in a proceeding which section 12 says *shall not lie.*

[29]. It was also observed by *Sawyer* CJ (as she then was) in *Girten v Andreu* [1988] BHS J No. 164 as to the significance of a limitation defence and the pleading of same. There, the learned Chief Justice opined:

> *"…I think it is now trite law that where it is clear from the statement of claim that the cause of action arose outside the current period of limitation and it is clear that the defendant intends to rely on the limitation defence and there is nothing before the court to suggest that the plaintiff could escape from the defence the claim will be struck out as being frivolous, vexatious and an abuse of the process of the court."*

[30]. The present claim meets those conditions. The February 2024 incident date and the August 2025 commencement date appear on the record; section 12 is expressly pleaded; and neither the Claim Form nor Mr. Russell's skeleton identifies a statutory exception.

[31]. The Court must also observe the procedural boundary between rule 26.3(1)(b) and rule 26.3(1)(c). A limitation defence does not ordinarily mean that historical facts disclose no cause of action; it means that the remedy is barred. The appropriate power in this case is therefore rule 26.3(1)(c): to allow a proceeding that section 12 prohibits to continue would be frivolous, vexatious and an abuse of process. That conclusion is reached by application of the statutory bar to the pleaded claim; it is not a premature adjudication of the parties' competing factual accounts of the investigation.

[32]. *Calvert Hart v Attorney General of The Bahamas & Ors*, 2023/CLE/gen/00175 (Fraser SJ, 8 April 2024), is the principal Bahamian authority placed before this Court. It concerned an application to strike out allegations of assault and battery by prison officers, pleaded against the Attorney General, public authorities and the Commissioner of Police. The learned Senior Justice considered sections 5, 9 and 12 of the Act and exercised her power under rule 26.3(1)(c) to strike out the impugned claims as time-barred, frivolous, vexatious and an abuse of process.

[33]. *Calvert Hart* (*ibid*) makes four propositions material here. First, section 12 is engaged where the claim is for acts done in the execution or intended execution of public duty or

authority. Secondly, section 9 does not displace section 12 where section 12 applies. Thirdly, a claim cannot evade an otherwise applicable limitation bar merely by attaching constitutional language to an ordinary tort claim which has not been properly grounded as constitutional redress. Fourthly, where the impugned claim is untimely under every potentially applicable regime, the Court is entitled to strike it out rather than direct a futile trial.

[34]. The limits acknowledged in *Calvert Hart* (*supra*) are equally important. That decision adopts the principle, taken from *Lord Finlay's* judgment in *Newell v Starkie* as quoted by the Privy Council in *Gordon v Attorney General for Jamaica* [1997] UKPC 21, that:

> *"The Act necessarily will not apply if it is established that the defendant had abused his position for the purpose of acting maliciously; in that case he has not been acting within the terms of the statutory or other legal authority; he has not been bona fide endeavoring to carry it out. In such a state of facts he has abused his position for the purpose of doing a wrong, and the protection of the Act, of course, never could apply to such a case."*

[35]. *Calvert Hart* (*supra*) also records *Felix Thompson v Fenton Strachan et al*, 2014/CLE/gen/0030, where section 12 was held inapplicable because the facts did not establish that the individual Crown agent was acting pursuant to public duty. In that case, however, the agent was specifically named as a defendant, and the Court was able to examine his witness evidence directly to determine the capacity in which he had been acting.

[36]. Those restrictions do not preclude the result in this case. *Calvert Hart* (*supra*) does not create an exception to section 12 simply because a claimant alleges misconduct, bad faith or malice. The legal question remains whether the claim actually brought is one against an official personally for conduct severable from public duty, or an institutional claim against a public authority founded on the acts of its agents in an investigation and enforcement operation. Mr. Russell elected the latter formulation. He advanced a claim against the RBPF and the Attorney General alone, pleaded no individual defendant, and founded his February 2024 case on the police response, detention and charge following a report of extortion. On that pleading, the alleged conduct falls within at least the "intended execution" limb of section 12(1).

[37]. The absence of a named individual defendant has a practical consequence consistent with the concern identified in *Calvert Hart*. Particular officers are mentioned in Mr. Russell's narrative, but none is joined as a defendant, and no separate personal cause of action is pleaded against any one of them. The Court is therefore not determining a personal claim against a particular constable; it is determining the limitation position of the institutional claim actually pleaded against the RBPF and the Attorney General.

[38]. The court in *Shepherd v Attorney General of The Bahamas & Ors* [2018] 1 BHS No. 6, referring to the pronouncement of *Bain, J.* in *Josephs v Bethel et al* [2011] BHS J No. 6, reinforces the distinction between ordinary civil claims and constitutional redress. A prayer for damages for constitutional breach, without a properly grounded constitutional claim, cannot serve merely as a device to preserve an otherwise statute-barred tort action.

[39]. It is, however, important to note the pronouncements made by the Court of Appeal in *Ramon Lop v Attorney General of the Commonwealth of The Bahamas et al*, SCCivApp No. 118 of 2022:

> *"In the end, I am convinced that neither the Constitution, nor section 12 of the Limitation Act limits or curtails in any way the presently unrestricted right conferred by Article 28(1) on an aggrieved person to apply to the Supreme Court for redress. As I have said, Article 28 contains no limitational hindrance as to the time in which applications for the enforcement of fundamental rights and freedoms can be brought."*

[40]. The present ruling does not detract from that principle. I find only that the Claim Form before the Court is not framed as, nor does it disclose, a procedurally distinct Article 28 application. Placing a constitutional label upon an ordinary tort claim is no more sufficient to transform its legal character than placing a new cover on a book is to change the text within it. A genuine application for constitutional redress must be considered according to its own constitutional and procedural requirements; it cannot be inferred from bare constitutional labels attached to an untimely institutional tort claim.

[41]. The *Privy Council* in *Alves v Attorney General of the Virgin Islands* [2017] UKPC 42 considered a materially similar public-authorities protection provision. It held that the provision must be construed restrictively, and that the essential inquiry is the character of

the obligation sued upon; whether a public duty owed generally to the public, or a particular private duty arising from the relationship between the authority and the claimant. The special limitation does not apply merely because a public body was acting under statutory authority or performing a wider public function.

[42]. *Alves* (*ibid*) draws a clear distinction. A duty arising solely from the defendant's relationship with the claimant, and identical to one owed by a private person, for example, an employer's duty of care to an employee is a private duty. It does not become public merely because it is performed in the course of public functions.

[43]. In *Michael Russell v Attorney General of The Bahamas & Ors*, SCCivApp No. 83 of 2016, the Court of Appeal applied *Alves* to a police misconduct claim. The appellant alleged that officers assaulted him during an arrest and acted from a personal vendetta. Although the trial judge had struck out the claim as barred under section 12, the Court of Appeal allowed the appeal and remitted the matter for trial, holding that there should be a factual inquiry into whether the officers were truly acting as police officers or were acting on a complete personal frolic, and that *Alves* suggested the twelve-month bar may not apply to breach of an individual duty owed to an individual claimant rather than to the public generally.

[44]. *Michael Russell* (*ibid*) is binding upon this Court. It does not mean that every claim alleging police misconduct falls outside section 12, nor that the absence of a named individual defendant determines the issue. It does mean that where the legal viability of the section 12 defence is sensitive to the facts alleged, particularly allegations of assault, extortion, threats and personal retaliation, the Court should not strike out unless it can say that the claim is bound to fail irrespective of the facts proved within the reasonable bounds of the pleading.

Discussion and Analysis

Whether Mr. Russell's Fixed Date Claim Form and Statement of Claim ought to be struck out (i) pursuant to Rule 26.3(1)(a) and (c) of the CPR; (ii) pursuant to section 12(2) of the Limitation Act; and/or (iii) under the inherent jurisdiction of the Court?

[45]. I have read the submissions of Counsel and considered them along with the relevant law and evidence in this application. I will now provide my analysis, taking the 2018 and February 2024 claims in turn.

Analysis of the 2018 Claims

[46]. The 2018 claims are plainly unsustainable. They concern conduct alleged to have occurred in early 2018, yet no proceedings were commenced until August 2025. There is no pleaded continuance of injury or damage within section 12(2), and the alleged subsequent request for information from the police complaints unit could not revive or postpone the limitation period for the completed 2018 acts.

[47]. Even if, contrary to the Defendants' primary submission, section 12 were not applicable, those claims fall outside both the three-year personal-injury period under section 9 and the six-year tort period under section 5 considered in *Calvert Hart (supra)*. In the premises, they ought to be struck out under CPR rule 26.3(1)(c).

Analysis of the February 2024 Claims

[48]. The February 2024 claim was filed nearly eighteen months after the incident and served nearly nineteen months after it. If section 12 applies, the claim falls outside the period prescribed by subsection (2). Mr. Russell pleads no continuance of injury or damage within the statutory meaning: the ongoing consequences he alleges are loss of money, inability to work, reputational damage and fear, do not, without more, plead a continuance of the act, neglect, injury or damage contemplated by the subsection.

[49]. The question, then, is whether section 12 applies.

[50]. Mr. Russell's own pleaded account identifies the police function which generated the impugned events: a report of kidnapping and extortion; police communications; attendance at the police station; questioning; arrest; CDU investigation; and a charge. The Defence makes that institutional context more explicit still. Put simply, these events are links in the same chain of police investigation, and Mr. Russell's allegations of wrongdoing do not, by themselves, break that connection. The claims against the RBPF and the Attorney General

are therefore based on acts done in pursuance, execution or intended execution of police public duties.

[51]. The principle in *Alves* requires the Court to distinguish a public duty owed generally from a particular private duty arising from a separate relationship with Mr. Russell. That distinction does not assist him on the present pleading. This is not an employer, contractual, passenger, or comparable private-relationship case. The pleaded conduct arose from the investigation and enforcement of a reported criminal complaint, and Mr. Russell identifies no obligation owed to him independently of, or separable from, that public policing operation.

[52]. *Michael Russell* does not require a different conclusion. There, identified police officers were sued personally, and the Court of Appeal held that a factual trial was needed because the pleading and evidence supported an arguable case that they had acted on a complete personal frolic or vendetta. Here, Mr. Russell does not join any officer as a defendant, seeks relief only from the RBPF and the Attorney General, and does not plead a distinct cause of action against a particular officer for a personal abuse of office. His allegation that an unknown officer slapped and punched him identifies neither the assailant nor facts from which a personal purpose can be inferred. A bare assertion of illegality or excess does not transform conduct undertaken during an arrest, detention and investigation into a complete personal frolic.

[53]. That allegation cannot, simply by reason of its asserted unlawfulness, establish that the officer was acting outside the execution or intended execution of public duty. Further particulars would be required if Mr. Russell intended to maintain it as a freestanding basis for asserting a personal abuse of office.

[54]. Mr. Russell also attributes a cash demand and retaliatory words to officers referred to as Levarity, Johnson and Demeritte. Those assertions are serious, but he advances them only as allegations against the Defendants for the acts of agents and servants during the same police operation. They do not identify a separate legal duty owed to him outside the enforcement context. On the pleaded case, the alleged misconduct concerns the manner in

which the public authority's powers were said to have been exercised; it does not establish a claim outside section 12.

[55]. The Court must look to the substance of the pleaded cause of action. A litigant cannot avoid section 12 by asserting improper motive, malice or bad faith in general terms against unnamed agents while maintaining a claim solely against the public authority for its officers' investigation, detention and charging functions. Such an approach would deprive the phrase "intended execution" in section 12(1) of any practical effect.

[56]. I therefore find that section 12 applies to the February 2024 tort claims. The statutory bar is clear on the face of the Claim Form and the pleaded chronology. No continuance within section 12(2) is particularized; the pleaded ongoing consequences of loss of money, inability to work, reputational damage and fear are consequences of the completed alleged acts, not a pleaded continuance of the injury or damage contemplated by the subsection.

[57]. I have considered Mr. Russell's oral reliance upon a six-year limitation period. That submission misapprehends *Calvert Hart*. The six-year tort period considered there was not an alternative period available at the claimant's election where section 12 applied; it was considered because, even if the alleged prison-officer conduct in that case had fallen outside public duty, the claim was independently out of time under the ordinary tort period. Here, having found that the pleaded institutional police claim falls within section 12, section 9 or section 5 cannot be used to enlarge the twelve-month period.

[58]. Neither Mr. Russell's written nor his oral submissions identify a statutory discretion to extend the limitation period fixed by section 12. The written skeleton addresses the choice of Claim Form, service, the case-management conference and the Defendants' late Defence. None of those matters confers such a discretion.

[59]. The February 2024 tort claims must accordingly be struck out under CPR rule 26.3(1)(c). In light of the statutory bar, their continuation would be frivolous, vexatious and an abuse of the Court's process.

[60]. I have specifically considered the submission that the constitutional point was Mr. Russell's strongest answer to limitation. The constitutional references within the Claim

Form do not avoid the result. The Claim Form is a pleading for tortious and compensatory relief. It neither invokes Article 28 as its jurisdictional foundation nor sets out a separate, properly grounded application for constitutional redress. The Court is bound by the authority in *Ramon Lop* to preserve a genuine constitutional redress application, but none is presently before it. The constitutional labels cannot accordingly preserve this otherwise time-barred institutional tort claim.

[61]. I do not rest this decision on the Defendants' separate complaint that Mr. Russell began the proceedings by Fixed Date Claim Form rather than Standard Claim Form. That objection was addressed orally as a curable matter, and it is unnecessary to determine it, as the limitation defence is dispositive.

[62]. With respect to the inherent jurisdiction of the Court, that jurisdiction is typically invoked where the rules of court and/or legislation are silent or deficient on how the Court ought to proceed. It is to be invoked "to supplement procedural law in cases not covered, or adequately covered, by procedural law itself" (*Belgravia International Bank & Trust Company Ltd v Bretton Woods Corporation* BS 2022 CA 136). As CPR rule 26.3(1)(c) affords a complete and sufficient basis for the relief sought, it is unnecessary to rely further on the Court's inherent jurisdiction.

Conclusion

[63]. Based on the facts and evidence before me and the present state of the law, I accede to the Defendants' application and exercise my powers under Rule 26.3(1)(c) of the CPR to strike out Mr. Russell's Fixed Date Claim Form and Statement of Claim in their entirety, as being vexatious, frivolous and an abuse of the Court's process.

[64]. Mr. Russell shall pay the Defendants' costs of the application to be fixed at $5000.00.

Dated this 3rd day of September A.D., 2026.

[Original signed & sealed]

Renaldo Toote
Registrar