

managing the case to trial. There will be full opportunity for those judges, in the absence of agreement, to restrict the documents used at the trial to those which have a genuinely potential probative value. Such an approach would greatly limit the documentation before a jury.

- vi) Whether the Claimant is right or wrong, there is evidence in the documents that the Claimant has a real sense of grievance not only against the police and the CPS but also the judiciary.

I now return to the criteria.

8. I find the expression "convenient" in the context of the Act not entirely easy to apply. Of course it is convenient for a judge to have bundles personal to him or herself that can be assimilated outside court and become the often unspoken background to aspects of the trial. Whatever their degree of understanding, juries need help. But if these obvious considerations were enough, there would be very few trials by jury. The test requires the application of common sense. Furthermore, there are degrees of inconvenience and it must be the case that if the relevant inconvenience is such as only just to bring the issue within the exception, it will weigh less heavily than where one is confronted with daunting complexity.
9. At this stage, I should mention that, as I understand the law, I have a right to direct that, where appropriate, certain issues should be decided by a jury while others should be determined by the judge alone.
10. I think it obvious that neither the first nor the second action is fit for trial by a single jury. This is because of the number of allegations that each contains. It is usually wrong for a jury to be asked to try indictments containing numerous counts and the same must be true of a statement of case. Furthermore, I think that the documentation involved in such an exercise would mean that it could not be conveniently undertaken with a jury. While the same situation would not seem to arise in respect of the far fewer allegations in the third action, I think it axiomatic that if the real issue is whether the police are and have been out to get the Claimant, the documentary evidence will not be restricted to just those incidents. But I doubt whether that would be enough to bring the action within the proviso.
11. It seems to me that the crucial points are these. The Claimant has made a series of grave allegations. Those allegations are live and it is not for me to prejudge them. The determination of those allegations will involve somebody taking a view as to whether the Claimant is telling the truth or whether the police are. It is precisely in situations such as these that a claimant may have recourse to a jury to act as a neutral determinant between himself and those elements of society that are collectively termed "authority".