



Neutral Citation Number: [2025] EWHC 3012 (KB)

Case No: P381/25

IN THE ELECTION COURT

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983

AND

**IN THE MATTER OF A PARLIAMENTARY ELECTION PETITION RELATING TO
THE PARLIAMENTARY BY-ELECTION FOR THE RUNCORN AND HELSBY
CONSTITUENCY HELD ON 1 MAY 2025**

Chester Crown Court
Castle St
Chester CH1 2AN

Date: 18/11/2025

Before :

THE HON. MR JUSTICE BRYAN

and

THE HON. MR JUSTICE MARTIN SPENCER

Between :

GRAHAM HARRY MOORE

Petitioner

- and -

(1) SARAH JOANNE POCHIN MP

(2) STEPHEN YOUNG (RETURNING OFFICER)

Respondents

The **Petitioner** appeared in person.

Adam Richardson (instructed under the **Direct Public Access Scheme**)
for the **First Respondent**

Timothy Straker KC (instructed by **Sharpe Pritchard LLP**)
for the **Second Respondent**

Hearing dates: 3 to 5 November 2025

APPROVED JUDGMENT

This judgment was handed down remotely at 10.30am on Tuesday 18 November 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE BRYAN AND MR JUSTICE MARTIN SPENCER :

A. INTRODUCTION

1. This is the Judgment of the Court to which both judges have contributed.
2. This judgment follows a trial of an election petition (the “Petition”) under the Representation of the People Act 1983 (the “Act”) which took place between 3 and 5 November 2025 at Chester Crown Court.
3. The petitioner Graham Harry Moore (the “Petitioner”) was a candidate for the English Constitutional Party (the “ECP”) in the parliamentary by-election for the Runcorn and Helsby constituency held on 1 May 2025 (the “By-Election”), and as such is entitled to bring the Petition under the Act.
4. The Runcorn and Helsby parliamentary constituency (the “Constituency”) is partly located within the administrative area of Halton Borough Council (the “Council”) and partly within the administrative areas of Cheshire West & Chester Council (“CW&CC”). In consequence, staff from both councils were involved in the By-Election, and counting staff were largely drawn from council employees, although it is important to appreciate that they are separately employed on the night on behalf of the Returning Officer and as such they are independent of the councils, and are not acting as council employees. Before such employment they have to confirm, amongst other matters, that they have not canvassed on behalf of any of the candidates in the By-Election.
5. There were 15 candidates who stood in the By-Election, a number typical for a by-election but rather larger than is common in a General Election. A consequence of the number of candidates standing in the By-Election was how the count was conducted, as is addressed in due course below. There was a verified turn out of 32,740 as established towards the start of the count which took place between 01.00hrs and approximately 05.45hrs on 2 May 2025 at the DBCL rugby league stadium within the Constituency (the “Count”).
6. Due to the widespread interest in the By-Election, the Count (including the recount) was contemporaneously filmed by an experienced media broadcaster, and many hours of such footage exists. Extracts of such video footage were played as part of the evidence called by the Petitioner and the Second Respondent (the “Video Evidence”). As will become apparent, the Video Evidence has been invaluable when considering the issues raised on the Petition, and the evidence adduced by the parties to the Petition. As has often been said “a picture is worth a thousand words”, and that is particularly so where, as in the present case, it includes what can actually be seen occurring at the various stages of the Count, and whether what can be seen is consistent or inconsistent with the evidence of particular witnesses.
7. The Petitioner received the lowest number of votes of any of the candidates, namely 50 votes. By his Election Petition dated 15 May 2025, the Petitioner challenges the result of the By-Election and seeks to have the By-Election declared void, and an independent recount of each ballot paper ordered.

8. The First Respondent, Sarah Joanne Pochin (“Ms Pochin”), was the successful candidate, receiving 12,625 votes, and as such is currently the Member of Parliament for Runcorn and Helsby. Ms Pochin is automatically a Respondent to the Petition by virtue of section 121(2) of the Act. Ms Pochin had a majority of 6 over her nearest rival, the Labour Party candidate (who does not seek to challenge the result).
9. The Second Respondent, Stephen Young (the “Returning Officer”), is the returning officer for the Constituency. The Returning Officer is also automatically a Respondent to the Petition by virtue of section 121(2) of the Act.
10. The Petitioner challenges the result of the By-Election on the following grounds, namely that:
 - (1) There was a fraudulent and/or erroneous vote count. This is the main ground of challenge (the “Main Challenge”). The Main Challenge centres on the following allegations:
 - (a) The Petitioner’s number of votes was fraudulently predetermined at 50 votes, the same number of votes as the Petitioner received in an earlier by-election in which he stood in Tooting in 2016, it being said that the statistical probability of this happening was 40,000 to 1 (hereinafter the “Statistical Issue”). It is said that the allocation of 50 votes was likely facilitated by the alleged fact that votes were clipped into bundles of 50 votes as part of the Count.
 - (b) Whilst at the Count, the Petitioner and ECP counting agents (who along with counting agents for all the candidates were observing the count to ensure it was conducted properly and accurately) saw many more than 50 votes for the Petitioner around the count room, the Petitioner’s evidence being that he personally saw what he estimated to be 116 votes for him consisting of two bundles of 50 and approximately 16 loose (hereinafter the “Bundling Issue”).
 - (c) It is alleged that the deprivation of the Petitioner’s votes, and allocation of only 50 votes to him, was the product of a process likened to a magician’s “sleight of hand”, in what was said to be a chaotic scene around the central tables at the Count which prevented the counting agents witnessing such “sleight of hand”.
 - (d) Whilst there was a recount following the initial count (due to the proximity of votes for the Reform and Labour candidates) it was not, as was contemporaneously announced by the Returning Officer in advance of the recount, a full recount of each individual ballot paper whereby each ballot paper was checked as to the vote cast (a “Full Recount”) but rather it was merely a bundle recount whereby the number of ballot papers in each bundle was re-checked by flicking through the corners of the ballot papers (a “Bundle Recount”) (hereinafter the “Recount Issue”). In consequence (it is said) the fraudulent and/or erroneous vote count was not discovered.
 - (2) Royal Mail interfered in the By-Election by its failure to deliver Election Communication Leaflets of the ECP (the “Royal Mail Issue”).

- (3) Cheshire Constabulary harassed the ECP campaign and failed to investigate election interference (specifically the removal of an ECP Wikipedia page during the election period) (the “Cheshire Constabulary Issue”).
 - (4) There has been a breach of the constitutional right of every elector to have their vote counted accurately, reference being made to the case of *Ashby v White* (1703) (the “Counting Violation”).
 - (5) There have been a number of alleged human rights violations (the alleged “Human Rights Violation”), reference being made to the English Bill of Rights 1688, the UN Declaration of Rights of Indigenous Peoples (2007) and International Law on Self Determination, the United Nations Charter, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights (Article 3 of Protocol 1 thereof).
11. In terms of the relief sought, which forms part of the Prayer for Relief at the end of the Petition, the Petitioner seeks a declaration that the By-Election result is void due to a fraudulent and/or erroneous count, and seeks a recount of each individual vote (i.e. a Full Recount) and “not just bundle recounts” (i.e. a Bundle Recount), to be conducted in a neutral area, county, or shire outside the jurisdiction of Halton Borough Council or Cheshire Constabulary, with a completely independent counting team appointed by Electoral Commission and official observers from independent bodies to ensure transparency and accuracy.
 12. As a preliminary point, it is the case of the First and Second Respondents that the recount at the By-Election was a Full Recount (as it is said is supported, and indeed corroborated, by the evidence of Penny Housley and the Video Evidence). It follows that if such evidence is accepted, and unless the allegation is made out that there was a fraudulent count, there has already been a Full Recount, and the Petitioner’s claim for relief stands to be dismissed in such circumstances.
 13. During the course of argument, the Petitioner confirmed (as was readily apparent in any event) that the alleged Counting Violation and the alleged Human Rights Violation was each parasitic upon the other challenges (including the Main Challenge) and, in consequence, if the other challenges failed, then the Counting Violation and Human Rights Violation challenge each fails.
 14. Finally, we would also note at the outset that the Petitioner made various allegations as to what he (or others) had allegedly observed in terms of alleged irregularities and/or fraud in other by-elections. It is no part of our role, or function, to adjudicate upon such matters even were we in a position to do so (which we are not). This Election Petition relates to, and is limited to, this By-Election and the grounds of challenge as advanced in the Petition. In relation to that, it does not assist to consider what may or may not have happened, or may or may not have allegedly been observed, in any other by-election.

B. APPLICABLE PRINCIPLES

15. The Petition is governed by the Act and the Parliamentary Election Rules contained in Schedule 1 thereto (the “Rules”). Those provisions prescribe the means by which a

parliamentary election may be questioned and delimit the grounds on which a return may be avoided.

16. By section 120(1) of the Act no parliamentary election and no return at such an election shall be questioned except by a petition presented in accordance with the Act.
17. In the present case, the Petitioner originally sought to make the Royal Mail Group and the Chief Constable of Chester Constabulary (Mark Roberts) respondents to the Petition. The Divisional Court (Yip and Butcher JJ) declared that they were not proper respondents to the Petition and struck the Petition out against them with their names being removed from the proceedings (see *Moore v Royal Mail Group & Others* [2025] EWHC 2320 KB at [16] (hereafter the “Divisional Court Judgment”)).
18. For the reasons identified in the Divisional Court Judgment, the Divisional Court allowed the Petition to proceed as against Ms Pochin and the Returning Officer notwithstanding certain alleged deficiencies in the Petition and its service. Those reasons were affirmed in part by the Court of Appeal in its judgment ([2025] EWCA Civ 1378 at [85] (hereinafter the “Court of Appeal Judgment”)), and the Court of Appeal directed that the trial of the Petition against the First and Second Respondents should proceed to trial, as it has before us.
19. The scheme for parliamentary election petitions is an entirely statutory one. The High Court has no residual power or discretion to override the statutory scheme (see the Divisional Court Judgment at [11]).
20. Section 157(3) of the Act provides:

“The High Court has, subject to the provisions of this Act, the same powers, jurisdiction and authority with respect to an election petition and the proceedings on it as if the petition were an ordinary action within its jurisdiction.”
21. The general case management powers of the High Court (contained in the Civil Procedure Rules, hereinafter “CPR”) include the power to make an order of its own initiative (CPR 3.3) and the power to strike out a statement of case (CPR 3.4). Witnesses are summoned and sworn as nearly as circumstances admit as in a trial in the High Court (see section 140(1)), and the Election Court may of its own volition examine any person required to attend or who is in court (see section 140(3)).
22. Section 23 of the Act provides:

“23. Rules for parliamentary elections.

(1) The proceedings at a parliamentary election shall be conducted in accordance with the parliamentary elections rules in Schedule 1 to this Act.

(2) It is the returning officer’s general duty at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those parliamentary elections rules.

(3) No parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules if it appears to the tribunal having cognizance of the question that—

(a) the election was so conducted as to be substantially in accordance with the law as to elections; and

(b) the act or omission did not affect its result.”

23. Accordingly, the test for invalidating an election is that set out in section 23(3), namely that no election shall be declared invalid “by reason of any act or omission of the returning officer or any other person in breach of his official duty ... if it appears... that – (a) the election was so conducted as to be substantially in accordance with the law as to elections; and (b) the act or omission did not affect its result.”
24. The leading authority remains *Morgan v Simpson* [1975] QB 151. In that case the Court of Appeal made clear that the law as embodied in what is now section 23(3) requires that an election shall be declared invalid where it appears either that it was so conducted that there was substantial non-compliance with the law as to elections or that there was a breach of the rules or an irregularity which affected the result. In this regard, per Stephenson and Lawton LJ, the word “and” between section 23(3)(a) and (b) need not be read disjunctively in order to give effect to the intention of Parliament (see at pp. 167E and 171 B-C), whilst Lord Denning MR considered that the section should be transformed into positive terms and “and” read as “or” to show when an election is to be declared invalid (see at p. 161C-E).
25. As to the conduct of the election itself, Lord Denning MR said as follows at p. 164 E:
- “If the election was conducted so badly that it was not substantially in accordance with the law as to elections, the election is vitiated, irrespective of whether the result was affected or not.”
26. In his Skeleton Argument, the Returning Officer has raised the question of the standard of proof, and referred to cases which suggest that the criminal standard of proof may obtain on election petitions on the basis that many petitions will be based on allegations which, if proved, amount to a criminal offence. In this regard, by section 63 of the Act, if any person to whom the section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he or she is to be liable on summary conviction to a fine not exceeding level 5 on the summary scale. The section embraces any registration officer, returning officer, presiding officer, any deputy of any such person, and any other person whose duty it is to be responsible for the used ballot papers and other documents (including returns and declarations as to expenses).
27. Whilst the criminal standard would apply in relation to the proving of any such offence, that is not the role of an election court. We consider that the language of section 23, with its reference to “substantial compliance” suggests that a finding is to be made on balance of probabilities.

28. Further, whilst it is true that the real gravamen of the Petitioner's complaint is that there was a fraudulent and/or erroneous vote count, it is well established that in civil cases even those alleging deceit or fraud, the civil standard still applies – see the citation of the leading authorities in *JSC BM Bank v Kekhman* [2018] EWHC 791 at [46]-[56], as approved by the Court of Appeal in *Bank St Petersburg PJSC v Arkhangelsky* [2020] 4 WLR 55 at [45]-[46].
29. In this regard, the burden and standard of proof in relation to allegations of fraud are well-established. The burden of proof is upon the claimant as in an ordinary civil claim. As to the standard of proof, the fact that fraud is alleged does not change the standard from being on the balance of probability – see *In Re B (Children)* [2009] 1 AC 11 at [13] per Lord Hoffmann.
30. In this regard Lord Nicholls stated as follows in *In Re H (Minors)* [1996] AC 563, 586E-G:
- “The balance of probability standard means that a court is satisfied an event occurred if the court considers that, on the evidence, the occurrence of the event was more likely than not. When assessing the probabilities the court will have in mind as a factor, to whatever extent is appropriate in the particular case, that the more serious the allegation the less likely it is that the event occurred and, hence, the stronger should be the evidence before the court concludes that the allegation is established on the balance of probability. Fraud is usually less likely than negligence... Built into the preponderance of probability standard is a generous degree of flexibility in respect of the seriousness of the allegation.
- Although the result is much the same, this does not mean that where a serious allegation is in issue the standard of proof required is higher. It means only that the inherent probability or improbability of an event is itself a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred. The more improbable the event, the stronger must be the evidence that it did occur before, on the balance of probability, its occurrence will be established.”
31. In *In Re B (Children)* the House of Lords emphatically re-iterated that there is only one civil standard emphasising that any logical or necessary connection between the seriousness of an allegation and its inherent probability is to be rejected; inherent probabilities are simply something to be taken into account as a matter of commonsense in deciding where the truth lies (see Lord Hoffmann at [13] to [15]).
32. See also what Griffith Williams J stated at [10] of his judgment in *Gale v Serious Organised Crime Agency*, quoted by Lord Phillips in that case in the Supreme Court ([2011] UKSC 49):
- “9. The burden of proof is on the claimant and the standard of proof they must satisfy is the balance of probabilities. While the claimant alleged serious criminal conduct, the criminal standard

of proof does not apply, although 'cogent evidence is generally required to satisfy a civil tribunal that a person has been fraudulent or behaved in some other reprehensible manner. But the question is always whether the tribunal thinks it more probable than not' – see *Secretary of State for the Home Department v Rehman* [2003] 1 AC 153 at para 55, per Lord Hoffmann.”

33. In applying the civil burden of proof on balance of probabilities, inherent probabilities can be weighed alongside or against specific evidence from a particular case. But care must be taken in working out what in a particular case is inherently probable or improbable. It is generally correct that, absent other information, the more serious the wrongdoing, the less likely it is that it was carried out, because most people are not serious wrongdoers. The standard of proof remains the same, but more cogent evidence is required to prove fraud than to prove negligence or innocence because the evidence has to outweigh the countervailing inherent improbability.

34. Thus as Andrew Smith J stated in *Fiona Trust and Holding Corp v Privalov* [2010] EWHC 3199 (Com) at [1438]:

“It is well established that "cogent evidence is required to justify a finding of fraud or other discreditable conduct": per Moore-Bick LJ in *Jafari-Fini v Skillglass Ltd.*, [2007] EWCA Civ 261 at para.73. This principle reflects the court's conventional perception that it is generally not likely that people will engage in such conduct: "where a claimant seeks to prove a case of dishonesty, its inherent improbability means that, even on the civil burden of proof, the evidence needed to prove it must be all the stronger", per Rix LJ in *Markel v Higgins*, [2009] EWCA 790 at para 50. The question remains one of the balance of probability, although typically, as Ungood-Thomas J put it in *In re Dellow's Will Trusts*, [1964] 1 WLR 415,455 (cited by Lord Nicholls in *In re H*, [1996] AC 563 at p.586H), "The more serious the allegation the more cogent the evidence required to overcome the unlikelihood of what is alleged and thus to prove it". Associated with the seriousness of the allegation is the seriousness of the consequences, or potential consequences, of the proof of the allegation because of the improbability that a person will risk such consequences: see *R(N) v Mental Health Review Tribunal (Northern Region)*, [2005] EWCA 1605 para 62, cited in *Re Doherty*, [2008] UKHL 33 para 27 per Lord Carswell.”

35. In the present case it does not ultimately matter whether proof for the purposes of section 23 is to be on balance of probabilities or to the criminal standard as we are sure, to the criminal standard, of the factual findings that we make in due course below.

C. WITNESSES

36. All the witnesses were sworn in the same manner as in an action tried in the High Court (as envisaged in section 140(1) of the Act). In view of the nature of the allegations

advanced in the Petition, we indicated to the parties at the outset that we would find it of assistance if, in addition to verifying the statement of truth in their witness statement in relation to the evidence contained therein, each witness would give additional oral evidence in chief, before their cross-examination. All the parties agreed to such an approach, which was followed in relation to all the witnesses that were called.

C.1 The Petitioner

37. The Petitioner gave evidence before us. In circumstances in which he was not legally represented, and had drafted the contents of his witness statement himself, the Court took the Petitioner through his witness statement, and the allegations in the Petition, to ensure that all such evidence was properly brought out, and the Petitioner then availed himself of the opportunity to give further evidence. After confirmation that the Petitioner had said all that he wished to say, he was then cross-examined by Mr Straker KC on behalf of the Second Respondent, and Mr Richardson on behalf of the First Respondent. Further cross-examination took place on the second day of the trial when the Petitioner was recalled to address the Video Evidence that he had adduced before the Court.
38. Just as we indicated to the Petitioner during the course of the trial that we were sure that his motives for the bringing of the Petition were the purest of motives to ensure a public airing, and determination, of the concerns he had in relation to the Count as part of a free election in a democratic society, so we are satisfied that the factual evidence that he gave before us was honestly believed by him.
39. The key factual issues, however, are whether he was or was not mistaken when he says that he personally saw what he estimated to be 116 votes for him consisting of two bundles of 50 and an estimate of 16 loose (i.e. the Bundling Issue) and whether he was or was not mistaken when he says that what he observed was a Bundle Recount and not a Full Recount. Such evidence has to be viewed in the context of the evidence as a whole including the evidence of Penny Housley on behalf of the Second Respondent, and the large volume of Video Evidence adduced during the course of the trial.

C.2 Valerie Philips

40. Ms Philips was one of the Petitioner's counting agents at the Count, and she had made a short statement in relation to her involvement at the Count. In her statement she stated, amongst other matters as follows:

“... I observed a number of votes cast for the ECP well in excess of 50 votes, stated later. However, I noted a serious concern with the counting process. The middle tables, where vote bundles are stacked, were positioned out of sight of the count agents. Despite raising objections and concerns about this lack of visibility.

This counting technique and process created an environment conducive to potential fraud or at minimum an error. As counting agents, acting in an official capacity, we were unable to observe critical stages of the process”.

41. In circumstances in which the Petitioner was not legally represented the Court adopted the same approach of asking Ms Philips questions to elucidate her evidence in chief. In the course of that evidence in chief she stated that she saw a tray at the CS 8 station with the name of the Petitioner on it, and she expressed her belief that she saw two bundles paper clipped and others around or on top in the tray, so she thought that would be two bundles of 25 which made 50 but then she saw more “so none of that made sense to me”. Ms Philips was then cross-examined on behalf of the Respondents, and the Court then asked her further questions. Ms Philips confirmed to the Court that she did not at any stage complain to the Returning Officer or anyone else that what she was seeing was untoward.
42. As with the Petitioner, we are satisfied that the factual evidence Ms Philips gave was honestly believed by her, but the key factual issues are whether she was or was not mistaken as to what she believed she had seen in terms of votes cast for the Petitioner, and whether the concerns she expressed in her witness statement as to the counting process were in fact made out, in each case on the entirety of the evidence including the evidence of Penny Housley on behalf of the Second Respondent, and the large volume of Video Evidence adduced during the course of the trial.
43. Whilst no other factual witness were called to give evidence on behalf of the Petitioner, the Petitioner also served statements, in support of the Petition from Laurence Walker, Audrey Cain, Richard Alexander and Kay Alexander. Such evidence was limited to evidence that they had not received an ECP election leaflet through their letterbox from Royal Mail (i.e. in the context of the Royal Mail Issue). We bear such evidence in mind notwithstanding that it has not been tested in cross-examination. We address the Royal Mail Issue in due course below. The Petitioner also served a statement from a William Howarth which relates to alleged electoral malpractice in relation to the Kirkholt and Balderstone ward by-election (also on 1 May 2025). Whilst we have read that statement, it relates to a different by-election, and we did not derive any assistance from it.

C.3 Nigel Jacklin

44. The petitioner sought to call Nigel Jacklin, who describes himself as a Consultant Statistician, as an expert. Mr Straker KC, on behalf of the Second Respondent, whilst conceding that expert evidence is permissible on the hearing of an election petition, raised in his Skeleton Argument whether the evidence that was sought to be adduced in the present case was admissible, and was relevant to the issues that arise, questioning whether Mr Jacklin had the relevant expertise, as well as questioning the methodology he had adopted, whilst also pointing out that much of his report involved him commenting upon on factual matters, which are matters for determination by the Court, rather than for expert opinion evidence.
45. Mr Jacklin undertook a purported statistical analysis, and purported to address the assessment of the case for a recount and whether the result of 50 votes was deliberate malpractice. We note that Mr Jacklin does not assert any particular experience of, or expertise in, elections, and that much of his report strays into what are contested issues of fact which are for determination by the Court in relation to which expert opinion evidence is neither admissible nor relevant. Nevertheless, in circumstances where time was of a premium, and we considered that all the points made by the Respondents as to Mr Jacklin’s evidence and expertise could be addressed in closing, we decided to hear the evidence of Mr Jacklin, *de bene esse*, without making an initial ruling on its

admissibility. Those acting for the Respondents did not demur from the adoption of such a course.

46. Unfortunately, and as became readily apparent during the course of Mr Jacklin's evidence, there were significant problems with both the form and substance of his evidence. So far as the form was concerned, and leaving aside the fact that he strayed into expressing opinions on questions of fact which are for the Court, it became apparent that Mr Jacklin had written his report, and expressed his views, based solely upon the evidence of the Petitioner (which evidence was in issue and was not accepted by the Respondents, who had adduced evidence of their own contradicting that of the Petitioner).
47. Surprisingly, as Mr Jacklin candidly accepted in cross examination, he had not even received the witness statements served on behalf of the Respondents, he was unaware of their contents and (as a result) he had not taken them into account. It may well be that this was a consequence of the Petitioner being a litigant in person, with him not thinking to provide Mr Jacklin with the Respondents' statements, nor inviting him to update his report based on them. In such circumstances the primary responsibility for a situation arising whereby Mr Jacklin had not considered the other (contradicting) evidence must rest with the Petitioner, though we would have expected any expert to ensure that he had been provided with all witness evidence and was aware of, and therefore in a position to address the consequences of, any differences in the factual evidence served by the respective parties, when expressing his professional opinion.
48. The consequence was that Mr Jacklin's evidence (to the extent that it was expert opinion evidence at all) was seriously flawed, and fundamentally undermined, given that his report and expressions of opinion therein was each based solely upon the evidence of the Petitioner (which he assumed to be correct) when there were important issues of fact in play including, in particular, as to how votes were counted (and whether or not in bundles of 50) and whether there was, or was not, a Full Recount. Such matters cut across the matters on which Mr Jacklin saw fit to opine, and he had neither had the chance to consider the contrary factual evidence that had been served, nor the implications of the same, when expressing the views he did. Had he done so we do not consider that he could have expressed the conclusions he did, and in the terms that he did.
49. A further significant, and troubling, issue with Mr Jacklin's evidence concerned his independence. It emerged in the course of his evidence that in March or April 2025 Mr Jacklin had written two articles on social media critical of Reform UK. Mr Jacklin said:

“I wrote an article in probably March or April, as I believed that the Reform party had expelled the branch chair and said that he had stepped down without agreeing that wording with him. When I did that, at the time I had mistakenly decided to join Reform. ... I had been selected to be a candidate and Reform barred me from standing as a candidate, so I wrote a second article.”
50. Mr Straker KC put to Mr Jacklin that the articles were not “at the very lowest, flattering of the Reform Party” to which he replied that they were a true account of the actions of the party with respect to the chair of the Bexhill and Battle branch who had been

summarily dismissed after something said on the BBC programme, Question Time. He acknowledged that when he spoke to the Petitioner in May 2025, and provided his report, he was conscious of the fact that the successful candidate in the Runcorn and Helsby by-election had been the Reform candidate.

51. We consider that Mr Jacklin's history with the Reform UK party gave him what was described during the trial as "skin in the game" and compromised his perceived independence as an expert. At the very least, and in accordance with his duty to the Court, Mr Jacklin should have disclosed this history in his report, and not left it to emerge for the first time during, and as a result of, cross-examination.
52. In relation to the substance of his evidence, Mr Jacklin calculated that the Petitioner's share of the vote was in the order of 464 votes rather than 50. He found this figure by taking, as a starting point, the Petitioner's evidence that he saw 116 ballots in his favour (two piles of 50 and 16 loose votes) on the basis that he only observed half the tellers for half the time. Quite apart from our being unconvinced that such extrapolation has any basis in fact (or statistical justification), it is predicated upon an acceptance that the Petitioner saw 116 ballots in his favour (2 bundles of 50 and approximately 16 loose) in circumstances where such evidence was contested, and the evidence on behalf of the Respondents was that the votes were not bundled in clips of 50 (but rather clips of 10 consolidated into clips of 100), and the Petitioner only received an overall total of 50 votes. In his evidence, Mr Jacklin acknowledged and accepted that his views rested significantly upon the fact that the Petitioner was recorded as securing 50 votes and that this was also the number of ballots that he understood were in each batch of collated votes (which was contradicted in the evidence of Ms Housley).
53. Yet further, and as addressed below, the evidence of Ms Housley was that at any one of the ten trestle tables around the perimeter of the counting area where votes were counted, the Petitioner only received between zero and 7 votes into his tray at a particular trestle table, and that at no time were the contents of the trays physically consolidated (so there were never more than 7 physical votes in favour of the Petitioner at any one place), evidence which, if accepted, fundamentally undermined both the Petitioner's evidence, and Mr Jacklin's methodology and conclusions based on the same.
54. Furthermore, we are unconvinced by the reasoning adopted by Mr Jacklin as to his statistical evidence when he states in his report at paragraphs 7.17 to 7.19 as follows:

"7.17 If we merely consider the most recent election and say that on the basis of previous elections we might expect the claimant to get between 50 and somewhere over 1,050 votes then the chances of getting 50 votes (the same as 2016) are around 1 in 1,000. This is very low but not impossible.

7.18 If we consider the two by-elections (where the Party results may have attracted more attention than in the general election) we can calculate the chances of the candidate getting 50 votes on both occasions on the same basis each time (1 in 1,000). The chances of this happening on both occasions are 1 in 1000 multiplied by 1 in 1,000 i.e. 1 in a million. This is extremely low.

Even if we reduced the probability to 1 in 100 this would still be very low (1 in 10,000).

7.19 The calculation in 7.17 make the pattern observed very unlikely but still possible. The calculation in 7.18 makes the observed pattern extremely unlikely. Given my conclusion under point 7.7 my view is that these probabilities support the claimant's case for a re-examination and recount of the ballot papers.

Specifically this would require checking all batches to make sure they only contain votes for the relevant Party."

55. A factor which Mr Jacklin did not mention, but which we consider to be self-evidently relevant, is that when the Petitioner stood in the General Election, he was one of only five candidates, whilst in the by-elections there were 14 and 15 candidates respectively. Given the much smaller body of candidates in the general election, the distribution of votes to candidates other than those representing the main parties could be expected to be greater. We therefore consider it to be inappropriate to extrapolate from the number of votes secured by the Petitioner when he stood for election in Chorley in the General Election to the number of votes he could be expected to receive when standing in this By-Election.
56. The statistical calculations made by Mr Jacklin in paragraphs 7.18 and 7.19 are, we are satisfied, without foundation. In any event, and as Mr Jacklin acknowledges, a Full Recount would establish the actual position (and that is, of course, what the Respondents say did happen, as addressed below).
57. In all of the above circumstances, we were unable to give any weight to the opinions expressed by Mr Jacklin, and we do not consider that the Petitioner established any expert basis to support the assertion that it was statistically improbable that the Petitioner would receive exactly 50 votes in two separate elections. We would only add, in any event, that we heard evidence which enables us to be make findings, of which we are sure, as to the number of votes actually received by the Petitioner, as addressed in due course below. In such circumstances, evidence as to statistical probabilities, even had it been established (contrary to our findings), is simply not in point.

C.4 Penny Housley

58. Penny Housley is the Head of Democratic Services and the Deputy Returning Officer at Cheshire West and Cheshire Council (CW&CC), a role she had held for ten years, having held multiple election roles since 1999. In her current role, and prior to the By-Election, she had previously acted as a Deputy Returning Officer for 3 General Elections (2017, 2018 and 2024), a parliamentary by-election (City of Chester 2022), the EU Referendum (2016) and numerous other elections. It was clear to us that she has very considerable experience of the proper conduct of by-elections and the conducting of the count in relation to such by-elections.
59. She was appointed as Deputy Returning Officer in relation to the By-Election to assist the Returning Officer at Halton Borough Council. In that role she was present at the Count, and witnessed the counting of the votes, and the recount. As such she was able

to give first-hand evidence in relation to the Count and the issues raised in the Main Challenge. In addition to her own witness statement she was also able to confirm the truth of the contents of the witness statement of Ellen Meachen, from her own first-hand knowledge of the matters stated therein. Ms Meachen was the Deputy Elections Manager at Halton Borough Council in relation to the By-Election. In her statement she addresses the By-Election itself, and the Count on the night. She was unable to give oral evidence before us due to prior commitments which were in place before the current trial dates were fixed.

60. We found Ms Housley to be an impressive, and transparently honest, witness whose evidence we have no hesitation in accepting. This would have been so even without the Video Evidence as it was clear to us that she has a comprehensive knowledge and recollection of the conduct of the Count and the factual matters that are relevant to the Main Challenge. However, as will appear, her evidence on all the key issues was further corroborated by the Video Evidence that we have seen. We address the substance of her evidence, and its impact upon the Petitioner's challenge, in due course below.

D. DISCUSSION: WAS THE ELECTION SO CONDUCTED AS TO BE SUBSTANTIALLY IN ACCORDANCE WITH THE LAW AS TO ELECTIONS IN CIRCUMSTANCES WHERE THERE WAS NO ACT OR OMISSION ON THE PART OF THE RETURNING OFFICER THAT AFFECTED THE RESULT?

61. It will be recalled that section 23(3) of the Act provides that:

“(3) No parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules if it appears to the tribunal having cognizance of the question that—

(a) the election was so conducted as to be substantially in accordance with the law as to elections; and

(b) the act or omission did not affect its result.”

62. In considering whether there was any such act or omission and if so whether the election was so conducted as to be substantially in accordance with the law as to elections and whether the act or omission did not affect its result it is convenient to divide this discussion into two time periods, first the conduct of the election before and immediately up to the arrival of the ballot boxes at the Count and, secondly in relation to the Count itself (and the Main Challenge).

D.1 Conduct of the Election: Prior to the Count

63. There are numerous stages of proceedings in a parliamentary election and they are to be conducted in accordance with the Rules. The conduct of the Election prior to the Count is addressed in the statement of Ellen Meachen as verified in the statement and evidence of Penny Housley. The stages include publication of the notice of election for the by-election (which took place on 28 March 2025), an online briefing for prospective candidates and agents (which took place the previous day), the nomination of candidates (by 4pm on 2 April 2025), the preparation and publication of a statement of

the people who stood nominated arranged alphabetically in order of their surnames (on 2 April 2025), the form of the ballot paper (which was duly met), publication of notice of the poll (also on 2 April 2025), the issue of postal ballot forms and postal ballot statements (the appropriate procedures were followed), the provision of sufficient polling stations and allocation of voters thereto (met with 55 polling stations) with associated requirements for the polling stations and their equipment and staffing (which were also met), and the appointing of polling and counting agents for each candidate (which was undertaken by the specified deadline and in accordance with the Rules).

64. We do not need to address any of the above matters, or other aspects of the By-Election before the polling day, in any further detail in circumstances in which the Petitioner confirmed, during the course of oral argument, that he did not suggest that there had been any breach of the Rules themselves prior to the Count. Based on the evidence of Penny Housley verifying the contents of the statement of Ellen Meachin (of which she confirmed she had personal knowledge), we are satisfied that the requirements of the Rules were met at all stages prior to polling day. For the same reasons we are also satisfied that, throughout the polling day, the requirements of the Rules were met at all polling stations.
65. For completeness, we address the Royal Mail Issue and Cheshire Constabulary Issue at this point as, chronologically, they pre-date the Count.
66. It is said that Royal Mail interfered in the By-Election by its failure to deliver Election Communication Leaflets of the ECP (the Royal Mail Issue).
67. Following the Petition being struck out against Royal Mail, this ground of challenge did not feature prominently at trial, and was not developed orally. We can deal with it in short order as we are satisfied that it is misconceived, and does not give rise to any valid ground of challenge to the By-Election.
68. Section 91(1) of the Act provides that:

“A candidate at a parliamentary election is, subject to such reasonable terms and conditions as the universal postal service provider concerned may specify, entitled to send free of any charge for postage which would otherwise be made by a universal postal service provider either –

(a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the constituency which, in accordance with those terms and conditions, constitutes a delivery point for the purposes of [section 91(1)] or

(b) one such postal communication addressed to each elector.”
69. As is clear from the language of the statute, the entitlement is only an entitlement to send (free of postage), it is not an entitlement to delivery. The statute does not give, nor could it sensibly give, an entitlement to delivery whether at each property, to each elector or at all. Furthermore, the Act provides no electoral remedy in the event of non-delivery. It is not difficult to see why this is so given the myriad of reasons why a leaflet

or leaflets might not be delivered, ranging from logistical difficulties to leaflets being lost in the post to events preventing delivery including at, but not limited to, the delivery address.

70. In any event, and more fundamentally, the Returning Officer has no control over such matters, and in such circumstances the Returning Officer cannot, and does not, have any responsibility for the same. The same is not provided for in the Act or the Rules, and it is difficult to see how they could have responsibility given their lack of involvement in, or control over, such process.
71. We are satisfied that the Royal Mail Issue does not give rise to any valid ground of challenge to the Election, and we so find.
72. So far as the Cheshire Constabulary Issue is concerned, it is said that Cheshire Constabulary harassed the ECP campaign and failed to investigate election interference (specifically the removal of an ECP Wikipedia page during the election period).
73. As with the Royal Mail Issue, and following the Petition being struck out against Cheshire Constabulary, this ground of challenge did not feature prominently at trial, and was not developed orally. We are satisfied that it does not give rise to any valid ground of challenge to the Election.
74. Once again the statute does not provide for any responsibility for the Returning Officer in relation to the acts or omissions of Cheshire Constabulary, and it is difficult to see how the Returning Officer could have any responsibility for the same given the lack of any control over the actions of Cheshire Constabulary.
75. Furthermore we are satisfied that the acts or omissions of police officers fall outside the remit of the Election Court, whose jurisdiction is limited to the conduct of the Election itself. No authority has been identified to support the assertion that any alleged police inaction could render an election void in any event. We would only add that had that not been so, we consider that there would, in any event, have been insurmountable difficulties in terms of causation.
76. We are satisfied that the Cheshire Constabulary Issue does not give rise to any valid ground of challenge to the By-Election, and we so find.
77. In the light of the evidence we have heard, and our findings above, we are satisfied that in the period prior to the Count there was no act or omission by the Returning Officer or any other person in breach of his official duty in connection with the election or otherwise of the Rules, and that the Election was so conducted as to be substantially in accordance with the law as to elections. As there was no act or omission there also can have been no act or omission that affected the result.

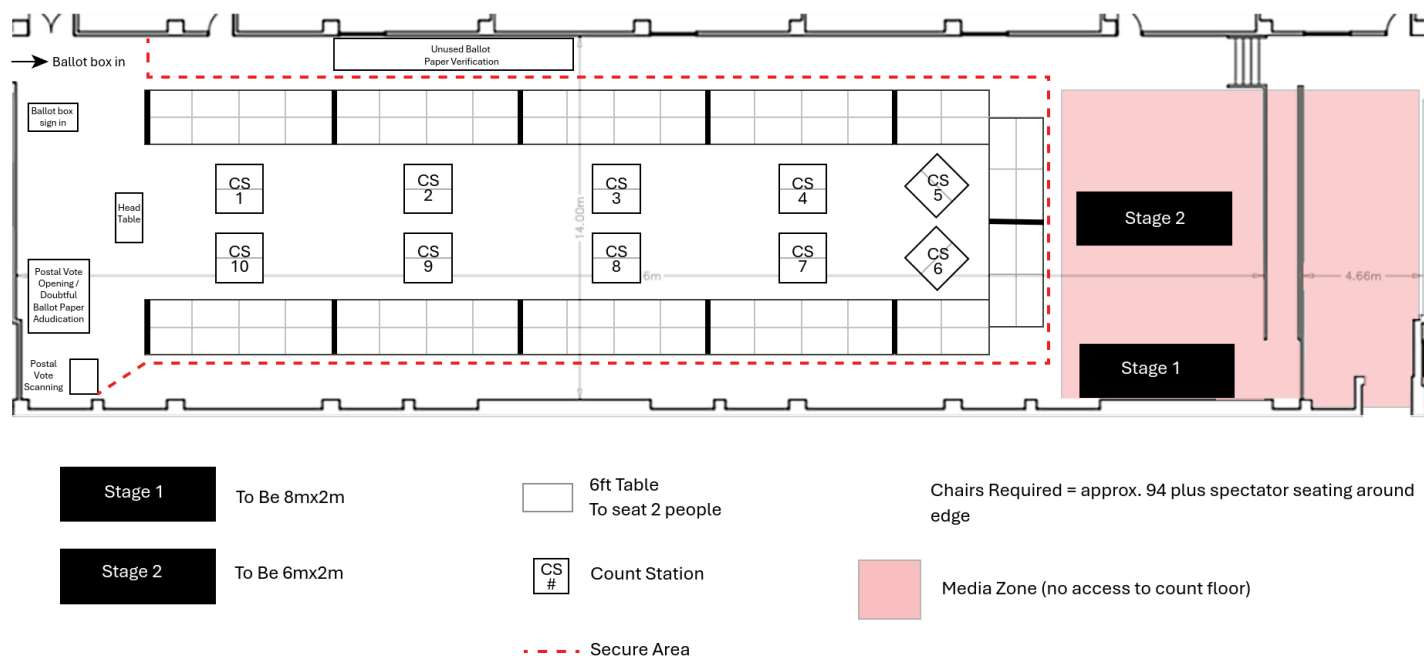
D.2 Conduct of the Election: The Court

D.2.1 How the Count was conducted

78. In order to address how the Count was conducted, it is necessary to explain in some detail the lay-out of the room in which the Count took place within the DCBL stadium in Halton, Cheshire. This was addressed by Ms Housley in her evidence. She explained

that the planning for the Count involved consideration of how the process would be managed with there being 15 candidates, with their agents and count agents, and a significant media presence.

79. Of paramount importance was the safety and security of the ballots. In advance of the election, she and her staff had sketched out the different routes needed, the number of tables needed and where the ballot papers would be stored, and had prepared plans accordingly. The final plan, which Ms Housley confirmed reflected the layout at the Count itself (the “Plan”), was put in evidence by the Respondents during the course of the trial, and is reproduced below (a larger version of this plan appears at Appendix 1 hereto):



80. In relation to the movement of people, Ms Housley told the Court that the door where the ballot boxes were brought in (top left with the arrow) was used exclusively for that purpose. The candidates and their agents and others (for example, representatives of the media) entered at the top right of the plan. Everyone entered from the car park into a foyer where the reception staff checked the identification of each person and gave them their security pass, on a lanyard. They would then pass along a corridor, passing a media room and a (closed) bar area to the door into the hall, where the lanyards were again checked to ensure they were entitled to enter the hall. They would then enter the area shaded pink, in the vicinity of the two raised stages. The pink area was where the media were (with the filming being conducted from this area). As noted on the Plan, the media had no access to the counting floor.
81. The area out-with the red dotted area (around the top, to the right hand side and at the bottom) was the area from which the candidates and their agents and counting agents (looking in) could observe the Count. The area within the dotted line (with the trestle tables immediately within, and then the central area with the ten stations marked CS1 – CS10 and a head table) was the secure area to which only the counting staff (wearing

orange tabards) and supervising staff (wearing blue tabards) had access. All this is readily observable from the Video Evidence that was played during the course of the trial.

82. The ballot boxes, as they arrived through the entrance marked “Ballot box in” (at the top left) would be pre-allocated to a particular count station. There were 55 polling stations, some with more than one ballot box, so that each count station would have about 6 ballot boxes assigned to it. As can be seen from the Plan, there were 10 count stations, and the ballot boxes were evenly distributed between them so that there were between 3,000 and 4,000 ballots at each. Once ballot papers arrived at a count station, they would not be moved from there unless a particular ballot paper needed to be checked at the “head station”.
83. Ms Housley explained that this was important because the more that things are moved around, the more chance there is that errors can be made, and the count agents also needed to be able to follow the movement of ballot papers. Thus, any vote that had been verified at a particular count station would stay there until the end of the whole process, unless a count agent had asked for a particular ballot to be adjudicated upon, which would involve it being taken to the head station. A mini-count would then take place at each count station.
84. Ms Housley explained that the process starts with verification (the “Verification Stage”). The Verification Stage simply involved counting the number of ballot papers at each count station (without regard to whom the votes were for). The total from each count station would be reported to the Acting Returning Officer who then added them up and checked the total against the information reported to him as to the number of valid votes cast at each polling station. This ensures that no ballot boxes have gone missing and that all the votes are accounted for. Thus, in accordance with Rule 43(3), the packets for each polling station were accompanied by a statement made by the presiding officer for each polling station showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.
85. On this occasion, the Acting Returning Officer announced the total number of verified ballot papers at half past midnight. The verified total was 32,740 representing a constituency turnout of 46.33%. The Verification Stage can be seen on the Video Evidence and we are satisfied, from Ms Housley’s evidence and what can be seen on the Video Evidence, that the Verification Stage was conducted properly, and as described by Ms Housley.
86. After the announcement of the verified total of votes, there was a comfort break before the first count started at 01.00. After the number of ballots in each ballot box had been counted, the ballot papers at each counting station were placed in a single box, the “mixing box”, which remained guarded at all times. Before the mixing box was emptied onto a trestle table, the staff would do a quick mix so that, when emptied, it would not be obvious from which particular polling station a particular ballot had come. The carrying out of such a mix is required by the Electoral Commission guidance. The postal votes are also added to the mix.
87. After verification, the next stage was the first count. This was carried out at the trestle tables adjacent to each count station forming the boundary of the secure area. The tellers

sat at the tables, two to each table, facing outwards. The candidates and their count agents could move around outside the dotted red line and observe the count taking place, at whichever table they wished.

88. Again, we observed from the Video Evidence this count layout in operation, and counting agents could be seen observing (from behind the notional dotted red-line which in reality was simply the far side of each trestle table) the counting as it took place at the various outer trestle tables with a view across to the tables in the middle (labelled CS1-CS10). Ms Housley explained that the counting agents for the main political parties, in particular, paid particularly close attention to the ballots as they were unfolded and counted on the trestle tables (as was apparent from the Video Evidence), as a result of which they had a good idea of the likely overall votes for their candidate in advance of the announcement.
89. It is convenient to note at this point that throughout the Count, what could be seen on the Video Evidence was certainly a busy scene, but we do not consider that the Petitioner's characterisation of it as "chaotic" or "organised chaos" was apt, or that it could be the subject of any valid criticism. On the contrary, it is apparent from the Video Evidence that the Count was conducted in an orderly, methodical and transparent manner in which the counting agents were closely watching the Count at all stages.
90. In this regard we accept the evidence of Penny Housley in her witness statement as follows:

"The Runcorn and Helsby By-election was the most heavily scrutinised count I have ever been involved in. Every counting table had multiple counting agents acting on behalf of a range of candidates at all times. Every action undertaken by count staff was closely watched both on the front tables and on the supervisors' tables. Election observers were very proactive, frequently asking for additional assurance, and all count staff had been instructed to provide this assurance. As is their right, count agents would on a regular basis ask for certain batches to be checked again in front of them so as to reassure themselves of the accuracy of the count. In addition to this, several representatives of the Electoral Commission were present to observe. There was also a heavy media presence and this included a live stream by the BBC. I personally undertook spot checks and did several walks around the outer section to check observers were happy with the process. I spoke to several: some wanted me to confirm procedural matters, some wanted me to undertake additional checks on sorting or bundles, other just raised issues about the room temperature or other practical matters. I was wearing a high visibility tabard and it was clear to even those who did not know who I was that I had a senior role and was available to discuss any matters. Mr Moore raised no issue with me at any point, even though I must have walked past him more than a dozen times.

...

The count layout was designed to be transparent and to ensure that ballot papers remained in full view of observers at all times. The mini-count method was used to ensure any discrepancy in totals compared to the verification figure could quickly be identified. It was also used because it minimises the number of times votes are moved around the hall, making the process clearer to observers. Once sorted, ballot papers were removed from the count tables and placed into trays on the count supervisor tables. Each tray was clearly labelled for each candidate. Count supervisors were instructed to take extra care to ensure that they only picked up votes for a single candidate at any one time and that they maintained a clear sight line for observers so they could clearly see where votes were being placed.”

91. We reject the suggestion that it was not possible to see the middle tables (the count supervisor tables) or what was on such tables during the Count – they could be seen from the notional red lined observation areas, across and behind the trestle tables, as is readily apparent from the Video Evidence that was played during the trial, and which corroborates Ms Housley’s evidence. Whilst it was possible that a particular view might be temporarily hindered or blocked at a particular moment by another counting agent looking into the counting area, that counting agent would, of course, have objected had she or he seen anything untoward. It is notable that no contemporaneous objection was made by any candidate (including the Petitioner) that anything untoward had occurred or that there was any act or omission by the Returning Officer or any other person in breach of his official duty in connection with the election or otherwise of the Rules (for the purposes of section 23(3) of the Act).
92. Ms Housley explained that it had been identified in advance that the candidates likely to receive the most votes were those for the Labour, Conservative and Reform UK parties. At each trestle table, the votes were initially divided into 4 piles: the three main parties so identified, and a fourth pile for everyone else (the “4 Pile Stage”). In relation to the three main parties, the votes were counted in 10s with each batch of 10 being secured with a paper clip, and then each batch of 10 x 10 (100) being secured with an elastic band. The votes were then put into trays labelled with the surname of each candidate.
93. During the course of her evidence, Ms Housley confirmed that at no stage in the counting process were votes clipped in bundles of 50. We accept her evidence. It follows that the Petitioner was mistaken in his belief that he ever saw any bundles of 50 votes (still less two bundles of 50 of his own votes) and Ms Philips was also mistaken when she thought she saw a tray at the CS 8 station with the name of the Petitioner on it and what she believed were 2 bundles of 25 to make 50. The implications of this for the Main Challenge are addressed in due course below.
94. Once the votes for the three main parties had been sorted and counted, they were placed into their respective trays, and the trays were placed on the numbered count stations behind them (i.e. on the middle tables). Although called “count stations”, these tables were in fact only used for storage or holding the ballots – no counting was done at them, so it would be more accurate to describe them as “storage stations”.

95. It is important to appreciate, as Ms Housley explained, that once on a counting station the votes remained there in the tray for the candidate in question. There was never any physical consolidation of votes in trays for a particular candidate into one overall bundle of physical votes. We accept such evidence. It follows that the Petitioner was mistaken in his belief that he ever saw approximately 116 of his votes together (as further corroborated by the evidence as to the number of votes for the Petitioner on each counting station as identified below). The implications of this for the Main Challenge are addressed in due course below.
96. The 4 Pile Stage can be seen on the Video Evidence and we are satisfied, from Ms Housley's evidence and what can be seen on the Video Evidence, that the 4 Pile Stage was conducted properly, and as described by Ms Housley.
97. The remaining, fourth pile was then sorted into the remaining 12 candidates and the ballot papers for each of them were put into their individual 12 trays on each trestle counting station labelled with their surnames, and these trays were then placed on the applicable counting station behind the trestle tables (the "12 Tray Stage"). The 12 Tray Stage can be seen on the Video Evidence and we are satisfied, from Ms Housley's evidence and what can be seen on the Video Evidence, that the 12 Tray Stage was conducted properly, and as described by Ms Housley.
98. There were thus 10 mini-counts (one for each counting station) (the "Mini-Count Stage"), the result of each of which was then reported to the Returning Officer who entered the results on a spreadsheet showing the number of votes cast for each candidate at each table. Again, it was possible to reconcile the number of votes for each candidate with the total number of votes that had previously been verified, less the disputed votes which had been taken to the table labelled on the plan "Postal vote opening/doubtful ballot paper adjudication" (they were not returned to the count station from which they had come but, in effect, the doubtful ballot paper adjudication table formed an eleventh count station, albeit with much fewer ballot papers). Based on the evidence of Ms Housley, and what could be seen on the Video Evidence, we are satisfied, that the Mini-Count Stage was conducted properly, and as described by Ms Housley.
99. An important aspect of Ms Housley's evidence (which we accept), is that the number of votes the Petitioner received on any particular count station was sometimes zero, and was never more than 7 (as recorded in the spreadsheet). Again, as there was no physical consolidation of the trays or overall physical coming together of ballot papers, the Petitioner was accordingly mistaken when he thought he saw 116 votes for him together (2 bundles of 50 and approximately 16 loose). That never happened, and could not have happened, not only because votes were never clipped in bundles of 50, but because the Petitioner never received more than 7 votes on any one counting station, and so there could never have been more than 7 votes to be witnessed in a tray with the name "Moore" on it. Equally, Ms Philips was mistaken in her belief as to what she thought she saw at the CS 8 station (2 piles of 25 making 50 votes for the Petitioner). The implications of this for the Main Challenge are addressed in due course below.
100. We pick up a further point about this at this stage. The Petitioner played a particular clip of Video Evidence in which he suggested multiple votes for him could be seen in a tray bearing his name on a counting station. We examined such footage with care, and whilst we could see the tray with the piece of paper bearing his name, we could not discern multiple votes within the tray. We would only add the following points. First,

as Ms Housley explained, the piece of paper with the name of the candidate is folded into a triangle shape with the name of the candidate on each of the two visible faces of the triangle, and it is then placed over the end of the tray (so that the name can be seen in two directions). It is possible that anything further that could be discerned on the Video Evidence was in fact part of the face of the other side of the folded paper. Secondly, each ballot paper is long (due to there being 15 candidates). Accordingly, even if there were any ballot papers for the Petitioner in the tray being observed, a small number of votes could have made a large impression of paper when viewed from a distance.

101. After the first provisional count, the Acting Returning Officer shared the result with the candidates at about 03.00 and the result was so close between the main parties (Labour and Reform UK) that the Labour agent requested a full recount (as he was entitled to do). What was announced publicly by the Acting Returning Officer was a Full Recount. This is caught clearly on the Video Evidence, and the Acting Returning Officer clearly announces on camera that what is to take place is a Full Recount i.e. a full recount of each individual ballot paper whereby each ballot paper was checked as to the vote cast.
102. This gives rise to the Recount Issue, as the Petitioner's case (and evidence) is that a Full Recount did not take place but rather what was carried out was merely a Bundle Recount whereby the number of ballot papers in each bundle was re-checked by flicking through the corners of the ballot papers.
103. The Recount Issue is important because it is said that if it was only a Bundle Recount then the alleged fraudulent and/or erroneous vote count was not discovered, and the true number of votes for the Petitioner was not ascertained. The corollary, however, is that if there was a Full Recount this would be decisive of the Main Challenge as it would verify the numbers of votes for each candidate including the number of votes cast for the Petitioner. It is also, as has already been noted, the very relief that the Petitioner seeks on the Petition.
104. There are two strands of evidence in this regard. The first is the evidence of Ms Housley, which was unequivocally that what was intended, and what was undertaken, was a Full Recount (in circumstances where Ms Housley had first hand knowledge that that is what took place). The second is the Video Evidence itself. However we say at the outset that the latter, based upon our own observation of the Video Evidence, fully corroborates the former whilst itself demonstrably establishing that what took place was a Full Recount. In such circumstances we are sure that what occurred was a Full Recount, and we so find.
105. Ms Housley explained the procedure adopted for the recount. The table supervisors retrieved the bundles of ballot papers from the storage stations (the tables labelled CS1 to CS10 on the plan, see paragraph 94 above) and passed them to the count staff at the outer trestle tables. The count staff were then instructed to do a full recount of the individual ballot papers and, in the case of the main parties, re-clip them back into tens and then hundreds. This involved each member of the count staff checking that, within each clip of 10 votes, the vote cast was for the same candidate (i.e. seeing that the "X" was in the same place).
106. It will be appreciated that it was possible for this to be undertaken much more quickly than was possible during the initial count where each teller was looking at the whole

ballot paper to identify which candidate had been voted for. On the recount, all that had to be focussed on was that the “X” on each ballot paper was in the same place (given that these were bundles of 10 in which the “X” should be in the same place on each ballot paper).

107. As we witnessed with our own eyes from the Video Evidence, some counting staff did this by holding the ballot papers vertically, whilst some held them horizontally but, in each case, in the Video Evidence, they could all be seen checking the bottom of the ballot papers (the Reform UK and Labour candidates were respectively 12th and 13th on the ballot paper). What was being witnessed, therefore, on the particular footage, was a recount of the individual votes for such candidate (which represented the vast preponderance of the votes).
108. It was Ms Housley’s evidence, and our perception from watching the Video Evidence, that the count agents did not simply count the corners of the ballot papers (as alleged by the Petitioner) but that each ballot paper was checked as to the candidate for whom the vote had been cast, with the result that it was a Full Recount, as had been called for.
109. In the course of the Petitioner’s oral closing submissions the Petitioner played a clip from the Video Evidence which the Petitioner submitted showed a male teller simply counting the corners of the ballot paper. The Video Evidence showed both that teller, and a female teller to his left. It was plain to us that each of the male and the female tellers were checking each ballot paper, the male doing so by holding the papers vertically, and looking down to see where the X was on each ballot paper, whilst the female teller performed the same exercise by holding the papers horizontally and looking at each individually to see where the X was on each ballot paper, in each case before reclipping each bundle of 10.
110. In fairness to the parties, we made clear what we believed we were seeing during the course of the oral closing submissions. In this regard the following, amongst other, exchanges took place:

“MR. JUSTICE BRYAN: For example, if we just look at the lady with the glasses that we can see in the middle.

MR. STRAKER: With the pink cardigan?

MR. JUSTICE BRYAN: To the left of the man, your evidence is that she is looking at each of those ten.

A. Yes.

MR. JUSTICE BRYAN: Individually and then re-clipping them in 10s. What we can see now in other words. She is looking down towards the bottom of the ballot paper on each one. And when she gets to ten, she then re-clips them.

MR. STRAKER: Yes, and now she is re-clipping.

A. Yes.

MR. JUSTICE MARTIN SPENCER: So if a ballot paper had been erroneously placed in the wrong pile, you would expect that to be picked up at this stage?

Yes, I would expect it to have been picked up by one of the people counting on the table.”

111. During his own oral closing submissions, the Petitioner did not provide us with any basis for concluding that we were in error in our interpretation as to what we were seeing on the Video Evidence in the very clip that the Petitioner was relying upon, namely a Full Recount of each ballot paper, and not a Bundle Count consisting of merely flicking through the corners of the ballot papers to count them, which is not what we saw.
112. We would only add that we have no doubt that the Petitioner did witness bundles of votes being clipped into 10's, and the total in each bundle being checked (by flicking through the corners) to ensure that exactly 10 votes were in each clip at various stages of the Count, and indeed the Petitioner showed Video Evidence footage of this during his evidence in chief. However, we are satisfied that this was during the original count as part of the counting process. It was not at the recount in lieu of re-checking each ballot paper. There was, we are satisfied, a Full Recount.
113. Accordingly we reject the Petitioner's evidence, which amounts to a mistaken belief as to what was being undertaken. We have no hesitation in accepting the evidence of Ms Housley as to what was being undertaken. Not only was her evidence clear, unequivocal and convincing, it was fully corroborated by the Video Evidence and which showed a Full Recount in progress.
114. In the light of the evidence we have heard, and our findings above, we are satisfied, that during the Count there was no act or omission by the Returning Officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules, and that the election was so conducted as to be substantially in accordance with the law as to elections. As there was no act or omission there also can have been no act or omission that affected the result. In this regard we are also satisfied, , that the number of votes cast for each candidate was accurately announced at the conclusion of the Count. We would have found this to be the case to the criminal standard had that been required.
115. In the above circumstances, the Main Challenge is not made out and is dismissed. There was no fraudulent or erroneous vote count. For completeness, as to the matters relied upon by the Petitioner, and in the light of our findings as aforesaid:
 - (1) The Petitioner's number of votes was not fraudulently predetermined at 50 votes. This was the number of votes the Petitioner actually received, as confirmed on the Full Recount. The Statistical Issue and statistical analysis that the Petitioner sought to advance through the evidence of Nigel Jacklin was flawed as addressed above. It is, in any event, irrelevant given that we are satisfied that the Petitioner did receive 50 votes.
 - (2) The Petitioner and the ECP counting agents were mistaken to the extent that they believed that they saw more than 50 votes for the Petitioner, there only being

between zero and 7 votes for the Petitioner at any of the counting stations with the result that there were never more than 7 votes for the Petitioner on any one counting station). In relation to Bundling Issue, the Petitioner was mistaken when he believed that he saw what he estimated to be 116 votes for him consisting of two bundles of 50 and an estimate of 16 loose. He only received 50 votes, votes were only ever clipped into bundles of 10 and 100 votes and then only for the candidates of the main parties receiving sufficient votes to warrant such bundling, the Petitioner never received more than 7 votes on any one counting station, and the votes in each counting station were never physically consolidated.

(3) There was no “sleight of hand”, and there was no chaotic scene at the Count. The Count, and all parts thereof, was properly observable by the candidates and their counting agents, and the Count was conducted properly and in accordance with the Act and Schedule 1 thereto.

(4) What occurred was a Full Recount.

116. As the Petitioner confirmed in oral argument, the alleged Counting Violation and the alleged Human Rights Violation were each parasitic upon the other challenges (including the Main Challenge) and, in consequence, the other challenges having failed, the Counting Violation and Human Rights Violation.

E. DETERMINATION

117. We accordingly determine, direct and order, that in accordance with section 144(1) of the Act:

(1) The Petition is dismissed.

(2) The First Respondent was duly returned and elected.

(3) No other person should have been declared to be returned or elected.

(4) The election of 1 May 2025 for the Runcorn and Helsby parliamentary constituency was not void.

118. We shall pass our aforesaid determination to the Speaker of the House of Commons in accordance with the legislation.

F. COSTS

119. At the conclusion of the trial all parties invited us to deal with costs at the same time as making our determination on the Petition, and we do so. In this regard we directed written submissions from each of the Respondents to be followed by written submissions on behalf of the Petitioner, and we have given careful consideration to the written submissions we have received from each of the parties.

120. In relation to costs, section 154 of the Act provides as follows:

“154 Costs of petition.

(1) All costs of and incidental to the presentation of an election petition and the proceedings consequent on it, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the election court or High Court may determine.

(2) In particular—

(a) any costs which in the opinion of the election court or High Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and

(b) any needless expense incurred or caused on the part of the petitioner or respondent,

may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.”

121. In addition to section 154 of the Act, by Civil Procedure Rule 44.2(2)(a), the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party. While the Court may make a different order (Rule 44.2(b)), we are satisfied that there is no good reason to do so here, and for the reasons identified below.
122. It is indisputable that the Petitioner is the losing party the Petition having been dismissed, and that the Respondents are, and are to be treated as, the successful parties.
123. In circumstances in which the Second Respondent took the lead in opposing the Petition we will address the Second Respondent’s application for costs before considering that of the First Respondent.
124. We consider that the Petitioner should pay the Second Respondent’s costs of the petition on the standard basis for the following reasons:
 - (1) The Second Respondent is a successful party and costs should follow the event, there being no good reason to make a different order.
 - (2) The Second Respondent was entitled to respond and to participate in the Petition and to defend his position as Returning Officer and Respondent, not least given the serious allegations raised of a fraudulent and erroneous vote count, and the potential consequences of any adverse finding against the Second Respondent (not only in terms of reputational damage, but also the possibility of findings that could give rise to criminal charges, for example under section 63(1) of the Act in relation to any breach of official duty). In this regard it was appropriate for the Second Respondent to instruct a firm of solicitors and leading counsel who are experienced in this specialised area of law.
 - (3) As is apparent from our judgment, none of the challenges in the Petition had any real prospect of success and that ought to have been apparent to the Petitioner from

the outset, and to have been undoubtably clear by the time the Petitioner received the evidence served on behalf of the Second Respondent.

- (4) The Returning Officer provided his evidence to the Petitioner, in the form of the statement of Ellen Meachen, in July 2025, more than three months before the start of the trial. Having received that evidence, it ought to have been obvious to the Petitioner that the election had been conducted to the relevant legislative standard and that his allegations of fraud and error were without foundation. The Petitioner could, and should, have withdrawn his Petition at that time and not proceeded to trial. He did not do so, instead he maintained, without any evidence or basis in fact, allegations of fraud, “sleight of hand” and the conducting of a “chaotic count”. That was his prerogative, but it carried with it the likelihood that he would face an adverse costs order if he lost.
- (5) Whilst we indicated to the Petitioner during the course of the trial that we were sure that his motives for the bringing of the Petition were the purest of motives to ensure a public airing, and determination, of the concerns he had in relation to the Count as part of a free election in a democratic society (matters which he repeats in his costs submissions), we do not consider that his motivation amounts to a good reason to depart from the normal costs order that costs should follow the event. We are satisfied that the Petitioner was well aware that he was likely to be ordered to pay the costs of the Respondents if his Petition was dismissed (not least given that he alluded to this during the course of his oral submissions on more than one occasion, on the basis that the threat of bankruptcy due to adverse costs orders if a petition were dismissed) had put others off bringing election petitions.
- (6) We are alive to the fact that the Petitioner is a litigant in person, but we do not consider that this amounts to a good reason to depart from the normal costs order. In this regard on 6 June 2025, the Second Respondent’s solicitors wrote to the Petitioner stating:

“I do not know whether you have already done so; however, because you are unrepresented by lawyers in this matter, I would suggest that you take legal advice from electoral law specialists on (i) your prospects of success in this petition and (ii) the possible costs consequences of failure”.

Later that day, the Petitioner replied as follows:

“...I would not wish to be a "legal professional" or take their advice in constitutional matters —the term "legal professional" is now meaningless, as many of you break the law every single day. So, the direct answer to what you have said is simple: I know the risk”.

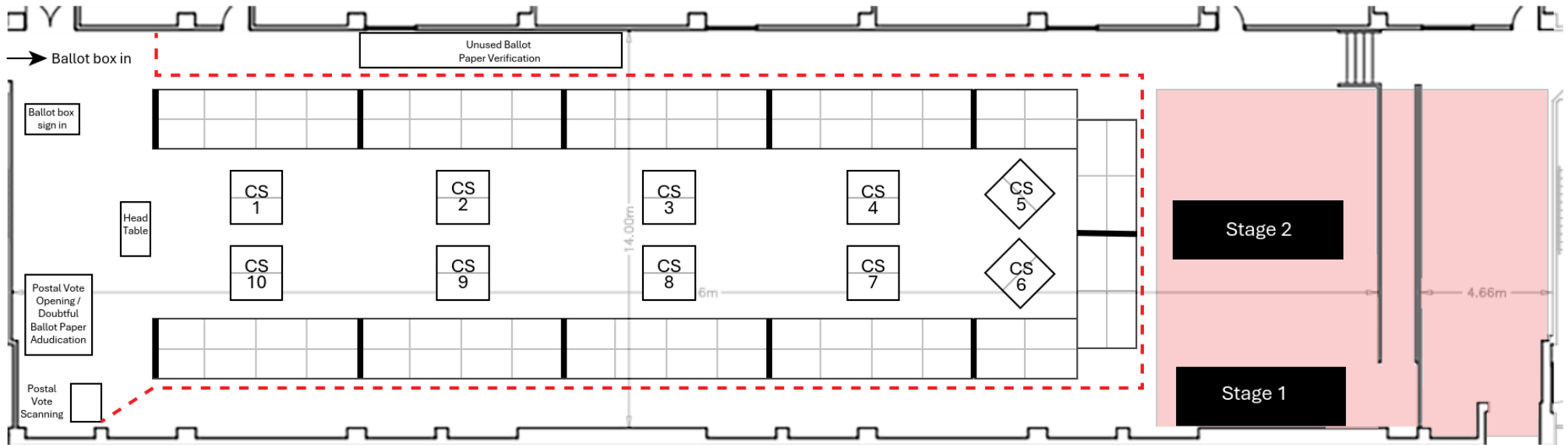
In such circumstances we are satisfied that the Petitioner has pursued the Petition “with his eyes wide open” as to the risk he faced of an adverse costs order should the Petition be unsuccessful, as it has been.

125. Whilst we have not taken it into account in making the costs order we have made against the Petitioner, we note, as the Second Respondent has pointed out, that the Petitioner

has received some funding from members of the public through a “GoFundMe account” set up in June 2025, which as at 7 November 2025 showed that some £35,000 had been raised for the Petitioner. It is not clear, however, as to whether any (and if so how much) of this sum remains given expenses (and costs) the Petitioner has incurred en-route (as referred to in the Petitioner’s cost submissions).

126. We have been asked to consider summarily assessing the Second Respondent’s costs which are claimed in the figure of £47,470.92.
127. In this regard the Second Respondent submits that summary assessment would be more expeditious than detailed assessment and submits that the costs sought are neither disproportionate nor unreasonable and that this is demonstrated by the statement of costs. In particular the following points are highlighted: (i) Grade A hourly rate: the work done at partner level has been done at the hourly rate of £306p/h. This is significantly lower than the Solicitors’ guideline hourly rates (last updated 1 January 2025) of £413p/h for a solicitor of similar experience located in WC1, where Sharpe Pritchard’s offices are located; (ii) the fee for a barrister of Mr Straker KC’s expertise and experience (which includes his fee for a three-day trial, miscellaneous advice, pre-trial conferences and work on documents) is reasonable; (iii) in the “Schedule of work done on documents”, where appropriate, work was delegated to a trainee solicitor and (iv) only 1 hour of “Waiting and travelling time” is sought, while the time spent on both (particularly the latter) was significantly more.
128. We consider that the costs claimed are significantly lower than might otherwise have been expected for a 3-day trial conducted by experienced King’s Counsel and we are satisfied that the Second Respondent has restricted his claim for costs in order to allow this court to make a summary assessment and, importantly, to avoid the parties incurring further costs on a detailed assessment. This is appropriate and proportionate, and, rounding down, we summarily assess the Second Respondent’s costs in the sum of £45,000.
129. In circumstances in which the Second Respondent’s legal team led the defence of the Petition, we consider, and direct, that the sum of £5,000 that the Petitioner paid into Court pursuant to Master Eastman’s Order dated 15 May 2025 in respect of security for costs should be paid in full to the First Defendant at this time, by way of part discharge of the Petitioner’s liability to pay the Second Respondent’s costs.
130. Turning to the position of the First Respondent, and whilst the Second Respondent took the lead in opposing the Petition, the First Respondent was automatically a party to the Petition and was entitled to, and did, defend her position as the successful party at the By-Election whose election to Parliament potentially stood to be impacted if the Petition was successful, as a consequence of which the Petition had the potential to have far reaching consequences for the First Respondent, and her political career and financial position. In such circumstances we consider it reasonable for the First Respondent to engage a direct access barrister to represent her interests and take part in the hearing. For our part we found the submissions of both Mr Richardson and Mr Straker KC to be of considerable assistance. In such circumstances, we do not consider it would be appropriate to distinguish between the First Respondent and the Second Respondent so far as the incidence of costs is concerned.

131. We consider that the Petitioner should pay the First Respondent's costs of the petition on the standard basis. In this regard we repeat the reasons given in relation to the Second Respondent which we consider apply equally (*mutatis mutandis*) to the First Respondent. The First Respondent was also a successful party and costs should follow the event there being no good reason not to so order. We would add the following further reasons:
- (1) As addressed above, the First Respondent (as an automatic respondent) was entitled to, and did, defend her position as the successful party at the By-Election whose election to Parliament potentially stood to be impacted if the Petition was successful with the Petition having the potential to have far reaching consequences for the First Respondent, and her political career and financial position if successful.
 - (2) The First Respondent acted reasonably in not instructing solicitors and in instructing a suitably experienced direct access counsel to protect her position and oppose the Petition.
 - (3) The approach adopted, of the Second Respondent's counsel taking the lead, and the First Respondent's counsel following, was both reasonable and appropriate and worked well. We record that we found both Mr Richardson's written and oral submissions of assistance to the Court, and the First Respondent's legal representation, and involvement in the trial, assisted the Court.
 - (4) With the First Respondent also being a successful party, costs should follow the event, and there is no good reason to make a different order.
132. Again, we consider that the costs claimed on behalf of the First Respondent are proportionate and reasonable, and we summarily assess the First Respondent's costs in the sum claimed of £25,000 plus VAT, a total of £30,000.

ANNEX 1

Stage 1

To Be 8mx2m

Stage 2

To Be 6mx2m

6ft Table
To seat 2 people

Count Station

- - - - - Secure Area

Chairs Required = approx. 94 plus spectator seating around edge



Media Zone (no access to count floor)