Neutral Citation Number: [2026] EWHC 406 (Admin)

Case No: AC-2025-LON-003806

**IN THE HIGH COURT OF JUSTICE**
**KING'S BENCH DIVISION**
**ADMINISTRATIVE COURT**

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/02/2026

**Before** :

**MR JUSTICE CHAMBERLAIN**

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**Between :**

**THE KING**

**on the application of**

**RUPERT LOWE MP** — **Claimant**

**- and -**

**THE INDEPENDENT COMPLAINTS AND GRIEVANCE SCHEME** — **Defendant**

**- and -**

**MIC** — **Interested Party**

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**Christopher Newman** (**Direct Access**) for the **Claimant**

**Sarah Hannett KC and Katy Sheridan** (instructed by the **Office of Speaker's Counsel**) for the **Defendant**

Hearing date: 17 February 2026

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# Judgment

This judgment was read out in Court 1 at 12 noon on 24 February 2026.
This written version has been provided for the assistance of parties and the public.

## Mr Justice Chamberlain:

## Introduction

1. The claimant, Rupert Lowe, is a Member of Parliament. When he filed his claim, he was not a member of any party. Since then, he has started his own political party, Restore Britain.

2. The defendant is the Independent Complaints and Grievance Scheme, which was established by resolutions of the House of Commons to investigate complaints against MPs, among others. The scheme operates under the supervision of the Parliamentary Commissioner for Standards. It had been investigating a complaint made in January 2025 against Mr Lowe by the interested party.

3. On 23 July 2025, a decision was made to proceed with a full investigation against Mr Lowe. By these proceedings, Mr Lowe challenges that decision, on the ground that it was perverse, unlawful and procedurally unfair. He contends that the complaint needs to be seen in the context of a heated dispute between him and members of his former party, Reform UK.

4. The IGCS is not, in fact, a legal entity, though it is not contended that the application for permission to apply for judicial review should be rejected for that reason alone. The claim has been defended by the Speaker of the House of Commons, who says that the activities of the Scheme fall within the exclusive cognisance of the House of Commons and that the court is therefore precluded by Parliamentary privilege from entertaining the claim at all.

## Procedure

5. The claim was filed on 23 October 2025. There was initially no application for interim relief.

6. An Acknowledgement of Service signed by Counsel to the Speaker of the House of Commons was filed on 24 November 2025. It took the point that the claim was not justiciable.

7. I made an initial order on paper on 19 December 2025, granting anonymity and a restricted reporting order to the interested party. That order remains in force. Accordingly, there must be there must be no publication of the identity of the interested party or of any matter likely to lead to the identification of the interested party in any report of, or otherwise in connection with, these proceedings.

8. In the same order, I directed that, before determining the application for permission to apply for judicial review, there was to be a hearing with a time estimate of one day to determine as a preliminary issue whether the claim is justiciable in the light of Article IX of the Bill of Rights and/or the wider principle of Parliamentary privilege. That hearing was and remains listed on 17 March 2026.

9. In the meantime, Mr Lowe applied for an interim order restraining the defendant from taking any further steps to investigate the complaint until the claim was determined or permission to apply for judicial review refused.

10. I made a further order on paper on 2 February 2026 directing that the application for interim relief be considered at a hearing. That took place last week on 17 February 2026 over the course of one day. I said this in paragraph 3 of my reasons:

> "The directions I have given will mean that the Court will be in a position to determine the application for interim relief sooner than 17 March 2026, as the Claimant submits is necessary. The time estimate means that there will be enough time to consider fully the Defendant's submission that Parliamentary privilege precludes the grant of such relief. I leave open for argument at the interim relief hearing whether (as the Claimant says) it would permissible to grant interim relief on the footing that the claim is arguably not barred by Parliamentary privilege or whether (as the Defendant contends) it is necessary to reach a final view on the Parliamentary privilege issue before determining interim relief."

11. At the hearing on 17 February 2026, Mr Christopher Newman appeared for Mr Lowe. Ms Sarah Hannett KC appeared for the defendant, instructed by the Speaker of the House of Commons. A substantial quantity of the time at the hearing was spent considering the arguments about privilege, but—as envisaged in my order—there was also wider argument about the test for interim relief in this context. I am grateful to both counsel for their helpful written and oral submissions.

12. The interested party was not represented, but sent an email indicating opposition to the grant of interim relief. Because the interested party has chosen not to file an Acknowledgement of Service, or appear to be represented, I place no significant weight on that email.

## The proper approach to the privilege point at the interim relief stage

13. At the hearing, Ms Hannett submitted that, because the subject matter of the claim falls within the exclusive cognisance of the House of Commons, I have no jurisdiction to grant any relief, even on an interim basis. Mr Newman, for his part, submitted that at the interim relief stage the question was simply whether he had an arguable answer to the plea of Parliamentary privilege. If so, there is a serious question to be tried and I have jurisdiction to grant interim relief in the exercise of my discretion. Whether I should do so depends on where the balance of convenience falls.

14. In my judgment, the position is as follows. The court has a broad jurisdiction to grant interim relief under s. 37 of the Senior Courts Act 1981. The ordinary test for interim relief in a private law case was set out by the House of Lords in *American Cyanamid v Ethicon Ltd* [1975] AC 396. The court must be satisfied that there is a serious question to be tried. It then asks whether damages would be an adequate remedy and, if not, it considers where the balance of convenience lies.

15. In *R (FTDI Holding Ltd) v Chancellor of the Duchy of Lancaster* [2025] EWHC 241 (Admin), Singh LJ and I recently addressed the question whether this test fell to be modified in public law cases. We said this at [17]:

> "The special feature of such cases is that, other things being equal, it is likely to be in the public interest to allow a defendant public authority to enforce the law (as it understands it), or exercise powers in what it considers to be a lawful matter. The weight to be accorded to this public interest will vary from context to context, but may be considerable. In many cases, the claimant would need to point to something very compelling to outweigh it. In deciding whether a claimant has done so, the court will consider both the prima facie strength of the claim and the gravity of the consequences that would follow if interim relief were not granted."

16. More recently still, in *R (Ammori) v Secretary of State for the Home Department* [2025] EWCA Civ 848, at [30]-[32] Lady Carr CJ, Lewis and Edis LJJ enunciated the test in much the same way, drawing attention to the importance of considering the public interest when deciding where the balance of convenience falls.

17. I do not consider that there is any support in the authorities for a special rule that, in a case where one party asserts that Parliamentary privilege precludes the grant of final relief, the court is required to reach a final determination of that question, however knotty it may be, before deciding whether to grant interim relief. However, the fact that the Speaker of the House of Commons contends that the subject matter of the claim lies within the exclusive cognisance of the House of Commons is, in my judgment, a factor of potential relevance to the balance of convenience.

18. The reason for this is that the rules on Parliamentary privilege form an important part of the delicate constitutional balance between the legislative and judicial branches of government. If the court were to grant interim relief too incautiously in a case where there was a real prospect that the plea of privilege might later succeed, harm could be done to that delicate balance.

**Is there a serious question to be tried?**

19. In the present case, the application of the law on Parliamentary privilege is complicated by the fact that the ICGS is part of a new complaints system established by resolutions of the House of Commons, most recently on 23 June 2020. This is the first case in which the point has been raised.

20. The Speaker submits that the activities of the ICGS in this case fell within the exclusive cognisance of the House of Commons at least from the point at which it decided (under the supervision of the Commissioner) formally to investigate the complaint against the claimant. It is implicit in the Speaker's submission that the position before that is less clear.

21. Although Ms Hannett made some powerful arguments, I am not in a position to say today that the application of Parliamentary privilege is so clear that there is no serious question to be tried. That being so, it would not be helpful for me to say more. A further hearing is already listed for 17 March 2026, when the points can be argued more fully.

Since the point has not been determined before, it is appropriate that it should be determined as a preliminary issue, in accordance with the directions I gave on 19 December 2025.

22. For present purposes I proceed to consider the next stages of the test for interim relief. Since it was not seriously suggested by the Speaker that damages would be an adequate remedy, the focus must be on the balance of convenience.

**Balance of convenience**

23. Deciding where the balance of convenience falls involves comparing two scenarios which, at the interim stage, are necessarily hypothetical. The first is that interim relief is refused but the claim later succeeds. In that scenario, the claimant will suffer some damage. The second scenario is that interim relief is granted but the claim later fails. In that scenario, there will be some harm to the public interest, because the court will have prevented an investigative process which has been lawfully established under the aegis of the House of Commons from proceeding as intended and, if the Speaker's privilege argument is upheld, will have interfered with the internal workings of Parliament. The court's task is to weigh these two harms against each other.

24. In this case, Mr Newman says that serious the harm would be done to the claimant in the first scenario. The harm in question is that he might be required to spend time answering the complaints while litigating and, if the complaints resulted in findings which were ultimately made public, this would harm his reputation in ways which, in practice, could be irreparable. Mr Newman says that Mr Lowe is becoming a major force in politics. Justice is too slow to provide an adequate remedy.

25. In my judgment, the risk of harm of this kind is overstated. It is true that the investigation might result in Mr Lowe having to answer the complaint. But this will be done confidentially. I accept that this may occupy some of Mr Lowe's time, but there is no evidence and no reason to suppose that the task will be impossible, even if it has to be done at the same time as litigating. Mr Lowe has so far chosen not to engage the services of s solicitor but there is no evidence that he would be unable to do so.

26. It seems very unlikely that the investigation will have proceeded to the stage of making public findings by the time the preliminary issue is determined following the hearing on 17 March 2026. But even if it did, in the first scenario those to whom the findings were published would take into account that they were subject to legal challenge. As I said in *R (Barking and Dagenham College) v Office for Students* [2019] EWHC 2667, [2020] ELR 152, at [36], "a fair-minded observer learning of a decision critical of the claimant would factor in the existence of a pending legal challenge before reacting to it". This statement was approved by the Court of Appeal in *R (Governing Body of X) v Office for Standards in Education, Children's Services and Skills* [2020] EWCA Civ 594, [2020] EMLR 22, at [77].

27. On the other side of the balance, in the second scenario, Mr Newman suggests that very little damage would be caused by what he calls a "pause" in the investigation. I do not agree. Consistently with Court of Appeal's reasoning in the *Governing Body of X* case, it seems to me that there is a strong public interest in allowing a process established pursuant to resolutions of the House of Commons to take its course. The purpose of

that process was to provide an independent means for investigating complaints. The beneficiaries of that process are not limited to complainants. They also include constituents and the wider public, who have an interest in receiving any information the relevant authorities choose to publish to them about an MP who asks for their support. This public interest in the continued operation of the complaints process would be a weighty one in any case and would be especially so if, as Mr Newman says, the claimant is becoming a major political force.

28. For these reasons, I conclude that the balance of convenience falls firmly against the grant of interim relief. I would have reached that view even if there had been no plea that the proceedings were barred by Parliamentary privilege. The risk that interim relief would be an impermissible interference with the internal workings of Parliament is a further consideration which weighs against the grant of relief.

## Conclusion

29. The application for interim relief is therefore refused. The preliminary issue hearing will go ahead on 17 March 2026. The disputed issues of Parliamentary privilege will be determined in a written judgment following that hearing.