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**IN THE COMPETITION**  
**APPEAL**  
**TRIBUNAL**

Case No: 1722/3/3/25

Salisbury Square House  
8 Salisbury Square  
London EC4Y 8AP

Tuesday 20 May 2025

Before:

The Honourable Mr Justice Roth  
(Sitting as a Chair in England and Wales)

BETWEEN:

**Mr Peter Lyons**

**Applicant**

**V**

**Office of Communications**

**Respondent**

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**A P P E A R A N C E S**

Mr Peter Lyons representing himself

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Tuesday, 20 May 2025

(10.35 am)

Housekeeping

THE CHAIR: Good morning. These proceedings, like all proceedings before this tribunal, are live streamed, so I must start with a warning. It is strictly prohibited for anyone to make any unofficial recording of the proceedings or to take any visual image of the proceedings, and to do so is punishable as a contempt of court.

Mr Lyons, I see that, from what I've been told, you want to have the assistance of Mr Carpenter; is that right? Which of you is Mr Carpenter? If you stand up, please, Mr Carpenter. As I understand it, Mr Lyons has got severe dyslexia; is that right?

MR CARPENTER: Yes, and so might need help finding the relevant papers and so on.

THE CHAIR: I think there's a report about his dyslexia in the bundle that he's put in; an assessment by someone called Clare Smith, I think, which gives great detail and says that he meets the criteria for diagnosis of dyslexia and it's a long term condition and so on.

Mr Lyons, I see you were studying for a BSc in building surveying at Kingston, yes? Did you get it?

MR LYONS: Yes.

THE CHAIR: You did? Well done. With the dyslexia, that's a good achievement. So, yes, you can certainly assist, Mr Carpenter. It's very unusual for a McKenzie friend, actually, to address the court. It's normally to help the litigant rather than actually to speak. Are you asking to speak as well, or Mr Lyons?

MR CARPENTER: To begin with, if Mr Lyons is able to speak for himself, but with the autism, the environment can become overwhelming. It may be the case that he might need assistance running through any correspondence and documentation.

1 THE CHAIR: Yes. Well, I'm very happy for you to give that assistance, and I grant  
2 that permission. Just to check, you and Mr Lyons should have what's called a core  
3 bundle, which is the bigger bundle. Mr Carpenter can help Mr Lyons with that. That's  
4 a core bundle which has got quite a lot of tabs. Then I have on screen, but you may  
5 have it in hard copy, the two other bundles. One is a correspondence bundle, which  
6 has lots of emails in it and some letters. Then thirdly, there is a rather smaller,  
7 authorities bundle, which has got the 2024 order and a few cases in it, but it's fairly  
8 small. So I hope you've got those three bundles. Do you have those?

9 MR LYONS: Yes.

10 THE CHAIR: I have received, Mr Lyons, your skeleton argument and recently  
11 a supplementary skeleton argument. So I've got both of those now, I've read them,  
12 and they're very helpful. Thank you. I hope you've got also, as well as Ofcom's first  
13 response, they sent a further letter yesterday, a one page letter, dated 19 May. It's  
14 got two paragraphs. This letter makes two points. I think, in fact, you may refer to it  
15 in your ...- no, probably not. Have you seen that letter? It's- like that.

16 MR LYONS: No, because it came too late.

17 THE CHAIR: I think Ms Blackwood is giving you a copy. What it says is: the first  
18 paragraph says they do take the position that you have no standing to appeal the first  
19 two decisions. But why don't I let you read it, and we'll pause so you can have  
20 a chance to read it.

21 MR LYONS: Okay.

22

23 Application by MR LYONS

24 THE CHAIR: Right. Yes. Now, I understand you're seeking to appeal three decisions  
25 of the PSA, but the first two decisions, as you know, are not against you; they're  
26 against Powertel Limited, which is now in liquidation, and they impose sanctions on

1 the company, but not on you. The third decision was quite different.

2 Before we get to any question of an extension of time, which you're asking for, I need  
3 to understand on what basis you're saying you can bring an appeal against a decision  
4 which is not addressed to you, because you resigned as a director of the company  
5 many years ago, and it's now, of course, in liquidation. So, can you help me with that?  
6 Because that's really the preliminary question on the first two decisions.

7 MR CARPENTER: Yes, I --

8 ...

9 THE CHAIR: Yes.

10 MR LYONS: Obviously, I was a director during the period when the tribunal decisions  
11 took place.

12 THE CHAIR: Yes.

13 MR LYONS: So that was 2018 and 2019, I think.

14 THE CHAIR: Yes, that's right.

15 MR LYONS: I think I resigned as a director, if I remember correctly, at the end of  
16 December 2019. So I was obviously a director at that time.

17 THE CHAIR: Yes. A bit earlier, 5 December.

18 MR LYONS: Yes. Towards the end of- 5 December would be correct, sir, yes-.

19 Second reason is I was a shareholder of Powertel and I represented the company as  
20 a shareholder to defend the winding up petition and the statutory demand.  
21 Furthermore, I was a creditor of Powertel Limited as well.

22 I also actively defended the company from the winding up petition. When I was  
23 defending the company from the winding up petition, it had had a winding up order  
24 issued against it. I tried to rescind that winding up order.

25 THE CHAIR: Yes.

26 MR LYONS: And the High Court personally joined me to the proceedings of that, -...

1 that was by the High Court, so I was therefore joined and had to pay the costs  
2 personally, where I unfortunately was not successful in that case.

3 THE CHAIR: Yes.

4 MR LYONS: I was personally joined. Obviously the case affects me personally, as  
5 well. Importantly, whilst I was not formally named in the first two tribunal decisions,  
6 those determinations are now being directly relied upon against me in a High Court  
7 misfeasance case. I've never had the opportunity to challenge or appeal them and yet  
8 they're now being treated as findings of fact against me personally. I do have some  
9 case law, if you wish, which my friend's brought up, if you wish me to provide that.  
10 Should I do that or ...

11 THE CHAIR: Well, I've got two cases. One is the Unison case; is that right? The  
12 other is Hardy v Pembrokeshire County Council?

13 MR LYONS: Yes.

14 THE CHAIR: Yes. But I don't think either of them deal with the point that someone  
15 who ... - I mean, we're not in 2019 now. You've not been a director of Powertel -for  
16 many years. So, the fact that you were then, but it's now that you want to bring the  
17 appeal, and the fact that you were a shareholder, -I think you were the only  
18 shareholder, weren't you?

19 MR LYONS: I had all the shares.

20 THE CHAIR: -That's never been a reason why someone can bring an appeal for  
21 a company. Shareholders can't- bring an appeal on the name of the company.

22 As you know, and indeed, you make the point, there's a strong division between the  
23 company's personality and that of a director or shareholder. Yes, it has an impact on  
24 you, although I'm not sure.- I mean, if we look at the second decision of the three  
25 decisions, that's in the core bundle at tab 18. If Mr Carpenter can help you find that in  
26 the core bundle, the big white bundle, it's divided into tabs. There should be a tab 18;

1 | can you find that? -(Pause)

2 | Is that headed PSA tribunal meeting number 247?

3 | MR LYONS: Yes.

4 | THE CHAIR: Well, this is the second decision of the three decisions. If we go within  
5 | that document to page 7, the bottom of the page, you see the final sanctions; that's  
6 | what the PSA tribunal decided. At the very bottom, above the last line, which is  
7 | administrative charges, is:

8 | "The Tribunal imposed the following sanctions: a formal reprimand [to the company]  
9 | and a prohibition on the Level 2 provider [that's the company] from providing, or having  
10 | any involvement in, any premium rate service for a period of five years, or until all [the  
11 | penalties have been paid]."

12 | So, that was a prohibition on the company from having any involvement in a premium  
13 | rate service. Well, how does that decision affect you now?

14 | MR LYONS: It's (inaudible) for the case that I'm now being personally sued in the  
15 | High Court on the basis of these decisions.

16 | THE CHAIR: Yes, in the proceedings brought by the liquidator. Correct?

17 | MR LYONS: Yes. They're using these cases to validate the issue of ... in my personal  
18 | ... personally against that, I mean, it's ...

19 | --THE CHAIR: Yes.

20 | MR LYONS: But they are all sort of intrinsically linked. Between decisions one, two  
21 | and three, they have been used to build up the case.

22 | THE CHAIR: Well, this one is just saying you haven't paid the fine, basically- well, the  
23 | company hasn't- paid the fine that was imposed in decision one.

24 | MR LYONS: I did appear on behalf of the company at the tribunal decisions in person  
25 | as well.

26 | THE CHAIR: Yes. Well, when you were a director, you could speak for the company

1 on the company's appeal. If the company was now appealing, and appearing here, - if  
2 it were not in liquidation,- - then- you could speak for the company, but it would still be  
3 the company's appeal, you see? But this is not the company's application; it's your  
4 application, now, as you know.

5 So, I mean, it is a feature, I have to say, I find troubling, but that's, I understand, what  
6 you say, and particularly the effect it has, such as being relied on in the High Court.

7 Yes. If we then go to the extension of time, and you, of course, appreciate that the  
8 time limit, - if it's an appeal against Ofcom under the rules,- - is two months and this  
9 is years, so you need an extension of time. The time limit here expired, you know,  
10 five, six years ago. That extension needs exceptional circumstances, and I think  
11 you- understand that under the rules of this tribunal.

12 I mean, the first decision, that was the decision which was taken in September 2018.  
13 That was taken on 18 September 2018. So that was quite a while before you had that  
14 awful accident. You had correspondence with the PSA at the time. If we look at the  
15 correspondence bundle, mostly via email, I think. I think it's on page 12 in that  
16 document. (Pause)

17 If you've got the correspondence bundle, no, it's not the core bundle; it's a different  
18 bundle. On page 12, about a third of the way down the page is an email from you  
19 dated 2 October, Peter Lyons on behalf of peter@powertel to CAP Adjudications.  
20 Have you got that? "Dear Mr Liew"? Yes. The subject is, "Tribunal decision of  
21 18 September 2018":

22 "Dear Mr Liew,

23 "We do not accept nor acknowledge. There is no proof of claim nor proof of authority.  
24 We require a full INDEPENDENT review."

25 Then you refer to the relevant provisions of the code, 4.10.2. You say:

26 "The relevant decision was based on a material error of fact."

1 And you set that out, then give various details. Then on the next page, your email  
2 goes on:

3 "The relevant decision was based on an error of law and ULTRA VIRES; We require  
4 you to provide the details of PSA tribunal as recognised under the Courts and  
5 Tribunals Judiciary [and so on]."

6 And then you say:

7 "'The Tribunal' reached its decision through a material error of process in respect of  
8 procedures set out in the Code and/or Procedures published by the PSA from time to  
9 time."

10 And then again, you give some details. Finally, and I'm looking at what's in bold in  
11 your email, further down, you say:

12 "'The Tribunal' came to a decision that no reasonable Tribunal could have reached  
13 [which would be an error of law]."

14 And you say, at the very end:

15 "A full independent judicial review is required as this action is disproportionate, it kills  
16 small businesses while appearing to only serve yourselves and large companies."

17 Do you see that? So that's what you wrote to them and they replied on page 14.  
18 Again, it's I think in the middle of the page. There is an email to you dated 2 October  
19 from CAP Adjudications. I think it's dated 2 October. It says:

20 "Dear Mr Lyons ..."

21 Do you have that? You've found that.

22 "Thank you for your email, the contents of which are noted. You have stated that a  
23 'full independent judicial review is required'. Please be aware that a Judicial Review  
24 would have to be pursued in the Administrative Court and cannot be facilitated by the  
25 PSA. An adequate alternative remedy is available to you as under paragraph 4.10.1,  
26 you are entitled to seek a review of the Tribunal decision by a differently constituted



1 Tribunal. I have attached a form for you to make an application for review if you  
2 choose to do so."

3 So you were told that at the time, but you didn't seek a review by a differently  
4 constituted tribunal under 4.10.1, so you didn't do that. Although you said a full judicial  
5 review is required, you didn't go to the Administrative Court to seek a judicial review.-  
6 Well, why not?

7 MR LYONS: The reason was - well, first of all, there was no form actually attached to  
8 the email stated. Turns out there's some link which expires, so nothing was actually  
9 attached to the email.- Furthermore, to seek a judicial review was prohibitively  
10 expensive and beyond my means of wanting to also.- --

11 THE CHAIR: When you say prohibitively expensive...

12 MR LYONS: Yes.

13 THE CHAIR: You could do it yourself.

14 MR LYONS: I wouldn't have known at all how to.

15 THE CHAIR: Well, you're here today without lawyers.

16 MR LYONS: With assistance, sir.

17 THE CHAIR: You've got no lawyers acting for you, and you've brought an application  
18 here. Why couldn't you equally bring an application in the court?

19 MR LYONS: I was completely unable to deal with it at that point in time, and...--

20 THE CHAIR: Sorry?

21 MR LYONS: I was completely unable to deal with it mentally at that point in time.  
22 I'd received something in the order of 480 emails from the Phone Services Authority  
23 from 24 different email addresses. I was completely bombarded with bureaucracy and  
24 paperwork, and overwhelmed by it. I was --...

25 THE CHAIR: Just a minute.

26 So you're bombarded with paperwork and bureaucracy.

1 MR LYONS: Yes. I was overwhelmed and very upset and, obviously, down and very  
2 unable to deal with it emotionally at the time. I was in a bad state of depression around  
3 that time of what was happening.

4 I was also going through a personal divorce as well at the time and other personal  
5 matters, which made it very difficult to do it. But then I'm afraid, it wasn't- from being  
6 idle, -I just didn't know what to do, or how to pursue it, or (overspeaking).--

7 THE CHAIR: Well, you could have asked someone. They said Administrative Court,  
8 you could have asked someone or Googled it or ...

9 MR LYONS: Sir, I also wasn't aware at the time that I was neurodivergent, which is  
10 only recently come ... - I've recently been diagnosed ... -it is a lifelong condition, and it  
11 means navigating things like that. Very difficult to do when you're- locked in  
12 something. If I could have done it, I would have done it, I can assure you, sir.

13 Yeah, it's true. I did put my best efforts into it with all of the correspondence. I did my  
14 best to engage and -- but it seems a very coherently written message. I was having  
15 assistance at the time from other people within the company as well to help me write  
16 to the Phone Services Authority.

17 THE CHAIR: Yes.

18 MR LYONS: At the time I had to.-

19 THE CHAIR: There was Mr Cassidy, wasn't there? There was another director.

20 MR LYONS: There was Mr Cassidy who was assisting me; there was David Topping  
21 who was assisting me, and there was somebody else within the company as well,  
22 Mr Barton, who was assisting me with letters and writing and engaging with peers.

23 THE CHAIR: So, they could have helped you.

24 MR LYONS: Hmm?

25 THE CHAIR: They could have helped you take an application in the Administrative  
26 Court.

1 MR LYONS: I don't think anybody (audio error) what to do, sir, or what happened.  
2 I take it that would have been through the High Court. Is that correct?  
3 THE CHAIR: Yes, that's --right.  
4 MR LYONS: I've only recently, in the last month at the most, understood what that  
5 would have meant. But I did document it in my application to the CAT of exactly why  
6 I didn't seek a judicial review. I thought a tribunal would have oversight with  
7 someone -- like a body or perhaps even Ofcom themselves or someone would be able  
8 to oversee something like this and work out the fairness of the fine that this  
9 proportionality at the time being - it was such a huge overwhelming amount.-  
10 THE CHAIR: Yes. Well, that's why you wanted to challenge it, I understand. And you  
11 set out in your email different grounds of challenge; and you say a judicial review is  
12 required; and you're told that -- you formulated in your email the grounds of judicial  
13 review. So all you had to do was go to the High Court and make that application on  
14 behalf of the company. And at that point, you could do it on behalf of the company,  
15 because with the help of Mr Cassidy, Mr Topping, or anybody else, because you were  
16 director.  
17 MR LYONS: The company had very small financial means when this fine was issued  
18 and it wasn't possible to -- I did look into hiring legal representation and the fees were  
19 absolutely prohibitive.  
20 THE CHAIR: Yes.  
21 MR LYONS: Specialist telecom lawyers were £1000 or more per hour, and the  
22 company really didn't have those funds to be paying for that sort of specialist legal  
23 advice.  
24 THE CHAIR: Yes. Well ... (Pause)  
25 MR LYONS: Yes, it is true. Since becoming a litigant in person, I've become a lot  
26 more aware of what it's possible to do, recently, since January this year. And

1 that's - I've had a very fast education and learning curve this year I don't mind telling  
2 you. And I have been very lucky to be assisted by my very helpful friend who's a lot  
3 better than I am at dealing with and finding the routes, for which I'm- grateful to him.

4 THE CHAIR: Well, you say since January this year, but it's not just then, is it?  
5 Because, as you've just told me, when the PSA petitioned to wind up the company in  
6 the end of 2019, and then a winding-up order was made against the company -- you  
7 remember that - you were able to apply in the High Court to get it rescinded, and you  
8 did it. You made an application. You issued an application, you prepared -a witness  
9 statement. There was a hearing which you attended.

10 MR LYONS: Yes.

11 THE CHAIR: You managed all that.

12 MR LYONS: It was from April 2019 that the statutory demand was issued, which  
13 I suffered a head injury ...-

14 THE CHAIR: Yes.

15 MR LYONS: ... - on the way to defend that. It was really, the whole, -it isn't really until  
16 my personal self was being brought into this that it's become even more pertinent to  
17 defend this tooth and nail.

18 THE CHAIR: Well ...--

19 MR LYONS: And despite those injuries, I was still not left alone by the phone services.

20 THE CHAIR: Yes, but, I mean, it's not a question of whether you were left alone, to  
21 be fair. What I'm talking about is what you were able to do.

22 I mean, here's a copy of the application that you issued in the High Court. Perhaps  
23 just have a look at that. And there's a copy for counsel for Ofcom.

24 So this is January 2020. You issue an application in the Companies ... Insolvency and  
25 Companies Court, and you make a witness statement. Very clear statement, setting  
26 out the position.

1 MR LYONS: Yes, I was in the High Court.

2 THE CHAIR: Yes. So - -...

3 MR LYONS: I had the luxury of the assistance of the counter staff there helping  
4 me -- to help me to do that.

5 THE CHAIR: But you were able to do that. So you could have gone to the  
6 Administrative Court and asked for assistance and said, "I'd like to challenge this  
7 decision. I'm not quite sure how to do it. Can you help me a bit?" But you didn't do  
8 anything.

9 MR LYONS: I did everything I could within my abilities at the time, I can assure you.

10 THE CHAIR: But what I'm trying to understand is why it is that you were able to do  
11 this, and then you appeared at the hearing, but not do anything in another courtroom.  
12 Do you understand my question?

13 MR LYONS: I understand perfectly your question and I think I can answer it as best  
14 as this. -When I was in the court in person, speaking to people face- to- face, it was  
15 easier to do that than it is to deal with paperwork and emails and letters and  
16 bureaucracy, which I'm not able to deal with so well. Had I had more engagement on  
17 a personal level I could perhaps have done that, but it didn't- happen. And I did believe  
18 it would be prohibitively expensive too.

19 MR CARPENTER: Sorry, could you repeat the question?

20 THE CHAIR: Yes. It was, why is it that you were able to go to the Insolvency and  
21 Companies Court on Mr Lyons's own initiative to apply to rescind the winding up order,  
22 where you got help from the staff, but you weren't able to go to the Administrative  
23 Court and seek to bring judicial review and ask for help from the staff there?

24 MR CARPENTER: So, as I understand it was (inaudible) in the details of this. When  
25 the fine had been issued, and if Mr Lyons had gone to seek a judicial review -- I don't  
26 know if it was (inaudible) and that's why he's not gone down that avenue.

1 THE CHAIR: Well, yes.

2 MR CARPENTER: As I understand, he'd also spoken to the PSA on the phone who  
3 told him he's not personally liable for this at all. And so, as far as he was concerned,  
4 if, you know -- he was confused with everything that was going on, surrounding the  
5 whole situation.

6 I might add that I have helped a considerable amount putting all of this together and  
7 helping Mr Lyons get the diagnosis for autism and ADHD, because at the point he was  
8 at, he couldn't understand why he was having so much difficulty in actually bringing  
9 these claims forward, and, if you like, doing the correct thing by bringing the original  
10 case for a judicial review in the High Court.

11 THE CHAIR: Yes. Well, I think he ...- if you want to set aside a winding up petition,  
12 Mr Lyons did exactly the correct thing. He made an application. He made a witness  
13 statement. He attended the hearing. He wasn't successful, but he took the right steps  
14 at the time -...--

15 MR CARPENTER: Yes.

16 THE CHAIR: ...- because he was concerned about the winding--up petition. Yes, well  
17 then, I think I've- got your answers to that.

18 Then if we go forward a bit, then there was the third decision, which, of course, was  
19 a decision against Mr Lyons. That was in October 2020, and that was actually  
20 imposing a fine on Mr Lyons personally.

21 At the same time, by then the company was in liquidation. There was a liquidator, and  
22 the liquidator was starting to make investigations about Mr Lyons's running of the  
23 company. And at that point, Mr Lyons, you did instruct solicitors, didn't you? You had  
24 solicitors acting for you. We're now -- certainly by April of 2022. So, early part of 2022,  
25 you had solicitors.

26 If we go into the core bundle, tab 23, that's the big bundle. Have you got tab 23 there?

1 That's it. It's tab 13, which is very confusing, but it's actually in this bundle tab 23, and  
2 one turns over the page.

3 There's a letter dated 1 December 2021 from a firm called Wedlake Bell. Have you  
4 got that?

5 MR CARPENTER: Yes.

6 THE CHAIR: Yes. And it says:

7 "We act for Mark Wilson, Liquidator of Powertel Limited (the Company) ..."

8 Then there's a lot of detail on the letter. It talks about the code of practice, it talks  
9 about the code, it talks about tribunal proceedings -- it's a long, long letter -- and it  
10 talks about the duties of directors.

11 But if we go in this tab at page 11, that's the larger page numbers.

12 We've got a letter from "SB", that's Simon Burn Solicitors. Have you got that?

13 MR CARPENTER: Yes.

14 THE CHAIR: Yes. And it says:

15 "We write further to previous correspondence [so it's not their first letter] to confirm we  
16 have now had an opportunity to review your Letter of Claim dated 1 December 2021  
17 [which was the previous letter].

18 "In order to assist us in advising our client we should be grateful if you could please  
19 provide us with a copy of the evidence which was before the PSA Tribunal as referred  
20 to at paragraph 48 of the Letter of Claim. We should be grateful if you could also  
21 please provide us with copies of the PSA's requests for information and responses  
22 from our client referred to in paragraph 50 of the Letter of Claim."

23 Well, the client, that's you, isn't it, Mr Lyons? They were your solicitors.

24 MR LYONS: Yes.

25 THE CHAIR: So, you had, by the first part of 2022, solicitors acting for you. So they  
26 could have given you assistance in going to the Administrative Court, albeit late, -and

1 seeking to challenge the decisions of the tribunal because it's clear from the  
2 liquidator's solicitors, the decisions of the tribunal were going to be very relevant to the  
3 liquidator's enquiries. You said that's- indeed what happened.

4 So, why is it that even when you had solicitors you didn't seek at that time to challenge  
5 the tribunal, the PSA's decisions?

6 MR LYONS: It is quite a long time ago, I'm sure I would have tried to cover every  
7 avenue possible and, without going through numerous paperwork, I'm sure I would  
8 have been told it. Either I would not have been advised about it, or I would have been  
9 told it was out of time, and it was not a possible route.

10 THE CHAIR: Well, I can tell you, it was out of time as it is now. It's just now even  
11 more out of time. You would have to ask for an extension then, just as you're asking  
12 for an extension now, and no doubt you would have given the same reasons as to why  
13 you hadn't done it in time that you've just given to me, but it would have been in 2022,  
14 not in 2025.

15 MR LYONS: Well, it could also be stated that the liquidator could also, on behalf of  
16 the company, have done that as part of his duties.

17 THE CHAIR: He could.

18 MR LYONS: To mitigate the ...--

19 THE CHAIR: He could, but he didn't, and you knew that. So I'm dealing with why you  
20 didn't do it, not with why the liquidator didn't.

21 MR LYONS: I tried every single avenue. I've covered so many different areas in this  
22 case for the best part of nine years now, and I've explored every avenue within my  
23 capabilities that I've been able to do within my powers. And I've done my very best,  
24 that's all I can tell you, to do this.

25 I'm certain that I would have been told that I cannot. - I've been told multiple times  
26 I cannot challenge the fine. The court will not have it. The court will not challenge the



1 fine. They will just take it as read, I'm told, you know, things like  
2 PhonepayPlus v Ashraf that the fine cannot be challenged. I've- been told that  
3 unequivocally.

4 THE CHAIR: But you're here wanting to challenge it.

5 MR LYONS: I certainly am, and I think, in -- perhaps, just perhaps, the clock has  
6 restarted with Ofcom becoming the creditor and being the right authority to have here  
7 today to challenge that. Perhaps on that basis it could be in time. I'm hoping. (Pause)  
8 All I can really highlight is I'm, you know, directly and materially affected by these  
9 decisions, which is why I'm saying I have standing to appeal these -- to these three  
10 decisions. No appeal was made by the liquidator. I've been denied a remedy  
11 everywhere that I've turned. I've been targeted personally by the PSA and their  
12 decisions on this. I was named the whole time in the correspondence all the way  
13 through. I was the named contact on behalf of Powertel with the Phone Services  
14 Authority. They addressed me, they contacted me. They spoke to me.

15 THE CHAIR: Well, you clearly had standing to challenge the third decision. It was  
16 against you. And, before the company went into liquidation, you would have been  
17 able, on behalf of the company, to challenge the first two decisions. As a director.

18 MR LYONS: At the time, it was most definitely prohibitively expensive to have  
19 challenged the decisions as -- from all of the avenues that I had explored. The  
20 company had very little funds in 2018 and 19 to finance challenging it. I understand  
21 that challenging such a decision would be probably at least £50,000 ...

22 THE CHAIR: In legal fees, you mean? In lawyers fees, is what you're talking about,  
23 is it?

24 MR LYONS: I believe so. Court costs. There's ... (Pause)

25 And there is the solicitors I'd have been up - I don't even know that- the solicitors I was  
26 up against being Wedlake Bell were the same solicitors representing the Phone

1 Services Authority, who's now representing the liquidator in a fiction of continuity. But  
2 I would be up against them trying to defend it and they just appear to be -r working  
3 under a CFA which would have made it very, very difficult to fight when they have  
4 insurance policies and it's a real inequity of arms, that's -- to deal with it and I found  
5 that to this day.

6 THE CHAIR: Yes.

7 MR LYONS: So, where we are now... I'm sorry, I'm just a guy doing my best, trying  
8 to navigate everything that I've done. But I can see I've written this in my own  
9 handwriting. (Pause)

10 Yes, it's true. This is quite a simple document, which I did have help from the court  
11 staff to advise me what to -- not what to write, of course, but the case number, how to  
12 lay it out.

13 THE CHAIR: Yes.

14 MR LYONS: It was very helpful being there in person. Perhaps, you know, hindsight  
15 is a wonderful thing. Perhaps I should have just got on a train and gone to the  
16 High Court. I didn't even know it would have been the High Court. I was just told it  
17 was, you know, it was ...-- what was the terminology?

18 THE CHAIR: Administrative Court.

19 MR LYONS: I didn't even know what it meant at the time. I really did not.

20 THE CHAIR: You didn't write back and ask them, did you?

21 MR LYONS: I wrote to them several times.

22 THE CHAIR: You didn't reply to that email saying, "Where is the Administrative  
23 Court?"

24 MR LYONS: I called them on several occasions. I tried to engage. I went in person  
25 to the tribunal. They should have put a big red hand pointing to where I should go and  
26 signpost me there if it was that important.

1 MR CARPENTER: Got that document?

2 MR LYONS: Yes, I do have the - I'm sure you've seen it, sir, but the whole way that  
3 I found their terminology and acronyms... It's not highlighted on these but, you know,  
4 it was- very, very, confusing.

5 I even believe that - ,, I think I even believed that there was an avenue via the CAP,  
6 I think, which appeared to be their own internal- ...

7 Yes, that's the one, yes. Thank you so much. Tab 15. Thank you so much. Thank  
8 you.

9 MR CARPENTER: Is that in the main bundle?

10 MS BLACKWOOD: Is it in the core bundle?

11 THE CHAIR: Yes, it's in the core bundle. Well, this was before the decision, I think.  
12 But - -...

13 MR LYONS: It's an example of the sort of things I was being subjected to ...--

14 THE CHAIR: Yes. I think - -...

15 MR LYONS: -... -that caused me a huge amount of confusion. I'm just trying to  
16 highlight from my mind how it all seems to me and the complete bewilderment I'm  
17 under from various acronyms, administrative, whatever it is.

18 Yes, and I had also -in fact, you know, maybe mistakenly, I was also under the belief  
19 that the fine was invoiced. I've never heard of a fine being invoiced, but it was invoiced  
20 nonetheless. I looked -and- there was obviously no separation of powers at the Phone  
21 Services Authority because they wrote the rules, investigated, everything all under the  
22 same roof. I couldn't see how the process could be actually legal in my own mind  
23 anyway. Though I looked for them, they were not registered under Her Majesty's  
24 Courts and Tribunals Service, as it was at the time. So, they were not listed anywhere  
25 as a tribunal,- yet they called themselves a tribunal.

26 I found the whole matter completely confusing, and I actually just didn't

1 understand. - I'd also been informed by someone else within the company,  
2 Dr Topping, who had much greater knowledge than I had that the fines were  
3 administrative fines only and were not enforceable on some sort of level. I was just  
4 completely bewildered and confused with the whole process.

5 I can only reiterate I'd had something like 480 emails from the Phone-paid Services  
6 Authority from 24 different members of staff which I did my best to answer all of those.  
7 It was a very difficult thing for me to navigate; I think it would be difficult for any person  
8 to navigate, quite honestly. I found it ...

9 I tried to ask them on several occasions for advice, what I should do. I was just told  
10 to get legal representation. I was just -- there was no meaningful help or -- and  
11 unfortunately, the area seemed to be such a niche area that there wasn't a wide range  
12 of information about it to assist me. It seems to be very narrow and difficult to obtain  
13 information about.

14 THE CHAIR: Yes. When they said you can apply, on the first decision, for review by  
15 a separate tribunal and you had a copy of the code because you quote from it in your  
16 email, why didn't you do that? That was pretty straightforward.

17 MR LYONS: I'm sure someone would have had assisted me with that and have  
18 pointed the code out to me to quote that.

19 THE CHAIR: Yes.

20 MR LYONS: I don't particularly have an in depth knowledge of what that code is.

21 THE CHAIR: No, but somebody obviously was looking, because you write this  
22 detailed email complaining about the one we looked at with the bold where you asked  
23 for a review --

24 MR LYONS: Yes.

25 THE CHAIR: W-hich is -the one in the correspondence bundle on page 12 and  
26 page 13, 12 to 14. Mine isn't tabbed; what's the tab number?

1 MS BLACKWOOD: It's tab 4.

2 THE CHAIR: Tab 4, I'm told.

3 MR LYONS: "As per 4.10.2" --

4 THE CHAIR: That's right.

5 MR LYONS: I wouldn't be able to tell you what on earth that is.-

6 THE CHAIR: Well, somebody was helping you who was obviously able to do that.

7 MR LYONS: The help I received was very limited.

8 THE CHAIR: Well, I have to say, you write a very detailed email. If you had help,

9 that's fine. You were making various specific grounds of challenge. So, someone

10 clearly has looked at the code and the response that you get, that we've also looked

11 at, is that there isn't a remedy, either you apply for judicial review in the Administrative

12 Court or, and that's on page 14, under paragraph 4.10.1 by a differently constituted

13 tribunal. You say they didn't attach the form: they say they attach a form; you say they

14 didn't, so the obvious thing is to write back saying, "Well, you say attach a form; you

15 haven't. Please send it." You don't need great abilities to do that, do you?

16 MR LYONS: Of course, to be very literal, it's obvious the form is not attached because

17 it's a link to it which expires.

18 THE CHAIR: I see.

19 MR LYONS: Not a permanent attachment to refer to. They use some sort of through

20 interface.

21 THE CHAIR: Yes, but you said you had people helping you so it wouldn't be difficult

22 to ...

23 MR LYONS: I don't know whether it would be helpful to look at what 4.10.2 actually

24 states or refers to?

25 THE CHAIR: Yes.

26 MR LYONS: The code. I'm clearly doing my best to dispute it and - -...

1 THE CHAIR: Yes, and they're saying you can.

2 MR LYONS: - ... -it's not accepted.

3 THE CHAIR: Yes. And they're saying you can apply for a review. 4.10.2 says the  
4 various things that are quoted from in your email. They say if you wanted to have  
5 a reconsideration, that you apply on this form. You tell me it's a link. But you didn't  
6 seek, with anyone's help to use the link, fill out the form and make the application?

7 MR LYONS: No, sir, but I'd be very interested to know what that form was that was  
8 attached there. It's impossible to see and now to refer to it. I would like to see exactly  
9 what that form refers to and what they're suggesting it is I should have done on that  
10 form. And that's not possible to do, unfortunately.

11 THE CHAIR: Yes.

12 MR LYONS: It's a temporary link, so to speak.

13 THE CHAIR: Yes.

14 MR CARPENTER: I was going to say I think it's worth noting that Mr Lyons has been  
15 since diagnosed with ADHD, which can make it very difficult when you've got  
16 something like this and a request in.

17 THE CHAIR: But he had help from Dr Topping, Mr Cassidy, and, he said, someone  
18 else?

19 MR CARPENTER: I'm not sure if that was on a consistent basis though.

20 THE CHAIR: Well, at the time of the -- he said in writing this letter, in writing his email  
21 at that time, Mr Cassidy was a director of the company at that time.

22 MR CARPENTER: Mr Lyons, yes.

23 THE CHAIR: And Mr Cassidy.

24 MR CARPENTER: Yes, Mr Cassidy, but I would note that Mr Cassidy wasn't based  
25 in the office, as I understand. He had a full time job aside from this.

26 THE CHAIR: Yes.

1 MR LYONS: The help was sporadic at best, and I sometimes would have to wait days  
2 or weeks to get help from a colleague.

3 THE CHAIR: Yes. But you didn't do anything weeks later?

4 MR LYONS: I can't agree I just didn't do anything. I did everything I could within my  
5 power or actually to the best of my ability.

6 THE CHAIR: Yes.

7 MR LYONS: I apologise if that wasn't good enough, but it's everything that I could  
8 do.- Hindsight's very easy to say what we could or should have done, but -at the time,  
9 I did the best within my means and my circumstances.

10 I mean, either way, I can only reiterate that these decisions are affecting me personally  
11 and being used against me personally. And I think really, you know, I was joined  
12 personally. I paid those court costs personally. I think that should give me some right  
13 to have a voice against what's going on here and appeal against that, because this is  
14 the basis for these disproportionate fines, as I would say they are; against the  
15 Communications Act I would say they are and against the basic, well, certainly the  
16 spirit of the law.

17 I feel I should - ... it would deny me the right to access the justice even under Human  
18 Rights Act article 6 to a fair trial to not be able to --challenge.

19 MR CARPENTER: So, following on from this...

20 MR LYONS: That's ... I think I have a right to question what's occurred here. I know  
21 it's a long time ago, but that opportunity has now, you know, opened up since January  
22 or February of this year with the ... what's it called?

23 THE CHAIR: The transfer to Ofcom.

24 MR CARPENTER: Transfer to Ofcom, yes.

25 MR LYONS: 2024 --

26 THE CHAIR: The audit, yes.

1 MR LYONS: Yes, yes.

2 THE CHAIR: I understand.

3 MR LYONS: Exactly. I mean, these liquidators are trying to take everything from me.  
4 I'm having threats from their solicitors. I stand to lose everything. They terrorise me  
5 and threaten me over these fines which I need to have the basis and standing to  
6 appeal them in the interests of justice, I would say.

7 MR CARPENTER: Yes, I think it's worth noting the PSA. I mean, having reviewed this  
8 myself, seeing the fact that the PSA is no longer running and is defunct and the powers  
9 that have moved back to Ofcom and the way that they're now managing these cases,  
10 I think it would have been very unlikely that Mr Lyons would have even received the  
11 fine to begin with as a result of the first tribunal.

12 The way the PSA had constructed this whole setup, there was no warning or prior  
13 attempt to rectify any break in any code in this practice. There was no engagement.  
14 It was just a simple, "You've done the wrong thing; we're going to take it to the tribunal",  
15 whereas as I understand now, I believe it's the PRS order that you would engage or  
16 effectively, the PSA would have engaged with Mr Lyons to rectify the situation before  
17 it had even got to the position where he would have been fined and he would have  
18 had the opportunity to remedy the situation that had resulted in the tribunal even being  
19 heard. I think.--

20 THE CHAIR: Yes, but what I have to think about is, I'm not hearing the appeal at the  
21 moment. It's the extension of time.

22 MR CARPENTER: So, I think the extension of time when you consider the amount of  
23 correspondence that Mr Lyons had had with the court and how exhausting it would  
24 have been to correspond back and forth, and it's over a very prolonged period of time  
25 that it had been. The tribunals, as I understand, and I've only seen the details, had  
26 been very long and drawn out and involved meetings and various different interviews



1 and attendances all over the place. It was mentally exhausting on Mr Lyons to deal  
2 with this, and off the back of having dealt with all the tribunal mechanisms, bringing an  
3 appeal via the correct avenue, I think he was just completely mentally exhausted with  
4 the situation.

5 MR LYONS: Perhaps to put it into context, I asked the Phone-paid Services Authority  
6 to provide the data that they held on myself and the case and I was particularly looking  
7 for a copy of a phone call where I was told I would not be held personally liable for any  
8 of the phone services, charges or fines, et cetera by Jessica Allison, who was then the  
9 head of the enforcement team or certainly investigations team at the Phone Services  
10 Authority.

11 The Phone Services Authority responded to me stating they had 35.8GB of data to go  
12 through on the case. I actually looked into this -and they said it was all in emails and  
13 correspondence.-

14 MR CARPENTER: Two seconds, sorry. It's worth noting that we did actually ask  
15 Ofcom themselves to review this case, and they themselves took seven weeks with  
16 a team of people just to review the tribunal decisions and come to where they stand  
17 with this and issue a formal report as to where they stand. So, if it's going to take  
18 a body such as Ofcom seven weeks to deal with the correspondence relating to this,  
19 bear in mind we were pressing and being told deadlines kept getting extended and  
20 extended and extended - we actually spoke to Ian Strawhorne, who is in this room at  
21 the moment regarding this.- - It can hardly be reasonably expected for the  
22 layman- to ...

23 I mean, it looks very simple at face value when you say he could have simply  
24 responded to the email, but when you're presented with such a large amount of  
25 information at points, it's reasonable that Mr Lyons would have made a mistake of  
26 some sort.

1 MR LYONS: Yes, I was going to, if it was helpful, put it into context of the 35.8GB of  
2 data that they apparently held on myself in this case that they had to go through, which  
3 was all as emails and letters, supposedly. I worked out, if you were to print that on A4  
4 pieces of paper and stack it up, it was higher than the highest building in Canary Wharf.  
5 That building is 235m tall. My stack of papers would have been 1,850m tall as A4  
6 pieces of paper, stacking it up, just to put it in context - -...

7 THE CHAIR: That's your building surveying degree coming into application.

8 MR LYONS: ...- of what I was trying to deal with. That's where I was.- - P-lease picture  
9 that.

10 THE CHAIR: Yes. Is there anything else you want to say to me?

11 MR LYONS: Just to reiterate, I had the eight points regarding my standing. I think  
12 I had everything: I was a director during the relevant period; I was named; I was  
13 a shareholder, which we've covered; I actively defended the winding-up petition; was  
14 joined tot he proceedings, I tried to rescind it, but paid the costs personally. I'm now  
15 being personally sued in the High Court on the basis of those decisions. The PSA is  
16 targeting me on the earlier decisions that -... it's not just the third decision I'm- being  
17 targeted on; they all come as a package, so to speak. All three of them. A trilogy of  
18 them.

19 No appeal was made by the liquidator, who could also have mitigated the fine, so I'm  
20 doing that on his behalf, potentially, as -- Ofcom, I've tried to appeal to as well, and  
21 they've said their position is they're not going to do anything, basically, as far as  
22 I understand it. I'm directly and materially affected. I think those are my points.

23 THE CHAIR: Yes.

24 MR LYONS: I think that covers it, unless I've forgotten anything.

25 MR CARPENTER: I think the only other thing to mention is the fact that the legislation  
26 around this has changed as of the beginning of this year and is now back with Ofcom,

1 rather than being with the PSA themselves. That, in my view, has opened up the  
2 opportunity to bring it to the Competition Appeal Tribunal.

3 MR LYONS: I am pleased that I've acted to the best of my abilities,- in good faith,  
4 t-o - at all times to try and defend the company and ensure its success. I'm now  
5 fighting for my own personal survival, so to speak, in- this. Thank you.

6 THE CHAIR: Yes. Thank you. Well, I will take a break. I think I was asked that we  
7 should have some breaks. I will come back at a 12.15 pm.

8 MS BLACKWOOD: Before we break, and I just, I know we've covered a lot of ground  
9 this morning already.-

10 THE CHAIR: Yes.

11 MS BLACKWOOD: -I just wanted to check what would be of assistance to me to  
12 address you on when we come bac-k. There's the standing issue, there's jurisdiction,  
13 and then the extension of time point.

14 THE CHAIR: Yes. Well, I think I'll reflect on it and I'll tell you when I come back.

15 MR LYONS: Thank you, sir.

16 (11.49 am)

17 (A short break)

18 (12.19 pm)

19

20 Judgment (submitted to the learned judge for approval)

21 (12.55 pm)

22 THE CHAIR: Yes, Ms Blackwood?

23 MS BLACKWOOD: Thank you, sir. Just to make clear that Ofcom are not seeking  
24 the costs of the hearing today.

25 THE CHAIR: I think that's a very sensible course to take.

26 That concludes this hearing. There's no application by Ofcom for costs against you,

1	as sometimes happens when the party's unsuccessful. That concludes this hearing.
2	(12.55 pm)
3	(The hearing concluded)
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