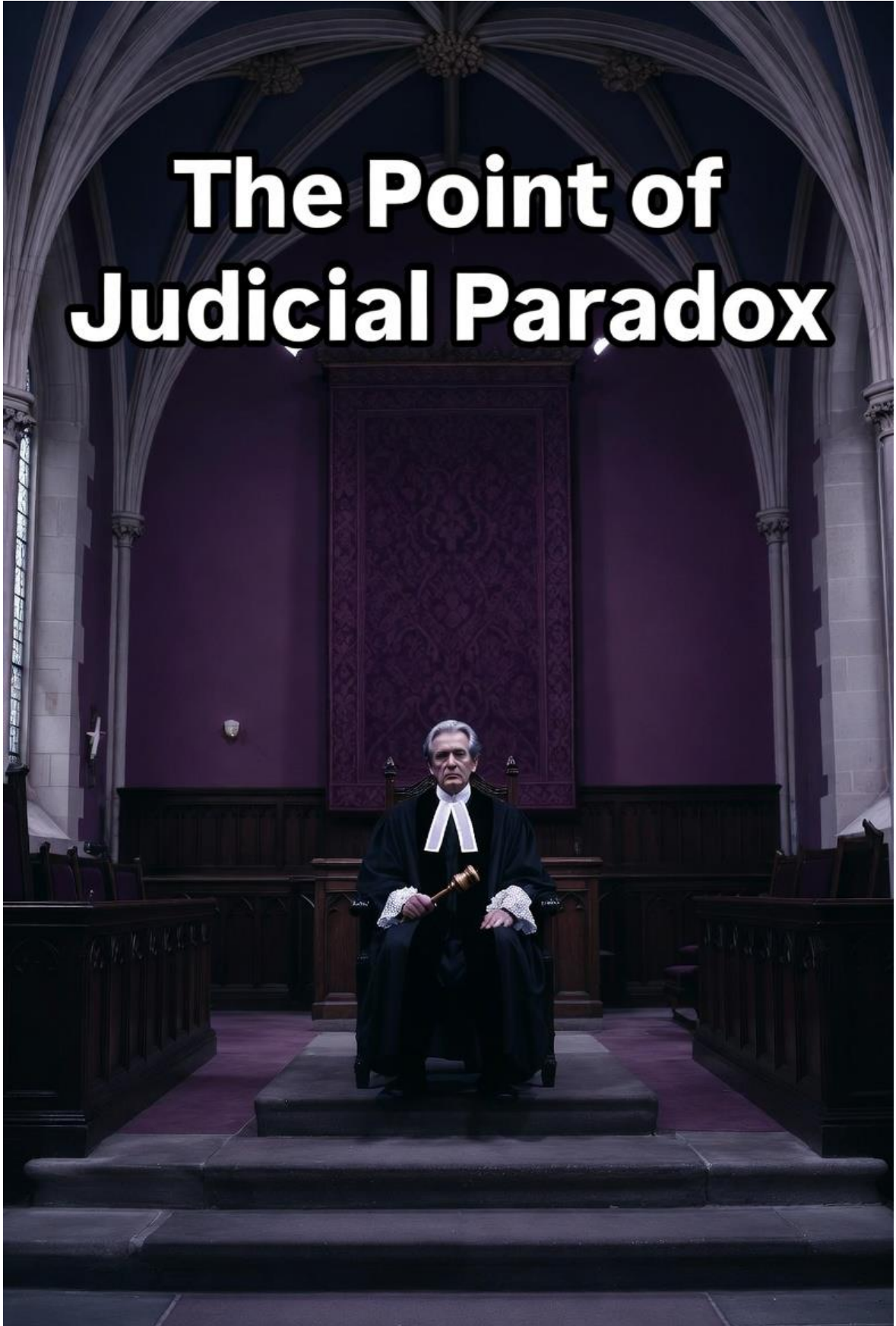


# The Point of Judicial Paradox



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**A public report and exposé**

**Author: Ian Clayton**

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## 1. Purpose of this report

This report sets out cleanly and evidentially the core paradox now visible in the public record:

When allegations concern potential state-level wrongdoing, the legal system's core safeguard (judicial visibility) can become structurally dependent on the very institutions whose decisions are being questioned.

In practice, the court is repeatedly asked to defer to "independent investigator" discretion, at the same time as the evidence base now includes national coordination material that appears to have shaped how complaints were recorded, characterised and channelled - sometimes explicitly to "reject" public reports and to route information into internal intelligence systems instead.

This is not an argument for any predetermined conclusion. It is a statement that the public record now shows a serious accountability gap which cannot be closed by deference, silence, or procedural finality.

## 2. The evidential spine

This report rests primarily on the following disclosed / filed materials:

Police Scotland FOI Response (FOI 25-0673, 20 March 2025) confirming that the relevant directive was published “on the advice of the NPCC” and that “the decision to issue the directive came via the Gold Command.”

The Speirs / Operation Talla directive (internally published within Police Scotland on 25 Jan 2022) instructing that requests for assistance aligned with vaccine-allegation “papers served” / “criminal offences relating to the vaccine” are to be rejected, with a SID entry for Operation Norden and CVI entry to Operation Talla.

NPCC FOI disclosures showing internal policing email threads and language including:

“guidance to not record has been a success” (and that only one additional report had been created)

the Weatherill forward of “Anti Vax Letter” (and related threads), with Weatherill described as “NPCC lead for the Covid Public Inquiry” in 2025

press-line drafting asserting “no criminal investigation” and “no further action”

Judicial Review materials:

Administrative Court order refusing permission and certifying the claim “totally without merit” (Poole J, 17 Nov 2023), with reasons referencing a “very high hurdle” for courts to disturb investigator decisions, and noting an MPS “very clear and definitive decision not to record” by 18 May 2022.

MPS Summary Grounds recording: (i) notification on 21 Feb 2022 of “insufficient evidence” to pursue a criminal investigation; (ii) position maintained on 18 May 2022 that allegations did not disclose a criminal offence; (iii) further correspondence would be “recorded and reviewed” but “not... acknowledged or responded to”; and (iv) reliance on the Covid Inquiry as the “better... remedy” at that time.

Public correspondence records: formal notices of non-response windows closing, and publication in the public domain to preserve the evidential record and transparency.

### **3. Chronology (the key sequence)**

20 Dec 2021 - A complaint is received and a crime reference number issued

The Speirs directive itself states: “The Metropolitan Police Service received a complaint... on 20 December 2021... [and] provided... a crime reference number and is reviewing the content of the documents.”

18 Jan 2022 - NPCC/NPoCC national messaging about “this week” and “attempts to report ‘criminal’ offence complaints”

NPCC disclosures include a document attributed to ACC Owen Weatherill (then described with Op Talla / NPoCC roles) addressed to Chief Constables / Duty Gold Officers about the “potential for imminent organised targeted criminal activity... this week,” referencing “attempts to report ‘criminal’ offence complaints... to engage the police.”

25 Jan 2022 - Operation Talla-aligned directive: “requests should be rejected” and internal intelligence routing

The directive provides operational instruction:

“Should any officer or member of staff be approached... these requests should be rejected.”

“A SID entry should be submitted... Operation Norden, and Operation Talla should be informed via a CVI entry.”

Signed: “ACC Alan Speirs - Operation Talla Silver Commander.”

21 Feb 2022 - MPS notifies “insufficient evidence” to pursue a criminal investigation

The MPS Summary Grounds record notification to the claimants on 21 February 2022 of “insufficient evidence” for a criminal investigation.

18 May 2022 - MPS maintains decision not to record as crimes; further correspondence “recorded and reviewed” but not answered

The Summary Grounds record a maintained position that the allegations did not disclose a criminal offence and that any further correspondence would be “recorded and reviewed” but not acknowledged or responded to.

17 Nov 2023 - Administrative Court refuses JR permission; “totally without merit”; emphasises deference

Poole J refuses permission and certifies the claim as totally without merit; reasons include:

by 18 May 2022 there had been a “very clear and definitive decision not to record”

courts will disturb such decisions only in “highly exceptional circumstances,” citing Corner House and Sona Oil

20 Mar 2025 - Police Scotland FOI confirms NPCC/Gold Command provenance of the directive

Police Scotland’s FOI response states:

“published on the advice of the National Police Chiefs’ Council and the UK Gold Command Structure...”

“The decision to issue the directive came via the Gold Command.”

2025 - NPCC FOI disclosures show “guidance to not record” and internal comms about “Full Fact” / “Anti Vax Letter”

A disclosed thread states:

“guidance to not record has been a success as only one additional report has been created.”

Other disclosed emails show Owen Weatherill forwarding “Anti Vax Letter,” with his 2025 signature line: “NPCC lead for the Covid Public Inquiry.”

#### **4. The paradox explained (what the record now shows)**

4.1 The court is asked to defer to “independent investigator” discretion

In the JR refusal, the court’s logic follows an orthodox line: investigative and prosecutorial decisions are disturbed only exceptionally.

This is not, in itself, controversial. It is a standard rule-of-law principle: courts do not run investigations.

4.2 But the same record now contains evidence of coordinated non-recording / rejection architecture

The Police Scotland FOI response ties the directive’s provenance to NPCC advice and UK Gold Command.

The directive itself operationalises that provenance into a concrete instruction: reject the requests and route the matter into intelligence channels (SID/CVI), explicitly naming Operation Talla.

And the NPCC disclosures contain an explicit measurement statement that “guidance to not record” was “a success.”

#### 4.3 The resulting structural effect

When a court defers to “independent investigator” discretion but the recording environment is shaped by national coordination / guidance and internal “do not record” success metrics, a constitutional problem emerges:

Judicial review becomes dependent on the surface form of the record (“no crime recorded,” “no investigation launched”), whilst evidence suggests the system’s internal handling may have been designed to prevent certain matters reaching the visible threshold of recorded crime / investigatory duty in the first place.

That is the “Judicial Paradox” this report names:

the legal safeguard relies on visibility; the governance architecture can reduce such visibility.

## 5. Specific evidential facets

## 5.1 The Speirs / Operation Talla directive: not merely commentary, but workflow control

The directive does three critical things at once:

It asserts a narrative: that a CRN was “widely misrepresented,” and that “no such investigation is taking place.”

It gives a direct operational instruction: “requests should be rejected.”

It substitutes recording with internal intelligence processes (SID/CVI) and routes attention to Operation Norden / Operation Talla.

Even if a reader accepts the directive’s public-safety concerns, the governance issue remains:

this is national command architecture shaping the boundary between “reportable crime” and “reject and intelligence log.”

## 5.2 Police Scotland FOI: NPCC advice and UK Gold Command provenance

Police Scotland did not describe this as a local, discretionary choice. The FOI response says the directive was published on NPCC advice and Gold Command structures and that the decision came via Gold Command.

This is precisely the type of provenance that raises public-interest questions of democratic accountability:

Who authorised the policy boundary? On what evidence?  
With what safeguards?

5.3 NPCC FOI disclosures: “do not record” described as a measured success

The disclosed statement - “guidance to not record has been a success” is unusually direct.

It suggests the existence of:

a defined instruction (“guidance”),

an intended effect (“not record”)

and an evaluative outcome (“success,” with a numeric indicator: only one additional report - in West Yorkshire).

Regardless of anyone’s view on underlying allegations, a national “do not record” success metric is, on its face, a serious governance signal.

5.4 The “Full Fact / Anti Vax Letter” threads: comms alignment and onward forwarding

NPCC disclosures show internal email activity relating to press-lines and external-facing messaging, including draft lines stating:

“The Metropolitan Police will not be launching a criminal investigation... no further action...”

They also show Owen Weatherill forwarding the “Anti Vax Letter” thread in 2025 while described as NPCC lead for the Covid Public Inquiry.

This matters because it raises a governance integrity question (not an allegation):

Why are historic operational comms being forwarded from an Inquiry-lead position and to whom, for what purpose?

5.5 Judicial review: deference, finality, and the “out of time” lock-in Poole J’s order records that by 18 May 2022 there was a “very clear and definitive decision not to record” and the claim was out of time; it is also certified “totally without merit,” removing the option of renewal to a hearing.

The effect is that:

the investigative decision is insulated by deference doctrine and the route to challenge is constrained by procedural strictness and finality.

This is not necessarily “wrong” in law. But it becomes constitutionally fraught when paired with the later FOI disclosure record indicating national-level “do not record” guidance and Gold Command provenance.

5.6 The MPS Summary Grounds: “insufficient evidence” and Inquiry-as-remedy framing

The Summary Grounds emphasise (i) insufficient evidence (Feb 2022), (ii) allegations not disclosing a criminal

offence (May 2022), and (iii) reliance on the Covid Inquiry as the better alternative remedy at that time.

Separately, the grounds also emphasise the conceptual boundary: the MPS must first decide whether the complaint “actually amount[s] to complaints of criminal conduct that require investigation.”

This is the legal “hinge” and it is exactly where recording policy and national guidance become decisive in practice.

5.7 The public correspondence record: institutional silence as a documented fact-pattern

The Ethical Approach UK published “notice of expired response period” frames the ongoing silence as an evidential circumstance and signals publication for transparency.

This matters because sustained institutional non-engagement often becomes the environment in which paradoxes persist: no forum answers the core questions, so the boundary decision remains unexamined.

## **6. What is now reasonably arguable from the record (and what is not)**

Reasonably arguable from the disclosed/served documents

A directive existed instructing officers to reject certain requests and to route via SID/CVI entries, tied to Operation Norden / Operation Talla.

Police Scotland attributes the directive's publication decision to NPCC advice and UK Gold Command structures.

Internal NPCC disclosure material contains explicit language about "guidance to not record" being "a success."

The court refused JR permission and emphasised deference doctrines and time limits; the MPS position was treated as a definitive "decision not to record."

NPCC disclosures show messaging coordination re public claims of a "live investigation," and the existence of press-line drafting to counter those claims.

Not established by these documents alone (and should not be asserted as fact without further proof) - The identity and purpose of any undisclosed recipient of the forwarded emails. (The recipient field appears withheld/redacted in the disclosed material.) Any specific criminal intent or conspiracy by named individuals requires investigative proof, not inference.

## **7. The accountability questions that now arise (and why they matter)**

Based strictly on the evidence above, the following questions are now unavoidable in a democratic society:

What precisely was the NPCC advice referenced by Police Scotland and what evidence base supported it?

What did “guidance to not record” mean operationally, and who authorised it?

Why was the workflow designed as reject and intelligence log (SID/CVI) rather than record and investigate and close?

How does a court meaningfully review “independent investigator discretion” when the record environment may have been shaped to minimise recordable crimes?

What governance safeguards existed to prevent “national coordination” becoming “national non-recording” without transparent accountability?

## **8. The “Point” of the Judicial Paradox (why this matters beyond one case)**

The point is not to litigate public opinion.

The point is this:

If a system can lawfully say:

“No crime recorded,” therefore “no duty triggered,”  
therefore “no investigation,”

and can do so whilst also maintaining:

“guidance to not record has been a success,”

“requests should be rejected,”

“decision... came via Gold Command,”

...then the constitutional risk is that the legal system’s visibility threshold becomes a controllable variable.

In such a world, judicial deference, normally a safeguard against politicised courts, can be repurposed into an unintended shield for politicised governance.

That is the paradox.

## **9. Proposed “public clarity requests”**

If this report is circulated to institutions, the most constructive next step is to request specific clarifications, such as:

Confirmation of the exact NPCC document(s) constituting the “advice” referenced by Police Scotland, including dates and recipients.

The definition, scope and authorisation chain for “guidance to not record.”

The policy basis for rejecting requests and routing into SID/CVI entries (including retention, audit, and oversight).

The audit trail: how many such “rejected requests” occurred, across which forces and what governance reporting existed.

These questions do not assume wrongdoing. They simply insist on accountable explanation.

## **10. Closing Statement observations**

The evidential record now shows more than a disagreement about a single complaint. It shows a governance architecture which appears capable of managing the boundary between public allegation and recordable crime, at national scale, whilst remaining largely outside meaningful judicial visibility.

Where that is true, the point of judicial paradox is reached: the safeguard depends on the record; the record can be shaped.

And once that is understood, silence is no longer neutral, but it becomes part of the evidence itself.

## Annex

### **Why the Facts Relating to CRN 6029679/21 Cannot Realistically Be Determined Within the Existing Judicial Architecture and Why Independent Civic Scrutiny Is Now the Only Viable Route to Factual Evaluation and Determination**

#### **1. Purpose of this Annex**

This Annex explains, as a matter of constitutional structure rather than allegation, why the facts underlying Metropolitan Police Crime Reference Number 6029679/21 are unlikely to be capable of full and fair evaluation within the ordinary judicial and prosecutorial architecture of the State.

It further explains why independent civic, parliamentary and public-interest scrutiny, very much external to the conventional police to CPS to court pathway, is now the only realistic mechanism by which the evidential record may be properly heard, examined, assessed and settled with constitutionally binding finality.

This conclusion arises not from preference or ideology, but from the practical operation of the system as evidenced by the documents disclosed.

## **2. The ordinary justice pathway (in theory)**

In constitutional theory, criminal accountability follows a linear structure:

Complaint to Recording to Investigation to CPS Review to Court to Judicial Determination.

Each stage presupposes the integrity of the one before it.

Specifically:

Courts depend on prosecutors

Prosecutors depend on investigators

Investigators depend on recording decisions

If any upstream stage filters or prevents entry into the chain, downstream stages cannot function.

The court cannot evaluate evidence it never receives.

## **3. The structural dependency exposed in this case**

The disclosed material demonstrates that this pathway is not independent at each stage, but sequentially dependent.

### **3.1 Police recording as the gateway**

The Metropolitan Police and other forces determine:

whether a report is recorded as a crime

whether an investigation is opened

whether evidential duties are triggered

If no crime is recorded:

no formal investigation is commenced

statutory investigative duties do not activate

nothing is referred to the CPS

no prosecution file exists

no court ever sees the matter

Thus, recording is not administrative. It is dispositive. It determines whether justice machinery starts at all.

### 3.2 CPS dependence on police referral

The CPS position, consistently stated across correspondence, is that it considers evidence only when referred by investigators.

It does not independently solicit or review direct public submissions.

Accordingly:

If police do not refer, then CPS sees nothing

If CPS sees nothing, there is no prosecution

If no prosecution - no court

This is not misconduct.

It is simply the architecture.

But it creates total dependence upon police gatekeeping.

### 3.3 Judicial deference to investigative discretion

The Administrative Court decision records the orthodox principle that courts interfere with investigative decisions only in highly exceptional circumstances.

This doctrine exists to protect separation of powers.

However, it produces an unintended effect:

If investigators say “no investigation occurred”, courts must generally accept that characterisation.

Therefore:

The court’s ability to test the factual reality of investigative activity is constrained by the investigator’s own description of events.

The judiciary becomes structurally reliant upon the very body whose conduct may itself be in question.

## **4. The additional complication: national coordination**

The disclosed Operation Talla and NPCC materials introduce a further layer.

They demonstrate that:

national guidance existed regarding recording practices  
requests could be rejected rather than recorded

success was measured by reduced recording  
directives flowed via NPCC and Gold Command

Accordingly:

The initial recording decision was not purely local or independent, but subject to national coordination.

This creates a structural circularity:

National guidance influences recording

Recording determines investigation

Investigation determines CPS referral

CPS referral determines court visibility

Court deference protects investigative discretion

Thus:

Each layer relies on the same upstream decision.

No layer independently verifies it.

## **5. Consequence for CRN 6029679/21**

In this specific matter:

a crime reference number existed

evidence was submitted

officers engaged with material

yet the official position became that no investigation existed

courts deferred to that characterisation

judicial review was refused

the matter therefore never reached evidential testing

The result is not a finding on the merits, but is simply an absence of forum.

The real, true facts have never been adjudicated. They have only been procedurally filtered.

## **6. Why the courts cannot now realistically resolve the issue**

The practical barriers are structural:

No prosecution file exists - no criminal trial forum

No CPS referral exists - no charging decision to challenge

Judicial review is procedurally time-limited and deferential

Investigative discretion doctrine shields upstream decisions

Courts cannot compel creation of an investigation that was never formally recorded

Thus:

Even if fresh evidence emerges, the judicial system has no natural procedural vehicle through which to examine it.

The system requires a pre-existing case.

Here, the dispute is precisely about whether such a case was allowed to exist.

This creates a logical impasse.

## **7. The “Judicial Paradox” defined**

The paradox may be expressed simply:

Justice depends on visibility.

Visibility depends on recording.

Recording depends on the authority whose conduct is questioned.

When those conditions coincide, the judiciary cannot independently see.

The absence of a case becomes the reason no case can be heard.

The architecture protects process, but not necessarily truth.

## **8. Why independent civic scrutiny is therefore necessary**

Where formal mechanisms are structurally unable to engage, constitutional practice recognises alternative lawful forms of accountability:

parliamentary oversight

public inquiries

independent commissions

academic and journalistic investigation

civic evidence publication

transparent public record-building

These are not substitutes for courts. They are complements used precisely when courts lack jurisdictional or procedural entry points.

Such scrutiny:

does not depend on police referral

does not depend on CPS discretion

does not depend on a recorded crime

does not rely on investigative characterisations

It permits evidence to be examined on its merits alone.

That is presently the only environment in which the CRN 6029679/21 material can be evaluated without structural constraint.

## 9. Conclusion

This Annex does not assert wrongdoing.

It identifies a constitutional reality:

The existing justice architecture cannot test what it cannot see.

In the case of CRN 6029679/21, every formal route to judicial examination depends upon a recording decision already disputed.

Accordingly, the only practical route by which the facts may be heard, scrutinised and judged is through independent civic and public-interest processes operating outside the conventional police-CPS-court chain.

This is not extra-legal.

It is pre-legal. It is the public sphere.

And historically, it is precisely where truth surfaces when institutions cannot examine themselves.