Neutral Citation Number: [2025] EWHC 269 (Comm)

Case No: **CL-2023-000778**

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (KBD)

IN AN ARBITRATION CLAIM

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 7 February 2025

Before :

The Hon. Mr Justice Bryan

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Between :

SIA INVESTMENT INDUSTRY	**Applicant/ Claimant in Arbitration**
- and -	
(1) PARDUS WEALTH LIMITED **(2) GREGORY ROBERT BRYCE**	**Respondents/ Defendants in Arbitration**

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Samuel Cuthbert (instructed by **Eldwick Law**) for the **Applicant**

Alex Haines (instructed by **Janes Solicitors)** for **Mr Bryce**

Hearing date: **7 February 2025**

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APPROVED SANCTION JUDGMENT

MR JUSTICE BRYAN:

A. INTRODUCTION: THE CONTEMPT OF COURT

1. The subject matter of the hearing today, and this judgment (the "Sanction Judgment"), is the consideration of the appropriate sanction to be imposed upon the Second Respondent, Gregory Robert Bryce ("Mr Bryce"), in respect of his contempt of court. In this regard, and following a hearing on 30 and 31 October 2024 (the "Committal Hearing"), I found that Mr Bryce was guilty of contempt of court by breaching the terms of a freezing order and associated policing disclosure orders contained therein that had been made against him by Bright J on 17 November 2023 (the "Freezing Order").

2. The Contempt Judgment is reported at [2024] EWHC 2588 (Comm). Unless otherwise stated herein, paragraph references in this Sanction Judgment are to the corresponding paragraphs of the Contempt Judgment.

3. In the Contempt Judgment (at [109]) I found that Mr Bryce had committed a contempt of Court in three ways:-

    (1) Mr Bryce failed to comply with paragraph 8 of the Freezing Order at the time he was required to do so, and in the List of Assets Email provided thereafter.

    (2) Mr Bryce failed to comply with paragraph 10 of the Freezing Order in failing to swear and serve an Affidavit setting out the information required by paragraph 8 of the Freezing Order; and

    (3) Mr Bryce entered into a loan extension with West One Limited which incurred additional fees and decreased the available equity in Saffron House in breach of paragraph 4(1) of the Freezing Order.

4. In relation to (1), and Mr Bryce's failure to comply with paragraph 8 of the Freezing Order at the time he was required to do so, and in the List of Assets Email provided thereafter, paragraph 8 of the Freezing Order required him within five calendar days of the Freezing Order (that is by 22 November 2023), and to the best of his ability, to inform the Applicant's solicitors in writing of all his assets exceeding £10,000 in value

whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets and details of any charges, security or other encumbrances over those assets.

5. Not only did Mr Bryce not do so within the period specified, but the List of Assets Email he belatedly provided on 24 November 2023, did not comply, even on its face, with what was required under paragraph 8 of the Freezing Order, and Mr Bryce was then, and at all times thereafter (up to the Committal Hearing and indeed to this day) remained in breach of the same. As I found (at [71(2)]), the List of Assets Email was "so general as to be useless for the purpose of policing the Freezing Order". One of the more egregious aspects of such breach (which emerged at the Committal Hearing) was that Mr Bryce knew that he had purchased a property in Tenerife in the summer of 2022 for Euro 500,000, and therefore owned a Euro 500,000 asset in Tenerife which should have been disclosed, yet he failed to declare the same, claiming (at the Committal Hearing) that he had "forgot[ten] about it", a claim that beggared belief and which I rejected (at [71(1)]). Mr Bryce's latest claim, made to Dr Ajayi (who has prepared a psychiatric report in respect of Mr Bryce following a Zoom meeting with him in December 2024), is that "he had been under the impression that only his assets in England and Wales were required", a claim that is no more believable than his previous claim given the clear terms of paragraph 8 of the Freezing Order.

6. As I found at [73], the breach of paragraph 8 of the Freezing Order is, in of itself, a serious breach of the Freezing Order (as the authorities reflect, as addressed below), as the very purpose of such disclosure orders is to police the freezing injunction and facilitate the tracing (and securing) of assets.

7. As for (2), and as I found (at [74]), the failure to swear an affidavit in compliance with paragraph 10 of the Freezing Order was itself a serious, separate and independent breach of the Freezing Order, the very purpose of which was to swear to the veracity of the disclosure of assets that had been given, on oath. That breach continued up until the time of the Committal Hearing, and the provision of the (initially unsworn) Bryce Affidavit, which itself (wrongly) asserted that the contents of the List of Assets Email "were true", when they were not. Yet further (and as I found at [75]), the contemporaneous purported explanation for not swearing an affidavit (which I found amounted to a conscious

decision not to comply, thereby amounting to a deliberate breach) did not bear examination, and Mr Bryce's more recent explanation that the failure to swear an affidavit was an "oversight" is not something he had suggested previously, and was no more credible (see at [77]).

8. As to (3), paragraph 4(1) of the Freezing Order prohibited Mr Bryce in any way diminishing the available equity in a property known as Saffron House, yet in breach of the same, on 21 December 2023 Mr Bryce and West One Loan Limited entered into an agreement extending the term of a loan which led to additional fees, and diminished the available equity, in circumstances in which, as I found (at [83]), Mr Bryce knew of the facts that made this further charge (and associated loan) a breach of the Freezing Order, and yet he went on to sign the agreement on 21 December 2023, after the date of the Freezing Order.

9. In the Contempt Judgment (at [111]), I adjourned issues of sanction and costs to the present hearing so as to provide Mr Bryce with an opportunity to provide any mitigation that he might wish to advance. In the accompanying Order dated 1 November 2024 (the "November Order"), I ordered a time by which Mr Bryce was to file any evidence on which he wished to rely upon at this hearing (including any medical report) and the Applicant was to supply any evidence in reply, followed by service of a sentencing note by the Applicant and a mitigation note by Mr Bryce. In the event, the dates in the November Order were not complied with and there was very considerable slippage, in particular the psychiatric report in relation to Mr Bryce was repeatedly delayed and was not available prior to the original date fixed for this hearing (of 24 January 2025) which necessitated the sanction hearing being adjourned until today.

10. Jane Solicitors (who act for Mr Bryce) have provided a mitigation bundle (the "Mitigation Bundle") upon which Mr Bryce relies. Within that Bundle are a number of letters from those who know Mr Bryce, many of them referring to how he presented to them, in particular in January 2024 when he sought to adjourn a trial he was facing. The Mitigation Bundle also contains the psychiatric report of Dr Ajayi dated 24 January 2025 which is based on the Zoom call that he had with Mr Bryce from Dubai on 14 December 2024 (as foreshadowed above), what Mr Bryce told him on that call, and the documentation available to Dr Ajayi including Mr Bryce's medical records.

11. The Mitigation Bundle also contains an undated letter (but in fact made on 20 January 2025) which is addressed to me, and is a letter by way of mitigation from Mr Bryce (the "Bryce Letter"). In the Bryce Letter he states, amongst other matters that:-

> "I did not intend to act in a deliberately difficult manner following the relevant order. I felt as though my world was falling apart, I was on medication and on the verge of suicide. My mind was fragile and looking back [I] can see that I was also in denial. As is often my way, I put my head in the sand, I was frustrated, I relied on alcohol and prescribed drugs to try and mask the genuine fear I felt for the future in what appeared to be ever increasing despair.
>
> I could not cope with what felt like a downward spiral. I fully accept that there were irrational and unhelpful email responses on my part. I was not in my right mind, not least because of the alcohol and the drugs. I found it easier not to read the emails that were sent to me. Not having legal representation made matters worse.
>
> I can only apologise to the Court for not filing the affidavit on time and in proper manner."

12. Mr Bryce also states "Subsequently I have tried to remedy that by filing the affidavit [i.e., the Bryce Affidavit], even if it was terribly late in its execution". Mr Bryce ends his letter by stating, "I hope the Court can take into account this letter and the genuine remorse I now have for non-compliance of the order, but can also see the mitigating circumstances as to why that happened".

13. I confirm that I have had careful regard to all that is set out in the Mitigation Bundle, including Dr Ajayi's report, the letters in relation to Mr Bryce and the Bryce Letter itself, as well as all the mitigation ably advanced on Mr Bryce's behalf by Mr Haines. It is important to note, at the outset, however, that to this day Mr Bryce has still not complied with the terms of the Freezing Order either in relation to his assets or their verification on oath, and he has still not purged his contempt, despite having had every opportunity to do so, at a time when he has been, and remains, legally represented by both solicitors and counsel. In addition comments made by Mr Bryce to Dr Ajayi about money matters raise further concerns as to his (limited) disclosure of assets.

B. APPLICABLE SENTENCING PRINCIPLES

14. I addressed the applicable principles in relation to sentencing for contempt of court in the recent case of *Madison Pacific Trust Limited v Sergiy Groza and another* [2024] EWHC 2588 (Comm). It is convenient to revisit such principles below, tailored to the submissions of the parties, and the facts of this case.

15. The Court may impose a sanction of imprisonment of a fixed term not exceeding two years (s.14(1) Contempt of Court Act 1981), or an unlimited fine (see *Attorney General v Crosland* [2021] 4 WLR 103 (SC)). The Court may also order sequestration of assets (see CPR 81.9(1)).

16. In contempt cases, the object of the penalty can be both punitive, to punish conduct in defiance of the Court's order, "coupled with" a deterrent purpose (i.e. sending a message that "breach of court orders will attract a heavy sentence" – see *Civil Fraud* at paragraph 35-096) - and coercive, by "holding out the threat of future punishment as a means of securing the protection which the injunction is primarily there to do" (see *Crystal Mews Limited v Metterick and others* [2006] EWHC 3087 (Ch) ("*Crystal Mews*") at [8] and *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd* [2015] EWHC 3748 ("*Asia Islamic*") at [7(1)]).

17. Although it is not mandatory to do so, it is good practice for the Court to set out which elements of the sentence or sanction are given for which purpose (see *Solicitors Regulation Authority Limited v Soophia Khan* [2022] EWHC 45 (Ch) ("*SRA v Khan*") at [52(7)] and *Business Mortgage Finance 4 plc and others v Hussain [*2023] 1 WLR 396 (CA) ("*Business Mortgage CA*") at [129]). Where the sentence is specified as such, the element of the sentence which is intended to encourage compliance may be remitted if the contempt is purged (see *Robert John McKendrick v FCA* [2019] 4 WLR 65 (CA) ("*McKendrick*") at [41]).

18. In that regard, the shorter the punitive element of the sentence, the greater the incentive on the contemnor to comply with the relevant order (in a case such as the present by disclosing the information required). However, there is also a "public interest in requiring contemnors to serve a proper sentence for past non-compliance with court

orders, even if those contemnors are in continuing breach. The punitive element of the sentence both punishes the contemnor and deters others from disregarding court orders" - see *JSC BTA Bank v Solodchenko* [2012] 1 WLR 350 ("Solodchenko") at [67], and Civil Fraud at paragraph 35-097.

19. As Popplewell J said in *Asia Islamic* at [7(5)], (having cited, amongst other cases, *Solodchenko*):-

> "In the case of a continuing breach, the court may see fit to indicate: (a) what portion of the sentence should be served in any event as punishment for past breaches; and (b) what portion of a sentence the court might consider remitting in the event of prompt and full compliance thereafter. Any such indication would be persuasive but not binding upon a future court. If it does so, the court will keep in mind that the shorter the punitive element of the sentence, the greater the incentive for the contemnor to comply by disclosing the information required. On the other hand, there is also a public interest in requiring contemnors to serve a proper sentence for past non-compliance with court orders, even if those contemnors are in continuing breach. The punitive element of the sentence both punishes the contemnors and deters others from disregarding court orders."

20. In *Solodchenko* itself, the Court of Appeal imposed a 21 month sentence, in respect of which 9 months were in respect of Mr Kythreotis's past non-compliance. Thus, the Court considered that it was open to Mr Kythreotis:-

> "[I]n the event of prompt and full compliance with the disclosure provisions of the freezing order in the future to apply to the court to vary the sentence of 21 months' imprisonment. However, it is the view of this court that any variation which may be made on that account should not reduce the sentence to less than nine months (at [69]".

21. In such context, the Court should make a finding, if there is a continuing contempt, and the court is going to sentence coercively, that it is sure that there is a continuing contempt (see *Civil Fraud* at paragraph 35-097). As already noted, and as further addressed below, I am sure that there is a continuing contempt on the part of Mr Bryce in relation to his failure to comply with paragraph 8 of the Freezing Order and the associated requirement to serve an affidavit verifying the same in compliance with paragraph 10 of the Freezing Order.

22. In terms of relevant factors concerning sanction, there are no formal sentencing guidelines for committal proceedings, and sanction is fact specific (see *SRA v Khan* at [52(1)]).

23. In the recent case of *Shahraab Ahmad v Ouajjou* [2024] EWHC 1096 (Comm) ("*Ouajjou")* Moulder J (at [12]) referred to and cited the decision of the Supreme Court in *Crosland* at [44]:-

> "1. The court should adopt an approach analogous to that in criminal cases where the Sentencing Council's Guidelines require the court to assess the seriousness of the conduct by reference to the offender's culpability and the harm caused, intended or likely to be caused.
>
> 2. In light of its determination of seriousness, the court must first consider whether a fine would be a sufficient penalty.
>
> 3. If the contempt is so serious that only a custodial penalty will suffice, the court must impose the shortest period of imprisonment which properly reflects the seriousness of the contempt.
>
> 4. Due weight should be given to matters of mitigation, such as genuine remorse, previous positive character and similar matters.
>
> 5. Due weight should also be given to the impact of committal on persons other than the contemnor, such as children or vulnerable adults in their care.
>
> 6. There should be a reduction for an early admission of the contempt to be calculated consistently with the approach set out in the Sentencing Council's Guidelines on Reduction in Sentence for a Guilty Plea.
>
> 7. Once the appropriate term has been arrived at, consideration should be given to suspending the term of imprisonment. Usually the court will already have taken into account mitigating factors when setting the appropriate term such that there is no powerful factor making suspension appropriate, but a serious effect on others, such as children or vulnerable adults in the contemnor's care, may justify suspension."

24. In *Crosland* itself, the Supreme Court also summarised the Court of Appeal's decision in *Liverpool Victoria Insurance Co Ltd v Khan* [2019] 1 WLR 3833 (CA) ("*Liverpool Victoria"*) at [57]-[71] and echoed principles established in previous cases. For example where the contempt is so serious that only a custodial penalty will suffice the court must impose the shortest period that properly reflects the seriousness of the contempt (as to which see also *Willoughby v Solihull MBC* [2013] EWCA Civ 699 at [27] and *Aquilina v Aquilina* [2004] EWCA Civ 504 at [14]).

Stage 1: Seriousness of the conduct by reference to contemnor' culpability

25. In *Crystal Mews* (concerning breach of a freezing order), Lawrence Collins J considered the following factors at [13] relating to the seriousness of the contempt:

    (1) Prejudice to the claimant by virtue of the contempt and whether the contempt is capable of remedy.

    (2) The extent to which the contemnor has acted under pressure.

    (3) Whether the breach was deliberate or unintentional.

    (4) The degree of culpability.

    (5) Whether the contemnor was placed in breach by the conduct of others.

    (6) Whether the contemnor appreciates the seriousness of the breach.

    (7) Whether the contemnor has cooperated.

26. In *Asia Islamic*, Popplewell J adopted those factors and added an eighth: "whether there has been any acceptance of responsibility, any apology, any remorse or any reasonable excuse put forward".

27. See, also, *McKendrick* at [39]:-

> "The court should first consider… the culpability of the contemnor and the harm caused, intended or likely to be caused by the breach of the order. In this regard, aggravating or mitigating factors which are likely to arise for consideration will often include some of those identified by Popplewell J in [*Asia Islamic*]".

28. A number of cases have considered that breaches of court orders and disclosure orders in particular are serious *per se* (see, for example, *McKendrick* at [40]: "Breach of a court order is always serious, because it undermines the administration of justice", and see *The Law House Limited (in Administration) v Adams* [2020] EWHC 2344 (Ch) ("The Law House") at [66] and *Solodchenko* at [51]).

Stages 2 and 3: Would a fine be sufficient? If not, what is the shortest period of imprisonment that properly reflects the seriousness of the contempt?

29. In all cases, the Court must consider whether committal to prison is necessary and (if so) what is the shortest time necessary for such imprisonment (see *Asia Islamic* at [7(2)]).

30. The authorities identify that breach of a freezing order, including the disclosure provisions relating thereto, "usually merits an immediate sentence of imprisonment of a not insubstantial amount" - see *Asia Islamic* at [7(3)], as well as *The Law House* at [65].

31. In *Solodchenko* it was stated at [51] that "such a breach normally attracts an immediate custodial sentence which is measured in months rather than weeks and may well exceed a year". Jackson LJ further stated at [55]-[56] as follows:-

> "55. From this review of authority I derive the following propositions concerning sentence for civil contempt, when such contempt consists of non-compliance with the disclosure provisions of a freezing order:
>
> Freezing orders are made for good reason and in order to prevent the dissipation or spiriting away of assets. Any substantial breach of such an order is a serious matter, which merits condign punishment.
>
> Condign punishment for such contempt normally means a prison sentence. However, there may be circumstances in which a substantial fine is sufficient: for example, if the contempt has been purged and the relevant assets recovered.
>
> Where there is a continuing failure to disclose relevant information, the court should consider imposing a long sentence, possibly even the maximum of two years, in order to encourage future co-operation by the contemnor.
>
> 56. In the case of continuing breach, out of fairness to the contemnor, the court may see fit to indicate (a) what portion of the sentence should be served in any event as punishment for past breaches and (b) what portion of the sentence the court might consider remitting in the event of prompt and full compliance thereafter. Any such indication would be persuasive, but not binding upon a future court."

32. In *Discovery Land Company LLC v Jirehouse* [2019] EWHC 2264 (Ch) ("*Discovery Land*") Zacaroli J expressed himself in these terms at [19]:-

> "…the failure to comply with these obligations necessitates an order for committal. Disclosure obligations in aid of a freezing injunction are of the greatest importance to enable a claimant and the court to police the injunction and enforce it against third parties. That is

> particularly so where the injunction is in aid of a proprietary claim and the claimant is seeking to discover what has happened to money which should have been held for it but has been dissipated."

33. As is stated in *Gee on Commercial Injunctions* at paragraph 20-029:-

> "Where there is a continuing failure to disclose relevant information under a freezing injunction, the court may consider the imposition of a severe sentence that has the object of encouraging compliance, potentially even imposing the maximum possible sentence while expressly acknowledging the power to vary or discharge the sentence in the event of disclosure".

34. In *İşbilen v Selman Turk* [2024] EWCA Civ 568 ("*İşbilen CA"*), the Court of Appeal re-affirmed (at [56]) that an immediate custodial sentence will usually be appropriate for a breach of disclosure orders notwithstanding the absence of a formal "tariff".

35. This approach applies whether the disclosure order is embedded within the freezing order or is an additional disclosure order designed to further police the freezing order and disclosure already given thereunder. See, in this regard, what was said by Cockerill J in *ADM International Sarl v Grain House International SA* [2023] EWHC 135 (Comm) at [122]:-

> "The judgment of Jackson LJ in [*Solodchenko*] [51, 55] indicates that breaches of freezing orders and disclosure orders within freezing orders are regarded very seriously and are likely to result in custodial sentences. While Mr Hilton submitted that the disclosure orders here were not to be regarded in this light, I reject that submission. The disclosure orders were effectively allied to the freezing orders and should be regarded pari passu with orders within freezing orders."

36. Nevertheless, and notwithstanding such general guidance, it always stands to be considered whether, on the facts of the particular case, committal is necessary in light of the seriousness of the contempt established at Stage 1 (see *Templeton Insurance Company v Singh* [2013] EWCA Civ 35 ("*Templeton*") at [42]).

37. It has been suggested that "a committal to prison for contempt will almost certainly require a knowing and deliberate [i.e., a contumacious] breach of an order" (see *Civil Fraud* at paragraph 35-099 citing *Gulf Azov Shipping Co Ltd v Idisi* [2001] EWCA Civ 21 at [72]).

38. As to the length of sentence, whilst the maximum term is two years, it is not the case that the maximum term is reserved for the worst sorts of contempt – see *McKendrick* at [40]:-

> "[B]ecause the maximum term is comparatively short, we do not think that the maximum can be reserved for the very worst sort of contempt which can be imagined. Rather, there will be a comparatively broad range of conduct which can fairly be regarded as falling within the most serious category and as therefore justifying a sentence at or near the maximum."

39. Where breaches are continuing, the Court can impose the maximum two-year sentence, drawing attention to the Court's power to vary or discharge the coercive part of the sentence if the defendant makes disclosure (or the Court may suspend the sentence on that condition – see *Solodchenko* at [52] and Civil Fraud at paragraph 35-098).

40. The fact that a defendant or defendants is/are abroad, and therefore a sentence might not be capable of being executed, is not a reason not to impose a custodial sentence. As was said in *VIS Trading Co Ltd v Nazarov* [2016] 4 WLR 1 at [58]: "The court cannot just stand by in the fact of disobedience to its orders, just because the contemnor is outside the jurisdiction".

Stages 4 and 5: Mitigation and impact on others

41. As with any sentence, the Court must give weight to relevant mitigating factors (see *Liverpool Victoria* at [65]). These include (if relevant):-

    (1) any early admission of the conduct constituting contempt;

    (2) any cooperation with an investigation into the contempt;

    (3) genuine remorse;

    (4) serious ill health; and/or

    (5) previous good character (although it has been said that previous good character may provide "limited assistance" in the case of the breach of a freezing order given its seriousness – see *Templeton* at [45]).

42. The Court must also give weight to any impact of committal on persons other than the contemnor, for example where the contemnor is the sole or principal carer of children or vulnerable adults (see *Liverpool Victoria* at [66]).

Stage 6: Reduction for an admission of guilt

43. The Crown Court and Magistrates' Court Sentencing Council Guidelines on Credit for Guilty Plea provide useful guidance on appropriate credit for guilty pleas:-

    (1) An admission of guilt should result in a one-third reduction in sentence where a guilty plea is indicated at the "first stage of proceedings".

    (2) Thereafter, the maximum level is one quarter, decreasing to one tenth on the first day of trial.

    (3) The reduction will be even further, "even to zero", if the plea is entered during trial.

    (4) The reduction can be applied by "imposing one type of sentence for another".

    (5) It is well-established that the absence of an admission cannot aggravate a sentence (see *Liverpool Victoria* at [23]).

Stage 7: Suspension

44. In relation to suspension:

    (1) The Court must consider whether any term of committal can properly be suspended. The Court may take into account factors which have already been considered in determining the appropriate length of the term of committal (see *Liverpool Victoria* at [69]).

    (2) In a case in which nothing less than an order for committal can be justified, the impact on others (such as children and vulnerable adults for which the contemnor is the primary carer) may provide a compelling reason to suspend its operation (see *Liverpool Victoria* at [66]). Where the contemnor has caring responsibilities, suspension may be appropriate, though this will not necessarily be so (see *İşbilen* CA at [145]).

(3) The Court can also suspend a sentence to give a contemnor a further chance at compliance with the Court's orders, which may be harder to do from prison (see *İşbilen* CA at [160]). See also, in this regard, what was said by Hale LJ in *Wilkinson v Lord Chancellor's Department* [2003] EWCA Civ 95 at [55] that, "Although a suspended committal order does not immediately deprive the contemnor of his liberty […] it hangs a sword of Damocles over his head which puts his liberty at much greater risk than did the order which he has been found to have breached".

45. The current high level of the general prison population, and associated prison conditions, is a factor to be taken into account when making a decision on sanction, but this factor alone should not allow a contemnor who deserves a prison sentence to avoid such a sentence (see *Tonstate Group Limited v Matyas* [2023] EWHC 3447 (Ch) at [15]-[18] and see, also*, R v Ali* [2023] EWCA Crim 232)).

C. APPLICATION OF THE APPLICABLE PRINCIPLES IN THIS CASE

46. I turn to the application of the applicable principles to the facts of the present case. Where I refer to particular facts, I am satisfied so that I am sure of such facts on the entirety of the evidence before me.

Stage 1: Seriousness

47. In relation to seriousness I have had regard to the applicable principles identified in the authorities including, in particular, in *Crystal Mews* (at [13]) and *Asia Islamic* as quoted in *McKendrick* (at [39]-[40]).

48. As noted in *McKendrick*, breach of a Court order (here the Freezing Order) is always serious as it undermines the administration of justice, and there can be no doubt that this is a paradigm such case (see at [73]). This is particularly so in the context of two separate breaches of such provisions each of which is designed to police a freezing order, such as the present. The harm caused and likely to be caused to the Applicant is also high in circumstances where it has been deprived of the very information as to assets that was required to police the freezing order, and the identification and tracing of assets at risk of dissipation, and in a timely fashion.

49. In terms of culpability, I am satisfied that Mr Bryce has deliberately and consciously failed to comply with the Freezing Order, both as to his disclosure of assets and his failure to verify them on oath, as addressed in the Contempt Judgment (see, in particular at [72]-[73], [75]-[79]) and in Section A above. Each of these breaches is a serious breach. I address Mr Bryce's mental state at the time of breach below, but I do not consider that his culpability was reduced for the reasons there identified, and in circumstances where he did provide a list of assets (albeit incomplete), and was able to give evidence before HHJ Tinkler soon thereafter in January 2024.

50. Whilst the extent of Mr Bryce's assets is unknown (due to his contempt of court) the very fact that he failed to disclosure a Euro500,000 asset in Tenerife itself illustrates the seriousness of the initial breach. As addressed further below Mr Bryce's statements to Dr Ajayi as to his assets raises further concerns as to the extent of his assets and is neither consistent with the List of Assets Email or the Bryce Affidavit.

51. As I made clear in the Committal Judgment, Mr Bryce's failings in relation to compliance with paragraph 8 of the Freezing Order remained applicable at the time of the Committal Hearing (and Mr Bryce's belated admissions during the course of the Committal Hearing), when he was represented by both solicitors and counsel, and Mr Bryce was in continuing breach of the Freezing Order (see in particular, at [7], [37], [72], [94], [97] and 104(5)]). Yet Mr Bryce has not provided any further information as to his assets, or attempted to rectify his breaches or purge his contempt (despite the terms of the Committal Judgment from which Mr Bryce cannot but have been aware of his continuing breaches), all set against the backdrop that Mr Bryce was able to give instructions to facilitate the unsworn Bryce Affidavit at short notice. Yet some 3 months after the finding of contempt he has provided no further information as to his assets with the result that the seriousness of his offending remains unremedied, and the Applicant continues to suffer serious harm and prejudice (as addressed below).

52. In the above circumstances, I am satisfied so that I am sure that Mr Bryce remains in continuing breach of paragraph 8 of the Freezing Order (and in consequence also of his obligation to verify his disclosure on oath as required by paragraph 10 of the Freezing Order), such continuing breach being inherently serious, as is reflected in the authorities.

53. The third breach (the diminution in equity in Saffron House) is a further serious breach in circumstances where Mr Bryce knew of the facts that made his actions a further breach of the Freezing Order. Mr Bryce is therefore being sentenced in respect of three serious breaches of the Freezing Order.

54. In terms of the seriousness of the offending I have already found that the statement made in the belated Bryce Affidavit that the contents of the List of Assets email was true was itself not correct (at [71(1)]) calling into question whether Mr Bryce's evidence can even be taken at face value in the context of the seriousness of the (continuing) breach.

55. Whilst I cannot be sure (and therefore disregard such matters for the purpose of sentencing) there is some evidence that other aspects of the Bryce Affidavit may also not be correct. Specifically:-

    (1) The Bryce Affidavit confirmed that Pardus Property Limited was not a trading company, yet page 14 of the Mitigation Bundle suggests that the payroll invoice fell due as at 08 September 2023, which strongly suggests Pardus Property Limited was a trading company approximately one month prior to the Freezing Order.

    (2) The Bryce Affidavit confirmed that PardusFX was "not trading, no assets", yet page 17 of the Mitigation Bundle suggests that the payroll invoice fell due as at 14 September 2023, which strongly suggests that PardusFX was indeed a trading company approximately one month prior to the Freezing Order.

56. If nothing else, such matters are further matters that would need to be addressed in the context of any attempt by Mr Bryce to comply with the terms of the Freezing Orders.

57. Turning to the checklist of factors in *Crystal Mews* and *Asia Islamic*:-

58. Prejudice: I am satisfied that the Applicant has suffered significant prejudice (and associated harm). The Applicant is entitled to the information that Mr Bryce was required to provide at paragraph 8 of the Freezing Order (and its verification on oath as required by paragraph 10 of the Freezing Order), and in a timely fashion. The whole purpose of disclosure orders in freezing injunctions is to allow for them to be policed, for assets to be identified, and for assets to be traced, all on a timeous basis immediately after the granting

of the freezing injunction, and before any risk of dissipation can come to fruition. Well over a year on the position remains (as the Applicant rightly puts it) that the Applicant "remains in the dark about the full extent of [Mr Bryce's] assets", despite the findings I made in the Committal Judgment (in particular at [71]) and despite Mr Bryce knowing full well what assets he had within paragraph 8 of the Freezing Order. The Applicant is inevitably suffering continuing prejudice by Mr Bryce's failure to comply with the terms of the Freezing Order. A further recent example of this is that Mr Bryce seemingly told Dr Ajayi that, "he has 30 million Euros worth of assets" (at paragraph 8.2), that "the value of the [Tenerife] property was insignificant in the grand scheme of his assets" (at paragraph 13.3) and that he is "keen to find [his most recent partner and their 14 year old daughter] a place of their own as soon as he can". None of this is consistent with him having no assets. The Applicant is suffering continuing prejudice as a result of Mr Bryce's continued failure to comply with the terms of the Freezing Order in relation his assets.

59. Whether the Contempt is Capable of Remedy: The first two contempts are very much capable of remedy, but despite having every opportunity to do so, Mr Bryce has still not remedied his contempt, and he remains in continuing breach of paragraphs 8 and 10 of the Freezing Order.

60. Deliberateness/contumaciousness/culpability: I have already found in the Contempt Judgment that the breaches of paragraphs 8 and 10 of the Freezing Order were knowingly made and I consider that they were deliberate. Whilst Mr Bryce now says in the Bryce Letter, as also recounted to Dr Ajayi, that "he put his head in the sand", the reality is that he was well aware of the need to provide a list of his assets, and he did so in the List of Assets Email, albeit that his response was late, and he failed to disclose all his assets, including the property in Tenerife that he cannot but have known about given when it was purchased. In this regard, and as already foreshadowed, I reject his latest assertion that he was "under the impression that only his assets in England and Wales" were required to be disclosed. Equally whilst he may (per his own account) have been finding solace in drink and/or drugs in November 2023, I am satisfied that he still knew perfectly well what he had to do, but knowingly failed to do so. This is not a case where a defendant simply fails to respond in the context of the situation in which he finds himself. On the contrary Mr Bryce did respond in the List of Assets Email, but in terms which were obviously inadequate, as would have been obvious to him, notwithstanding his depressive state and

his professed use of drink and/or drugs. I have already found that Mr Bryce also made a conscious decision not to comply with paragraph 10 of the Freezing Order and swear an affidavit, and deliberately breached the same (at [75]). I also consider the breaches to be contumacious given that Mr Bryce's disobedience of the Freezing Order continues to this day as he still has not purged his contempt by complying with paragraphs 8 and 10 of the Freezing Order (even some 15 months on, and long after he has instructed solicitors and counsel).

61. Whether the contemnor was placed in breach by the conduct of others: Mr Bryce was not (certainly in relation to the first two breaches, each of which is serious in its own right). In this regard Mr Bryce has only himself to blame for failing to comply with the terms of the Freezing Orders.

62. Whether the contemnor has cooperated: Whether the contemnor has attended the contempt proceedings, or has deliberately absented himself from them is a relevant factor (see *Gee on Commercial Injunctions* at paragraph 20-029(13)). Mr Bryce has not absented himself. He attended the previous hearing remotely from Dubai in circumstances in which he said he could not afford the air fare to attend in London. He has said the same in relation to this sentencing hearing and his remote attendance from Dubai today. However, Mr Bryce has made no attempt to prove or corroborate his alleged financial impecuniosity and indeed his continued failure to disclose his bank accounts, or the amounts in them, is a potential aspect of his breach of paragraph 8 of the Freezing Order – see at [71(3)]). The Bryce Affidavit was, I am satisfied, no more than a belated attempt to rectify past and ongoing breaches, and I do not consider that Mr Bryce's conduct can be categorised as cooperation. He has done nothing since the Committal Judgment by way of any attempt to purge his contempt.

63. I am satisfied that, in the above circumstances and in the context of Mr Bryce's continuing failure to purge his contempt, such breaches of the Freezing Order were, and are, within the most serious category as identified in the authorities and, subject to consideration of the medical evidence and Mr Bryce's available mitigation, would justify an immediate custodial sentence towards the top of the sentencing range (see, in this regard, *McKendrick* at [40] and S*olodchenko* at [51]).

Mitigation

64. I turn then to Mr Bryce's available mitigation. Mr Bryce's only previous convictions are driving related (albeit in respect of serious offences of drink driving). As was said in *Templeton* at [45], in the case of the breach of a freezing order, even previous good character may provide "limited assistance", given the seriousness of such conduct. Nevertheless I take into account, in Mr Bryce's favour, and by way of mitigation, that he does not have any relevant previous convictions.

65. I next ask whether there has been any acceptance of responsibility / apology / remorse or reasonable excuse (per *Asia Islamic)*. There was no acceptance of responsibility, or any apology, or any remorse, or any reasonable excuse proffered prior to the Committal Hearing. As I found in the Committal Judgment, Mr Bryce remained in continuing breach of his obligations under paragraphs 8 and 10 of the Freezing Order, even following the Bryce Affidavit, and the admissions made by his counsel of the three breaches of the Freezing Order during the course of the Committal Hearing.

66. As noted in the Applicant's original Sentencing Note even 6 weeks after the Contempt Judgment (and despite Mr Bryce's ability to give those he instructs instructions when he sees fit) there had been no attempt to purge his contempt. The Applicant characterised Mr Bryce's failure to offer any apology, or take any steps to purge his contempt as demonstrating an abject lack of contrition or regret by Mr Bryce for his serious breaches of the Freezing Order and associated contempt. I have to say that I consider that that was, at that time, a fair reflection of the position.

67. I have considered the extent to which matters have changed as at the date of the (adjourned) sentencing hearing. After no doubt receiving and reading the Applicant's original Sentencing Note, Mr Bryce has since written to me in the form of the Bryce Letter in which he apologises for not filing an affidavit "in time and in a proper manner", and he has said that he now has "genuine remorse" for non-compliance with the Freezing Order. Whilst there is at least some (late) acceptance of responsibility on his part, and an expression of remorse, in the Bryce Letter, the reality is that Mr Bryce has still not purged his contempt and has not provided full disclosure of assets that was required by the Freezing Order nor verified the same on oath, despite having had every opportunity to do so, and having had his failings in that regard pointed out by both the Court, and the Applicant. This inevitably impacts upon the weight I can give to his belated apology, and

expressions of remorse given that the best evidence of the same would have been the purging of his contempt.

68. I also consider that some further insight as to whether Mr Bryce truly feels any real remorse is offered by what he candidly said to Dr Ajayi, which also suggests that he still does not recognise, and assume responsibility for, the seriousness of his breaches. In this regard he said (amongst other matters), that "He felt the retribution he was facing was draconian relative to the offence of 'failing to file a piece of paper'" and he "lamented he is unable to go back to UK though he loves his country. He lamented he should not have gone to court".

69. I turn then to the contemporary circumstances facing Mr Bryce in November 2023 when he should have complied with the terms of the Freezing Order and, in this regard, the psychiatric report of Dr Ajayi, the various letters that are before me from those who were in contact with him, and know him, and all that is said by way of personal mitigation in the Defendant's Sentencing Note. I confirm that I have given the most careful and anxious consideration to all such materials when assessing what mitigation exists in that regard.

70. In relation to Dr Ajayi's report, and the other medical evidence, I have considered the Sentencing Council Guideline on Sentencing Offenders with Mental Disorders, Developmental Disorders, or Neurological Impairments (the "Disorders Guideline"), and have considered whether Mr Bryce's culpability was reduced by reference to any impairment or disorder from which he was suffering at the time of his offending.

71. Dr Ajayi concludes that Mr Bryce's "account suggests that he suffers from an ongoing depressive disorder of a moderately severe nature" and he "thinks the diagnosis of Recurrent Depressive disorder, current episode moderately severe with somatic syndrome is entirely possible" it being a "logical and plausible reasoning" that he was suffering a depressive relapse that was moderate to severe in nature in November 2023 . He states that an "illness of such intensity is reasonably expected to interfere with both motivations to engage in tasks; particularly those requiring optimal cognitive abilities; and also, a disruption of concentration to engage with written content, digest; and respond to them appropriately". He is of a view that this is a rationale explanation for Mr Bryce's defence of "burying his head in the sand", and that the defence that Mr Bryce makes that he finds

emails from the Applicant and Court triggers "anxiety and panic attacks" as within the reasonable expectation of his condition and that it may interfere with his decision making. He also is of the view that given Mr Bryce's past and recent history of suicidal contemplations, and his current depressed mood, it was safe to assume that his suicidal behaviour would escalate should he obtain a custodial sentence. He also considers that Mr Bryce having lived a life in which he has not been accustomed to social hardship, the harsh conditions in prison are likely to further compound his feelings of despair and hopelessness.

72. I note that whilst, inevitably, Dr Ajayi, was reliant on what he was told by Mr Bryce, Dr Ajayi triangulated the information from Mr Bryce's medical records and the findings of other assessors who have seen Mr Bryce, and it appeared that there was consistency between the information and conclusions made by the different mental health professionals who had seen Mr Bryce.

73. I have considered the Disorders Guideline and applied it to the particular circumstances faced by Mr Bryce having regard to his depressive disorder. In particular I have considered whether at the time of the breaches of the Freezing Orders Mr Bryce's depressive disorder (which I accept he had) impaired his ability to exercise appropriate judgement, to make rationale choices and to understand the nature and consequences of his actions, or caused him to behave in a disinhibited way as well as considering whether there were any other factors related to disorder which reduced his culpability.

74. I consider that the Mr Bryce's depressive disorder had (at most) only a limited effect upon his ability to exercise appropriate judgement, to make rational choices and to understand the nature and consequences of his action, and I do not consider his behaviour is properly to be categorised as him acting in a disinhibited way; nor do I consider that there are other factors that reduced his culpability. I do not consider that his culpability was significantly reduced.

75. Whilst his depressive disorder could, at least to some extent, explain any initial delay in responding and being motivated to engage in the task at hand (if he was in fact burying his head in the sand) the fact is that he <u>did</u> respond in the List of Assets Email within relatively short order, and he clearly knew what he was required to do under the Freezing Order (which was clear in its terms and endorsed with a Penal Notice in bold text).

Equally his wholly inadequate response is not explainable on the basis of a lack of optimal cognitive ability or any disruption in concentration or lack of ability to make rational choices or to understand the nature and consequences of his action. These were not some minor errors or omissions but a wholesale failure to comply with the terms of the Freezing Order including the omission of a Euro500,000 asset, and a total failure to identify any bank accounts or their contents in circumstances where, notwithstanding his depressive disorder, Mr Bryce cannot but have been aware of the nature and consequences of his action given the clear and express terms of the Freezing Order.

76. Whilst his self-medication with drink or drugs may have made his depressive state worse, I am satisfied that he would have been aware that it would have such effect. Whilst not an aggravating factor, I do not consider such self-medication can be regarded as giving rise to any real mitigation, or give rise to any reduction in culpability.

77. What is more, a real difficulty that Mr Bryce faces is that he was in continuing breach of the Freezing Injunction, as I found in the Contempt Judgment and have further found in this Sanction Judgment. Such continuing breach continued over many months, and even after he had instructed solicitors and counsel, and no doubt benefitted from their legal advice. Yet in the Bryce Affidavit, and at all stages thereafter he has still not complied with the terms of the Freezing Injunction or purged his contempt despite being (I am satisfied) well aware of what he needs to do. He has not even said that he will do so at the hearing today.

78. In this regard, and whilst the materials in the Mitigation Bundle speak to Mr Bryce's state of mind (in particular in January 2024), I note that Mr Bryce gave evidence before HHJ Tinkler in January 2024, and it appears that he did so without difficulty either understanding the proceedings or prosecuting his own defence. I do not consider that there is any basis for concluding that Mr Bryce's state of mind was insufficiently sound properly to deal with the contempt proceedings or that it explains or in any way justifies his failure to comply with the terms of the Freezing Order contemporaneously or at any time thereafter.

79. In this regard Mr Bryce was clearly aware of his obligations under the Freezing Order (as from 17 November 2023), and he (belatedly) purported to comply with paragraph 8 of the Freezing Order in the List of Assets email on 24 November 2023 (albeit, as I have found,

he knew that what he provided did not amount to compliance). Secondly, he made a conscious decision not to provide an Affidavit in compliance with paragraph 10 of the Freezing Order (and so was obviously aware of such obligation but chose not to comply with it – and for alleged reasons which have changed). Thirdly, he was able to provide evidence to HHJ Tinkler in January 2024. Fourthly, whatever difficulties Mr Bryce may have been having in late 2023 and early 2024, he remained in continuing breach for very many months thereafter. Fifthly, in relation to the Committal Hearing he was able to instruct solicitors and counsel, and provide the Bryce Affidavit (inadequate though it was), and they have remained instructed in circumstances where he remains in continuing breach of the Freezing Order.

80. Nevertheless, I do very much bear in mind that Mr Bryce was suffering from, and continues to suffer from, a depressive disorder (as also evidenced by the many letters before me) and I do consider that such matters provide him with mitigation that allows me to make a downwards adjustment from the top of the sentencing range. In particular I bear in mind that Mr Bryce's health conditions and depressive disorder will make prison more difficult for him, albeit that the prison service is very experienced in dealing with prisoners with mental health conditions, and those with suicidal intent. I have also borne well in mind current prison conditions and the associated authorities in relation to the same (which have to be viewed in the context of the very serious nature of multiple breaches in failing to comply with the terms of a freezing order).

81. Whilst Mr Bryce did not formally admit/plead guilty to any of the alleged contempts he did make belated admissions (through counsel) as to three breaches of the Freezing Order during the course of his counsel's oral submissions at the Committal Hearing (albeit such breaches would have been readily established). I regard Mr Bryce's admissions as a mitigating factor which I take into account.

82. Having regard to the seriousness of Mr Bryce's conduct by reference to its high culpability and high harm caused, as addressed above, in the context of breach of disclosure orders to police a freezing injunction, and giving all due weight to his available mitigation, I am satisfied that his conduct is so serious that a fine would not suffice and only a custodial sentence is appropriate.

83. As has been said by many judges before me, disclosure obligations in aid of a freezing injunction are of the greatest importance to enable a complainant, and the Court, to police the injunction and enforce it against third parties (see, for example, in that regard, *Discovery Land* at [19]), and those who fail to comply with the same, and are in contempt, should face an order for committal.

84. The custodial sentence will be shortest period of imprisonment which properly reflects the seriousness of Mr Bryce's breaches of the Freezing Order and contempt that has been found, and which has regard, to all relevant factors including Mr Bryce's available mitigation including his mental disorder, the admissions he has made, and the current state of the prison population.

85. I have considered whether the term of imprisonment that I am going to impose should be suspended, as Mr Haines urges upon me on Mr Bryce's behalf. In that regard I have had regard to the Imposition Guideline and given careful consideration to the factors contained therein and all the submissions made on Mr Bryce's behalf. In this regard Mr Haines submits that there is a realistic prospect of rehabilitation: on the basis that Mr Bryce has never been convicted of an offence (other than Road Traffic offences), on the basis of his admissions, and having regard to his mental state at the time of the breaches. He also submits that there is strong personal mitigation which he characterises as (1) Mr Bryce's state of mind at the relevant times and the findings in the medical evidence, including evidence of pressure following the collapse of his business, and the feeling that his life was falling part which is said goes "to a certain extent towards reducing culpability" and (2) admissions including "cooperation in part, and an appreciation – albeit somewhat late – of the seriousness of the breaches, as demonstrated by the apology and his admission".

86. I cannot accept that that there is a realistic prospect of rehabilitation given Mr Bryce's history of poor compliance with court orders, specifically the Freezing Order (which is itself a factor indicating it would not be appropriate to suspend a custodial sentence) not least given that he is in continuing breach of the Freezing Order, and even long after instructing both solicitors and counsel, he still has not complied with the Freezing Order and purged his contempt, having had the time, the opportunity, and ability to do so. None of this is redolent of an intention to comply, and the auspices are not good for any prospect of rehabilitation. The reality is that the sword of Damocles has already been hanging over Mr Bryce since the Committal Judgment, and he has not availed himself of every

opportunity presented to him to rehabilitate himself by purging his contempt. Even today Mr Bryce has not stated that he will purge his contempt, which would be the basis for any suspension, and there is no evidence before me that he would purge his contempt within the period of any suspension set against the backdrop that he is currently out of the jurisdiction and might remain out of the jurisdiction until after any period of suspension.

87. Equally I would not describe Mr Bryce's personal mitigation as strong. Whilst I take fully into account his mental disorder and all that has been said on his behalf (as already addressed above in the context of culpability), such cooperation as there has been had been late, and partial and whilst Mr Bryce made (belated) admissions he remains in denial as to seriousness of his offending, as most candidly revealed by his observation to Dr Ajayi that, he felt that the retribution he was facing was Draconian "relative to the offence of 'failing to file a piece of paper'".

88. As is well established, and even where applicable, not all the factors identified in the Imposition Guideline will necessarily carry equal weight on the facts of a particular case when considering whether it is possible to suspend the sentence.

89. Ultimately, and having given careful consideration to all the factors in the Imposition Guideline set against the facts of the present case, I am in no doubt whatsoever that Mr Bryce's offending consisting of three separate serious breaches of a freezing order, in circumstances where there are continuing and unremedied breaches, is so serious that appropriate punishment can only be achieved by an immediate custodial sentence.

90. In circumstances in which I am sure that Mr Bryce is in continuing contempt, by reason of the continuing breach of the Freezing Order, I consider that there should be both a punitive element (which punishes Mr Bryce and deters others from disregarding court orders) and a coercive element (to encourage compliance and which may be remitted if contempt is purged).

91. I pass an immediate custodial sentence upon Mr Bryce of 15 months' imprisonment. In the event of prompt and full compliance with paragraphs 8 and 10 of the Freezing Order in the future by Mr Bryce it will be open to Mr Bryce to apply to the Court to vary the sentence of 15 months' imprisonment. However any variation which may be made on that account hereafter should not reduce the sentence to less than 6 months' imprisonment (which is the penal element).

92. I accordingly make an order for committal in the terms indicated for Mr Bryce and issue a warrant of committal, to which will be attached a power of arrest. I remind Mr Bryce that he has a right to appeal, without permission being sought, to the Court of Appeal within 28 days of the date hereof.

D. COSTS

93. The Applicant seeks, and I am satisfied the Applicant is entitled to, its costs of the Contempt Application. Costs in contempt applications follow the event, as normal costs do - see *Kea Investments Ltd v Watson* [2022] 4 WLR 14 at [6], *Gee on Commercial Injunctions (Supplement)* paragraph 20-029 and the *White Book* at paragraph 81.3.17 ("Contempt cases are not in a special category for costs purposes, and will normally follow the event pursuant to CPR Pt.44").

94. I am also satisfied that the Applicant is entitled to its costs on an indemnity basis for two reasons. First, on established principles, indemnity costs is the usual costs order in contempt proceedings - see *Kea Investments* at [18]; *JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev* ("*Pugachev")* [2016] EWHC 258 (Ch) at [56] and *İşbilen v Selman Turk* [2024] EWHC 565 (Ch) at [35]). In *Pugachev* (at [56]), Rose J observed that the defendant in that case had not acted in a way which justified any departure from that "salutary practice". In *Collardeau v Fuchs* [2024] EWHC 642 (Fam), Mrs Justice Knowles held at [6] that the general rule as to costs contained in CPR 44.2(2)(a) does apply to committal proceedings, and that where they are ordered against the unsuccessful party, they will generally be on the indemnity basis (citing *Pugachev*). In that case, and following that general rule, Mrs Justice Knowles ordered the unsuccessful applicant to pay the costs on the indemnity basis. There is no reason why there should be any departure from this "salutary practice" in the present case.

95. Secondly, I am in no doubt that Mr Bryce's conduct is sufficiently "outside the norm", on established principles, so as to justify an order for indemnity costs. Mr Bryce's conduct has been out of the norm by reference to a defendant's proper conduct of litigation against it. Litigants should, and do, comply with orders of the Court, most importantly in the context of freezing injunctions and associated disclosure orders, in circumstances where not to do so renders them liable to committal for contempt of court as in the present case. In the present case not only has Mr Bryce's conduct been out of the norm by repeatedly

breaching orders of the Court attached with penal notices, but he has also prevaricated as to compliance and remains in continuing breach of the Freezing Orders.

96. Accordingly, Mr Bryce should pay the Applicant's costs of the Contempt Application and of the Sanction Hearing on the indemnity basis. There is an application for a summary assessment of those costs. I have heard oral submissions in relation to the accompanying statements of costs for which I am grateful, and having given careful consideration to the summary assessment of those costs on the indemnity basis, I summarily assess the costs of the Contempt Application in the sum of £78,234.76 and of the Sanction Hearing of £20,080.