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IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION



No. 1662-1352-4258-6886

Neutral Citation Number: [2023] EWHC 3479(Fam)

Royal Courts of Justice
Strand
London, WC2A 2LL

Wednesday, 25 October 2023

Before:

MR JUSTICE MOOR

B E T W E E N :

ABIGAIL LAURA WILLIAMS

Applicant

- and -

ANDREW JOHN WILLIAMS

Respondents

MS R LLOYD (instructed by Vardags solicitors) appeared on behalf of the Applicant.

MR R SLADE of Slade & Co solicitors, appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE MOOR:

CONTEMPT

1 This is an application for the committal to prison of the respondent, Mr Andrew Williams, for contempt of court in relation to an order made by Her Honour Judge Gibbons on 19 January 2023. There was a penal notice attached at the head of the order. Mr Williams' then solicitors were on the record at the time. The order directed him to file a form E by 1 May 2023. It further directed him to file various documents in preparation for the First Directions Appointment by 15 May 2023. It is accepted on his behalf that he knew about the order; that there was a penal notice attached; that he has not complied with the order; and, therefore, that he is in contempt of court.

2 The burden of proving the contempt is on the applicant. I have to be satisfied to the criminal standard of proof that he is in contempt. This means I have to be sure beyond reasonable doubt that he is in contempt. There is no obligation on him to do or say anything, but he has made what I consider to be an extremely sensible concession, via his solicitor Mr Slade, that he is in contempt. It follows that I find the contempt proved beyond reasonable doubt.

3 This court views this contempt very seriously. I very much hope that this has been brought home to Mr Williams over the last few days. Two weeks ago, I heard oral evidence on oath from his accountant, Mr Matthew Denney, who told me that the seriousness of the situation had been brought home to Mr Denney and he subsequently communicated that to Mr Williams. This led to Mr Williams coming to this country to see his solicitor, Mr Slade with

the intention of, finally, attending a hearing in this court. Mr Williams is to have credit for that.

4 The seriousness of the situation was brought vividly into focus by the fact that, when Mr Williams arrived at Gatwick Airport he was, almost inevitably, arrested pursuant to a Bench Warrant made previously by myself. He was kept in custody overnight. I accept that this would have been a shock for him, as a previously law abiding citizen, to find himself in custody. I am sure that this has brought home to him the seriousness of this matter and how he cannot continue to ignore court orders and fail to attend court hearings.

SENTENCE

5 I must now sentence Mr Williams for the contempt that he admits.

6 There are two aspects to a sentence for contempt. The first is punishment for not having complied with an order, which is a very serious matter of itself. The second, of course, is to secure compliance with the order in the future. Both aspects must be taken into account in my sentencing.

7 I have read with care the authorities that Ms Lloyd, on behalf of the applicant, has drawn to my attention. I am satisfied that, in this case, only a custodial sentence will do. There is no alternative.

8 However, I do take the view that a very important objective here is to get a comprehensive Form E sworn by Mr Williams. For that reason alone, I have decided that I should suspend my sentence of imprisonment. Ms Lloyd asked me to give Mr Williams only 14 days to file his Form E. I take the view that Mr Williams should have the 28 days that Mr Slade seeks

on his behalf, given that Mr Slade is, effectively, starting from scratch.

- 9 Please stand up, Mr Williams. I sentence you to imprisonment for a total of 56 days. If that sentence ever comes into effect, you will only serve 28 days, whereupon you will be released. You should have credit for the one day you have already served.
- 10 I am going to suspend that sentence on terms that you complete a comprehensive Form E setting out your entire financial position, within 28 days of today.
- 11 I very much expect that you will comply. I have to warn you that, if there is a further contempt, the sentence is likely to be far longer and be immediately imposed. Moreover, the possibility of a European Arrest Warrant would then have to be considered.

COSTS

- 12 Mrs Williams is undoubtedly entitled to her costs of this application on an indemnity basis. There have had to be at least three, if not four hearings, since her application in Form A for financial remedies was made, entirely as a result of the approach taken by Mr Williams. I make an indemnity costs order, which I am going to assess in the sum of £58,000, but I am going to say that this order is not to be enforced without leave of the court, because I have already provided for these costs in my order for legal services funding provision. Assuming Mr Williams co-operates, some of the money that I have allocated for legal funding may be saved. It may then be possible for some of the money to be returned to him. The importance of this costs order is that, whatever happens, the sum of £58,000 will never have to be returned to him.

THE RESPONDENT'S COSTS

- 13 The authorities are clear that I must provide for the Respondent's costs of complying with my orders. The freezing injunction must be amended to ensure that this is possible. The difficulty, of course, is that I must ensure that Mr Williams does not make himself 'judgment proof' by spending all the frozen money in this jurisdiction. Mr Slade requires a total of £100,000 for these costs.
- 14 I have decided to take the following pragmatic approach. Mr Slade can have £25,000 immediately from the frozen money. Mr Williams is to send to Vardags, the applicant's solicitors, via Mr Slade, a list of all his accounts overseas and the amounts in those accounts by Friday at 12 noon. Thereafter, Mr Slade and the applicant's solicitor, Mr Lister, are to try to agree where the balance of the £75,000 should come from. If they cannot agree, the matter can be dealt with by me by email. I consider that this is the fairest way to ensure, first, that Mr Slade gets paid for his work in complying with my orders, but, second, to stop Mr Williams becoming judgment proof.
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CERTIFICATE

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