

Neutral Citation Number: [2008] EWCA Civ 1652
IN THE SUPREME COURT OF JUDICATURE
COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE PRINCIPAL REGISTRY, FAMILY DIVISION
(HER HONOUR JUDGE HUGHES QC)

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: Tuesday, 29th July 2008

Before:

LORD JUSTICE THORPE
and
LORD JUSTICE STANLEY BURNTON

IN THE MATTER OF S (A Child)

(DAR Transcript of
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THE APPELLANT DID NOT APPEAR AND WAS NOT REPRESENTED

Mr H Lamb (instructed by London Borough of Camden) appeared on behalf of the
Respondent Authority.

Ms J Brereton (instructed by Messrs Reynolds Porter Chamberlain) appeared on behalf of the
Respondent Father.

Judgment

Lord Justice Thorpe:

1. This is an appeal against a committal order made by HHJ Hughes QC on 28 April 2008. The order committed the mother for contempt to a period of 56 days' imprisonment, suspended for a period of 14 days and not to be put in force so long as the mother removed references to, and information concerning, the child V, born on 17 January 1996, from various internet sites on the World Wide Web by 4.30pm on 13 May 2008.
2. The appeal to this court was initiated on 13 May, the very day on which compliance was

stipulated. The grounds of appeal are hard to analyse, displaying a degree of irrationality and excess. Nonetheless, all have prepared for this appeal. The respondent, the London Borough of Camden, is here by Mr Henry Lamb of counsel, and the father also responds to this appeal; he being represented by Miss Brereton.

3. The appeal was listed for 11.00, and at 10.30 the mother was in the precinct. Both Mr Lamb and Miss Brereton attempted to communicate with her. Each desired to hand her some additional document or material, but the mother declined to communicate or enter into communications, and at 10.50 she left the precincts of the court. Since then the usher has made a thorough search of the building. She has been also to the PSU. And no sign of this appellant.
4. We can indulge her no longer. This is a perfectly hopeless appeal. The root order was made by Singer J in February 2008, and in a subsequent order HHJ Michael Horowitz QC specifically drew attention to its continuing effect. There can be absolutely no doubt at all that the mother has defied those orders by posting information about her case, as she sees it, specifically referring to the child on websites in various locations. The situation was fairly considered by HHJ Hughes. She noted that in one instance there had been technical compliance when the mother had written to an American website informing them that they had to remove the proscribed information, but then adding the rider:

“I am aware that jurisdiction in the UK does not apply to the
US unless it is made in the US court.”

5. So it is manifest to me that HHJ Hughes was absolutely well-founded in holding that the mother was in contempt. The sanction which she imposed was in my judgment manifestly within the generous ambit of her discretion, and I would simply dismiss the appeal.

Lord Justice Stanley Burnton:

6. I entirely agree.

Order: Appeal dismissed