Neutral Citation Number: [2022] EWHC 1448 (Fam)

Case No: BS21P70726 / BS21F70297

IN THE HIGH COURT OF JUSTICE
FAMILY COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 09/06/2022

Before:

THE HONOURABLE MRS JUSTICE JUDD DBE

- -

Between:

GERARD PATRICK McMEEL	**Applicant**
- and -	
SIAN GISSING-McMEEL	**Respondent**

- -
- -

The Parties represented themselves

Hearing dates: 26th May 27th May and 9 June 2022

- -

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

THE HONOURABLE MRS JUSTICE JUDD DBE

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

The Hon Mrs Justice Judd:

1. This is an application by Gerard McMeel (the applicant) for the committal of his former wife, Sian Gissing-McMeel (the respondent) to prison for contempt of court for a number of alleged breaches of court orders made in 2021. I also have in front of me an application to commit the respondent for contempt in the face of the court in relation to a hearing on 5th October 2021.

2. The parties were married and separated last year. They have a number of children between them. At the time of separation various sets of proceedings were issued, both under the Family Law Act 1996 and the Children Act 1989.

3. The sequence of orders made in the proceedings were as follows

(a) 12 August 2021- Order of DJ Watkins.

There was one order made that day under case number BS21P70276. The hearing was on short notice (12.28pm on 11th August) although the respondent did not attend. The order recited that the names of the children set out in the heading of the order and the names of the persons set out in paragraph 1 were not to be disclosed in public without the permission of the court. I note in passing there was no paragraph 1 in that order, but the children were named in the heading to the order. There was a specific issue order at paragraph 4 stating that the respondent must remove all images and videos posted by her on Instagram or any other social media platform of or showing or identifying the children. She was also prohibited from posting anything further showing or identifying the children. Further, at paragraph 6 there was a prohibited steps order which prohibited the respondent from removing the three children named from the care and control of the applicant and from their school, without his consent.
Penal notices were attached to those paragraphs of the order, but they appeared at the bottom of the order at paragraph 8.

(b) 24 August 2021 - Order of DJ Watkins.

There was a non-molestation order (case number BS21F70297) ordering the respondent to remove photographs, videos, images or other posts from social media which refer to/include/identify the father (paragraph 1). She was further ordered not to post any such images on social media (paragraph 2). Finally (paragraph 3) she was ordered not to disclose to

third parties (save as permitted by FPR 2010) or disseminate on the internet or by other means, documents or material from the proceedings and must not instruct or encourage any other person from doing so. On the front of this order were a series of warnings under the heading 'Important Notice to the Respondent Sian Gissing-McMeel.' This included a statement that 'if, without reasonable excuse, you do anything which you are forbidden from doing by this order you will be committing a criminal offence and liable on conviction to a term of imprisonment not exceeding five years or a fine or both', and then 'Alternatively, if you do not obey this order you will be guilty of contempt of court and may be sent to prison'. This warning was repeated again on page two of the order in capital letters.
There was a second order made by DJ Watkins on that day, relating to the Children Act proceedings (BS21P70276). There was confidentiality warning at the top of the order about publicly disclosing the children's names and the parties. At paragraph 2 it was stated that, for the avoidance of doubt the orders made on 12th August remain in full force. There was a prohibition in paragraph 4 of the respondent disclosing documents from the proceedings on the internet or by any other means. A penal notice was attached to this paragraph the order and appeared immediately underneath it at page three of the order.

(c) 5th October 2021 - DJ Watkins.
This was an order made at a FHDRA in the Children Act proceedings. It recited at the beginning that the names of the children set out at the heading of the order and the persons set out in paragraph 1 (which was there and named the mother and the father) were not to be disclosed in public without the permission of the court. There was no penal notice.

(d)14 October 2021 - Her Honour Judge Cope
The first order relates to the Children Act proceedings. There was a recital at the top that the names of the children and parties should remain confidential. At paragraph 1 it stated that the order made by DJ Watkins on 12th August and the prohibited steps order made by him on 24th August remain in full force and effect. The order set out that the court had found (in related proceedings BS21F70297) that, amongst other things, the respondent had caused physical harm to the applicant by throwing a hard toy at him and slamming the door on his arm causing bruising and broken skin. It also recited that one of the children was at risk of suffering significant harm as a result of the respondent's alienating behaviours. There was no penal notice on the order.

The second order of that day was an occupation order (BS21F70297). It is not relevant for these proceedings although it did have a penal notice on the front.
The third order was a non-molestation order. At paragraphs 6 and 7 it repeated the provisions of non-molestation order made on 24th August. At paragraph 8 it prohibited the respondent from disseminating documents or material from the proceedings or instructing or encouraging anyone else from doing so. A warning as to the consequences of breaching the order appeared on the front of the order.

4. There are affidavits of service with respect to all the above orders. The order of 12th August was served on the same day. The orders of 24th August were served on 2nd September although I note that the respondent attended that hearing. The orders of 14th October were served on 17th October (the respondent did not attend that hearing).

5. This application was made on 27th October 2021. It was listed at Bristol on 29th October. The respondent did not attend and it was adjourned to 6th January. Once again, she did not attend and it was relisted for 1st March 2022.

6. Meanwhile, an application was made for committal for contempt in the face of the court, drafted by DJ Watkins stating that the mother informed the court during the hearing on 5th October that she was recording the proceedings. This was listed for 1st April 2022 alongside the other application. The hearing was in fact vacated and on 23rd March it was allocated to Roberts J and then in April to me. The first hearing was listed on 18th May, and I adjourned the committal hearing for a week.

<u>This hearing</u>

7. I had intended the hearing to be in person and had so ordered. In a number of emails, the respondent said that she could not come to court because she was abroad, and that she was abroad because she feared for her safety. She repeatedly said that she wished to join the hearing remotely. The applicant said that he was concerned that the wife would record or even live stream the proceedings if she was permitted to attend remotely, but I decided, in the context of proceedings that are heard in public and the need to ensure that the wife could participate, that I should permit her to join by video link on CVP. This she did. She gave me an assurance that she was not recording and would not record the proceedings. I have seen nothing to suggest she has broken that assurance.

8. I should note that the respondent chose to represent herself during the proceedings, although she had been informed on the face of several orders that she was entitled to legal aid and to be represented. When I explained to her that, were I to make findings, I would adjourn the case for her to consider things and to obtain representation, she said to me that she appreciated that, but she continued to be content to represent herself.

9. Yesterday, the respondent informed my clerk that she wished to obtain legal representation and had ordered a transcript of the committal proceedings. She said she did not consent for the hearing to go ahead (which was for me to give judgment) as it would place her under duress. She said she needed legal counsel to which she was entitled, and that the hearing must be adjourned to allow her her rights. She has declined to attend this hearing despite knowing it was going ahead and being informed she should attend (remotely) if she wished to apply for an adjournment or to call witnesses.

10. I refuse to grant an adjournment of today's hearing. The respondent has had ample opportunity to be represented for these committal proceedings and made a clear decision to represent herself. The case has been heard and all that is left is for me to give judgment, and if relevant, to deal with the issue of penalty. There is nothing that I have read from the respondent or heard from her that leads me to believe that the witnesses she wishes to call are relevant to the issues I have to decide.

11. The applicant has represented himself.

<u>The allegations and evidence in support</u>

12. The committal application alleges numerous breaches of court orders by the applicant. The orders and paragraphs breached are set out therein, and the orders are appended with the relevant parts highlighted in yellow.

13. First there is an allegation that the respondent removed the children from the applicant's care from the family home on 23rd October 2021 until the execution of a collection order made by me on 29th October. This, it is alleged, was in breach of the order of DJ Watkins dated 12th August 2021, paragraph 6, which (as set out in the order of HHJ Cope dated 14th October) remained in full effect on that day. It is alleged that the respondent took the children from the family home without the applicant's consent, driving her vehicle at the applicant when he attempted to prevent her from leaving with the children. The evidence in

support was given by the applicant in his affidavit dated 20th October 2021.

14. Second, it is alleged that the respondent breached the non-molestation orders of District Judge Watkins dated 24th August 2021, renewed by Her Honour Judge Cope on 14th October which very specifically ordered her to remove any photographs, videos, images or other posts which refer to/include/identify Gerard Patrick McMeel from social media platforms (paragraph 1), and prohibited her from posting any such material thereon (paragraph 2). It is also alleged that she breached paragraph 3 which prohibited her from disseminating on the internet or by any other means documents or material from the proceedings (save as permitted by FPR 2010), and a mirror paragraph in Children Act proceedings made on the same date.

15. In support of these allegations the applicant produced a number of internet posts which are set out in the committal notice and exhibited and produced at pages C5 – 12 of the bundles of documents. In the application itself and the affidavits there were many more breaches alleged in relation to the respondent posting numerous videos on you tube and Facebook, but due to the sheer number of these and for the sake of simplicity he has concentrated on the screenshots of alleged postings on social media. Working from the Committal Notice under (h) (which was intended to be a brief summary of the facts alleged to constitute a contempt, set out numerically in chronological order as set out in Rule 37.4 FPR), he relied on the following paragraphs:

15.10.21 which corresponded to the screenshot C5 - number 1

14.10.21 which corresponded to the screenshot on C6 – number 3
15.10.21 which corresponded to C7 – number 7
15.10.21 which corresponded to C8 – number 8
15.10.21 which corresponded to C9 and C10 – number 9
14.7.21 which corresponded to C11 number 14.
He also said that number 24 was described at C 18 on the various links which were live at the time the application was made.

16. The detail of the screenshots above are set out below.

17. On 13th October a notice was put on the respondent's Instagram account (C5), under a forum called wampafac

'NOTICE OF HARASSMENT AND LEGAL ENTRAPMENT'.

It named the applicant and his lawyers and accused them of participating in legal entrapment.

18. On 14th October another post (C7) was put on the same forum (C6) which included a document apparently filed by the respondent in the Occupation Order proceedings stating that she did not consent to engage with the 'Family Fraud Courts', and that the court was engaging in 'Legal Entrapment' through deception, misrepresentation and fraud. She named the applicant as the applicant in the case and accused him and his lawyers of fraud, deception, harassment and bullying.

19. On 15th October it is alleged the respondent posted screenshots of messages (C8) between the applicant and another person, and accused them both of 'Freemasonry Collusion'. She said, 'Gerard prefers to collude in conspiracy to defraud me instead of speaking to our children at breakfast'. She posted other messages as well between herself and the applicant with commentary on the side to the effect that his 'brethren' came before herself and the children.

20. On the same day it is alleged she posted a copy of a C1A Form in the Children Act proceedings which she said was blank because it was fraudulent (C9 and 10).

21. Further it is alleged that the respondent breached Children Act orders dated 12th August 2021, 24th August 2021 and 5th October 2021 prohibiting her from disclosing the names of the children and the parties publicly without the permission of the court.

22. The evidence in support of this are screenshots said to be dated 17th October which include the case number of the non-molestation (not the Children Act) proceedings and include the names of the children and their dates of birth. The screenshots (C11) are of messages to the court at Bristol naming the judges Watkins and Cope and stating that 'legal entrapment is unlawful and a crime'. There is also a screenshot dated 18th October which stated 'Revoke all your consent to family courts. Do not give them joinder to take your children. No services required!. Stand in your own authority and stand in your power. Show no fear to these evil Machiavellian narcissistic parasites!' and then went on to give the names and dates of birth of the children, followed by 'Revoke any and all deceived consents and do not contract any one has with my children named above'.

23. In addition to the committal notice which set out the allegations, the applicant filed two affidavits with exhibits, dated 20th October 2021 and 28th October 2021. He filed a note with the court in advance of the hearing (and sent it to the respondent). He gave oral evidence. He confirmed his affidavits and said that whilst he could not remember the precise dates now of the postings, that they were on or around the dates set out on the documents.

Evidence of the respondent

24. The respondent sent a number of emails to the court and to my clerk during the week between the hearing on 18th May and the next one. In at least one of them she asked me to recuse myself from hearing the case.

25. On 19th May, the respondent sent a further email. I set it out in full below (save for some names which I have anonymised and put in square brackets) because it encapsulates her case before me: -

IN THE PUBLIC INTEREST TO RESTORE TRUST

Dear Charlotte, The Royal Courts of Justice & Chief Inspector of Police Sarah Crew & Cabinet Ministers, Investigation Powers Tribunal.

I reject your attempts of service as you have failed to serve me by the correct application of the law in relation the the CPR Part 10.1 and 10.2.

Secondly, I also ‘reject' this bundle on the grounds of ‘fraud’ under Fraud Act 2006 s4 by [solicitors]. Bundles need to be ‘agreed' by both parties which is clearly set out CPR 27.1 ‘Agreed Bundles’ and I reject this bundle under The Civil Evidence Act 1995 s5 ‘Competence and credibility’ (1) Hearsay evidence shall not be admitted in civl proceedings.

Justice Judd was asked to 'recuse' herself yesterday which I put in writing to the courts on the grounds that her credibility is compromised as per the newspaper article https://www.dailymail.co.uk/news/article-8559645/High-Court-judge-removed-child-welfare-case-pejorative-comments-mother.html

Therefore by the law and rules set out clearly in The Civil Evidence Act 1995 s5 ‘Competence and credibility’, Justice Judd does not have 'clean hands'.

There was no bundle served on me prior to yesterdays hearing 18 May 2022. I received an email with a 'virtual link' 6 minutes (10:24am) prior to the start of the hearing 10:30am. When I went to click on the link to join the hearing, the link did not work. I repeatedly tried to access the link to no avail. As part of my evidence on this matter, please see attached screen shot. I wanted and tried to attend. Justice Judd has committed perjury on official Court documents by stating "the respondent not attending" This is a lie.

Blocked MTeams Link.png

I wrote to the Clerk of Justice Judd, Barry asking for a new link. This was ignored. Justice Judd has committed 'malfeasance' by continuing a 'hearing' acting with 'favour' of protecting freemason Judges, MP and QC. Which is a crime under the Crown Prosecution Service 'Misconduct of Public Office' - 'Abuse of Public Trust' and 'Seriousness of the neglect or misconduct' it clearly states: -

'...In Chapman [2015] 2 Cr App R 10, the Lord Chief Justice stated that the judge in summing up had to make clear that the necessary conduct was not simply a breach of duty or a breach of trust: '.

Justice Judd is wilfully attempting to bypass my rights to a fair trial under Article 6 ECHR - Rights to Fair Trial https://www.equalityhumanrights.com/en/human-rights-act/article-6-right-fair-trial

I place Justice Judd on NOTICE for MALFEASANCE and CONTEMPT of COURT for the INTERFERENCE of JUSTICE under the RULE of LAW. We the people do not consent to corrupt Judges who can not adhere to any criticism to ensure the publics trust is maintained. My Rights are intact under Article 10 - Freedom of Expression ECHR. [AB] MP, freemason [J], solicitor [M] at [X] Law, solicitor Y at [W], barrister [T] at [P] Chambers, QC Gerard McMeel [Chambers], HHJ Myles Watkins, HHJ Stephen Wildblood, HHJ Stephanie Cope, HHJ Tracy Cronin and now Justice Judd are all in contempt of court as defined by Lord Denning in 'Scandalising the Court' and Law Commission Report Consultation Paper No. 207 it states on p15

'...in Wain (No 1), 65 the High Court of Singapore stated that accusations of bias are “harmful to public interest and are clearly calculated to undermine public confidence in the administration of justice and must

necessarily lower the authority of the courts". 'A-G v Wain (No 1) [1991] SLR 383'.

Justice Judd, HHJ Myles Watkins, HHJ Stephen Wildblood, HHJ Stephanie Cope and HHJ Tracy Cronin are all denying and blocking my rights. I have not been charged with any criminal offence. Therefore under Article 6 of ECHR I am innocent until proven guilty. I am deeply concerned that [AB] MP who is a board member of Committee of Intelligence for MI5, MI6 and GCHQ along with being a Privy Counsel Member to the Monarch is breaching her Public Office to abuse her power and authority in order to silence me.
https://isc.independent.gov.uk/committee-membership/

I continue to show substantial evidence of the corruption, unlawful legal entrapment by abuse of force using Freemasonry and Malfeasance. The evidence is undeniable, indefensible and incontrovertible. All suppressed within the Court proceedings which I have evidenced. I continue to give the criminals the opportunity to 'stop and correct' themselves and their actions as by the Criminal Law Act 1967 s4 (1) and (1) (a) 'Penalties for assisting offenders', it states as follows: -

'...(1) - Where a person has committed, any other person who, knowing or believing him to be guilty of the offence or of some, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence.

'...(1) (a) - In this section, ..." relevant offence " means— an offence for which the sentence is fixed by law,

Thirdly, I reject this bundle on the grounds of malfeasance and fraud. I have a Claim filed against [solicitors] with the 'Solicitors Regulation Authority Compensation Scheme'

Finally, can you confirm Charlotte and provide in writing under the CPR Part 10.5.1 (a) (b) (c) the service certificates for all Court Order starting from 12 August 2021 to today's date of Thursday 19 May 2022.

We need to stay within the Rule of Law, respecting the very clear guidelines set out by CPR. I will not be forced by corruption to be silent on matters that deeply concern the trust and abuse of the application of law which is designed to protect the people. It is not a crime to hold Public Office holders accountable but rather a duty.

I invite once again those named above to admit their wrongs and correct it. Gerard McMeel is invited as the applicant to 'withdraw' his application. I welcome a letter of apology and settle this matter. It is not in the public interest and taxpayers money to harass and target me as a truth speaker, woman and mother who is a law student doing my very best to uphold the Rule of Law to protect innocent victims and survivors of abuse.

State interference, surveillance in order to unlawfully entrap me by a MP is a crime.

ALL RIGHTS INTACT.

'No ill-will, vexation, harm, loss or injury intended'.

Sian Gissing-McMeel
Director & Trustee

26. The respondent also provided two notes in advance of the hearing and several emails between hearings. She also said that she had produced a bundle, although this had not been received by the court or the applicant. She said that it was not crucial, and did not either resend it or invite me to read it. She chose to give oral evidence.

27. The notes provided by the applicant refer to the Civil Procedure Rules and claim that the applicant did not serve her the documents within 7 days of receipt. She states that he attempted service abusing his position. She makes numerous claims about the applicant's deceit and states that the application has arisen as a result of fraud, and that all orders made arising out of fraud (which she says is the case here) are 'null and void'. She also suggests that the court has before it applications to set aside the original orders and applications to strike out the first application on the basis that it is an abuse of process.

28. The respondent wished to ask the applicant numerous questions and did so. Her focus was not on the terms of the orders or the allegations made but on other matters, such as the breakdown of their relationship, why he had chosen to go to court on 12th August when she had come back with the children and was home. She asked him questions about AB and whether he had had an intimate relationship with her, and about fraud and freemasonry. She also asked him about how well he knew District Judge Watkins. It was difficult to get her to focus on the allegations themselves, and some questions I stopped, such as when she asked the applicant when they had last had sex. At times she made speeches, the

substance of which related to her belief that there has been a fraudulent conspiracy between a variety of people in the case, and that the orders made were all the product of fraud.

29. She suggested to the applicant that he was in breach of court orders himself and should be committed for contempt. She also said on several occasions that it was in the public interest for her to bring attention to corruption and misfeasance in public office.

30. When she gave her evidence, she said that the applicant was dishonest and thought he was above the law. She said he was concerned with his corrupt friends. She said the orders were fraudulent and that orders arising out of fraud are null and void.

31. She did not give any evidence about the social media posts although she said obliquely at some point that the applicant and a friend of his 'had good access to social media accounts'.

32. She did not ask to call any witnesses, and on the second day of the hearing (where I had intended to give judgment but decided to adjourn for a longer period to do so), I asked her if she wanted to call any witnesses, and said to her that if so, I would make time for this. After some thought she asked to call six witnesses who included the MP referred to above, District Judge Watkins, His Honour Judge Wildblood, Her Honour Judge Cope and District Judge Brown. She also wanted to call two other individuals who she considered to be part of a conspiracy of fraud along with the MP and judges. I refused her application to call all these witnesses as I did not consider the allegations of fraud and conspiracy that she wished to cross examine them about to be relevant to the issues I have to decide.

33. In the week following the hearing the respondent said she wished to call a Mr. Millinder who, she said works with her at an organisation called Intelligence UK. She says she is a journalist investigating corruption within the police and judiciary for the protection of the public. Mr. Millinder is said to have helped her draft her applications to court to try and safeguard her from the corruption 'via Mr. McMeel and his friends'. I refused this application also as it seems to me, again, that his evidence is not relevant to the issues I have to decide.

34. Today my clerk received a further email from the respondent asking to call her mother and four other people to give evidence. She also asked

me to recuse myself and again and for an adjournment to obtain legal representation.

35. As I have already said, I am not prepared to adjourn the case again for Ms Gissing McMeel to obtain legal advice before giving my judgment. She has had ample opportunity to do so before but has declined. Indeed on the last occasion in court she said she thought she had done a good job in representing herself and that she did not need a lawyer.

Service of the orders

36. There are affidavits of service in relation to all the relevant orders in the bundle, and I accept that they were served on the respondent.

Application to recuse myself

37. With respect to the application that I recuse myself from hearing this matter, the test to be applied is well known and set out in the case of Porter v McGill [2001] UKHL 67, namely whether a fair minded and informed observer, having considered the facts, would conclude there was a real possibility of bias. The case that the respondent refers to was very different to this; as the Court of Appeal judgment demonstrates. If I had to recuse myself from this case as a result, it would apply to every case heard by me.

38. Although the respondent has not advanced this as an argument, I am conscious that I made a collection order with respect to the children in October 2021 when I was the urgent applications judge. This was without notice to the respondent. The children were collected in accordance with the order I made. In making the order I did I was relying on the fact that there was an order that the children should be in the care of the applicant, and I did not make any findings at that very short hearing. I do not consider that the fair minded and informed observer would also not conclude there was a real possibility of bias in relation to that.

39. I therefore refuse the application to recuse myself.

Standard of proof

40. When determining the application for contempt I must apply the criminal standard of proof, that is that I must be satisfied so that I am sure that orders have been breached before making any such finding.

Allegations that the orders were obtained by fraud

41. I do not accept the respondent's submissions that the orders are fraudulently obtained. The emails above, and some of her posts online suggest that she has developed a baseless obsession about a conspiracy involving a number of people including the applicant, an MP who is a long standing friend of his, and all the judges who have dealt with her case. It leads her to conclude she does not have to abide by court orders. It is completely wrong and very sad. No doubt it has affected her ability to engage in the proceedings concerning her children which are of great importance to them, and her too.

42. Whatever the respondent believes about the orders, unless or until they are set aside or successfully appealed they remain in force and must be complied with. Whilst she is entirely right that she has the right to freedom of speech (including the right to criticise judges, the legal system and freemasonry) this does not include the right to breach an existing court order requiring her to do, or prohibiting her from doing, a particular thing.

Procedural requirements

43. Having considered the requirements of Part 37 Family Procedure Rules 2010, particularly Rule 37.4 (these rules having come into force on 1st October 2020) I have concluded that the notice of application was compliant with the procedural requirements. There were a significant number of allegations so that the application and accompanying orders had to be read very carefully but I consider it was clear to the respondent what orders she was said to have broken and how. I am also satisfied that the contempt application was served personally on 20th December as set out in the affidavit of service at D1-2 of the bundle as required by Rule 37.5.

44. Rule 37.2 states that a penal notice means a prominent notice on the front of an order warning that if the person against whom the order is made disobeys the court order, the person may be held in contempt of court and punished by a fine, imprisonment, confiscation of assets or other punishment under the law. In the case of Re Dad [2015] EWHC 2655 (Fam) , which was dealt with under the previous Rule 37.9, Holman J concluded that the standard form of collection order at that time, with the penal notice on the fifth page of the order, simply did not comply with the rules. As a result the standard forms have been changed so that the orders are prominently on the front. In that case, Holman J declined to waive the procedural defect as he did not consider he could be satisfied there was no injustice.

45. It seems to me that similar considerations arise here in relation to a several of the orders which I have cited above.

Breach of paragraph 6 of the order of 12th August

46. Having heard and read all the evidence, I am satisfied beyond reasonable doubt that the respondent removed the children from the care of the applicant on 23rd October without his permission, by putting the children into the car and driving away from the home so that he could not stop them. I note, however, that on the order the penal notice was on page 2 of 3 rather than on the front which does not comply with Rule 37.2. Despite the submissions of the applicant, I am not satisfied that no injustice arose as a result, and as a consequence I do not find that the respondent is liable to committal for contempt of court as a result. I know that she is able to quote legal authority and research, but her posts, emails and documents suggest her understanding of legal issues is very superficial.

Breaches of the non-molestation order dated 24th August and 14th October.

47. Having heard and read all the evidence, I am satisfied beyond reasonable doubt that the respondent posted all the material set out at paragraphs (h) 1, 3, 7, 8, 9, 14 and 24 of the committal notice on her Instagram account under the forum wampafac. I am also sure that the material was posted after 2nd September, the date on which she was served with the order. Although the applicant does not now remember the dates on which the material was posted, his affidavit, produced much closer to the time (20th October), gives the dates clearly. The respondent's statement in the occupation order proceedings at E10 of the bundle is dated and signed 14th October. The post at E17 is clearly dated 14th October. The evidence is very clear indeed, and I note that the respondent did not deny creating the posts or give any explanation for what she had done save to say that she had a right to freedom of speech and that the orders were fraudulent. By doing this, she was in clear breach of the terms of the order of 24th August because the posts refer to the applicant . There was a warning on the front page of the order that if it was not obeyed, Ms Gissing McMeel would be in contempt of court, and this was repeated in capital letters at the top of page two. Whilst it might have been better if the words in capitals on page two were in the same form on page one, I do consider that the requirements of Rule 37.2 are met, and in any event that Ms McMeel cannot have been in any doubt about the consequences of breach in relation to this order. It was this order (which did not have a time limit) that she was in breach of, as the order of 14th October was not

served on her until 17th October. The order of 17th October stated that 'the paragraphs 6 to 8 are already effective against Ms Gissing McMeel as they were made by order of this court 'on 24th October'. It is unfortunate that it states 24th October instead of 24th August, which is clearly what it means, but I do not think that is material as it is an obvious typographical error.

48. I therefore find beyond reasonable doubt that Ms Gissing McMeel is in contempt of court in relation to these matters.

Breaches of orders prohibiting the naming of the children

49. I am satisfied beyond reasonable doubt that the respondent named the children on at least two posts. One of them was linked to the Family Law Act 1996 proceedings and the other, whilst not naming the case, clearly referred to family court proceedings involving them. There were another two posts following (appearing at E18 and E19 of the bundle) where she referred to the Children Act proceedings although she only named one child by her first name and not her date of birth. The order of 12th August prohibits the public naming of the children without an order of the court, but there is no penal notice attached to that provision and indeed it seems to me that this is likely to be a warning notice pursuant to s 111 Children Act 1989 (as discussed by Baker J in CH v CT [2018] EWHC 1310 (Fam)).

50. The order of 24th August is more specific in that in paragraph 4 there is a prohibition on her disclosing to third parties or disseminating on the internet documents or material from the proceedings. The order is on page three of the order and is followed by a penal notice which starts with capital letters. The penal notices do not conform with Rule 37.2, and despite the applicant's submissions I am not satisfied that no injustice is caused as a result, so cannot waive this procedural defect. Accordingly, I do not find the respondent in contempt of court in relation to these orders.

Contempt in the face of the court

51. As I have set out above, there is also an application for the respondent's committal for contempt in the face of the court by informing District Judge Watkins at the hearing on 5th October that she was recording it. Given that this is now seven months ago, and that there is no evidence that she actually did record it apart from her statement, or that she has posted this anywhere, I do not find her in contempt of court in relation to this.

52. In all the circumstances, I find the respondent in contempt of court for breaches of the non-molestation order made by District Judge Watkins on 24th August by posting material on social media referring to, including, and identifying the applicant as follows: -

    (a) By placing a notice (C5) on her Instagram account on 13th October saying

    'NOTICE OF HARASSMENT AND LEGAL ENTRAPMENT'. And naming Mr McMeel and accusing him and those he instructed of participating in legal entrapment;

    (b) By placing a post on her Instagram account on 14th October 2021 (C6) including a document filed by the respondent in the Occupation Order proceedings stating that she did not consent to engage with the Family Fraud Courts, naming the applicant as the applicant in the case and accusing him and his lawyers of fraud, deception, harassment and bullying;

    (c) By posting screenshots of messages on 15th October 2021 (C7) between the applicant and another person, and accusing them both of 'Freemasonry Collusion'. The post said, 'Gerard prefers to collude in conspiracy to defraud me instead of speaking to our children at breakfast'.

    (d) By posting screenshots of messages on 15th October 2021 (C8) between herself and the applicant with commentary on the side to the effect that his 'brethren' came before herself and the children.

    (e) By posting a screenshot of a court form on 15th October 2021 (C9, 10) with a commentary naming the applicant as someone who needed to be sacked for conspiracy and fraud.

53. I will adjourn this case for a short period for determination of penalty and to enable the respondent to obtain legal representation for that hearing.