



Neutral Citation Number: [2024] EWCA Civ 760

Case No: CA-2024-001276

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM PORTSMOUTH COMBINED COURT CENTRE
J00PO627

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 03/07/2024

Before :

LADY JUSTICE ELISABETH LAING
and
LORD JUSTICE WILLIAM DAVIS

Between :

ROBERT HOOD	<u>Appellant</u>
- and -	
(1) THE DEPARTMENT FOR TRANSPORT (THROUGH THE DIVER AND VEHICLE STANDARDS AGENCY)	<u>Respondents</u>
(2) MATTHEW SMITH	
(2) SHEILA RANSOM	
(4) DAVID BLAKE	

Robert Hood appeared in person
Michael Fry (instructed by **The Government Legal Department**) for the **Respondents**

Hearing date : 27 June 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 3 July 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Lady Justice Elisabeth Laing and Lord Justice William Davis :

This is the judgment of the court.

Introduction

1. On 31 May 2024 in the County Court at Bournemouth before HH Judge Glen Robert Hood was committed to prison for a period of 3 months in respect of breaches of an interim injunction granted on 27 January 2023. Mr Hood appeals as of right against his committal.
2. On 4 June 2024 Mr Hood applied for a stay of the committal order, for a grant of bail and for a writ of habeas corpus. Whether the application was made by him or someone purporting to act on his behalf is not clear. The applications were considered on paper by Lady Justice Andrews. On 12 June 2024 she refused all of the applications. Mr Hood or someone purporting to act on his behalf immediately issued a notice of appeal. Somewhat generously this was treated as an application for a reconsideration. On 19 June 2024 Lord Justice Warby reconsidered the applications. He affirmed the decision to refuse bail. He adjourned the application in respect of a writ of habeas corpus to be heard with the appeal against the committal.
3. At the conclusion of the hearing on 27 June 2024 we announced that the appeal against the committal order was dismissed. We also refused the application in relation to the application for a writ of habeas corpus. We said that we would provide detailed reasons in writing for our decision. These are our reasons.
4. At the hearing Mr Hood appeared via CVP from HMP Lewes. At the start of the hearing he told us that he did not have any of the documents provided to us by the respondents save for the decision of Lady Justice Andrews. Most of the documents were historical, namely the evidence relied on at various points in the proceedings in the court below. Nonetheless, we were concerned that Mr Hood should be able to present his case on a full and proper basis. We told him that we could adjourn the hearing. Alternatively, we could ask counsel for the respondents to take him through the documents in which event we would leave court for as long as was thought necessary. Mr Hood said that he was content to proceed with the hearing. He did not require an adjournment. Nor did he need counsel to go through the documents with him. He was satisfied that everything on which he needed to make submissions was “in his head”.

Factual background

5. Mr Hood was a driving instructor. He was on the register of approved driving instructors. He worked for a franchise known as Red. On 19 November 2019 he presented a candidate for a driving test at the Portsmouth test centre. The examiner was David Blake. The candidate failed the test. The manager of that test centre was Sheila Ransom. On 20 January 2020 Mr Hood presented a candidate at a different test centre at Lee on Solent. This candidate also failed the test. Mr Hood disputed the result. He had a meeting with the manager of the test centre, Matthew Smith. The meeting lasted for about an hour. Mr Smith explained the examiner’s reason for failing the candidate. Mr Hood would not accept the explanation. Mr Smith in a subsequent witness statement said that he found the meeting stressful because Mr

Hood kept making the same point over and over again. However, eventually the two men agreed to disagree. Following the meeting Mr Hood sent Mr Smith a letter to “apologise for our interaction”.

6. According to the evidence adduced by the claimants this conciliatory approach changed. On 1 May 2020 for reasons not immediately or directly connected to the incidents in November 2019 and January 2020 Mr Hood was removed by the Driver and Vehicle Standards Agency (“DVSA”) from the register of approved driving instructors. He subsequently appealed to the First-Tier Tribunal against the DVSA decision. His appeal was dismissed. In any event, within a matter of weeks of the removal decision Mr Hood began writing to and messaging the DVSA. He made numerous allegations of corruption, bullying and other reprehensible behaviour by Mr Smith, Ms Ransom and Mr Blake. From October 2020 onwards Mr Hood posted allegations about those individuals on various social media platforms including Facebook, Twitter (or X) and TikTok. The posts involved repeated allegations of criminal offences such as theft, fraud and perjury and more generalised suggestions of non-specific abuse. Mr Smith was the particular target of Mr Hood’s ire. Mr Hood also posted repeatedly the details of Mr Smith’s home. He posted details of what he clearly believed was the home address of Ms Ransom although it was in fact an address at which she no longer lived.
7. The DVSA brought a claim under the Protection from Harassment Act 1997 for harassment. They claimed injunctive relief in their representative capacity on behalf of its employees and agents affected by Mr Hood’s activity. Mr Smith, Ms Ransom and Mr Blake brought similar claims.
8. On 27 January 2023 District Judge Samuel sitting in the County Court at Portsmouth made an interim order for injunction. He did so having read inter alia the witness statements of Mr Smith, Ms Ransom and Mr Blake. The statement of Mr Smith was dated 18 July 2022. This statement has assumed particular significance in the context of Mr Hood’s arguments before us. They and the DVSA were represented by counsel. Mr Hood represented himself. The relevant parts of the order prohibited the following:
 - “(d) Post (or re-post) on social media (including, but not limited to, Facebook, Instagram, TikTok and Twitter) or otherwise publicly disclose any content which:
 - i. Names the second, third or fourth Claimants and/or any other DVSA employee;
 - ii. Includes a picture or video of the second, third or fourth Claimants and/or any other DVSA employee; and/or
 - iii. Includes the address, or any other personal data through which the second, third or fourth Claimants and/or any other DVSA employee may reasonably be identified.”
9. The order prohibited Mr Hood from pursuing any other conduct which amounted to harassment of the claimants or any other employee of the DVSA. There was a requirement in these terms:

“The Defendant must forthwith remove from all of his social media accounts (including, but not limited to, Facebook, Instagram, TikTok and Twitter) any content he has posted which:

- (a) Names the second, third or fourth Claimants and/or any other DVSA employee;
- (b) Includes a picture or video of the second, third or fourth Claimants and/or any other DVSA employee; and/or
- (c) Includes the address or any other personal data through which the second, third or fourth Claimants and/or any other DVSA employee may reasonably be identified.”

The order was to be in force until the conclusion of the trial of the claims or until earlier variation or discharge, Mr Hood being given liberty to apply on notice for variation or discharge of the order. He was served with the order on 31 January 2023.

10. On 12 May 2023 the DVSA and the other claimants issued a contempt application against Mr Hood. They alleged that he had failed to remove social media content as was required by the order. They further alleged that he had posted or re-posted fresh material on his social media accounts in February and March 2023. The allegations were set out in first affidavit of Chloe Smith. The affidavit notified Mr Hood that he was entitled to be represented at the hearing of the contempt application. Mr Hood’s attention was drawn to the relevant form to apply for legal aid. Alleged contempt in civil proceedings is treated for legal aid purposes as a criminal matter. The hearing was due to be listed before the District Judge. The court determined that it would be appropriate for the matter to be heard by a Circuit Judge. It was transferred to HH Judge Glen. Although we have not seen a court document in relation to this decision, we have seen an e-mail exchange between Mr Hood and the respondents’ solicitor which sets out that listing decision. The contempt application was listed on 21 November 2023 before Judge Glen. At the hearing Mr Hood said that all of the content relied on by the claimants no longer was available to view on any of the relevant sites. The claimants did not agree with that proposition. The hearing was adjourned so that they could write to Mr Hood identifying the sites where material was still visible and thereafter in order for Mr Hood to remove the material.
11. The adjourned hearing took place on 5 January 2024. The judge found each of the alleged breaches of the injunction to have been proved. He did not impose a sanction at that point. Rather, the judge indicated that, had he done so, he would have imposed a sentence of one month’s imprisonment. The sentence would have been suspended. The judge adjourned the issue of sanction – sentence was the word he used – saying that, by the time he considered the issue finally, he expected all posts on social media to have been removed by Mr Hood. The judge described this as a “last chance”.
12. Mr Hood had made a series of applications in the underlying proceedings. On 5 February 2024 they were considered by District Judge Samuel at a hearing in Portsmouth. Mr Hood was present. The DVSA and the other claimants were represented by counsel. Mr Hood applied to strike out the claim and for an order that alleged perjury should be investigated, for the District Judge to recuse himself and for

all orders made thus far in the proceedings to be declared null and void. All of the applications were dismissed. Three were declared to be totally without merit. In consequence, the District Judge made a limited civil restraint order in relation to the ongoing proceedings.

13. Mr Hood was not present for the greater part of the hearing. At an early stage he filmed the District Judge in court using his mobile telephone. He was warned by the judge that filming in court was a contempt. Mr Hood said that he was not committing an offence because he was recording a crime. He continued filming the judge. As a result, he was removed from the court room by security staff. Before he left, he attempted to arrest the judge pursuant to section 24A of the Police and Criminal Evidence Act 1984 and accused the judge of perjury and contempt of court.
14. After the hearing Mr Hood posted the recording he had made of the District Judge on TikTok and on Facebook. The next day HH Judge Glen made an order requiring Mr Hood to remove all material which named a judge or officer of the court or which otherwise identified them including the recording. HH Judge Glen's order also prohibited Mr Hood from posting any further material of the same or similar type. The order was made without notice and in the absence of Mr Hood. Mr Hood was served with the order on 7 February 2024. A return hearing date was set for 9 February 2024. Mr Hood failed to attend on the return date. Rather, he posted further material on Facebook and YouTube, namely videos of the District Judge and pictures of the District Judge and HH Judge Glen annotated with comments accusing the judges of corruption, perverting the course of justice and being party to a fraud being committed by the Department of Transport. On 4 June 2024 a summons was issued at the direction of Mr Justice Saini, a Presiding Judge of the Western Circuit, requiring Mr Hood to attend court on 18 July 2024 to answer allegations of contempt arising from the events of 5 February 2024 and the subsequent posting of material relating to the District Judge and Judge Glen on social media sites.
15. Mr Hood did not take the "last chance" offered to him on 5 January 2024 by HH Judge Glen. Not only did Mr Hood fail to remove existing social media posts but also he made further posts. On 15 February 2024 DVSA and the other claimants issued a contempt application in relation to further posts on 9 and 10 February 2024. These were identified in Chloe Smith's affidavit of 15 February 2024. They issued another contempt application on 27 February 2024 in relation to further posts on 21, 24 and 25 February 2024. Chloe Smith made a further affidavit on 26 February 2024 in respect of the further posts. Both applications referred to the failure to remove existing posts.
16. The applications issued in February 2024 were first listed before HH Judge Mitchell on 10 April 2024. He adjourned the hearing. He gave Mr Hood the opportunity to serve a further statement. He took that opportunity on 21 April 2024. Before then the matter which had been adjourned on 5 January 2024 should have been before HH Judge Glen i.e. on 29 February 2024. Mr Hood was unavailable to attend on that date so it was further adjourned.
17. On 31 May 2024 all matters were listed before HH Judge Glen. Mr Hood attended court together with a group of people who apparently were there to support him. Due to the events of 5 February 2024 the judge directed that any person entering the courtroom was to surrender their mobile telephone to a member of court staff. This direction applied to everyone including counsel. Counsel appeared to represent the

claimants. He surrendered his mobile telephone. Mr Hood and his supporters refused to do so. He was not represented. The judge was addressed by counsel on the way forward. Counsel submitted that the options were to proceed in Mr Hood's absence or to issue a warrant for his arrest. The judge rose to consider what to do. During the judge's retirement Mr Hood told counsel that he intended to arrest the judge. For some reason court staff formed the belief that he had a set of handcuffs in his possession to facilitate the arrest. Mr Hood told us that this belief was without any foundation in fact. Whatever the position the judge was informed of Mr Hood's intention.

18. When the judge returned to court, he concluded that Mr Hood was voluntarily absent from the hearing. Notwithstanding the serious nature of the proceedings, he decided to proceed with the hearing in the absence of Mr Hood. The applications issued in February 2024 were supported by the affidavit of Chloe Davis of the Government Legal Department which exhibited the many posts made by Mr Hood and witness statements from the individual claimants. The maker of the affidavits was called. She affirmed the truth of her evidence. Mr Hood had filed a statement dated 21 April 2024 which the judge was able to consider. This asserted that the evidence of Chloe Davis was irrelevant. Mr Hood stated that Matthew Smith had committed perjury in a witness statement served early in the proceedings, namely the statement dated 18 July 2022. He argued that the District Judge had permitted this perjury. This meant that all orders made by the District Judge and thereafter by HH Judge Glen were null and void. He said that the judges were guilty of several criminal offences. He claimed that his right to a fair trial and his right to trial by jury had been denied to him. The consequence of these matters was that the original injunction was void and unenforceable.
19. HH Judge Glen considered the issues raised by Mr Hood. He concluded that they provided no answer to the allegations of contempt. He found that the various breaches of the injunction made in November 2023 had been proved to the criminal standard. The judge gave Mr Hood a further opportunity to come into court once he had surrendered his mobile telephone. Both members of court staff and counsel representing the claimants spoke to Mr Hood outside court. He still refused to come into the courtroom. Counsel took a note of mitigating factors which Mr Hood said were relevant to his case. The judge decided that Mr Hood's continuing absence was voluntary. Counsel read out the note he had taken of the mitigation. This was as follows: Mr Hood was married with a 12-year-old daughter; the daughter had had cancer which now was in remission; Mr Hood's wife worked as did he so, were he to be imprisoned, there would be issues surrounding childcare; he had no previous convictions; were he to be imprisoned Mr Hood would lose everything; he was well regarded in the community as was evidenced by the attendance at court of many people who were supporting him.
20. HH Judge Glen then delivered a careful judgment dealing with the issue of sanction. He identified the primary objective of imposing sanction on a contemnor as securing compliance with court orders. There were other objectives: to punish the contemnor and to satisfy the public interest in seeing compliance with court orders. The judge noted that he was required to consider culpability and harm. It also was necessary to reflect any mitigating factors. Immediate custody was only to be the outcome where no other sanction was appropriate. The judge considered that culpability was high in

relation to the posts made in February 2024. Those posts came after the hearings in November 2023 and January 2024 at which Mr Hood was told in terms that he was being given a “last chance”. This feature substantially removed the mitigating effect of Mr Hood’s expressed willingness in November 2023 to remove remaining material. In relation to harm the judge had regard to the impact of Mr Hood’s activity on the individual claimants as set out in their witness statements. By way of example Ms Ransom explained that Mr Hood’s actions had had a massive negative impact on her mental health. She experienced mood swings and found it difficult to sleep. She had received e-mails from friends and colleagues saying that they had seen the posts involving her which led her to worry that people less close to her might think that the allegations made by Mr Hood were true.

21. HH Judge Glen determined that the breaches of the injunction reflected in the new posts in February 2024 amounted to a positive choice on Mr Hood’s part to defy the injunction. The custody threshold had been passed. Because of the high degree of culpability and harm in relation to the February breaches, the least sentence that could be imposed was terms of 3 months’ imprisonment to be served concurrently in relation to both applications to commit made in February 2024. Because the breaches of injunction which had been found proved in January 2024 had been overtaken by events, the judge imposed no separate penalty in respect of those matters. The judge took into account the mitigating factors. He concluded that they were not sufficient to avoid an immediate period of custody.

The appeal

22. In his appellant’s notice Mr Hood set out his grounds of appeal as follows:
 - i) Halsbury’s Law 2011
 - ii) 1981 Forgery Act – stamping court documents is a criminal activity if done without a jury – it is a crime of uttering
 - iii) Biased judge and/or the judge erred
 - iv) Procedural failings.
23. He referred to the attached skeleton argument and grounds. The grounds which were in typescript said nothing about Halsbury’s Laws or the Forgery Act. They concentrated on the proposition that Mr Smith had lied in his witness statement of 18 July 2022. This constituted perjury. The District Judge had refused to investigate it. He had refused Mr Hood trial by jury. The injunction had been made on the basis of perjured evidence. Everything done by the court from November 2022 onwards was null and void because the perjury had not been investigated. In relation to HH Judge Glen he had refused Mr Hood trial by jury and had refused to allow him to submit evidence in his defence.
24. The skeleton argument expanded on the alleged procedural failings. It was submitted that there was a failure to allow the public to come into the courtroom. Reference was made to the obligation to take special care when dealing with a litigant in person.

25. In his oral representations Mr Hood repeated the submission that Mr Smith had committed perjury in his witness statement. He relied in particular on differing accounts said to have been given by Mr Smith in relation to the meeting in January 2020. He said that Mr Smith had first given an account of the meeting to a more senior member of DVSA staff and had said that the meeting was pleasant. This was to be contrasted with how he described the meeting in his witness statement. Mr Hood's argument was that the witness statement characterised the meeting as the most unpleasant experience Mr Smith had ever had. Mr Hood told us that the witness statement also set out an entirely false account of how he had behaved towards Mr Smith.
26. Mr Hood's argument was that he had asked both the District Judge and HH Judge Glen to investigate his allegations of perjury on the part of Mr Smith but that they had refused to do so. Those refusals rendered the proceedings against him unsafe and unfair. Mr Hood said that everyone should be equal under the law. He asked why Mr Smith was allowed to commit crimes.
27. In relation to the issue of procedural fairness, Mr Hood submitted that the District Judge had recused himself in August 2023. That is why the case was transferred to HH Judge Glen. In September 2023 the solicitor acting for the claimants had accepted that this was the position. In those circumstances the District Judge should not have had any further dealings with the case. HH Judge Glen had declined to receive evidence that Mr Hood wished to present. He had refused to allow him into the courtroom. HH Judge Glen had not given Mr Hood a fair hearing. This was to be contrasted with the hearing before HH Judge Mitchell which took place prior to 31 May 2024. HH Judge Mitchell had refused to commit Mr Hood saying that the paperwork was all wrong. Taking all matters into account there had been a violation of Mr Hood's rights under Article 6 of the European Convention on Human Rights.
28. Mr Hood argued that, irrespective of issues of fairness and equal treatment before the law, he had not breached the injunction. The order only would be breached if people reasonably could be identified in any post. It could not be shown that this was the case.
29. Finally Mr Hood submitted that he had been forced into acting as a litigant in person. He had approached many firms of solicitors. None had agreed to act for him.
30. In relation to sanction Mr Hood relied on the same mitigating circumstances as placed before the judge to argue that some course other than immediate custody ought to have been taken.

Discussion

31. The principal theme running through the arguments put by Mr Hood was the proposition that Mr Smith had committed perjury in his witness statement and that this rendered void all orders made by the court from November 2022 onwards. This proposition is not correct.
32. Mr Smith's witness statement was made in support of an application for an interim injunction. When a party applies for an interim injunction in civil proceedings, the court which hears the application is not in a position to, and does not, make factual

findings on the written evidence. The question for the court is not whether that evidence is true, but whether, if true, it raises a serious issue to be tried (*American Cyanamid Co v Ethicon Limited* [1975] AC 396.) If, on such an application, the court finds, on the basis of the written evidence, that there is a serious issue to be tried, and that the balance of convenience favours the grant of an injunction, the court will make an interim order. That order must then be obeyed, unless and until it is set aside, regardless of the underlying truth of any evidence on which it is based.

33. Let us assume that Mr Smith did lie in his witness statement. It was a statement made at an interim stage in civil proceedings. The proceedings are intended to culminate in a trial. At the trial Mr Smith will give evidence. Subject to any restrictions on who may conduct the cross-examination, Mr Smith will be cross-examined on the content of his witness statement. The judge who tries the case will make findings as to the veracity of Mr Smith. By that route the lies told by Mr Smith, if he did lie, will be taken into account in the disposal of the case. The fact that evidence provided by a witness is shown to be untrue does not render void previous orders made by the court. Mr Hood complained that the judges who had conduct of the proceedings did not investigate his allegations of perjury. They had no power to engage in any kind of pre-trial investigation. In any civil proceedings the accuracy of the evidence given by each party is determined at the final trial by the forensic exercise of the trial process. If, in due course, the trial judge were to find that Mr Smith did lie in his witness statement, the matter might then be referred to police for investigation and possible prosecution.
34. Nor is it for us to make any findings about the veracity and accuracy of Mr Smith's witness statement. We are hearing an appeal, not deciding the facts. We can and do say that the fact that a witness has committed perjury is not established merely by assertion. Save in one respect, we are not in a position even to begin to test Mr Hood's assertion of perjury. We have not heard the relevant evidence nor heard any cross-examination. We have not seen any detailed evidence from Mr Hood on the issues raised in Mr Smith's statement. Nor have we heard from Mr Smith. The issue in respect of which we can make a reasonable assessment is the suggestion that Mr Smith gave contradictory accounts of his first meeting with Mr Hood.
35. In the witness statement dated 18 July 2022 Mr Smith described the meeting as follows:

“The meeting lasted for around an hour, during which I explained the reason why his pupil had not been successful. However, no matter how I explained the reason I was just not able to get through to Mr Hood. The meeting was very stressful as he kept going over the same point and he would not accept what I was telling him. In the end we agreed to disagree and he said he understood why his candidate had been failed even if he didn't agree with the reason. This was not a pleasant experience and I remember feeling mentally drained when he left.”
36. Mr Smith made a further statement on 22 March 2024 for the purposes of the trial of the action. In part, this statement was designed to bring his evidence up to date. One issue with which the statement dealt was an e-mail exchange between Mr Smith and his area manager. This was in relation to a letter which Mr Hood had sent to the

DVSA complaining about Mr Smith's conduct at the meeting. Mr Smith in his further witness statement said this:

“I was asked by Amanda Lane, the DVSA's Operational Delivery Manager for Area 15 at the time, to respond to these allegations and I have exhibited my email to her on 3 June 2020 at MS2[45]. In my email I stated that my recollection of my meeting with Mr Hood was that it was pleasant and not as described in his letter. My initial response was to downplay the incident in the hope Mr Hood would let the matter rest. At the time, I did not see any benefit in describing how unpleasant Mr Hood was towards me in the meeting.”

37. It is apparent on the face of the witness statements that Mr Smith had never described the meeting in the extreme terms suggested by Mr Hood. Further, Mr Smith's evidence provides a clear explanation for the inconsistency between his witness statements accompanied by a statement of truth and what was said in the e-mail to the area manager. On their face there is no evidence of perjury in the witness statements.
38. However, we reiterate that it was not for the District Judge or HH Judge Glen to initiate an investigation into Mr Smith's veracity or to reach any preliminary conclusions on whether perjury had been committed. We have set out the evidence on the particular matter raised by Mr Hood in order to demonstrate that a proper consideration of the evidence does not support Mr Hood's core argument.
39. Mr Hood's submissions in relation to recusal did not address why any recusal by the District Judge in August 2023 could have affected (a) the making of the injunction in January 2023 and (b) what HH Judge Glen did from November 2023 onwards in relation to the committal proceedings. In any event, they were made on a mistaken factual basis. When Mr Hood in the course of the hearing said that the solicitor acting for the claimants had accepted in writing, in a letter posted to Mr Hood's home address, that the District Judge had recused himself, we asked for disclosure from the first claimant of any correspondence between the solicitor and Mr Hood. We were provided with an e-mail exchange which occurred on 2 October 2023. Mr Hood e-mailed the solicitor with the bald message “Judge Samuel has been recused and tomorrow's hearing has been cancelled”. The solicitor's response noted that Mr Hood had filed an application requesting the District Judge to recuse himself. The solicitor said that he had asked the court for a copy of the application. The court had responded to say that the matter had been transferred to HH Judge Glen and that the hearing due to take place before the District Judge had been vacated. When this e-mail exchange was read out to Mr Hood, he said that he had no recollection of it. The written acceptance by the solicitor had been in a letter received by him in September 2023. We were told by counsel for the claimants that no such letter existed on the solicitor's file.
40. Mr Hood's assertion about recusal is wholly inconsistent with what happened on 5 February 2024. On that day the District Judge considered an application by Mr Hood that he should recuse himself. If he had already recused himself, the District Judge would not have needed to rule on the application. As we have already outlined, the District Judge declined to recuse himself. We are satisfied that Mr Hood is labouring under a mistaken view of the facts on the issue of recusal.

41. Mr Hood is also mistaken about the significance of the hearing in April 2024 before HH Judge Mitchell. Whatever the purpose of the listing before HH Judge Mitchell, he was not willing to consider the applications for contempt. That was bound to have been his position. HH Judge Glen was still seised of the first application in relation to which he had yet to decide on sanction. No judge would have contemplated adjudicating on any part of the application for contempt in those circumstances. Mr Hood's reference to Judge Mitchell saying that the paperwork was wrong can only have been the judge noting that Mr Hood had served no evidence in relation to the alleged breaches of the injunction in February 2024. On 21 April 2024 Mr Hood made and served a further statement. That is consistent with HH Judge Mitchell directing Mr Hood to serve any further evidence on which he proposed to rely.
42. HH Judge Glen had an inherent jurisdiction to manage access to the courtroom in such a way as to ensure that proceedings were conducted properly. He could only take such steps as were reasonable and proportionate. He was not entitled to do anything which unjustly interfered with Mr Hood's access to the hearing. In the light of the events of 5 February 2024 HH Judge Glen was justified in requiring any person who wished to enter the courtroom on 31 May 2024 to surrender their mobile telephone prior to entry. This requirement was applied to all persons including counsel. In applying the requirement in that way, HH Judge Glen ensured that his approach was even-handed. The requirement was reasonable and proportionate. It did not prevent anyone from entering the courtroom. Mr Hood did not require his mobile telephone in order to participate fully in the hearing. By refusing to comply with a reasonable and proper request, Mr Hood's absence from the hearing was voluntary. HH Judge Glen thus was entitled to proceed in the absence of Mr Hood.
43. Article 6.1 of the Convention provides that "everyone is entitled to a fair and public hearing...by an independent and impartial tribunal established by law." If the litigant voluntarily chooses not to attend the public hearing which takes place to determine their civil liability, there is no violation of Article 6 when the hearing continues in their absence.
44. In the course of the hearing, Mr Hood said that he had approached more than 50 firms of solicitors to try and obtain representation. At an early stage of the contempt proceedings he wrote to the county court to explain the problems he was experiencing. He provided examples of e-mails he had sent to solicitors. In each case the e-mail explained the nature of the proceedings as follows:

"I have been accused of allegedly breaching a COUNTY COURT injunction (with limitations and exclusions). It is my belief that this accusation is false and that the claimants in this case and cases connected to this allegation are using an injunction to hide £2 billion of fraud accrued over the past 73 years, currently accruing at £50 to 55 million annually.

The claimants' representatives have conveniently left out in their request for a breach of an injunction hearing SUBSTANCIAL instructions ref the INJUNCTION ORDER to bolster their criminality and the fact they are currently hiding behind this injunction in an attempt to hide their clients theft."

45. Whether this explanation deterred solicitors from acting for Mr Hood we cannot say. The fact is that no solicitor in private practice is obliged to accept instructions. Mr Hood would have been well able to present the case as he outlined it in his e-mails to solicitors had he attended before HH Judge Glen. He did so before us with clarity. The lack of legal representation did not create any fundamental unfairness.
46. The argument Mr Hood made before us in relation to whether on the facts there had been any breaches of the injunction as a result of the posts in February 2024 was not reflected in his witness statement dated 21 April 2024. He suggested that the injunction was of limited effect and that the posts in February 2024 were not such that people in them could be reasonably identified. Mr Hood's argument depends on a misreading of the injunction. The reference to where people "may reasonably be identified" is simply in relation to posts of personal data. The posts in February 2024 were of photographs of one or more of the claimants on which in most cases they were named. Such posts were prohibited in unequivocal and unconditional terms by the injunction.
47. For all these reasons Mr Hood was found to have committed the breaches as alleged after a fair hearing. The evidence for those breaches was clear. Nothing said by Mr Hood in any evidence he filed in the court below or in his submissions to us provided any basis for impugning the findings of HH Judge Glen.
48. HH Judge Glen imposed the sanction of three months' imprisonment after a careful review of the factors demonstrating the level of culpability and harm. He took account of the mitigating factors i.e. the same factors Mr Hood relied on in his submissions to us as to the appropriate sanction. It cannot be said that HH Judge Glen took into account any matter which he should not have done. Nor did HH Judge Glen fail to give proper weight to any relevant matter. The judge recognised that immediate custody was significant in the context of Mr Hood's family circumstances. We considered whether the judge made any error of principle. We were satisfied that he did not.
49. For all of those reasons we dismissed the appeal as of right against the committal order.

Habeas Corpus

50. By her order of 12 June 2024 Lady Justice Andrews explained in detail why she had refused to stay the order of committal. She ordered an expedited hearing of the appeal against that order. She did no more than refuse the application for a writ of habeas corpus. On what was treated as a reconsideration of the entirety of her order, Lord Justice Warby adjourned the reconsideration in relation to habeas corpus to the hearing we conducted.
51. We took the view that the best course was to consider the application for a writ of habeas corpus afresh. It was not an issue addressed in any oral submissions by Mr Hood. The application for a writ of habeas corpus was handwritten. It covered seven pages. Substantial parts of it were unintelligible. The obvious objection to granting a writ of habeas corpus was that Mr Hood was detained by the order of a court with the jurisdiction to make such an order. The proper route to challenging the detention was to appeal the order – which Mr Hood did. The application for a writ of habeas corpus

did assert that the court which committed Mr Hood to custody did so without jurisdiction. This was no more than bare assertion. The other matter prayed in aid of the application was that the “court accepted “Stay of Execution” under Section 10 until a judge can/will preside over the appeal”. HH Judge Glen did not stay execution of the order. The fact that Mr Hood applied to this court for a stay of execution is testament to that. It is not possible to identify what was meant by “Section 10”.

52. The application for a writ of habeas corpus had no foundation in law. Lady Justice Andrews was correct to refuse the application. We confirm and agree with her view.
53. For those reasons we refused to reconsider the refusal of the application for a writ of habeas corpus.