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Case No: ZC17P0062Y

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 05/08/2020

**Before :**

**MRS JUSTICE LIEVEN**

**Between :**

**JEAN PATRICIA GIBBS**

**Applicant**

**and**

**CHARLES RONALD GIBBS**

**Respondent**

**The Applicant** represented herself

**Ms Katherine Illsley** (instructed by **Metcalf Copeman & Pettefar LLP**) for the **Respondent**

Hearing dates: **22 July 2020**

**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
MRS JUSTICE LIEVEN

**Mrs Justice Lieven DBE :**

1. This judgment concerns the latest stage in a long running saga concerning Reverend Charles Gibbs and Mrs Jean Gibbs. I will refer to them throughout as H and W although their roles in the history and the litigation change over time and they have been divorced for many years. I have before me four applications: an application by H to commit W for breach of a non-molestation order; a further application to commit for breach of an order made on 5 October 2017; an application by H for an order for sale of W's house; and an application by W to discharge the orders made against her. There is a preliminary issue as to the anonymisation of this judgment which I will deal with at the start of this judgment.
2. I will produce a short summary of this judgment that can be used by H to explain why I have reached the very clear conclusion that the W's allegations against him are without foundation and that she has been pursuing a cruel and destructive campaign against him.
3. The underlying facts concern W's absolute conviction that H has sexually abused their son, J, who is now aged 33. When the matter first came before me, I determined that I could not fairly determine the applications, and in particular W's argument that she had a reasonable excuse for breaching the orders and her application to discharge those orders, without my considering something of the background facts. However, those facts go back to 2000 and involve enormous quantities of documentation from that period. In those circumstances I sought to take a proportionate approach and had before me the earlier judgments and some, but by no means all, of the primary material. Where appropriate I will refer to that below.

**Anonymisation**

4. Mr Farmer of the Press Association has attended two of the hearings, all of which have been in open court. He raised a concern as to the extent that he could report proceedings in the light of the Sexual Offences Amendment Act 1992. As relevant this states as follows:

*section 1 Anonymity of victims of certain offences*

*(1) Where an allegation has been made that an offence to which this Act applies has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication, if it is likely to lead members of the public to identify that person as the person against whom the offence is alleged to have been committed.*

...

*(3) This section—*

*(a) does not apply in relation to a person by virtue of subsection (1) at any time after a person has been accused of the offence, and*

*(b) in its application in relation to a person by virtue of subsection (2), has effect subject to any direction given under section 3.*

*(3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) or (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—*

*(a) the person's name,*

...

5. There is a power to dispense with restriction in section 1 in section 3, which states:

**section 3 Power to displace section 1**

*(1) If, before the commencement of a trial at which a person is charged with an offence to which this Act applies, he or another person against whom the complainant may be expected to give evidence at the trial, applies to the judge for a direction under this subsection and satisfies the judge—*

*(a) that the direction is required for the purpose of inducing persons who are likely to be needed as witnesses at the trial to come forward; and*

*(b) that the conduct of the applicant's defence at the trial is likely to be substantially prejudiced if the direction is not given, the judge shall direct that section 1 shall not, by virtue of the accusation alleging the offence in question, apply in relation to the complainant.*

*(2) If at a trial the judge is satisfied—*

*(a) that the effect of section 1 is to impose a substantial and unreasonable restriction upon the reporting of proceedings at the trial, and*

*(b) that it is in the public interest to remove or relax the restriction, he shall direct that that section shall not apply to such matter as is specified in the direction.*

*(3) A direction shall not be given under subsection (2) by reason only of the outcome of the trial.*

*(4)...*

*(5) A direction given under any provision of this section does not affect the operation of section 1 at any time before the direction is given.*

*(6) In subsections (1) and (2), "judge" means—*

*(a) in the case of an offence which is to be tried summarily or for which the mode of trial has not been determined, any justice of the peace; and*

*(b) in any other case, any judge of the Crown Court.*

6. Section 1 appears to be an absolute prohibition on publishing information which could lead to the identification of the complainant. Section 3 allows for a judge to give a direction, but the wording of section 3 would appear to only apply to criminal proceedings and not to give a power in civil proceedings to dispense with the requirement for anonymisation in section 1. J is a complainant who falls within the terms of section 1 and, as such, in principle the prohibition in section 1 applies.
7. The issue in the present case is that W has chosen to seek the maximum publicity for her allegations against H and by doing so has put the identity of the alleged victim (J) into the public domain. In order for me to explain my reasons for rejecting W's case, but also to achieve justice for H in clearing his name, I cannot avoid referring to names and facts which will make it relatively easy to identify the alleged victim.
8. The application of s.1 of the 1992 Act to a civil case was considered by Soole J in the EAT in *A v X and Times Newspapers* [2019] UKEAT/0113/18/JOJ. The Judge and the parties all proceeded on the basis that the 1992 Act applied in those proceedings and a Reporting Restriction Order was made. There is no discussion of what happens if anonymity has already effectively been removed.
9. In my view, the only way to make sense of s.1 in the present context is to assume that if either anonymity has already been waived, or wholly undermined, then the prohibition in section 1 has to be read in the light of the facts of the case. The prohibition in section 1 can only take effect therefore to the degree it has any operative effect. Otherwise the statutory provision becomes a nonsense where the judgment has to be wholly anonymised even though the facts are already fully in the public domain. Therefore, I will anonymise this judgment to the extent of calling the parties' children J and B but I will not make any further anonymisation. B has not made any allegations and therefore does not herself fall within section 1 but to restrict the identification of J it seems proportionate to anonymise B.
10. In my view this is applying a proportionate balancing exercise between J's rights not to be identified, further than he has already been, and H's rights to have a judgment which explains in detail my factual findings so that his article 8 rights can be protected. Fundamental to this balance is that W has already publicised J's allegations to the widest possible audience and I have not the slightest doubt that she will continue to do so whatever order I make.

### **The Facts**

11. There is a long and dis-spiriting history to this matter dating back to 2000. H is now 70 and W is 60. They were married in 1985. There are two children, J (a boy) born in 1987, who is now 33, and B (a girl) born 1992, now 27. The parties separated in 1999. H applied for contact in 2000 and the decree absolute was granted in 2001.
12. H's application for contact with the children came before District Judge Hayes in Norwich County Court on 13 March 2001. Contact was strenuously resisted by W who at that stage was alleging emotional abuse against her and the children by H. DJ Hayes had statements from both parties and heard oral evidence. W argued that H had had a terrible temper and had exercised coercive control over her. She said that children were terrified of him. W said J had told her that H had squeezed his wrists and had started to

say his father had physically abused him. H denied these allegations and said that W was dominant and tried to control him.

13. DJ Hayes came to very clear conclusions:

*“I have no doubt the evidence I prefer is that of the applicant. I simply cannot recognise and reconcile the demeanour of Mr Gibbs and what I saw, with what he is alleged to have done. On conflicts of evidence I prefer Mr Gibbs, I am satisfied he is doing his best to tell the truth, although he says he is not perfect, if I have a Minister saying not perfect I do not know if that is the normal standard or something deeper. He refers to frailties and not having acted perfectly but who could say they have. I have to decide on the balance of probabilities, whose favour, in the scales, which way do they tip, in Mrs Gibbs’ favour, to acknowledge there has been emotional abuse or in his favour. They tip in his favour, I do not find the allegations of emotional abuse made out. It may be that both have been guilty of emotional abuse of children, this happens in any marriage that breaks down. It is simply the way he reacted as time went on.*

*The difficulty is that I don’t think Mrs Gibbs is right in her version of the facts, but she believes she is right. She indicated that if I don’t think he is guilty of emotional abuse I will have made a mistake. I don’t think I have.”*

14. It is very striking to me that very little has changed in the last 20 years save that the allegations have become more extreme. W is still absolutely convinced that she is correct and she is certain that anyone who disagrees with her is wrong and has made a mistake. The Judge ordered various reports and a further hearing to decide what was in the children’s best interests. W appealed to HHJ Barham who refused permission to appeal. I note that HHJ Barham had the note of judgment and produced a concise written judgment rejecting the appeal.
15. One of the reports ordered by DJ Hayes was from Dr Stevens, a consultant forensic psychologist, who assessed J. She was concerned about J’s mental health and said:

*“4. The reason for the fear of his father could be due to religious indoctrination by his mother over the years. Her husband tells me that she would pray downstairs with [J], whilst he was given the task of bathing [B] and putting her to bed. If it is true that [J] had special needs and was a vulnerable child, it is possible that intense religious training from his mother could have gradually aided the development of an adolescent psychosis in [J], characterised by a delusional perception of his father representing evil, an agent to Satan etc.*

*5. I would like to emphasise that this situation could develop without the child’s mother having any malicious intent. However, it appears that she has reported to the Church that her husband could be suffering from a form of sexual deviation. This would have disastrous repercussions on his career as a Methodist Minister, leading to his dismissal; fortunately, he is very well respected and therefore is allowed to continue practising.”*

16. It is important to note that by this time J was exhibiting very challenging and at times violent behaviour. He was accommodated by the local authority under s.20 Children Act 1989 and placed at Leverton Hall, a secure accommodation unit. I have read the report of the Child's Guardian, Ms Miller, where she explains J's presentation at that time. It is apparent from that report that J was adamant that he did not wish to see his father but that J was very unwilling to explain more. However, there are reports of J telling Leverton Hall that his father had held him underwater and broken his arm. H denied, and continues to deny, ever hitting J or holding him underwater. Importantly, Ms Miller interviewed B who was 9 at the time, and she said she did want to visit her father as long as her mother accompanied her. She said she got on alright with her father and gave no suggestion to Ms Miller that her father had ever abused her in any way.
17. There is also a section in Ms Miller's report where she sets out the view of Dr Bruce, a consultant psychiatrist at Leverton Hall, who had been seeing J regularly. Dr Bruce's position is important because W contends that Dr Bruce had always believed her that H had sexually abused J. However, that is not at all the position set out in Ms Miller's report. Dr Bruce is reported as referring to J's anxiety and emotionally disturbed behaviour and that this may relate to the proceedings. There is absolutely no suggestion that Dr Bruce thought H had sexually abused J and that was the cause of J's behavioural issues. This is an example of W asserting that someone believed her, or said something, which on closer examination simply proves not to be the case.
18. Following the hearing before DJ Hayes, W started making allegations of physical and then sexual abuse to the professionals involved in J's case. On 10 April 2002 the matter came before Munby J (as he then was) listed for a 10 day hearing. On the first day W conceded that contact should resume and that her allegations were unfounded. The parties agreed contact at court and Munby J clearly felt that a major step forward had been achieved. Sadly, that progress was very short lived. On 7 November 2002 there was a hearing before Johnson J after contact had broken down. He described the process of that breakdown and heard evidence from the Court appointed children and family reporter, Mrs Langham-Fitt. It is important to note at this stage that B had been having regular contact with her father. Johnson J said:

*6. "I take up the story from the report of Mrs Langham-Fitt, the Children and Family Reporter. She had prepared a report for this hearing and she added to that report orally and was asked questions by counsel. She is a very experienced and a very practical and realistic member of her profession. I have absolutely no doubt in accepting what she told me. She told me in her report of her meeting with [B] on the 13th June. She saw her on her own in [B]'s room. She describes [B] as being sociable and forthright. She told Mrs Langham-Fitt of her enjoyment of the contact that she had had with her father and explained what they had done. She spoke about the father's fiancée, and how she enjoyed her company too, as she was good fun. She and the father have since married on 5th August.*

*7. The father's present wife, [B]'s stepmother, gave evidence before me. She is by profession a schoolteacher. She is presently a part-time tutor with the Open University. She has adult children. I thought her altogether a very impressive and kindly woman, who I can well understand being able to relate well to [B].*

...

*9. After this discussion with [B], Mrs Langham-Fitt told the mother what had passed. The mother expressed surprise that [B] had agreed to overnight contact and said that she and [J] would be worried about [B]'s safety during overnight contact. A day or so later, the mother wrote to Mrs Langham-Fitt saying that [B] did not wish to stay overnight and, in effect accusing Mrs Langham-Fitt of putting pressure on [B].*

*10. I find as a fact that that accusation is without any justification. I saw Mrs Langham-Fitt and I have seen the mother, and I do not believe what the mother said in that regard."*

19. Johnson J made an order for B to see H. H had made an application for committal of W for failing to comply with earlier orders for contact with B and Johnson J adjourned that application. On 24 August 2004 there was a report from child psychiatrist Dr Wozencroft who had spoken to W, H and B on her own and with W:

*"2. [B] is an intelligent and assertive eleven year old. She has rather greater capacity than the average child of the same age to express an opinion. Her capacity isn't limited by any intellectual difficulty or abnormal mental state.*

*3. After spending more than an hour in her company, I see no cause for concern about the way this girl is developing, beyond the fact that she categorically refuses to see her own father. I don't say that such is an unimportant fact.*

...

*8. In my opinion, however, the fundamental reason for [B]'s refusal to see her dad, is the following. I believe she has come to the conclusion that if she can avoid contact with dad, she will avoid conflict. Children hate conflict, particularly between parents. They will avoid it at almost any cost. After the amount of conflict of which [B] is aware, it doesn't surprise me that she would decide to avoid contact at this stage. I have seen the same thing happen on dozens of occasions."*

20. Ryder J made a final order, having given a very short judgment, effectively accepting that he could not force B to see her father.
21. There was then a prolonged period when the court was no longer engaged with the family. This was because the children were having no contact with H and he was not pursuing contact, and the prohibited steps order was in place and W was obeying it.
22. On 26 October 2012 W informed Norfolk Police that J wanted to make a complaint against H of sexual abuse. However, when J was interviewed he did not make a complaint. At this time H was living in the Isles of Scilly and Cornwall County Council LADO (Local Authority Designated Officer) wrote to H on 7 February 2013 informing him that an inquiry had been undertaken of J's complaint. This letter records that J had not wanted to make a formal complaint. On 24 July 2013 H received a letter from the

Methodist Church stating that they were undertaking a past cases review. It is critical to understand that these letters stem from W's complaints. J had not made a complaint and there was no further evidence at that stage.

23. It seems that in 2014 W took legal advice and was told that the prohibited steps order made by Johnson J no longer applied because both children were now over 18. This may have been a trigger for her renewing her actions against H. It was in 2017 that the W started an email campaign against H. This campaign has proceeded, with the short interlude when she was committed to prison, ever since. The W sends very large numbers of emails to a range of people setting out her allegations against H in respect of sexual abuse of J. The recipients of these emails are varied but are often as many as 50-60 people and sometimes more. They can be highly abusive, not just of H but also of anyone else who has not believed W's allegations. The recipients include journalists, MPs, the registrar at the Supreme Court and a number of other people whose email addresses the W has obtained over the years.
24. H applied to release the judgments and orders from the original proceedings in order to clear his name. The matter came before Roberts J on 19 June 2017. She prohibited W from disclosing or disseminating any information about the proceedings. However, W sent emails the next day to 100 plus recipients in absolutely flagrant breach of the order. H applied for committal of W to prison for breach of the order.
25. On 29 June 2017 Hayden J committed W to prison *Gibbs v Gibbs* [2017] EWHC 1700 (Fam). He set out in great detail at J22 all the emails that had been sent in breach of the order. I repeat the list in order to show the intensity of W's campaign, properly described by Ms Illsley as a vendetta, against H:

"22.

*In respect of paragraph 10*

- i) Email at 06:45 on 20.06.17 to circa 100 recipients;*
- ii) Email at 07:08 on 20.06.17 to Rev Horton and copied to circa 100 others;*
- iii) Email at 20:11 on 20.06.17 to Mrs Poxon and copied to circa 100 others;*
- iv) Email at 20:16 on 20.06.17 to President of Methodist Conference and copied to circa 100 others;*
- v) Email at 06:56 on 21.06.17 to Prof Jay and copied to circa 100 others;*
- vi) Email at 07:05 on 21.06.17 to George Freeman MP and copied to circa 100 others;*
- vii) Email at 22:58 on 21.06.17 to President of the Methodist Conference and copied to circa 100 others;*
- viii) Email at 08:43 on 22.06.17 to circa 100 recipients;*
- ix) Email at 02:39 on 23.06.17 to circa 100 recipients;*
- x) Email at 03:00 on 23.06.17 to Mrs Poxon and copied to circa 100 others;*
- xi) Email at 06:47 on 23.06.17 to Mrs Poxon and copied to circa 100 others;*
- xii) Email at 11:23 on 24.06.17 to Rev Horton and copied to 100 others;*
- xiii) Email at 16:45 on 24.06.17 to Mrs Poxon and copied to 100 others;*
- xiv) Email at 05:57 on 24.06.17 to circa 100 recipients;*
- xv) Email at 17:36 on 25.06.17 to circa 100 recipients;*



xvi) Email at 17:43 on 25.06.17 to Mrs Poxon and circulated to circa 100 others;

xvii) Email at 18:42 on 25.06.17 to circa 100 recipients;

xviii) Email at 06:14 on 26.06.17 to circa 100 recipients;

In respect of paragraph 11

xix) Email at 20:00 on 20.06.17 to Applicant's Solicitor and copied to circa 100 others;

xx) Email at 06:41 on 21.06.17 to Applicant's Solicitor and copied to circa 100 others;

xxi) Email at 07:36 on 22.06.17 to Applicant's Solicitor and copied to circa 100 others;

xxii) Email at 17:57 on 25.06.17 to Applicant's Solicitor and copied to circa 105 others;"

26. W appealed but Gloster and King LJ rejected her appeal on 31 August 2017 and found it was totally without merit Gibbs v Gibbs [2017] EWCA Civ 2418.

27. One example of the level of W's refusal to accept facts is that she argued before me, and has said in numerous emails, that her appeal was not dealt with. This is simply not true, the Court of Appeal considered her application in some detail but found against her. I believe her allegation that the appeal was not dealt with is that the judges did not deal with her grounds of appeal in the way that W would have wished.

28. W spent 4.5 months in prison, being half the time ordered by Hayden J. Immediately after she came out of prison she recommenced sending emails in breach of the orders.

29. On 5 October 2017 H applied for and was granted a non-molestation order by Deborah Eaton QC sitting as a Deputy High Court Judge. It is the alleged breaches of this order which form the basis of one of the two applications for committal:

*"4. The respondent, Jean Patricia Gibbs, must not make, whether orally or in writing, any allegations of improper conduct, including emotional, physical or sexual abuse, or of perjury, against Charles Ronald Gibbs in any forum or with any person or body, specifically including the Methodist Church and its congregation, save to her legal advisor, and should not instruct, encourage or in any way suggest that another person should do so. A penal notice shall attach to this paragraph.*

...

*6. The respondent, Jean Patricia Gibbs, shall not copy any third party into her correspondence with the solicitor of Charles Ronald Gibbs, save her own legal advisor. A penal notice shall attach to this paragraph."*

30. On 15 March 2018 W was arrested for breach of the non-molestation order. On 30 April 2018 there was a first hearing before Kings Lynn Magistrates and the case was transferred to Norwich Crown Court. On 13 June 2018 a charging order was made against W's house in the sum of £25,824.18 in respect of various costs orders that have been made against her.

31. The matter was listed before HHJ Holt, the Recorder of Norwich. DC Riseborough, the investigating officer, attended before the Judge on 19 June 2018 and told him that J had made a complaint to the police alleging abuse and this was being investigated. DC Riseborough said the investigation would take at least a year. The Judge adjourned the case having explained to W that this was because her defence was in effect reasonable excuse and the investigation of J's complaint would have to take place before her trial.
32. The matter came back before HHJ Holt on 15 July 2019. I have a full transcript of that hearing. Mr Durr on behalf of CPS told the Judge that they were offering no evidence. The Judge then said to W:

*“Can I just offer this advice to you? The order is still out there. It's a High Court Order and so this court has got no jurisdiction to quash it, to have it removed. If I did – sorry, if I did, I would remove it. So, you are going to have to go to the High Court and make an application. We can help you with that, we can get the information to you so you can write to the High Court and say this is what's happened and it seems to me that they will then quash the order which is against you. But, at the moment, if you go out and repeat what you have said, notwithstanding the not guilty verdict in this court, you are breaching a High Court Order. So, deal with that, and if we can help in any way providing you with documents and information, then the Crown Court will.”*

33. The chronology then appears to be that W tried to appeal the Court of Appeal decision of Gloster and King LJ to the Supreme Court and was refused. She then emailed HHJ Holt and he replied on 3 October 2019 as follows:

*“As you know I am a criminal judge with no experience of the family or civil courts but I have spoken to judges at this court who do have knowledge and experience about this area of law. What they tell me is that your best course of action is to go back to the High Court and ask them to revoke the non-molestation order that was granted by a deputy high court judge on 9th November 2017. There is now clear evidence that you have been telling the truth all along. I saw the evidence and that was why the CPS offered no evidence against you and why I ordered a not guilty verdict. The High Court would need to see the summary of the interview your son did with the police and the High Court has the power to order the CPS to disclose that to them. There is no way the High Court would have made a non-molestation order against you if they had seen the latest Norfolk Police evidence.*

*You also need to ask for the costs hearing at this court, due, I think on 21st October where you stand in real danger of losing your house to be adjourned saying that you are asking for the non-molestation order to be set aside.*

*You know what I am going to say next – get yourself a lawyer !*

*If it would help I am more than happy to meet you at court and discuss this more fully with you as it seems to me you have been the subject of a serious miss-carriage [sic] of justice over a long time.*

*Best regards*  
*Stephen Holt*

*His Honour Judge Stephen Holt*  
*Resident Judge and Hon Recorder of Norwich*  
*Norwich Crown Court*  
*[email address provided]*”

34. I should make clear that after W had sent this email to a number of people, H’s solicitors wrote to HHJ Holt to check that the email did come from him and he confirmed that it did.
35. Perhaps unsurprisingly, in the light of this email, the W continued with renewed vigour her campaign of emails making allegations about H. I note that she has also alleged that the CPS prosecutor, Mr Durr, said that H was a paedophile. The CPS have categorically denied that this was said. This is another example of W stating that someone has believed her when this is simply not true.
36. On 12 November 2019 W applied to set aside the non-molestation order made by Ms Eaton QC. On 5 December 2019 H applied for W’s committal for breach of the same order. There was a directions hearing in front of Cobb J at which he identified the issues that the parties needed to address in skeleton arguments including to what extent would it be necessary for the court to revisit earlier findings, and at paragraph 3:
- 3. Did the wife have an ‘excuse’, and if so, was it a ‘reasonable’ one, if (as alleged) she distributed or published information about the proceedings and/or the husband in alleged breach of the order? When considering this question, what (if any) regard should be had to:*
- c. The historic findings of the family court;*
  - d. The outcome of the criminal process in 2019;*
  - e. The views of HHJ Holt in the criminal court, insofar as they affected the wife;*
  - f. The extent of the alleged distribution of information and the recipients of her communications?*
37. The matter came before me on 6 February 2020. Ms Illsley appeared for H and urged me that I should not reopen the findings made in the Family Court proceedings but simply act on the basis of the acknowledged breaches of the order. However, I took the view that for W to be able to advance her reasonable excuse defence, as well as advance her own application, and for me to be able to properly adjudicate on the issues, I had to understand to a proportionate degree what lay behind HHJ Holt’s concerns and what J had said in his police interview. It was plain that there was more additional material, to put the matter neutrally, than had been before the judges in 2000-04 and Hayden J and the Court of Appeal in 2017, and it would be wrong to proceed with an application to commit W without making proportionate efforts to see the further information. Having said that, I was also of the view that it would not be appropriate or proportionate to reopen trials from 18 years ago even if that were possible.
38. I considered the procedural difficulty that I was dealing with an application for committal and an application to discharge the order and in principle it would have been preferable to deal with the issues separately. However, given that the factual matters

behind W's defence of reasonable excuse and her application to discharge the order are identical, it made no sense to conduct two separate hearings.

39. I have been extremely careful at each stage to explain to W that she is entitled to non-means tested legal aid, to urge her to get legal advice and representation; to explain that she does not have to give evidence and that that she has a right to remain silent and not incriminate herself. W has been adamant throughout my involvement that she does not want legal representation and that she wishes to give evidence. As far as W is concerned she is carrying out a duty to expose H's abuse and to vindicate J, and she sees it as her duty to stop such abuse happening in the future and expose the failings of the family justice system. It would neither be unfair nor overblown to say she sees herself as pursuing truth and justice. She is wholly resistant to any advice or to anything she perceives as opposition.
40. In order to obtain whatever material HHJ Holt saw I made a disclosure order on 6 February 2020 against Norfolk Constabulary in the following terms:

*“The Chief Constable of Norfolk Constabulary must ... send ... copies of the following:*

*a) The statement made by [J] on or around 14 February 2018 in respect of allegations against the respondent, Charles Ronald Gibbs ... .*

*b) Any reports, conclusions or findings generated by DC Riseborough, and any documents in which reference is made by DC Riseborough to any interview with Dr Terry Bruce, in relation to the allegations made by [J] in February 2018.*

*c) Any statements, interview records/transcripts, incident logs, risk assessment, relating to any investigation in or around 2013 into an alleged assault against the applicant Jean Gibbs by the respondent Charles Ronald Gibbs ... .*

41. Items (a) and (c) were sent by the police and have been disclosed to the parties. I discovered on the day of the final hearing that the Police had sent an email to the Central Family Court in respect of item (b) saying that they would only disclose it to the Judge and not to the parties and if I decided it should be disclosed they would make a Public Interest Immunity (PII) application to allow them not to disclose the material.
42. I read the material at (b), which consisted of the Form MG3 and the evidence reviewing officer's report, and decided that the Police would have to make a PII application. This took place on 10 March 2020 with the Police represented but the other parties not. The police documents included material from the third parties which they had given believing it would be confidential. I issued a judgment at the end of that hearing saying that the documents would not be disclosed to the parties but I and the Police produced an agreed gist or summary of the documents which was circulated to the parties. I concluded that this was the most proportionate way to protect W's article 6 rights and the third parties' article 8 rights. I was particularly concerned that W had made it quite clear she would not comply with any confidentiality order and it would therefore be impossible to protect the confidentiality of third parties if I disclosed the documents to her.

43. I will refer to J's statement below. The gist of the police documents was as follows:

1. *The MG3 records details of an investigation into serious allegations of childhood sexual, physical and emotional abuse made by [J] against his father Charles Gibbs. The MG3 was prepared by DC Riseborough.*

2. *In January 2018 [J] was serving a sentence of imprisonment. On 18th January 2018 the prison governor received correspondence from Jean Gibbs, [J's] mother. She related concerns that [J] had made allegations of sexual abuse against his father and she wanted them investigated.*

3. *The prison governor then became aware that [J] had around January 2018 told a prison officer that he no longer wished to receive emails from his mother. The reason he gave the prison officer was along the lines of not wanting to receive them anymore because his mum was telling him to go to the police regarding his father. [J] told the prison officer that he and his sister were abused as children.*

4. *Subsequently a criminal investigation was commenced into [J's] allegations.*

5. *Evidence considered in the investigation included:*

- *an Achieving Best Evidence ['ABE'] interview of [J];*
- *an ABE statement from Jean Gibbs;*
- *a police interview with Charles Ronald Gibbs when he voluntarily attended Kings Lynn Police Investigation Centre;*
- *information received when the police spoke to [J's] sister [B];*
- *Information from the review conducted by the Methodist Church around 2013;*
- *Information from Norfolk Social Services records.*

6. *Additional investigations by the police included:*

- *obtaining witness statements from a range of individuals;*
- *a review of records of [J's] involvement with healthcare and other professionals;*
- *a review of [J's] social services and medical records, including records from Mersey Care NHS Foundation;*
- *a review of material in respect of proceedings in the Family Court between Charles Gibbs and Jean Gibbs concerning their children [J] and [B]. This material included the March 2001 judgment of District Judge Hayes and Jean Gibbs' appeal against that judgment. The Family Court material also included information relating to the secure accommodation order made in respect of [J].*

7. *In his ABE interview [J] alleged that his father Charles Gibbs had abused him during childhood. The abuse alleged took different forms and was physical, sexual and emotional. [J] also alleged that Charles Gibbs had perpetrated serious sexual abuse against his sister [B] and that he*

*had also perpetrated serious sexual abuse against a friend of [B] who had visited her at home.*

8. *Charles Gibbs denied the allegations of abuse made by [J].*

9. *[B] did not corroborate the allegations made by [J] concerning herself and her friend.*

10. *In its consideration of the medical records, the investigation considered information from Dr Terry Bruce. When [J] was resident in secure accommodation in 2001, Dr Bruce reported concern about possible intra-familial discord and abuse, and that what [J] exhibited at that time was suggestive of post-traumatic stress disorder in the context of reported protracted physical, emotional, and sexual abuse. The investigation records that within the records from the Bethel there is no mention of any disclosures by [J] of sexual abuse.*

11. *In completing the MG3 for submission to the ERO, DC Riseborough thoroughly considered and presented all the material available to her and analysed what she regarded as the strengths and weaknesses of the evidence. She then submitted the MG3 for consideration by the ERO.*

12. *DC Riseborough did not include in the MG3 any specific recommendation either for or against charging Charles Gibbs with any criminal offence.*

Gist of ERO report

13. *The ERO gave further detailed consideration to the content of all the evidence and information available in the case. This included the content of the primary evidence and the third party evidence, including that of Dr Terry Bruce.*

14. *Having done so, the ERO concluded that no further action should be taken in respect of the allegations made by [J].*

44. I have set this document out in full because W is convinced that the police investigation has vindicated her allegations and that I and the police are now trying to cover up the truth. This is not the case as is clear from the above. On the basis of the investigation the police had undertaken, including J's statement, the police and the CPS decided to take no further action.
45. W sought permission to appeal my order and the application for permission to appeal was considered by Baker LJ. Baker LJ refused permission to appeal and said that the order for a gist was a sensible and pragmatic case management solution. W had also applied for an order for disclosure of any material relating to J's stay at Leverton Hall between 2001 and 2002. I refused this application on the grounds it was unnecessary and disproportionate. W applied for permission to appeal this order and Baker LJ also refused permission to appeal.

## **The Further Material**

46. W, in advancing her case, sought to rely on a number of pieces of new material which she said supported her allegations. Most importantly this included the statement that J gave to the police on 2 February 2018.
47. In this statement J makes a number of very serious allegations against H. He says that his father regularly sexually abused him, saying this happened weekly. He also says that H sexually abused B. One short extract gives a sense of the nature of the allegations and the interview:

*“When his sister was born his dad had a lot of sexual contact with her, he used to touch her genitals...”*
48. He also says his father sexually abused at least one other child, being a friend of B’s. Importantly J says that his father told him not to tell his mother but he would tell her and she wouldn’t believe him. It is important to note that this is no part of the W’s account of what happened either when she was giving evidence in the court proceedings in 2000-2 nor in her case before me. W says she only understood the extent of the allegations when she saw J’s statement. Further, he alleges that H also abused J with another man and that the H had sex with other men in toilets. He also said that H psychologically abused W.
49. In this statement J records that his mother asked him to make the statement and that she kept asking him to make a statement when he wanted to move on with his life. J says that he hasn’t spoken to his mother for two years but she has written asking him to make a statement.
50. I note at this point that there is no record of J ever making allegations of this sort before; that there is nothing in the reports of Dr Bruce or anyone else in 2000-2002 which suggests J was even hinting at abuse of this nature; that B has never made allegations of abuse against her father; and that there is no record of any other child or carer making allegations (formal or informal) about H abusing a child. Importantly, the evidence in 2001-2, some of which I have set out above, suggests that B had no animosity to her father at that time, was not exhibiting any behavioural problems and seemed in the main content to see her father.
51. J’s statement reads to me as being one of a fantasist or perhaps someone who feels compelled to make allegations. I am fully conscious that victims of abuse, particularly sexual abuse, may suppress memories but the nature of the allegations here are completely inconsistent with the evidence, reports and findings at the time. This was not a case where the child was hidden from the authorities or where no assessments were undertaken.
52. The other pieces of evidence relied upon by W are as follows. Firstly, a letter from the Director of Children’s Services at Norfolk County Council to Rev Atkins, General Secretary of the Methodist Church in 2014 where they raise W’s complaints and say that they are very alarmed about the situation and concerned if H has contact with children. It does appear that Norfolk County Council were concerned about what they had read on the files, but neither J nor H were interviewed and it is not clear what Norfolk County Council knew about the earlier Family Court proceedings. Much more

recently Norfolk County Council have confirmed that there are no current safeguarding issues around H. It seems likely, though I cannot be absolutely certain, that the concerns raised in the Norfolk County Council letter of 2014 were linked to the investigation undertaken by Cornwall County Council, which I have referred to above, and by which ultimately the LADO accepted that there was no continuing safeguarding issue. This material is therefore all simply based on the complaints that W herself was making, and both Norfolk County Council and Cornwall County Council, after having carried out whatever investigations they considered appropriate, took no further action. This material merely shows that W has created an echo chamber by which she makes allegations and these are then repeated by various agencies without there being any evidence of the underlying truth of the allegations.

53. Secondly, the statutory review of J in November 2001. This refers to J having made allegations about H having broken his arm and held him underwater. I have referred to these allegations above but there is nothing even vaguely comparable to J's allegations in 2018 or the abuse that W sets out in her numerous emails. In my view, the fact that these earlier allegations were made makes the 2018 allegations less likely to be true. J was willing to make serious allegations against his father but he gave no hint of the type of abuse which he now says occurred. Further, these are allegations that were present at the time of the earlier family court proceedings in which none of the judges accepted whatever allegations J and W were making at the time.
54. Thirdly, there is a GP referral in August 2000 which refers to W's allegations of emotional abuse and threatening behaviour. The GP is plainly referring to emotional abuse and not physical and sexual abuse. If the GP had had any suspicions that J had been subject to sexual abuse I do not think that there can be the slightest doubt he would have raised that.
55. Fourthly, there are diary entries from a friend of the couple dated 22 March 2001. She records that the H had apparently accepted that he had been untruthful in court. This seems to relate to some financial issue in the church. Quite apart from the fact that this is second-hand hearsay, it does not support the allegations that W is making. As with the GP, I do not have the slightest doubt that if this friend thought J was being abused she would have raised it with the appropriate authorities at the time.
56. Fifthly, there is a social services form dated 5 August 2002 where W is recorded as referring to abuse of J. The form says:

*“Sexual abuse discussed with mother*

  - *Emotional abuse and physical abuse discussed with Leverton and previous social worker and school*
  - *(deeply distressing events that finds difficult to cope with)”*
57. It is difficult to work out what this form is referring to. However, if allegations were being made that H had abused J and the social worker thought they were serious then they would not have been recorded in this way. It is clear from this entry that the focus was on emotional and physical abuse. Although child abuse has become increasingly frequently referred to in recent years, in 2002 social workers were very conscious of the possibility of and occurrence of sexual abuse. At this time J was subject under the



oversight of numerous professionals and they would have had close regard to any concerns being raised.

58. Finally, there is correspondence with the local MP but this merely records J's allegations as recounted to him by W. It does not provide any supporting material for the case advanced by W.

### The law

59. The principles to be applied on committal application were succinctly set out by Theis J in *Re L (A child)* [2016] EWCA CIV 173 at [78]:

*78. Before any court embarks on hearing a committal application, whether for a contempt in the face of the court or for breach of an order, it should ensure that the following matters are at the forefront of its mind:*

*(1) There is complete clarity at the start of the proceedings as to precisely what the foundation of the alleged contempt is: contempt in the face of the court, or breach of an order.*

*(2) Prior to the hearing the alleged contempt should be set out clearly in a document or application that complies with FPR rule 37 and which the person accused of contempt has been served with.*

*(3) If the alleged contempt is founded on breach of a previous court order, the person accused had been served with that order, and that it contained a penal notice in the required form and place in the order.*

*(4) Whether the person accused of contempt has been given the opportunity to secure legal representation, as they are entitled to.*

*(5) Whether the judge hearing the committal application should do so, or whether it should be heard by another judge.*

*(6) Whether the person accused of contempt has been advised of the right to remain silent.*

*(7) If the person accused of contempt chooses to give evidence, whether they have been warned about self-incrimination.*

*(8) The need to ensure that in order to find the breach proved the evidence must meet the criminal standard of proof, of being sure that the breach is established.*

*(9) Any committal order made needs to set out what the findings are that establish the contempt of court, which are the foundation of the court's decision regarding any committal order.*

60. Further principles were summarised by Williams J in *Egeneonu v Egeneonu* [2017] EWHC 2336 Fam at [21]:

*21. The principles are:*

a) *The contempt which has to be established lies in the disobedience to the order.*

b) *To have penal consequences, an order needs to be clear on its face as to precisely what it means and precisely what it prohibits or requires to be done. Contempt will not be established where the breach is of an order which is ambiguous, or which does not require or forbid the performance of a particular act within a specified timeframe. The person or persons affected must know with complete precision what it is that they are required to do or abstain from doing. It is not possible to imply terms into an injunction. The first task for the judge hearing an application for committal for alleged breach of a mandatory (positive) order is to identify, by reference to the express language of the order, precisely what it is that the order required the defendant to do. That is a question of construction and, thus, a question of law.*

c) *Committal proceedings are essentially criminal in nature, even if not classified in our national law as such (see Benham v United Kingdom (1996) 22 EHRR 293 at [56], Ravensborg v. Sweden (1994), Series A no. 283-B);*

d) *The burden of proof lies at all times on the applicant. The presumption of innocence applies (Article 6(2) ECHR)*

e) *Contempt of court involves a contumelious that is to say a deliberate, disobedience to the order. If it be the case that the accused cannot comply with order then he is not in contempt of court. It is not enough to suspect recalcitrance. It is for the applicant to establish that it was within the power of the defendant to do what the order required. It is not for the defendant to establish that it was not within his power to do it. That burden remains on the applicant throughout but it does not require the applicant to adduce evidence of a particular means of compliance which was available to the accused provided the applicant can satisfy the judge so that he is sure that compliance was possible.*

f) *Contempt of court must be proved to the criminal standard: that is to say, so that the judge is sure. The judge must determine whether he is sure that the defendant has not done what he was required to do and, if he has not, whether it was within his power to do it. Could he do it? Was he able to do it? These are questions of fact.*

g) *It is necessary that there be a clear finding to the criminal standard of proof of what it is that the alleged contemnor has done that he should not have done or in this case what it is that he has failed to do when he had the ability to do it. The judge must determine whether the defendant has done what he was required to do and, if he has not, whether it was within his power to do it.*

h) *If the judge finds the defendant guilty the judgment must set out plainly and clearly (a) the judge's finding of what it is that the defendant has failed to do and (b) the judge's finding that he had the ability to do it.*

61. The central issue on the committal is as to whether the W had a reasonable excuse to breach the order. In a prosecution for contempt, reasonable excuse would be a defence to the charge. In a civil contempt it appears that if the order is knowingly breached then a contempt has been committed and reasonable excuse goes to the sanction rather than the breach. The burden of showing reasonable excuse is on W but only to the standard of balance of probabilities.
62. In *Hale v Tanner* [2000] EWCA Civ 5570 Hale LJ considered the principles to apply when sentencing for committal in a family law case:

*25. In making those points I would wish to emphasise that I do so only in the context of family cases. Family cases, it has long been recognised, raise different considerations from those elsewhere in the civil law. The two most obvious are the heightened emotional tensions that arise between family members and often the need for those family members to continue to be in contact with one another because they have children together or the like. Those two factors make the task of the court, in dealing with these issues, quite different from the task when dealing with commercial disputes or other types of case in which sometimes, in fact rarely, sanctions have to be imposed for contempt of court.*

*26. Having said that, firstly, these cases have to come before the court on an application to commit. That is the only procedure which is available. Not surprisingly, therefore, the court is directing its mind to whether or not committal to prison is the appropriate order. But it does not follow from that that imprisonment is to be regarded as the automatic consequence of the breach of an order. Clearly it is not. There is, however, no principle that imprisonment is not to be imposed at the first occasion: see *Thorpe v Thorpe* [1998] 2 FLR 127, a decision of this court. Nevertheless, it is a common practice, and usually appropriate in view of the sensitivity of the circumstances of these cases, to take some other course on the first occasion.*

*27. Secondly, there is the difficulty, as Mr Brett has pointed out, that the alternatives are limited. The full range of sentencing options is not available for contempt of court. Nevertheless, there is a range of things that the court can consider. It may do nothing, make no order. It may adjourn, and in a case where the alleged contemnor has not attended court, that may be an appropriate course to take, although I would not say so in every case. It depends on the reasons that may be thought to lie behind the non-attendance. There is a power to fine. There is a power of requisition of assets and there are mental health orders. All of those may, in an appropriate case, need consideration, particularly in a case where the court has not found any actual violence proved.*

*28. Thirdly, if imprisonment is appropriate, the length of the committal should be decided without reference to whether or not it is to be suspended. A longer period of committal is not justified because its sting is removed by virtue of its suspension.*

29. *Fourthly, the length of the committal has to depend upon the court's objectives. There are two objectives always in contempt of court proceedings. One is to mark the court's disapproval of the disobedience to its order. The other is to secure compliance with that order in the future. Thus, the seriousness of what has taken place is to be viewed in that light as well as for its own intrinsic gravity.*

30. *Fifthly, the length of the committal has to bear some reasonable relationship to the maximum of two years which is available.*

31. *Sixthly, suspension is possible in a much wider range of circumstances than it is in criminal cases. It does not have to be the exceptional case. Indeed, it is usually the first way of attempting to secure compliance with the court's order.*

32. *Seventhly, the length of the suspension requires separate consideration, although it is often appropriate for it to be linked to continued compliance with the order underlying the committal.*

33. *Eighthly, of course, the court has to bear in mind the context. This may be aggravating or mitigating. The context is often the break-up of an intimate relationship in which emotions run high and people behave in silly ways. The context of having children together, if that be the case, cannot be ignored. Sometimes that means that there is an aggravation of what has taken place, because of the greater fear that is engendered from the circumstances. Sometimes it may be mitigating, because there is reason to suppose that once the immediate emotions have calmed down, the molestation and threats will not continue.*

34. *Ninthly, in many cases, the court will have to bear in mind that there are concurrent proceedings in another court based on either the same facts or some of the same facts, which are before the court on the contempt proceedings. The court cannot ignore those parallel proceedings. It may have to take into account their outcome in considering what the practical effect is upon the contempt proceedings. They do have different purposes and often the overlap is not exact, but nevertheless the court will not want, in effect, the contender to suffer punishment twice for the same events.*

35. *Tenthly, it will usually be desirable for the court to explain very briefly why it has made the choices that it has made in the particular case before it. One understands all the constraints in a busy county court, dealing with large numbers of these cases these days, and one would not wish to impose too great a burden on the judiciary in this respect. Nevertheless, it would be appropriate in most cases for the contemnor to know why he or she was being sentenced to a period of imprisonment; why it was the length that it was; if it was suspended, why the suspension was as it was, but only very briefly.*

36. *An important part of the exercise is that the contender should understand the importance of keeping court orders, of not breaking them and the likely consequences if they are so broken. There is no doubt that*

*the judge in this case made that part of the exercise entirely plain, whether or not to good effect is another matter, but he might have perhaps devoted three sentences to the earlier part of the explanation.*

*37. Having said all that, how does it apply in this case? There is no doubt that the conduct as described in the witness statement which I have summarised was extremely upsetting and damaging. This sort of behaviour can have, in many ways, a more troubling effect than more immediate losses of temper. Nevertheless, there is little indication of immediate threat, and when one is looking at the particular breach as opposed to the background, there was no threat. These were telephone calls of an unpleasant nature.*

### **Charging order**

63. H applies for enforcement of the final charging order secured against W's property. The order was granted on 13 June 2018 and H now applies for an order for sale. This charging order relates to the costs incurred by H in the original committal proceedings. The current amount stands at £30,188.04.
64. W has made no proposals for payment and there is no evidence of any other resources to enable payment. W made clear to me in court that she had no intention of paying the costs or of selling the house voluntarily.
65. A drive by valuation of W's property indicates it is worth between £215-225,000.

### **Submissions**

66. Ms Illsley submits the case for committal is straightforward. W accepts that she has breached the order on multiple occasions. W's allegation that H sexually abused J has been considered by numerous judges through the Family Court system starting with DJ Hayes and all the judges who have had the evidence before them have supported the original findings that W's allegations are not made out. In Ms Illsley's submission, that should be enough for this court.
67. Further, and in any event, W's "new" evidence in truth takes her allegations no further forward largely for the reasons that I have explained when dealing with that new material above.
68. Ms Illsley relies upon the witness statement of H. I can only describe this as a very moving document. It is clear that W's conduct has had an enormous impact on H. She has been making unfounded and deeply unpleasant allegations against him for many years dating back to 2000. She has made these allegations to his friends and colleagues as he says "*to destroy my ministry, to destroy my reputation, to destroy me completely having destroyed my relationship with our children...*". As Hayden J said, there can be very few worse allegations for a parent to face than that they have abused their children. H explains how W has placed the most enormous pressure on J and B to make allegations against him and he explains how concerned he is about J's vulnerabilities.
69. H explains in his statement how he wants W to be sent to prison because he wants some respite from the allegations but he also wants the court to exonerate him, particularly in

the light of HHJ Holt's email which appeared to support W and the allegations she has made. Ms Illsley argues that W has placed H in an "*intolerable situation.*"

### Conclusions

70. In a committal application the burden is on the Applicant and the allegations must be proved beyond reasonable doubt. The burden of showing the defence of reasonable excuse must be on the Respondent but only to a standard of balance of probabilities.
71. In terms of the procedural safeguards set out in *Re L*, I informed W at the start of each hearing and again part way through that she had a right to legal representation and to non-means tested legal aid. I strongly urged her to get legal advice but she was adamant that she wanted to continue without legal representation. I also advised W of her right not to give evidence and, if she did give evidence, not to answer questions that would incriminate her. She said she wished to give evidence on oath.
72. It is important that any reader of this judgment understands that W is totally sure, to the exclusion of any possibility of doubt, of the rightness of her cause. She wants to publicise her allegations against her ex-husband as widely as possible and for them to be heard by as many people as possible. As such, all statements by the Court about getting legal advice or not self-incriminating were wholly ignored and W treated all my attempts to explain procedural safeguards with total disdain.
73. I think it is appropriate to say that I did consider whether I needed to be concerned about W's capacity to litigate in the light of her conduct of this matter, particularly given the fact that she had no representation or even a friend to assist her in court. However, having seen W in court at some length on three occasions I am of the clear view that although she is obsessed by her campaign against H, and that leads her to ignore all contrary evidence, there is no reason to believe that the tests for lack of capacity in the Mental Capacity Act would be met.
74. As numerous judges in earlier hearings related to these parties have commented, W is obsessive about her allegations and her campaign against H. She is also now totally convinced that she has been the victim of a miscarriage of justice and a cover-up within the legal system. W has already spent over 4 months in prison and made it quite clear that she was going to go on sending the emails whatever I did and that she was prepared to go to prison and indeed sacrifice her house pursuant to an order for sale rather than, as she sees it, be silenced.
75. In those circumstances the procedural safeguards laid out in *Re L* become difficult to enforce, but I am confident that I have taken all possible actions to ensure a fair trial for W.
76. W accepts that she sent the emails in breach of the non-molestation order and of the 2017 order and that she did so knowing that she was prohibited by court order from doing so. The breaches are clearly set out in the applications before me and are not disputed. At the hearing of 6 February 2020 I reminded W that the orders continued to have effect and she simply ignored this and continued the breaches the following day. I therefore find beyond reasonable doubt that she knowingly breached the orders.

77. W's defence and the real issue in the case is whether she had a reasonable excuse for doing so. In criminal law reasonable excuse is a defence to the offence. But for civil contempt it appears that reasonable excuse goes to sanction rather than whether there has been a contempt. Therefore, in a civil case the distinction is academic because if the judge finds there was a reasonable excuse then there is no legal consequence for the alleged contemnor.
78. W's argument for reasonable excuse is that H did sexually abuse J before 2000; the family courts have made a "terrible mistake"; she has been the victim of a miscarriage of justice and she has been correct all along and the victim of a miscarriage of justice.
79. H completely denies this is true. Ms Illsley argues that I should simply rely on the findings of the various judges who considered the matters in 2000-2005 as well as Ms Eaton QC and Hayden J. However, in the light of what happened in the Crown Court and the comments of HHJ Holt I took the view that I could not simply dismiss W's defence on the basis of the earlier findings alone. I do however have close regard to those earlier findings and particularly to the fact that DJ Hayes heard both parties close to the time of the alleged events and reached very clear conclusions in the light of the evidence he heard; and subsequent judges had reports from professionals relating to J's presentation and none of them supported W's allegations.
80. I am very clearly satisfied from the material I have seen that W's allegations are not made out and that she has no reasonable excuse for her multiple and persistent breaches of the order.
81. The starting point is that there were a large number of professionals involved with J in 2001-2002. This is not a case of a child who was hidden and who was not being listened to. Those professionals include the Guardian, a child psychiatrist and at least one psychologist. For a lengthy period, J was in a secure unit at Leverton Hall with extensive access to professionals. I have seen the report from the Guardian, and DJ Hayes saw much more extensive evidence of what J had been saying at that time. In none of that contemporaneous documentation is there any suggestion of the kind of allegations now being made, let alone of any evidence that such allegations were true.
82. I do of course accept that victims of abuse can find it extremely difficult to speak about their experiences and can remain silent about them for many years. But it is important here to be clear that there is nothing in the material examined by the judges at the time which supports the allegations.
83. Turning to the alleged "new" material, that again gives no material support to W's case. It is important to differentiate between the primary and secondary material. The diary from a friend may suggest that the H had not been entirely truthful about something, perhaps financial, but that is the absolute height of the contemporaneous evidence. It does not support any allegation of abuse.
84. The most important primary evidence is J's police interview in 2019. I can only assume that it was this interview which led to HHJ Holt's concerns. In my view that interview suggests a very unhappy and angry man, but it does not support the truth of the allegations. Firstly, the allegations are so extreme and involve third parties in a way that has never previously been suggested by J or W. If H had been abusing other unconnected children, and doing so with other men, then I find it impossible to accept

that no suggestion of such events would have been raised years ago by other children or their parents. Secondly, J alleges that H frequently abused B and from a very young age. Not just has B absolutely denied this to the police but also at the time when B was a child there was not the slightest sign of such abuse. At that time, when she was about 9 years old, she was happy to spend time with her father and had a good relationship with him. This is wholly inconsistent with the kind of abuse which J now alleges was taking place.

85. I have no doubt that J's allegations are made up. They read as the product of either a fantasist, or perhaps J being desperate to appease his mother, and hoping that she will be pleased by the strength of the allegations. The evidence shows that W was placing enormous pressure on J to make these allegations, bombarding him with letters urging him to support her and make complaints to the police. One of the many concerns about W's conduct is the degree to which she will drag J and B into her vendetta against H and has been doing so since at least 2000. She justifies this to herself as protecting J but it is in fact no such thing, it is merely causing J great emotional harm. It is not possible for me to reach any view as to J's current mental state and it would be wrong for me to try to do so. However, I have reached the conclusion that J's interview does not support W's case.
86. W repeatedly said at the final hearing that she wanted to know if the Norwich Constabulary had accepted that J had been abused. I have set out above the gist of the police investigation reports. They highlighted the same inconsistencies in J's interview that I have done. They did not recommend a prosecution.
87. W relies very heavily on the comments of HHJ Holt and his view that she had been the victim of a miscarriage of justice. I do not know precisely what documentation HHJ Holt had seen before making his comments. However, it is extremely important to understand that although he will have seen at least some of the same recent material as I have done, he will not have seen the earlier family court proceedings including the material from the Guardian. I am therefore in a significantly better position than he was to take an overview of the case and of J's allegations. HHJ Holt's views are not primary evidence and are merely a commentary on whatever material he saw. Further, he was not purporting to make any findings and he heard neither submissions nor evidence in respect of the allegations. For those reasons I consider myself to be in a significantly better position to reach conclusions about W's allegations than HHJ Holt was.
88. For these reasons I find that the W's allegations are not made out and she has had no reasonable excuse for her persistent breaches of the order. For the same reasons, I dismiss her application to set aside the non-molestation order.
89. In my view the most difficult part of this case is to decide what sanction to impose upon W and in particular whether to send her to prison and if so for how long. The campaign that she has waged against H had been long-running and deeply hurtful. I have read H's witness statement about the impact that W's conduct has had upon him and it is very moving. W has left no stone unturned to publicise the most lurid allegations against him to as wide an audience as possible and to destroy his life. This had a devastating impact on his quality of life including his Ministry and contacts with other people.
90. There are two bases for sending a person to prison on a committal; to persuade them to comply with the order and to uphold the authority of the court, see Hale v Tanner at



[29]. There is in my view no doubt that the first purpose will not be met here. W has made it entirely clear that she intends to continue with her campaign against H whether or not she is sent to prison. She spent 4.5 months in prison after the order of Hayden J and promptly resumed her campaign as soon as she was released. She is truly obsessed with the rightness of her cause and although I do not think that she enjoyed being in prison, she views herself as a martyr to that cause and to the failings of the judicial system.

91. Ms Illsley accepts that committing W to prison will not stop her in the long-term from continuing to breach the orders. However, she argues that it will at least serve to give H a respite from the flow of abusive emails.
92. The second basis for committing a contemnor is to uphold the authority of the court. It is of the utmost importance that people understand that court orders must be obeyed and that very serious consequences can flow from not obeying those orders. Ignoring court orders undermines the judicial system and the protections for the whole of society from upholding the rule of law. However, that does not mean that a person who knowingly and deliberately breaches a court order is automatically imprisoned. The court has to take a proportionate approach.
93. The difficulty, as I see it, is how long would I send W to prison for. Hayden J sentenced her to 9 months and she served 4.5 months. Therefore, to sentence her to a short period, perhaps 3 months, would be entirely tokenistic. It would serve as little disincentive to further breaches and would serve no purpose. However, I then face the prospect of sending W to prison for a year or perhaps more. If I believed that this would persuade her to stop breaching the orders I would make such a sentence. However, I am convinced it would have no such effect. Further, it would not persuade W that she should obey the authority of the court, she will merely view herself as an even greater victim of the justice system. Having regard what Hale LJ in *Hale v Tanner* at [37], W's campaign is hurtful and deeply unpleasant but there is no violence or threats of violence involved. Further, the campaign must to some degree be self-defeating. I would assume that all H's acquaintances, personal and professional must be well aware of the allegations and will have reached their own view. I would be surprised if the recipients of W's emails by now took them seriously given their tone and abusive nature. In my view, the greatest protection of H is for him to be able to send this judgment to anyone he wishes to show a full analysis of the truth of the position. I also intend to draft a short executive summary of the judgment which again H can send to anyone he wishes.
94. I do understand H's desire for some respite from W's campaign. However, sending W to prison for a year or more to provide such respite seems to me to be disproportionate. If imprisoning W would give H long term respite I would do so, but it will not. I am confident that W will simply start sending the emails again once she is released and the respite will only be temporary. At some point the court has to conclude that enough is enough and it cannot continue to send W to prison. I have reached the conclusion that to send W to prison now for any more than a tokenistic period would achieve nothing and would merely absorb prison resources at a difficult time for no purpose whatsoever. The rule of law will not be assisted by W spending another 6 months or more in prison.
95. In truth, W must have spread her false allegations to everyone who knows H and it must be the case that everyone who knows the parties and probably everyone within the Methodist community, certainly in Norfolk, knows about the allegations. I hope that

this judgment will serve to explain to those people that a High Court judge has considered these allegations very carefully and reached a clear conclusion that they are false. It seems to me that this is a more effective protection of H than sending W to prison for a further period only for her to come out with further vigour to resume her campaign. Ultimately, H has to reach a position where he can ignore the allegations and point to my judgment to explain to anyone why they are false.

96. I have no hesitation in making the order for sale sought. The debt is outstanding and W has made no offer of payment. The only way for H to recover his costs is for the charging order now to be enforced through the sale of the property. I put the conduct of the sale in the hands of H as it is clear that W will take no steps to sell the property unless forced to do so.
97. I also make an order for costs of the present proceedings against W. Costs should be paid on an indemnity basis. As must be clear from this judgment, W has acted wholly unreasonably throughout these proceedings and her conduct of the proceedings had been completely unacceptable. I accept that H has had little choice but to bring proceedings and he should be able to recover his costs on an indemnity basis. A draft order should be submitted with the appropriate sum inserted.

## **Jean Patricia Gibbs v Charles Ronald Gibbs ZC17P0062Y**

### Executive Summary

I am setting out a short summary of my judgment so that Mr Gibbs can, if he wishes, send it to those who have received Mrs Gibbs' emails and those people can understand what I judge to be the truth of the allegations made by Mrs Gibbs.

Mr Gibbs applied to commit his ex-wife Mrs Gibbs to prison for breaching two orders of the court that she should not publish allegations that he had abused their son (J) 20 years ago. Mrs Gibbs applied to discharge those orders. Mrs Gibbs accepted that she had breached the orders on very many occasions but said that she had a reasonable excuse for doing so, arguing that the allegations are all true.

In order to be fair to both parties, and so that I could set out in a judgment a complete overview of the case, I examined a large amount of material which Mrs Gibbs said supported her case. I read the police interview of J in 2019, the police report into the investigation of J's allegations, and much of the original documentation which was before the family courts in 2000-2006 when Mrs Gibbs started making her allegations. I also read the various earlier judgments concerning those proceedings.

Having read these documents I have come to the clear conclusion that Mrs Gibbs' allegations are not true. She has for many years been convinced of the truth of the allegations and has been conducting an obsessive campaign against her ex-husband. She frequently distorts the truth and alleges that various people have believed her when on examination this is not true.

The reasons that I have found against Mrs Gibbs are, in summary, that many professionals were involved with J at the time of the original allegations. None of those professionals suggested that he had been sexually abused, and the judges who considered the matter at the time did not accept Mrs Gibbs' allegations. All the subsequent investigations stemmed from Mrs Gibbs' complaints, not from any evidence of abuse. J in 2019 gave an interview to the police when he made very extreme and lurid allegations. Having read these I judge that they are not true and that they may stem from a desire to appease Mrs Gibbs who has pressured J to make allegations against his father for many years. J made allegations that Mr Gibbs had abused J's sister, which she has denied, and which has absolutely no supporting evidence.

Mrs Gibbs has placed much reliance on the comments of HHJ Holt in Norwich Crown Court when the CPS decided not to prosecute Mrs Gibbs for breach of the non-molestation order. I have not spoken to Judge Holt, but it is important to understand that I have read all the papers he had and I have read many of the original papers dating back to 2000 which he did not have access to. I am therefore in a better position to consider the truth of the allegations than he was.

I have decided not to send Mrs Gibbs to prison despite the fact that she has breached the orders on numerous occasions and has no reasonable excuse for having done so. This is because she has already been to prison for breach of an earlier order and has simply persisted with her campaign. I am confident that if I send her to prison, for however long, when she comes out she will continue her vendetta against Mr Gibbs. I therefore consider the more effective remedy for Mr Gibbs is for me to publish a full and detailed judgment with an executive summary so that he can distribute this to anyone who has been sent Mrs Gibbs' allegations. I have also

ordered the sale of Mrs Gibbs' house to pay the costs of the various proceedings Mr Gibbs has been forced to bring.