



Neutral Citation Number: [2024] EWHC 2298 (KB)

Case No: KB-2024-002157

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 06/09/2024

Before :

MR JUSTICE COTTER

Between :

WEAVABEL GROUP LIMITED
- and -
MR LANCE JAMIESON CHRISTIE

Claimant

Defendant

Jeremy Reed KC (instructed by **Brown Rudnick LLP**) for the **Claimant**
Joshua Hitchens (instructed by **Janes Solicitors**) for the **Defendant**

Hearing dates: 29 & 30 July 2024

Approved Judgment

This judgment was handed down at 10.30am on 6 September 2024 in open court by partial read out and release to the National Archives.

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MR JUSTICE COTTER

Mr Justice Cotter:

Introduction

1. This is the Judgment on an application for committal for contempt.
2. I thank both Counsel for their detailed, and most helpful, written and oral submissions.
3. Within this judgment I shall refer to the Defendant as Mr Lance Christie.

Background history to the application

4. On 1st April 2017 Ms Marileen Vugts made a complaint of sexual misconduct by Mr Lance Christie who was then the managing director of the Claimant which was her employer. At this stage Mr Lance Christie was a member of the Plymouth Brethren Christian Church (“PBCC”). The action led to a multi-party settlement agreement in July 2017 the parties to the agreement including the Claimant to this action, Ms Vugts and Mr Lance Christie. The agreement included a term that Mr Christie must not make any derogatory comments about the other parties and of the Claimant’s directors, officers, employees or consultants.
5. In October 2017 Mr Lance Christie was expelled from the PBCC. Mr Lance Christie has stated that his excommunication followed a dispute between him and elders of the Church. Significantly it is a longstanding rule of the Church that members should have no contact with excommunicated members. For Mr Lance Christie this meant that his wife and children who remained members of the Church must no longer have contact with him. This appears to have been a very bitter blow for Mr Lance Christie who began a campaign to expose what he considers to be inappropriate practices within the PBCC.
6. Other litigation followed. Commercial proceedings were commenced by Mr Lance Christie in February 2018 against his wife Deborah and Focus Branding Limited alleging that he was wrongfully removed as a Director of the company. There were proceedings in the Family Court divorce and financial remedy proceedings which concluded in November 2020 (Hawksworth Holdings Limited had been joined as an intervener).
7. It was alleged that in breach of the settlement agreement reached in July 2017 Mr Lance Christie made derogatory comments about Ms Vugts and Mr Jed Christie. These comments principally if not solely related to the settlement reached by the company with Ms Vugts. The Claimant commenced the present claim to enforce that settlement agreement (Ms Vugts became a co-claimant).
8. Mr Lance Christie settled Ms Vugts’ claim as set out within the order of Mr Justice Kerr made on 12th October 2021 but the claim brought by the Claimant concerning Mr Christie’s son Jed continued through to trial on 14th November 2023.
9. In the interim criminal proceedings were brought against Mr Lance Christie for harassment. His sons Jed and Josh were witnesses for the Prosecution. Mr Lance Christie was acquitted on 25th January 2023.
10. On 15th November 2023 the Claimant and Mr Lance Christie settled the claim on the terms set out in the order of that date which included an undertaking that Mr Lance

Christie would not make derogatory comments about his sons and former wife. The undertaking was recorded in the recital as follows;

“AND UPON the First Claimant and the First Defendant having agreed to settle the claim on the terms of this order and undertaking

AND UPON the First Defendant, Mr Lance Jamieson Christie, hereby UNDERTAKING to the Court and to the First Claimant that he will not (whether by himself, his servants, his agents, or otherwise howsoever) make any derogatory comments about Weavabel Group Limited, the Weavabel Partnership (a firm), the Weavabel business, Deborah Christie, Jed Christie, Josh Christie, Stefan Christie, Alicia Christie, Beatrice Christie, or any of them.”

“SAVE THAT it shall not be a breach of the undertaking to...

...

(b) For the reporting in good faith misconduct, or a serious breach of regulatory requirements.

...”

11. It is noteworthy that;

- (a) Mr Lance Christie was represented at trial by Counsel and solicitors.
- (b) A number of issues had been raised within the pleadings, evidence and submissions including that Article 10 allowed Mr Lance Christie to make adverse/derogatory comments notwithstanding the agreement reached.
- (c) The undertaking was freely given and is not limited in time i.e. it is indefinite.
- (d) The undertaking was given after comments made by His Honour Judge Gosnell during exchanges with Counsel that it was possible for Mr Lance Christie to speak of his expulsion from the Church without making derogatory comments about his family. An important exchange was as follows;

“MR KITSON: ...As I told you yesterday, Lance Christie is wanting to shine a light on his experiences more broadly in the context of how Plymouth Brethren businesses are owned and how they have consultants put in such as the universal business

team and decisions are made which are, he says, imposed on the business. And this does create a significant issue, certainly for Lance and indeed dealing with this case. Lance and Jed were the only directors at the time of Weavabel Group. If Lance wants to talk about the circumstances as he sees them of his expulsion from the business in the context of his expulsion from the Plymouth Brethren Christian Church, it's very difficult for him to do that without possibly it being said that he is being derogatory.

JUDGE GOSNELL: It's not impossible.

MR KITSON: It is impossible --

JUDGE GOSNELL: It is not impossible.

MR KITSON: It's not impossible but it's --

JUDGE GOSNELL: You could say I lost my wife and I am not going to say whose fault it was. It's a fact and there's nothing derogatory in that statement.

MR KITSON: I agree.

JUDGE GOSNELL: Although I accept the submission you make that he finds it difficult, it is possible for him to explain how he was expelled from the business without using derogatory terms about his ex-wife or his sons. He may say it doesn't give enough context. It doesn't say everything I want to say and I accept that but it's all possible.

MR KITSON: Yes, I have to accept your Lordship's observations.

.....”

The assertion expressly accepted by Mr Kitson on behalf of Mr Lance Christie is in direct conflict with a submission made by Mr Hitchens within this application that to be able to exercise his right to free speech Mr Lance Christie must be able to make derogatory comments about his family to explain the power and control that the PBCC has over them. This was point was later re-iterated by the Claimant's solicitors in a letter of 12th December 2023 after Mr Lance Christie made some initial post undertaking comments and it is clear that Mr Lance Christie appreciated and appreciates that he can make derogatory comments about the religion and/or its leaders (subject to the general legal restrictions in this and other relevant countries) and the restriction on his comments as a result of the undertaking only covers comments about certain members of his family.

(e) The undertaking was subject to exceptions which were carefully carved out to allow legitimate comments in certain circumstances.

12. His Honour Judge Gosnell directly addressed Mr Lance Christie as to meaning and effect of the undertaking. Mr Lance Christie accepted that he understood the implications of what he had promised.
13. It is the Claimant's case that Mr Lance Christie continued to make wide ranging comments communicated in various methods about the PBCC, which he was entitled to do, but that he also made derogatory comments about his family; which he was not allowed to do given the terms of the undertaking; leading to the present application.

Procedural history of the application

14. The Claimant initially alleged 59 contempts by way of breach of the undertaking as set out in the grounds of the application to commit Mr Lance Christie dated 29 February 2024.
15. All but one of the 59 contempts alleged related to derogatory comments that Mr Lance Christie made about Jed Christie and/or Josh Christie and/or Deborah Christie (his sons and former wife respectively) in emails that he has sent to multiple recipients, and in attachments to those emails (via hyperlinking to documents that he has made available online via Dropbox). The 59th Contempt relates to a derogatory comment that Mr Lance Christie made in a lengthy YouTube video.
16. The Claimant argues that whilst the undertaking prohibits any derogatory comment, so there is no threshold of seriousness, many of the derogatory comments relied upon are serious; e.g. that Jed and/or Josh and/or Deborah have told lies and been untruthful in court proceedings. The Claimant argues that these are serious and flagrant breaches of the undertaking.
17. The Claimant also argues that the degree of dissemination is significant and an aggravating feature. Also Mr Lance Christie has repeated the derogatory comments.
18. The application was listed before His Honour Judge Gargan (His Honour Judge Gosnell's successor as Designated Civil Judge for Leeds) on 3rd May 2024. Unfortunately Judge Gargan had to recuse himself as he had acted for the Christie family in other unconnected litigation, but I was able accommodate the hearing within my criminal list. Mr Lance Christie did not attend the hearing having notified the Court that he was in Australia. For reasons of proportionality given the need to comply with the overriding objective I made an order that the Claimant rely upon no more than 20 allegations of contempt.
19. The Claimant subsequently selected 16 contempts. Whilst a restriction of the number of allegations which may be pursued at a hearing of a committal for contempt is often necessary to ensure compliance with the overriding objective, it is important to recognise that the restriction was Court imposed and the Claimant would otherwise have argued that there were multiple other breaches. This may be relevant if it is

subsequently necessary to consider any issue of proportionality raised by a Defendant given what is argued to be the limited extent to which (in this case) a document breaches an order/undertaking. For obvious reasons it would be unfair if the point were accepted that a long document only contained one alleged defamatory comment as a single slip if the effect of the Court's order had been to effectively require a Claimant not to pursue several other alleged contempts in the document.

20. There was a further direction hearing on 10th July 2024. Mr Lance Christie was unrepresented at this hearing. I dismissed an application for an adjournment and ordered that Mr Lance Christie serve any evidence upon which he intended to rely by 19th July 2024.
21. Mr Lance Christie subsequently retained the services of solicitors and Counsel.
22. By an application dated 24th July 2024 permission was sought on behalf of Mr Lance Christie:
 - (a) For permission to rely on a "Defendant's bundle".
 - (b) Permission to rely on the witness statements and oral evidence of Mr Hastie and Dr Aebi-Mytton.
 - (c) An extension of time for service of the Defendant's skeleton argument.

I shall return to the application for permission to call Mr Hastie and Dr Aebi-Mytton in due course.

The Alleged contempts

23. It is the Claimant's case that Mr Lance Christie has made derogatory remarks about:
 - (a) Deborah Christie (Mr Christie's former wife);
 - (b) Jed Christie (Mr Christie's oldest son);
 - (c) Josh Christie (Mr Christie's son).
24. The alleged contempts fall within four broad categories used for the original 59 allegations as follows:

1-19th Contempts

25. After an exchange of correspondence about an e-mail in November 2023 (referred to as the first e-mail) Mr Lance Christie sent an e-mail at 5.45 pm on 8th January 2024 to at least 136 people (139 addresses) which hyperlinked to various documents including as relevant to allegations to be determined a PDF document the "Does truth Matter" made the 1st-19th derogatory comments. The Claimant relies on the following allegations; the 5th, 6th, 12th, 14th and 18th.

26. Mr Reed KC set out the Claimant's case in respect of these allegations in a helpful table

	Derogatory comment	Meaning(s)
5	<i>Jed now seeks to lie about what happened when he had his accident. This speaks volumes about how far he will go to gain an advantage in these proceedings.</i>	Jed is liar. Jed is a liar who is prepared to stoop to committing perjury through making false statements to the court in respect of his accident. Jed is deliberately lying to the court in order to gain a litigation advantage.
6	<i>Jed seems to think that it would in some way help him to suggest that the accident was Lance's fault. However, much of what Jed says isn't true.</i>	Jed has told multiple untruths. Jed is a liar who has given false evidence to the court knowingly and wrongfully blaming his father for the accident.
12	<i>The wife's contention that the business will be hamstrung because of Lance's lack of involvement in the business for the last three years and the changes in business practice are simply not credible. This is particularly pointed given that these arguments are being advanced by the wife who had no meaningful role in the business during the course of the marriage and the truth is that she does not have one now.</i>	Deborah made false assertions to the court in the family proceedings about her role in the Weavabel business.
14	<i>Jed provides no examples despite him claiming that it was a regular occurrence. This is because it is a complete fabrication.</i>	Jed is a liar. Jed made a statement to the court was a complete fabrication.
18	<i>Jed sought to justify his decision to sack Beaumonts by suggesting that it related to a proposal by Beaumonts to restructure the business using a questionable scheme involving an offshore trust which was later found to be unlawful. This is untrue and Jed knows this.</i>	Jed is a liar/untruthful i.e. he makes false statements that he knows to be false.

20-56th Contempts

27. It is the Claimant’s case that on 25th January 2024 Mr Lance Christie also sent a third e-mail (at 4.06pm) and fourth e-mail (4.30pm) (sent by Mr Lance Christie’s assistant/secretary Emma Glaisher) to about 1,336 people and that these e-mails contained the 20th, 21st, 23rd, 26th, 31st, 33rd, 34th, 38th and 47th contempts. The subject line was an open letter to “all Brethren” (all members of PBCC) and the e-mails:

- (a) contained the 20th Derogatory comment, and
- (b) hyperlinked to the re-circulated second e-mail (so repeating the derogatory comment set out above), and
- (c) hyperlinked to a “family witness statement commentary”. It is argued that Mr Lance Christie has reproduced substantial extracts of confidential documents within this commentary.
- (d) hyperlinked to a “criminal witness statement commentary”.

28. The extract from Mr Reed KC’s table is as follows:

20	<i>And it’s a very serious matter indeed if there’s been any effort by any PBCC members to manipulate lawyers in order to obstruct fairness and justice. I believe that’s what happened in the build up to my criminal court case but I submit to wider investigation. The 21 false witnesses need to explain what motivated them to raise these charges against me. These were Lee Armstrong, Clive Anderson, Garth Christie, Jed Christie, Josh Christie, ...</i>	Jed and Josh each gave false evidence to the court in the criminal proceedings against Lance.
21	<i>[Re-circulation of the second e-mail by hyperlink]</i>	n/a
23	<i>He [Jed] also states that the business has been paying these expenses for 20 years. Again this is not true.</i>	Jed is a liar. Jed lied about the company covering his medical expenses (related to his accident).
26	<i>Jed seeks to suggest that he and I have had a fractious relationship since his early teens and this exacerbated when we started to work together. Whilst this is hurtful to read, it is in my view, also untrue. Rather it is clear that he is seeking to rewrite history to support the contentions which he now wants to make. There are numerous false assertions and inaccurate statements made in his statement, which I highlight below.</i>	Jed has given false evidence to the court, in multiple respects. Jed has committed perjury by giving false and inaccurate evidence to the court. Jed has deliberately given false evidence to the court, in

		multiple respects, to further his own contentions. Jed is a liar.
31	<i>On this Jed says in his statement that: 10.1 He took £100,000 out of the Weavabel bank account and put it into a separate Weavabel account to “ring fence” it. 10.2 He then spoke to me and, as I opposed the idea of the money being taken, it was returned the following day. This is wholly untrue.</i>	Jed is a liar. Jed lied to the Court about a financial matter concerning Weavabel.
33	<i>Lance’s wife and sons seek to ignore any issue which is directly or indirectly relevant to the PBCC. As a result there are occasions in the statements where they make false statements or completely ignore issues rather than admit the reality of the situation which is that the religion is relevant to everything which is in issue in these proceedings.</i>	Deborah, Jed and Josh each made false statements to the Family Court which contained lies.
34	<i>Lance’s wife alleges that Lance became obsessed by the road scheme in 2014/2015 and that caused difficulties for them. This is completely untrue.</i>	Deborah has made a completely untrue statement to the Family Court about Lance.
38	<i>In January 2018 the wife filed a notice at Companies House falsely advising that Lance had resigned as a director.</i>	Deborah acted dishonestly and unlawfully by lodging false information at Companies House.
47	<i>Jed now makes general unsupported statements which are completely false. ...Jed provides no examples despite him claiming that it was a regular occurrence. This is because it is a complete fabrication.</i>	Jed is a liar who makes false statements (to the Court).

57th and 58th Contempts

29. The Claimant pursues the 58th contempt which is that Mr Lance Christie uploaded to the internet the 1st–56th comments and left them online.

59th Contempt

30. It is the Claimant’s case that on 8th February 2024 Mr Lance Christie uploaded a video to his YouTube Channel entitled:

“Lance summarises the content of his long set of Easter 2023 videos while he’s in Sydney”

which made the 59th derogatory comment. Mr Reed KC’s summary is;

<i>In my court case the judge had to cut across them when they tried to bring up fresh charges against me, including my own son Jed, charges against his father. He had to be shouted down, cut down by the Judge because he had no right to bring personal matters up, which weren't even true anyway.</i>	Jed gave untruthful evidence in the criminal proceedings. Jed gave irrelevant evidence during the criminal proceedings, and the Judge criticised Jed for doing so.
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Issues

31. The Claimant's submission is that the undertaking is clear and unambiguous. It is written in plain English, and uses simple language and Mr Lance Christie was, and is, well aware of what he can and cannot do given its content. The undertaking prohibits the making of a derogatory comment about his wife Deborah and/or sons Jed and Josh and the comments made with the alleged contempts plainly relate to Deborah, Jed or Josh. Mr Reed KC described the application as "not a borderline case; the comments are plainly derogatory, and are serious in their nature. They are not trivial or de minimis."
32. On behalf of Mr Lance Christie, Mr Hitchens argued that the statements upon which the application is based were made in the course of the Mr Lance Christie making criticisms of the PBCC and were, when objectively assessed, not serious; put colloquially the application was a sledgehammer being used to crack a nut. Mr Hitchens submitted that:
 - (a) Mr Lance Christie sent an email, critical of a group widely described as a cult, which contained a hyperlink to a letter that he had sent to a Member of Parliament before the undertaking was given. In turn, that letter contained another hyperlink to a 45-page document, 15 pages into which there were some remarks which are said to be derogatory about his son. Thus, if somebody opened the email, "waded through" to the fourth page, then clicked through to open the letter, read to the final paragraph of the letter and then clicked the link to the "Does Truth Matter" document, and then "waded through" the first fifteen pages of that document to the paragraphs complained of, then the recipient would read the paragraphs said to be derogatory.
 - (b) Mr Lance Christie sent a very long email consisting of dense text. Six pages into which, the Defendant asserted that witnesses whose evidence was rejected by a judge at trial and had been described by the judge as "*disingenuous*" were "*false witnesses*". Mr Lance Christie's sons Jed and Josh were two of those witnesses, and Mr Lance Christie named both of them in the email
 - (c) Mr Lance Christie sent an email containing a hyperlink to a document where he used his divorce proceedings as a case study of the PBCC's approach to former members. Within that document, he disagreed with contentions made by his son and ex-wife in those proceedings.

- (d) Mr Lance Christie uploaded the documents set out at (a)-(c) above to Dropbox. These documents are no longer accessible.
 - (e) Mr Lance Christie spoke about his acquittal on YouTube and referenced his son whose evidence had been rejected at trial by the Judge. This video has also been taken down.
33. It is also Mr Lance Christie's case (as supported by witness statements of Mr Hastie and Dr Aebi-Mytton) that:
- (a) PBCC uses legal proceedings, and the threat of legal proceedings to intimidate and deter former members who criticise the group.
 - (b) PBCC exercises control over companies such as the Claimant, which is owned and directed by PBCC members.
 - (c) These proceedings would not have been instigated unless it was at the direction of the PBCC.
 - (d) PBCC is an organisation which has been widely described as a cult.
34. Within his skeleton argument prepared for the hearing Mr Hitchens set out that in light of these matters it was Mr Lance Christie's case that:
- (a) This application was an abuse of process as:
 - i. Its predominant purpose was improper, namely, to stifle legitimate and lawful criticism of the PBCC.
 - ii. it involved wasteful and disproportionate satellite litigation.
 - (b) A finding of contempt would be incompatible with Articles 8 and 10 of the Convention.
 - (c) The Claimant could not discharge the burden of proof:
 - i. Firstly, that the comments were derogatory; and
 - ii. Secondly, that Mr Lance Christie intended to include "Does Truth Matter" document in the email sent on 08 January 2024.
 - (d) That at least some of the statements complained of are true.

Evidence

35. The Claimant relies upon two affidavits of Charlotte Harris. Within the affidavit dated 1st March 2024 Ms Harris confirmed that the first relevant e-mail post undertaking was sent by Mr Lance Christie on 20th November 2023 less than a week after the settlement and the giving of the undertaking. None of the alleged contempts now relied on were within that first e-mail. However Mr Lance Christie was plainly put on notice that it was considered that he had already breached the undertaking. There was then an exchange of correspondence with Mr Lance Christie's solicitors in December 2023 and it was confirmed on behalf of Mr Lance Christie that he would not make derogatory comments contrary to the undertaking.

However despite this Mr Lance Christie then sent the e-mail of 8th January 2024. It was headed "letter to the Christie Family" but widely distributed (139 addresses). Ms Harris explains at para 41 that it attaches the "Does Truth Matter" document stating:

"I stand for free speech and link my document "does truth matter" in order to help you understand how I intend to pursue my complaint against the PBCC."

36. So not only did Mr Lance Christie breach the undertaking he did exactly what his solicitors said that he would not do given the "shot across his bows".
37. Mr Harris' second affidavit dated 1st May 2024 covered service of the application and a further e-mail sent on 20th April 2024 (the fifth e-mail) to 149 people with hyperlinks to the third e-mail.
38. Ms Harris gave evidence and Mr Hitchens questioned her on a range of issues including her previous representation of the PBCC. She made clear that she had not had any conduct in the family proceedings involving Mr Lance Christie or the criminal proceedings.

Dr Aebi-Mytton and Mr Hastie

39. Mr Hitchens recognised that permission was required before there could be any reliance on the evidence of Dr Aebi-Mytton or Mr Hastie. As I stated during submissions, I well recognise that proceedings for contempt are often described as "quasi-criminal" because of the penal consequences that can attend the breach of an order (or an undertaking to the court). They are criminal proceedings for the purpose of Article 6 of the European Convention on Human Rights ("Article 6") and as a result there must be a high standard of procedural fairness.
40. As I have set out I made an order in respect of the service of evidence at a time when Mr Lance Christie was unrepresented. His delay in seeking legal advice was undoubtedly due in some part to him not directing his attentions to this application rather he chose to concentrate on his campaign against the PBCC or the elders or leaders of the PBCC. Mr Hitchens submitted that some of the delay was due to the advice previously given by solicitors and mistakes having been made as to the nature of the legal aid available in respect of a committal and once Mr Lance Christie obtained legal aid steps were speedily taken to obtain and serve the statements.
41. It was the central thrust of Mr Hitchens submission that Mr Hastie and Dr Aebi-Mytton give important and relevant evidence that:
 - a) The PBCC uses legal proceedings, and the threat of legal proceedings to intimidate and deter former members who criticise the group.
 - b) The PBCC exercises control over companies such as the Claimant, which is owned and directed by PBCC members.

- c) These proceedings would not have been instigated unless it was after consultation with and/or at the direction of senior members of the PBCC.
 - d) There is widespread public concern about the practices and beliefs of the PBCC.
42. Mr Reed KC made no detailed submissions in relation to the admissibility issue which fell to be determined as a relief from sanctions application and alleged no prejudice by virtue of the late service of the statements. Rather his response to the application was that the content of the statements, and specifically the matters at (a)-(d) above, was wholly irrelevant to the issues before the Court and their content an unnecessary distraction.
43. It is necessary to consider the statements in turn.

Dr Aebi-Mytton

44. Dr Aebi-Mytton is a chartered psychologist who was formerly a member of the Church, who has experience of the effects of leaving the Church and who has written a number of papers on the Plymouth Brethren. She has set out how she has faced litigation or “legal threats” as she describes the interactions. She referred to others who have faced legal action (a matter that I shall return to). She stated that she was provided with a bundle in these proceedings, so was aware of the allegations but had not “interacted” with Mr Lance Christie for some time. She stated “I don’t know what Lance has or has not done but I do believe that British Courts should be used to deter those who are seeking to critique a cultic group”. I should observe that what Dr Aebi-Mytton believes as a lay person the British Courts should not do is of no weight, neither is any opinion as to the merits of the application generally. She was solely advanced as witness of fact.
45. Dr Aebi-Mytton suggested that if Mr Lance Christie were to be held in contempt it would deter and have a chilling effect on others who would seek to criticise the PBCC. However Dr Aebi-Mytton failed to explain why a breach of a direct promise to the Court not to make derogatory comments about one’s own family, the promise not preventing criticism of the PBCC which Mr Lance Christie has continued to make publicly, would have such an effect.
46. Dr Aebi-Mytton also stated that:

“It is common knowledge that cultic groups use litigation as a means of deterring would be critics and continuing their control over members who have left the organisation”

and that she considers that the committal proceedings are:

“most likely motivated by criticism of the PBCC”

missing the point that the neither the original action nor this application seek to restrain such criticism.

47. Dr Aebi-Mytton also stated of those excommunicated;

“19. Thus when they leave, they have little understanding of the real world and still less legal process. They tend to see the world through a prism which continues to distort their perception of reality. Often, they shall exhibit narcissistic traits as they have just left a group which had repeatedly underlined that they are the chosen ones, and the rest of the world is evil. In addition to all of this, they will have just lost their family, social connections and entire economic foundation.

20. Members who leave also lost their role and identity both of which are closely linked to their lives in the brethren, whether it be as a submissive housewife, the local leader or, as in Lance’s case, the director of a successful company he set up. This loss of secure sense of self and one’s role in life can be profound.

21. This creates a class of people who are often mentally unwell, with little financial means and distorted sense of reality. This plainly makes leavers more susceptible to litigation designed to punish, intimidate or deter them.”

48. I repeat that Dr Aebi-Mytton is not advanced as an expert and has not examined Mr Lance Christie and she set out generalities and potential impacts of leaving the Church and no more. Mr Lance Christie has not been formally assessed as being mentally unwell and/or with a distorted sense of reality.

Mr Hastie

49. Mr Hastie describes himself as a researcher with an investigative platform having previously worked in the energy sector. He has never been a member of the PBCC. Again he is not advanced as an expert but as a witness as to fact. He states that it is the practice of PBCC “to target, intimidate and harass those who criticise it”, particularly former members and that “often such members are psychologically damaged.” He proffers no opinion as to whether Mr Lance Christie is psychologically damaged and such an opinion would in any event be inadmissible.

50. Mr Hastie explains at some length that the PBCC is a wealthy organisation.

51. He also opines that, having spoken to “many, many former members” and reviewed considerable material and that in his view:

“Mr Jed Christie would simply not have had the autonomy to decide whether to instigate proceedings without the express approval or direction of the PBCC”.

He does not state that he knows as a fact from direct knowledge that this was the case; rather that this is his opinion. He concludes that:

“It is clear to me that WGL are very likely to have brought proceedings at the instigation or subject to the direction of PBCC. PBCC is a cult which has achieved considerable commercial success by exercising a very high level of control over its members. It is undoubtedly the case that PBCC has used lawyers and the courts to deter criticism and debate which could reduce its ability to attract and retain members. It seems obvious to me that these proceedings form part of that wider strategy.”

52. Mr Hitchens argued that it was necessary for Mr Lance Christie to be able to rely on the evidence of Dr Aebi-Mytton and Mr Hastie to establish the overarching influence of the PBCC on the Christie family and the various cases before the Courts. As I have set out he questioned Ms Harris on her representation of PBCC/its members, having set out in his skeleton that

“Since at least 2017, Charlotte Harris, the Claimant’s representative and only witness has acted for the PBCC directly as well as for members of the PBCC and their companies. Whilst acting for PBCC, Ms Harris’ firms have repeatedly threatened proceedings against Mr Christie on behalf of the PBCC.”

53. The problem with this proposition, and much of the content of the witness statements of Dr Aebi-Mytton and Mr Hastie, is that is given the very limited nature and scope of what has to be determined on this application it is difficult to see the arguable relevance of what is said. When pressed Mr Hitchens could provide no example of civil proceedings brought by or allegedly on behalf of the PBCC as having been struck out as an abuse. As I pointed out during submissions the references within the statements of Dr Aebi-Mytton (paragraph 17) and Mr Hastie (paragraph 19) to previous actions where a person was held to have made defamatory remarks and there was subsequently a successful committal for breaches of an order and another case where a former member of the PBCC was committed to prison for contempt (the three other examples given of cases brought, some in the USA are said to have been settled) could not help to advance Mr Lance Christie’s defence on any basis. In the absence of a successful appeal and with no knowledge of the detail, I must, of course, proceed on the basis that the Court was entirely correct to act as it did and that the applications made had merit. Put simply that the Claimants in those actions were in the right. Many individuals or bodies (corporate or otherwise) vigorously defend their rights and provided their actions are meritorious it is difficult to see why this should be a legitimate ground for criticism. Indeed it must not be overlooked in this context that in the present case Mr Lance Christie chose to settle on terms and not to continue to defend the proceedings. There was no application to strike out the proceedings on the basis of alleged abuse or collateral purpose.

54. So the references (limited in nature) to legal action against others as set out within the two witness statements may be factually correct as far as they go but it is

difficult to see how they advance matters in respect of the arguments raised on behalf of Mr Lance Christie.

55. Mr Hitchens conceded that the weight to be given to these two witnesses was a matter for me.
56. I delivered a short oral judgment allowing Mr Lance Christie to rely on the witness statements and oral evidence of both witnesses whilst recognising that there was significant doubt as to not only the relevance, but also the admissibility, of elements of the statements given that neither witness was an expert and they relied upon what had been said by others and/or happened in other cases about which they had no direct knowledge. I noted that Mr Hitchens' submission as to relevance was reliant upon the Court accepting submissions yet to be made. Whilst I had to be careful not to allow these proceedings to be a vehicle for irrelevant criticism by individuals of a body or group which was not able to protect itself before the Court, the safest and pragmatic course was to allow the witnesses to be called, conscious that Mr Reed KC's view was that to the extent that the evidence was admissible it was irrelevant. To proceed otherwise would have probably spent more time determining the issue than was proportionate. Once I had delivered the judgment Mr Reed KC made it clear that on the basis that he did not accept that any of the content was relevant to the issues on the application he did not intend to ask any questions of the witnesses so the evidence in the witness statement could be admitted.

Mr Lance Christie

57. Mr Lance Christie did not give evidence as was his right; just as is the case for a Defendant in a criminal trial. Mr Reed KC submitted that an inference should be drawn in relation to his silence but limited to Mr Hitchens' submission in relation to intent that Mr Lance Christie may have inadvertently made references to documents which he had compiled before he gave the undertakings (which contained the derogatory comments about his family).
58. In a committal an adverse inference may be drawn given the silence of a Defendant but caution must be exercised before doing so. Mr Hitchens did not argue otherwise. Mr Reed KC properly brought to my attention an authority which he considered may run contrary to his submission; Mr Justice Nicklin's judgment in Al-Ko Kober Limited -v-Sambhi [2018] EWHC 165(QB) and the following paragraph:

“39. The Defendant was entitled to give oral evidence at the hearing even though he had filed no written evidence. A defendant who gives evidence is liable to be cross-examined. However, like a defendant in a criminal trial, a defendant to a committal application has the right to remain silent: *Comet Products UK Ltd -v- Hawkex Plastics Ltd* [1971] 2 QB 67. Here, the Defendant chose not to give evidence. A defendant is fully entitled to remain silent and to require the alleged breaches of the order be proved (if they can be) to the criminal standard. Consistent with the right to silence, I will draw no

adverse inferences against the Defendant for not having given evidence.”

59. To the extent that Nicklin J was making a statement of general application that no adverse inference can be drawn when a defendant chose not to give evidence (which I doubt), I respectfully disagree. Whilst proceedings for committal are a criminal charge for the purposes of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, and proceedings for contempt in civil action as often referred to as “quasi-criminal”, the procedural protections to ensure fairness do not exceed those in place in the criminal Courts. Consistent with this principle Lord Justice Jackson stated in **Inplayer Limited-v-Thorogood** [2014] EWCA Civ 1511:

“40. A person accused of contempt, like the defendant in a criminal trial, has the right to remain silent: see *Comet Products UK Ltd v Hawkex Plastics Ltd* [1971] 2 QB 67 . It is the duty of the court to ensure that the accused person is made aware of that right and also of the risk that adverse inferences may be drawn from his silence.”

60. In this case Mr Reed KC was correct to limit the potential inferences to be drawn to issues of fact as opposed to the defences based on abuse of process or collateral purpose. No inference can properly be drawn where the facts adduced by the Claimant do not call for an answer, or are unchallenged, and the only issue is whether they amounted to the contempt/s alleged i.e. the Claimant’s case on the facts is not disputed at all; see **R v McManus** [2001] EWCA Crim 2455 per Laws LJ at paragraph 26:

“There is nothing that the defendants could have said that was relevant and admissible to throw light on the only issue for the jury, which is whether the events which they had heard described fell into one or other legal category of this offence of keeping a disorderly house.”

61. The nature of the inference available will depend on the way in which the evidence has developed and the strength of the Claimant’s case. The stronger the case, the more powerful the incentive to provide an answer. However the burden remains on the Claimant throughout and an inference from failure to give evidence cannot on its own prove the contempts although it can be, in effect, a further evidential factor in support of the Claimant’s case.
62. Mr Lance Christie could have given evidence on the issue of whether he intentionally breached the order (given that this is something he has put in issue). Mr Hitchens submitted that the Claimant was “put to proof” that the Mr Lance Christie *intended* to include the “Does Truth Matter” document in the email sent on 08 January 2024. Given that he had intentionally inserted hyperlinks to the document (a step which requires specific steps to be taken) it is the Claimant’s case that it is obvious and beyond any doubt that he intended to do so. In my view on this issue (and solely this issue) his decision not to give evidence could lend some weight to the Claimant’s argument; so an inference could be drawn. However the reality is that as I shall set out in due course I satisfied to the criminal standard that

Mr Lance Christie intentionally made reference to the document in the absence of the inference.

Law

63. It is well-established that an undertaking to the court is equivalent to an injunction and may be enforced by an order of committal; see **Bishlawi v Minrealm** [2007] EWHC 2204 (Ch). The procedural requirements are set out in CPR 81. The burden of proof is on the Claimant to establish the contempt and the standard of proof is the criminal standard, that is to say the Judge must be satisfied so that he/she is sure.

64. As Carr LJ (as she then was) stated in **Navigator Equities v Deripaska** [2021] EWCA Civ 1799 at paragraph 79:

“Contempts of court have traditionally been classified as being either criminal or civil. Proceedings for civil contempt are sometimes described as "quasi-criminal" because of the penal consequences that can attend the breach of an order (or undertaking to the court). They are criminal proceedings for the purpose of Article 6 of the European Convention on Human Rights ("Article 6"). The charges raised have to be clear; the criminal standard of proof applies; and the respondent has a right to silence. There must be a high standard of procedural fairness.”

65. Carr LJ outlined the well-established general propositions in relation to civil contempts, at [82]:

“i) The bringing of a committal application is an appropriate and legitimate means, not only of seeking enforcement of an order or undertaking, but also (or alternatively) of drawing to the court's attention a serious (rather than purely technical) contempt. Thus a committal application can properly be brought in respect of past (and irremediable) breaches;

ii) A committal application must be proportionate (by reference to the gravity of the conduct alleged) and brought for legitimate ends. It must not be pursued for improper collateral purpose;

iii) Breach of an undertaking given to the court will be a contempt: an undertaking to the court represents a solemn commitment to the court and may be enforced by an order for committal. Breach of a court undertaking is always serious, because it undermines the administration of justice;

iv) The meaning and effect of an undertaking are to be construed strictly, as with an injunction. It is appropriate to

have regard to the background available to both parties at the time of the undertaking when construing its terms. There is a need to pay regard to the mischief sought to be prevented by the order or undertaking;

v) It is generally no defence that the order disobeyed (or the undertaking breached) should not have been made or accepted;

vi) Orders and undertakings must be complied with even if compliance is burdensome, inconvenient and expensive. If there is any obstacle to compliance, the proper course is to apply to have the order or undertaking set aside or varied;

vii) In order to establish contempt, it need not be demonstrated that the contemnor intended to breach an order or undertaking and/or believed that the conduct in question constituted a breach. Rather it must be shown that the contemnor deliberately intended to commit the act or omission in question. Motive is irrelevant. The lack of an intention to commit may be relevant to penalty.

viii) Contempt proceedings are not intended as a means of securing civil compensation;

ix) For a breach of order or undertaking to be established, it must be shown that the terms of the order or undertaking are clear and unambiguous; that the respondent had proper notice; and that the breach is clear (by reference to the terms of the order or undertaking).”

Analysis

66. I shall first set out my conclusions on some overarching matters which are relevant to the various arguments advanced by Mr Hitchens;

- (a) The undertaking given was part of the order by consent. Put another way it formed part of the effective cost to Mr Lance Christie of the settlement reached between the parties. The promise given was entirely voluntary and it matters not that he may now regret having made this solemn promise to the Court; or has now been advised that he could/should have contested issues then before the Court. Were Mr Lance Christie’s arguments to succeed i.e. if a Court were to find that he has a right to make derogatory comments about his family it would render the undertaking he gave largely meaningless and valueless and would necessarily open up the compromise reached as the Claimant could not be properly held to its side of the bargain reached. As Lady Justice Sharp

PKBD observed in Mionis-v-Democratic Press [2017] EWCA Civ 1194 at paragraph 89:

“...settlement does not only serve the private interests of the litigants, but the administration of justice and the public interest more generally, by freeing court resources for other cases. The law therefore encourages and facilitates the mutual resolution of disputes by various means, for very sound reasons of public policy; and there is obviously an important public interest in the finality of settlement.”

And

“91. Parties are of course generally free to determine for themselves what primary obligations they accept; and legal certainty requires that they do so in the knowledge that if something happens for which the contract has made express provision, then other things being equal, the contract will be enforced (*pacta sunt servanda*). This is a rule of public policy of considerable importance. Furthermore, the principled reasons for upholding a bargain freely entered into, obviously apply to one that finally disposes of litigation with particular force.”

- (b) The arguments advanced by Mr Hitchens as to Mr Lance Christie’s Article 10 rights and specifically that true and accurate criticism of his family was necessary to enable proper criticism of the PBCC (because the conduct of his family) in turning against him can only be explained by the practical and psychological influence leaders of the Church have over them, were raised in the proceedings before His Honour Judge Gosnell. As can be seen from the exchange with Counsel set out above the Judge had very considerable difficulty with the propositions advanced on behalf of Mr Lance Christie in this regard (as, for what it is worth, do I). As Ms Harris stated, and contrary to the submissions of Mr Hitchens, Mr Lance Christie clearly did not, and does not, need the skill of a lawyer to be able to carefully make any criticisms of the effects of the principle of separation without his comments straying into being derogatory of his family and in so doing triggering a legal landmine. In any event, and in my view unarguably, in choosing to settle the action and give the undertaking Mr Lance Christie formally and unequivocally gave up his right to pursue these arguments. Mr Hitchens made very detailed submissions about the effect of the undertaking on Mr Lance Christie’s Article 10 rights, but in so doing he ignored the effect of his arguments upon the rights of others. Importantly, as the Court did not determine the matter, the Claimant was denied the opportunity to gain an order protecting the Article 8 rights of Mr Lance Christie’s family and a ruling that protection from derogatory comments did not improperly infringe Mr Lance Christie’s Article 10 rights. Without seeking to be released from the undertaking (he could not appeal) Mr Lance Christie now wishes to rely on these arguments in defence of his actions (which

are alleged to have been in direct contradiction of the undertaking) . The unfairness of this approach is both very obvious and very significant. It would also be a paradigm breach of the principle of finality in litigation. It is simply not open to Mr Lance Christie to argue that his Article 10 rights are engaged on this committal and that they require that it be dismissed. Put simply that ship sailed away when he voluntarily gave the limited undertaking not to make derogatory comments about his family.

- (c) Were Mr Lance Christie's Article 10 rights to be in issue the necessary balancing exercise would in any event weigh overwhelmingly in favour of holding him to his undertaking. I accept Mr Hitchens' submission that the right to freedom of expression is a convention right of fundamental importance. However, as Sharp LJ observed in Mionis, Article 10(2) permits restrictions on that right for the protection of the reputation and rights of others, which includes the private rights of the parties (here the rights of Claimant under an otherwise validly constituted contract of settlement). The issue becomes one of proportionality i.e. whether the relevant restrictions are a disproportionate interference with Article 10 rights. In my view there is nothing remotely disproportionate, in holding Mr Lance Christie to his compromise and formal promise to the Court. There is very considerable public interest in parties to litigation being held to enforce the terms of a settlement freely entered into, a fortiori when the Article 10 argument itself has been specifically raised. As I have set out Mr Lance Christie agreed to curb his right to free speech in only a limited and very personal way which left him with no impingement on his ability to criticise others.
- (d) The undertaking was made with carefully carved out exceptions to ensure that Mr Lance Christie is not prevented from making obviously legitimate comment in certain circumstances. This shows the keen focus at the time of compromise on what could be said and what could not be said. In such circumstances there is obvious difficulty with Mr Hitchens' argument that ensuring that Mr Lance Christie does not make derogatory comments is not the dominant purpose behind the current application. Also the bringing of committal proceedings for the purpose of achieving the natural consequences of the litigation a fortiori the Claimant's main aim within the original action cannot be an improper purpose.
- (e) The undertaking does not prevent Mr Lance Christie making comments about the PBCC/Plymouth Brethren members. Although it is clearly the case that Mr Lance Christie and some of his supporters would wish to portray this application as another attempt by the PBCC to silence a critic of the Church and prevent legitimate comment about its practices and activities the undertaking does not even mention the Church. The content of some of the lengthy documents produced by Mr Lance Christie since he gave the undertaking includes some wide ranging attacks upon the PBCC and what he believes to be the improper activities of its leaders. However it is not, and could not ever be, part of the Claimant's application that Mr Lance Christie's critical opprobrium breached the undertaking. Subject to the laws of defamation, and the criminal laws in

relation to harassment and malicious communications in this country and any other relevant country, Mr Lance Christie can air his views about the PBCC/Brethren members without any restriction save only that it must not involve derogatory comments about his family. That is the limited extent of his promise; it goes no further. I should add that when it is argued that the Claimant has an ulterior motive in bringing this application it is difficult to see what the Claimant could hope to achieve beyond holding Mr Christie to his own solemn promise. I cannot accept the argument that the true motive of the application is to prevent Mr Lance Christie commenting generally about the Brethren as he has done so and remains free to do so. In reaching this conclusion I do not underestimate the public interest in the rules and practices of religions and their effects on adherents or the wider public. Criticisms of the beliefs and practices of certain faiths by those of other faiths, or no faiths at all, has been a consistent feature of history since the first beliefs in a supernatural realm beyond the ordinarily observable world. Whilst Mr Lance Christie wishes to focus on the validity, the truth as he sees it, of his criticisms of the PBCC and to persuade me that he is battling a malign influence, he fundamentally misunderstands and underestimates the importance of upholding the rule of law and fundamental to its effectiveness is that the Court's orders (and promises to the Court) are obeyed. A hole in that principle would mean the ship would be lost. My central focus when determining this application has at all times been whether or not Mr Lance Christie deliberately breached his promise to the Court, that promise, it bears repetition, being limited to not making derogatory comments about his own family.

- (f) As a generality Mr Hitchens describes the contempts as “utterly trivial”. I find this a very surprising submission indeed and, save as I shall set out in due course in relation to the 59th contempt, I have little hesitation in rejecting it. The Claimant's case is that the three individuals involved have been repeatedly called liars, including on oath; so perjurers. Objectively these are obviously serious allegations which are very far from trivial in the secular world. If true they would be enough to justify action. However, taken in the “religious” context I am sure that the comments were intended to have heightened impact and having read Mr Lance Christie's view at length I am sure that it is very far from the case that Mr Lance Christie intended the accusations to be treated as trivial or “throwaway”. It abundantly clear from Mr Lance Christie's own material/writings that members of the Brethren (such as his family) and many other Christians (which he remains) believe that the Bible is the true word of God and that they must live a life in accordance with its instructions. He directly accuses them of breaking the ninth commandment. In his document “Does truth matter” (at page 44) Mr Lance Christie sets out a number of “Scriptural pointers for genuine seekers after the truth”, including that “idolators and all liars, their part is in the lake which burns with fire and brimstone; Revelation 21v8”. It is difficult to see being condemned to spend the afterlife in Hell as a trivial matter. In any event I do not need direct evidence of harm to conclude that being called a liar and perjurer is clearly derogatory,

offensive and far from trivial. I shall deal with other alleged contempts in due course.

- (g) When considering intention (or the potential lack of it) it is not in issue that Mr Lance Christie chose to write the emails and chose to send them. He also chose to provide a link to other documents also written by him, and uploaded to the internet by him. Having considered all the evidence I do not accept that it is a realistic suggestion that he somehow forgot what he had previously written and the serious allegations that he had made against his own family; including calling his own sons liars and perjurers. It was a central focus of his critique. I am satisfied to the criminal standard, without reliance on any adverse inference, that the relevant acts complained of were not inadvertent, accidental, or unintended. The proper inference that can be drawn from his failure to give evidence on this point merely adds to, and is consistent with, this conclusion. The same point is true of the YouTube video. Mr Lance Christie recorded himself speaking the words complained of, and he posted the video of himself on his own YouTube channel. He intended to say what he said.

Burden of proof

67. Mr Hitchens initially submitted that in a criminal context, where a defence is raised which bears an evidential burden, it is for the Defendant to adduce some evidence which puts the matter in issue, and it is then for the Prosecution to prove to the criminal standard that the defence is not made out. He argued that the same principle applied to contempt proceedings and placed reliance upon the judgment of Mr Justice Chamberlain in **Perkier Foods Limited v Halo Foods Ltd** [2019] EWHC 3462 (QB). He submitted that this means that once the Defendant raises some evidence of abuse of process or improper collateral purpose, it is for the Claimant to prove that there is no such purpose and also to satisfy the Court that an order for committal would be compatible with Articles 8 and 10 of the Convention.
68. Mr Reed KC did not accept this general, and as he described it “novel”, proposition. After reflection on this issue Mr Hitchens accepted that the burden in respect of abuse of process remained on the Defendant, but submitted that there was no burden on the Defendant in respect of an Article 10 issue.
69. Given the possibility that this argument as to burden of proof may be raised in other cases in the future, I shall address it. Mr Justice Chamberlain’s judgement in **Perkier Foods Limited v Halo Foods Ltd** [2019] EWHC 3462 (QB) does not provide support for the wide proposition initially advanced by Mr Hitchens. The case concerned impossibility of compliance with the order and a lack of *mens rea* (following on from the statements of Briggs J as he then was in **Sectorguard PLC v-Dienne PLC** [2009] EWHC 2693 that the mental element assumes that the contemnor has some choice as to whether to commit the relevant act or omission). Mr Justice Chamberlain agreed with the submission that as a matter of principle the possibility of compliance should be regarded as an essential ingredient of contempt and that where there is some evidence to the effect that compliance was

impossible *mens rea* is in issue and it is for the Applicant to prove to the criminal standard that compliance was possible (and that the Respondent therefore had a choice). He was not concerned with wider arguments which a Defendant may raise concerning a lack of proportionality, abuse of process and/or improper collateral purpose and/or manipulation of the Court or procedure. There are two reasons why it is not correct that if a defendant raises such issues through argument, or evidence, that a burden then lies on the Claimant.

70. Firstly in contradistinction to issues of fact such as the existence of necessary *mens rea* the issue of abuse of process and allied issues require an exercise of judicial assessment. As Rose LJ stated in S (SP) [2006] EWCA Crim 756 at paragraph 20:

“20. In our judgment, the discretionary decision whether or not to grant a stay as an abuse of process, because of delay, is an exercise in judicial assessment dependent on judgment rather than on any conclusion as to fact based on evidence. It is, therefore, potentially misleading to apply to the exercise of that discretion the language of burden and standard of proof, which is more apt to an evidence-based fact-finding process. Accordingly, we doubt whether, today, in the light of intervening authorities in relation to the exercise of judicial discretion, Lord Lane would have expressed himself as he did with regard to the burden and standard of proof. Seen in this light, the observations of Clarke LJ in *EW* paragraph 23, as Clarke LJ himself recognised, represent no departure from the general approach of Lord Lane which was followed by Lord Woolf CJ, giving the judgment of this Court, in Attorney General's Reference No 2 of 2001, [2001] EWCA Crim 1568, paragraphs 16 and following, by this Court differently constituted in *Hooper*, and by Lord Woolf CJ again in *B* [2003] EWCA Crim 319, paragraphs 15 to 18, and R v Smolinski [2004] EWCA Crim 1270, paragraph 7. In our judgment the approach indicated by Clarke LJ in paragraph 22, of the judgment in *EW* is entirely appropriate.”

This also would apply to the raising of an Article 10 issue; it is a matter of Judicial assessment and there is no burden on either party. So in this regard Mr Hitchens is correct.

71. Secondly, to the extent that there is a burden of establishing that the pursuit of particular criminal proceedings would amount to an abuse of process, it is on the accused and remains so; see e.g. R. v Great Yarmouth Magistrates Ex p. Thomas, Davis and Darlington [1992] Crim. L.R. 116 (DC) where the Magistrates Court was faced with a submission raised by the defence that the prosecutor had dishonestly contrived to manipulate the prosecution process so as to avoid the consequences of the legislation which brought the applicants within the custody time limit regulations. The Divisional Court held that the issue could only be determined by the justices upon whatever evidence was put before them and that they must bear in mind that the burden of establishing dishonesty lay fairly and squarely on the defence, and it was a heavy burden (also see generally Archbold

4-102 and Blackstone's at D3.69 both of which state that a defendant bears the burden on balance of probabilities).

72. I shall now address the specific arguments raised by Mr Hitchens in turn.

Abuse of process

73. Abuse of Process is a ground for the striking out of an application or proceedings. Mr Hitchens submits that the application is an abuse of process as its predominant purpose is improper, namely, to stifle legitimate and lawful criticism of the PBCC.

74. The fundamental problem with this argument, as I have already set out, is that it can do no such thing. Mr Lance Christie can engage in legitimate and lawful criticism of the PBCC to his heart's content. This was pointed out before the undertaking was given and Mr Lance Christie has subsequently engaged in a campaign to highlight what he perceives to be serious issues involving the PBCC. Save for the derogatory comments made in respect of his family members there has been no challenge to what he has said.

75. The undertaking was intended to protect family members from derogatory comments. That was clearly the principal aim of obtaining the undertaking within the settlement. The bringing of contempt proceedings for the purpose of achieving the main aim of the litigation cannot possibly be an improper purpose. Motive and intention, e.g. any of the personal antagonism of the family towards Mr Lance Christie are in themselves simply irrelevant. Indeed it would be very surprising indeed given that Mr Lance Christie made a promise and has gone on to break it, in the course of which he has referred to his family as liars and perjurers, if there were not some personal antagonism; it would be a natural consequence of the breaches.

Disproportionate application

76. A committal application may be an abuse of process if it involves wasteful and disproportionate satellite litigation. Briggs J (as he then was) explained the principle as follows in **Sectorguard plc v Diene plc** [2009] EWHC 2693 (Ch):

"44. It is now well established, in the light of the new culture introduced by the CPR, and in particular with the requirements of proportionality referred to in CPR 1.1(2) as part of the overriding objective, that it is an abuse of process to pursue litigation where the value to the litigant of a successful outcome is so small as to make the exercise pointless, viewed against the expenditure of court time and the parties' time and money engaged by the undertaking: see *Jameel v. Dow Jones & Co* [2005] QB 946 per Lord Phillips at paragraphs 54, 69 and 70 (conveniently extracted in note 3.4.3.4 on page 73 of the 2009 White Book).

45. The concept that the disproportionate pursuit of pointless litigation is an abuse takes on added force in connection with committal applications. Such proceedings are a typical form of satellite litigation, and not infrequently give rise to a risk of the application of the parties' and the court's time and resources otherwise than for the purpose of the fair, expeditious and economic determination of the underlying dispute, and therefore contrary to the overriding objective as set out in CPR 1.1. The court's case management powers are to be

exercised so as to give effect to the overriding objective and, by CPR 1.4(2)(h) the court is required to consider whether the likely benefit of taking a particular step justifies the cost of taking it. Furthermore, paragraph 5 of the Contempt Practice Direction makes express reference to the court's case management powers in the context of applications to strike out committal proceedings.”

77. In Vseukrainskyi Aktsionernyi Bank PJSC v Maksimov [2014] EWHC 4370 (Comm), the then Hamblen J held:

“.. An increasing amount of this court's time is being taken up with contempt applications. Claimants should give careful consideration to proportionality in relation to the bringing and continuance of such proceedings. In appropriate cases respondents should give consideration to applying to strike out such applications for abuse of process. The court should be astute to detect when contempt proceedings are not being pursued for legitimate aims. Adverse costs orders may follow where claimants bring disproportionate contempt applications.”

78. The root problem with Mr Hitchens’ submission that the current proceedings are disproportionate is that the application has obvious importance and value to Mr Lance Christie’s family. Put simply unless he is stopped by the Court’s enforcement of an undertaking it is highly likely that Mr Lance Christie will continue to make derogatory comments. Even after an initial shot across the bows in December 2023 which resulted in Mr Lance Christie’s solicitors indicating that he would exercise caution he then almost immediately made derogatory comments.
79. Having battled to obtain the undertaking the Claimant faces a position where Mr Lance Christie wishes to proceed on the basis that it is meaningless; the issue clearly needs resolution.
80. It is also difficult to see why these proceedings should have been protracted. Following an interim order the number of alleged breaches was reduced to 16 (Mr Reed KC submitted that there were other derogatory comments not within the original 59 and that the Claimant had already been selective). At first blush the majority are straightforward allegations of clear breaches of the order. The Court must be wary of self -fulfilling prophecies whereby a defendant to contempt proceedings seeks to defend matters raising a host of legal and other arguments, including that the proceedings will be complicated and protracted principally by reason of the arguments advanced on behalf of the Defendant. To this extent the submission assumes what it needs to prove; that arguments of merit will necessarily occupy a disproportionate amount of court time.
81. Turning to Mr Hitchens’ detailed submissions as to proportionality the first is that the alleged contempts are “utterly trivial” and are not particularly offensive. As I have set out I do not accept this submission given that both of his sons and wife are accused of being liars and perjurers.
82. Secondly, Mr Hitchens submitted that Mr Lance Christie falls within a class of people, those excommunicated from the PBCC, who, as explained by Dr Aebi-Mytton are “... *often mentally unwell, with little financial means and a distorted sense of reality*” and who “*see the world through a prism which continues to distort*

their perception of reality". Mr Hitchens argued that as a result, even if the contempts were established, Mr Lance Christie's level of culpability would be very low. The first and obvious flaw in this submission, apart from Dr Aebi-Mytton's evidence not being expert evidence, is that she describes consequences that "often" flow from expulsion from the Brethren, she does not state that Mr Lance Christie suffers from them, which is not surprising as she had not examined him. Mr Lance Christie has given no evidence on the point and has made no suggestion that he is mentally unwell. Further the characteristics identified do not excuse an intentional breach and do not give any comfort that there will not be further breaches.

83. Thirdly Mr Hitchens submits that there is no primary evidence from anyone within the Claimant as to the harm allegedly done by the contempts which Mr Lance Christie is accused of. However such evidence is not necessary and the harm/offence caused by being called a liar and perjurer to a wide range of people is self evident.

Abuse of process; collateral purpose

84. Mr Hitchens submitted that:

"it is not the role of the Courts (or lawyers) to act as an enforcer for a religious sect seeking to suppress criticism of its practices. On the contrary, as a matter of domestic law, the Courts owe a special responsibility to the public as the constitutional guardian of the freedom of speech."

85. Subject to the criticism being otherwise legal, this statement is arguably a valid representation of general principle provided the assertions made within it were proved to be correct (for the avoidance of any doubt this does not mean that I have concluded that the PBCC is properly described as a sect, or as described elsewhere a cult as these matters were not issues before me). However, it misses the central issue within this application by a very wide margin. As I have explained Mr Lance Christie can make such criticisms of the PBCC as the laws of this and other countries permit and in holding him to the terms of his promise the Court cannot conceivably be described as an enforcer of anything other than that promise. Mr Hitchens fails to accurately portray the underlying proceedings when he states that they

".....form part of a longstanding campaign to intimidate critics of the PBCC to deter them from further criticism of the organisation."

The provenance of the undertaking lay in litigation in which protection of the PBCC played no part in the Claimant's case. Mr Hitchens also submitted that:

"The Claimant's lawyers are in reality PBCC's lawyers, its witness is PBCC's witness, and its case is PBCC's case. It is difficult to conceive of an ulterior purpose more obviously outwith the proper scope of the legal process than the purpose of restricting, oppressing or deterring commentary on a religious sect accused of exploiting and harming vulnerable people. As such, the Court is respectfully invited to dismiss or strike out the application"

However the Claimant's lawyers act for the Claimant and their other clients are of no relevance to the matters before the Court. Also the only witness called was Ms

Harris (and there was no suggestion that she was a member of the PBCC); so these broad assertions do not advance matters.

Article 10

86. Article 10 of the European Convention on Human Rights reads:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society ... for the protection of the reputation or rights of others ...”

87. As I indicated during submissions, I am content to proceed on the basis that Mr Lance Christie’s evidence establishes that the activities of fundamentalist religious groups in the United Kingdom are a matter of genuine and profound public and political concern. However as I have already set out there is no scope for an Article 10 argument given the compromise reached. Further, if I was to be wrong and a proportionality exercise is required the balance falls overwhelmingly in favour of holding Mr Lance Christie to his promise.

88. The submission that a finding of contempt would have (and is intended by the Claimant to have) a chilling effect on the Article 10 rights of other potential critics of the PBCC is wholly misconceived. Provided that they are not subject to any order or undertaking they cannot conceivably face an application for contempt.

89. The argument that a finding of contempt would taint, rather than promote the administration of justice is also plainly wrong. To allow a person to make an undertaking and then choose to ignore it would severely undermine the administration of justice.

Comments are not derogatory/are true

90. Both Counsel referred to the Oxford English Dictionary definition of derogatory which is:

'lowering in honour or estimation unsuited to one's dignity or position; deprecatory, disrespectful, disparaging. If something is said which lowers the person spoken about in honour or estimation or is critical, it is disparaging and derogatory whether or not it is true.' (underlining added)

91. Mr Reed KC argued that there is first instance authority that the truth of a comment is irrelevant to the question of whether it is derogatory for the purposes of an

injunction prohibiting derogatory comments. In **Pertemps Medical Group Limited v Ladak** [2020] EWHC 2605 (QB) His Honour Judge Shetty sitting as a deputy Judge of the High Court stated:

“13. In respect of the words used in the injunction of "adverse or derogatory" the word derogatory as defined in the Oxford Dictionary is as follows:

'lowering in honour or estimation unsuited to one's dignity or position; deprecatory, disrespectful, disparaging. If something is said which lowers the person spoken about in honour or estimation or is critical, it is disparaging and derogatory whether or not it is true.'

14. The last sentence above is particularly important. It is immaterial whether or not the matters directed are true or not. This was a concept that Mr Ladak appeared to have difficulty recognising or understanding during this hearing”.

92. Mr Hitchens submitted that His Honour Judge Shetty was wrong and that it is a defence to the allegation of making a derogatory comment that the comment was true and that the Strasbourg Court had held that the inability to plead a defence of truth in criminal proceedings relating to derogatory comments is incompatible with Article 10 ECHR; **Colombani v France** (App no. 51279/99). In that case the Court held that the French criminal offence of insulting a foreign head of State was found to be liable to inhibit freedom of expression without meeting any “pressing social need” capable of justifying such a restriction. It was held

“Furthermore, the reason for the applicants’ conviction in the present case was that the article damaged the King of Morocco’s reputation and infringed his rights. Unlike the position under the ordinary law of defamation, the applicants were not able to rely on a defence of justification – that is to say proving the truth of the allegation – to escape criminal liability on the charge of insulting a foreign head of State. The inability to plead justification was a measure that went beyond what was required to protect a person’s reputation and rights, even when that person was a head of State or government”.

93. In this case the securing by a private entity of a promise freely given was not an action of the state which has in any way sought to interfere with Mr Lance Christie’s exercise of his right to freedom of expression. Rather he has chosen not to make derogatory comments as part of a contractual arrangement. When it comes to enforcement of that promise belief that the derogatory statements are true does not provide a defence; it is simply not relevant to what the Court has to determine. If the truth of the derogatory comments was properly in issue in this application it would undermine the very purpose of seeking the undertaking and would wholly circumvent the principle of finality as there would have to be a trial of the relevant issues (here issues that Mr Lance Christie had already raised extensively before the undertaking was given). By way of example the question of whether Mr Jed Christie was untruthful in statements relating to the business and/or his serious accident was

“in play” before the undertaking was given; so would have been a matter for the Court to determine on the evidence then available. The effect of the undertaking was to avoid the court adjudicating on such issues and to avoid Mr Jed Christie having to prove that he had been untruthful and that his father’s allegation were false and/or self serving. Finality was achieved by compromise as Mr Lance Christie agreed not to make derogatory comments. There was no carve out in relation to specific allegations or belief in the truth of any derogatory comments. So belief in the truth of a subsequent defamatory comment; such as that Mr Jed Christie has lied, is no defence because Mr Lance Christie has agreed that it is not a defence by forfeiting that right at the time he gave the undertaking. This is a world away from a criminal offence restricting his free speech and the decision of the Court in Colombani simply does not assist Mr Lance Christie.

94. I now turn to the contempts alleged.

Allegations 5, 6, 12, 14 and 18.

95. In December 2023 there was an exchange of correspondence about an e-mail sent by Mr Lance Christie on 20th November 2023 (referred to by Ms Harris as the first e-mail) which the Claimant considered contained derogatory comments. Within an e-mail of 14th December 2023 Mr Lance Christie’s solicitors stated that whilst he did not accept the comments were derogatory he;

“respects the sentiment expressed and will avoid making any comments in the future about Mr Hales and (his) belief that he exercises power and influence over the decisions of the family. In terms of videos Lance does not believe that they contain a record of derogatory comments that he made in the past. However in view of the concerns you have raised he has committed to reviewing all of this content and shall edit if appropriate”.

96. There can be no doubt that Mr Lance Christie was on notice of the need to carefully consider what he had said in the past (before the undertaking was given), within videos, letters and documents, before re-circulating them.

97. Mr Lance Christie sent an e-mail at 5.45 pm on 8th January 2024 to at least 136 people (139 addresses) which through hyperlinks led to various documents including a PDF document entitled “Does truth Matter” and started to have been created in August 2022. The document proclaims that “many untrue statements are being made about Lance J Christie.... Lance sets the record straight”.

98. At pages 14-21 there is the relevant section under the rubric

“Summary of the points Lance made in his presentation to the Leeds Family Court on 16th November 2020 in the face of PBCC persecution against him via his family”

99. The original application set out a larger number of allegedly derogatory comments made by Mr Lance Christie against his family and the allegations relied on at the

hearing (limited as a result of my order) are in no way isolated or outwith the general thrust of the section as a whole; which is that Mr Lance Christie was unilaterally excommunicated from a Church which through “the iron fist” of its leader Bruce Hales has directed his family to act against him and his interests and that he has been the innocent victim of personal, spiritual, business and financial abuse. Mr Lance Christie explains that whilst under direction/control his family have lied about him; and that the religion has been relevant to everything in issue in legal proceedings including the family and business related proceedings. The extracts which form the specific allegations are simply part of a very detailed diatribe. If on the 7th January 2024 Mr Lance Christie had been asked if the letter to Michelle Donelan (which he was to refer/provide a link to) linked to “Does Truth Matter” and also if that document contained allegations that his family had lied I am sure without any doubt that he would have answered both questions in the affirmative; what he sets out in the document it is at the heart of much of what he complains about and as he explains in the letter of 5th December 2022 helps the reader “to understand how I intend to pursue my complaint against the PBCC”. So I am satisfied so that I am sure that Mr Lance Christie made and intended to make the comments at allegations 5, 6, 12, 14 and 18. For the avoidance of any doubt I am satisfied to the criminal standard that the inclusion of the “Does Truth Matter” document using a hyperlink (which needs to be set up) was deliberate and not unintentional or accidental.

100. I am further satisfied that the comments are derogatory. The 5th, 6th, 14th and 18th comments describe Mr Jed Christie as a liar and that much of what he says about his accident is not true. It is also stated that he has fabricated other events, and been knowingly untruthful.
101. As for contempt number 12 which concerned Mrs Deborah Christie it alleges that her contentions about her roles in the business “are simply not credible”. Synonyms for credible include believable, reliable, tenable and plausible and the comments falls short of directly and unequivocally accusing Deborah of lying. Given that I must apply the criminal standard I do not find it proved.

Allegations 20, 21, 23, 26, 31, 33, 34, 38 and 47

102. On 25th January 2024 Mr Lance Christie sent what has been described as the third e-mail (4.06pm) to 1,200 people and also fourth e-mail (4.30pm) (sent by Mr Lance Christie’s assistant/secretary Emma Glaisher) to about 136 people (see Ms Harris’ first affidavit at paragraphs 45 - 61). At least 131 members received the third e-mail.
103. The subject line of the third e-mail was an “open letter to all Brethren...”. The fourth e-mail had at the subject line “Copy of e-mail sent from Lance J Christie to 1200 Plymouth Brethren Christian Church members today at 4.00pm”
104. The e-mails:
 - (a) contained the 20th Derogatory comment within its lengthy body and
 - (b) hyperlinked to the re-circulated second e-mail (so repeating the derogatory comment set out above), and

(c) hyperlinked to the family witness statement commentary (22nd–31st derogatory comments); see Harris, paragraph 54 (bundle page 109). It is stated by Ms Harris that Mr Lance Christie has reproduced substantial extracts of confidential documents within this commentary (it is described as a commentary on statements submitted to the Family Court on 16th November 2020).

(d) hyperlinked to the criminal witness statement commentary (32nd–56th derogatory comments).

105. Again I am satisfied so that I am sure that the sending of e-mails and the inclusion of the hyperlinks was deliberate and not unintentional or accidental. Mr Lance Christie was (and remains) diligently engaged on campaign to highlight what he perceives to be the wrongs that have been committed against him.
106. As for the 20th allegation it relates to the assertion that Mr Jed Christie and Mr Josh Christie were false witnesses i.e. gave false evidence in the criminal proceedings. It is clearly derogatory.
107. As for the 21st allegation it refers to a hyperlink back to the second e-mail and adds little or nothing to matters and I make no finding given my findings set out above and proportionality.
108. As for the 23rd allegation it is that Mr Jed Christie has lied about business expenses. It is clearly derogatory.
109. As for the 26th allegation Mr Lance Christie sets out that “in his view” a statement made by Mr Jed Christie that he had enjoyed a fractious relationship with his father was “was also untrue”. I accept that there is a difference (albeit limited) between a bald assertion of fact that someone has lied when making in a statement and a qualified comment that in a person’s opinion (which of course may not be shared by others) what a person has said is untrue (not prefixed by “wholly” or “completely”) The difference is of greater significance when the comment concerns a subjective issue such as parenthood and given that I must apply the criminal standard I disregard that element of the comment. However the comment that Mr Jed Christie has made numerous false assertions (as opposed to merely inaccurate statements) within his statement is clearly derogatory.
110. As for the 31st allegation; this is a straightforward assertion that the part of Mr Jed Christie’s statement which concerned a specific financial transaction was “wholly untrue” ; so he has lied in the statement. This is clearly derogatory.
111. As for the 33rd allegation it is the statement that that Deborah, Jed and Josh Christie have made false statements rather than admit “the reality of the situation”; so they have lied in their statements. This is clearly derogatory.
112. As for the 34th allegation it is the statement that Mrs Deborah Christie made a “completely untrue” allegation to the family Court about Mr Lance Christie and is clearly derogatory.
113. As for the 38th allegation it is the statement that Mrs Deborah Christie filed a notice at Companies House falsely advising that Mr Lance Christie had resigned as a

director. This is clearly derogatory as it refers to lodging false information in what are unarguably formal/legal circumstances.

114. As for the 47th allegation it is that the statement is made that Mr Jed Christie has made “completely false” statements which are “a complete fabrication”. This is clearly derogatory.

58th contempt.

115. The 58th allegation is that Mr Lance Christie uploaded the comments set out above to a Dropbox and left them available to view online. The practical reality, as Mr Reed KC conceded, is that it adds little to the above alleged contempts and I am not prepared to wrestle with the respective arguments about how it came to be a breach; it is not proportionate to do so. I make no finding in respect of it. As I indicated during submissions even if proved it would not add to any penalties imposed.

59th Contempt

116. On 8th February 2024 Mr Lance Christie uploaded a video to his YouTube Channel entitled:

“Lance summarises the content of his long set of Easter 2023 videos while he is in Sydney”

117. This “summary” is over 1hour 47 minutes long. The alleged 59th derogatory comment occurred at 14 minutes and 27 seconds and as I indicated in Court I ended up fast forwarding to the comment given that I had ample experience of Mr Lance Christie’s views from very lengthy written materials. I do have doubts as to how many of the 86 viewers as at 17th February 2024 (141 as at 29th February 2024) will have had the persistence to view the entire video let alone what Mr Lance Christie described as his “long set” of 2023 videos and /or to the extent that they have watched the videos to have been struck by or focussed upon the comment that what Mr Jed Christie tried unsuccessfully to bring up in a hearing was not even true anyway. I find that it was a derogatory comment but buried deep within Mr Lance Christie’s very extensive reflections upon the Christian Brethren and his own life. Although I have no doubt that in Mr Jed Christie’s view the breach was not trivial, taken objectively I accept Mr Hitchens’ submission that it is of limited seriousness.

Conclusion

118. I find that 5th, 6th, 14th, 18th, 20th, 23rd, 26th, 31st, 33rd, 34th, 38th, 47th and 59th contempts have been proved.