



[2026] EWHC 1847 (KB)

Case No: KB-2024-002927

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21 July 2026

Before :

MR JUSTICE GRIFFITHS

Between :

(1) FOOT ANSTEY LLP
(2) FOOT ANSTEY TRUST CORPORATION
LIMITED

Claimants and
Applicants

- and -

(1) DR SEAN STIMSON

Defendant and
Respondent

Kate Wilson (instructed by **Foot Anstey LLP**) for the **Claimant/Applicants**
Daniel Mullin (instructed by **Hine Solicitors**) for the **Defendant/Respondent**

Hearing date: 14 July 2026. Further written submissions 16 July 2026.

Approved Judgment

This judgment was handed down remotely at 10.30am on 21 July 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE GRIFFITHS

MR JUSTICE GRIFFITHS :

1. The claimants apply to commit the defendant for contempt of court.
2. The contempt consists of alleged breaches of undertakings to the court given by the defendant/respondent (“Dr Stimson”) in a Consent Order with Penal Notice made by Mrs Justice Steyn on 13 February 2025 (“the Consent Order”).

The Undertakings

3. The relevant undertakings (“the Undertakings”) were as follows:

“SCHEDULE B

Undertakings to the Court

I, Sean Stimson of 35 Windrush, Highworth, Swindon, SN6 7DS, the Defendant in these proceedings, do hereby give the following undertakings to the Court on my own behalf. I confirm that I received a letter from Foot Anstey LLP dated 23 September 2024 explaining the meaning of undertakings to the Court and the consequences of failing to keep the promises made. A copy of that letter, which I have signed to confirm my understanding, is enclosed with this undertaking at Schedule C.

1. Adopting the Definitions in the Consent Order, I shall not:

(...)

1.3. telephone, text, email or otherwise contact or communicate with or attempt to contact or communicate with the Applicants, their employees, servants or agents except by way of bona fide communications relating to the Legacy Matter or these proceedings sent to the Designated Email Address and/or by post sent to the Designated Postal Address;

1.4. engage in any communication with the Applicants, their employees, servants or agents permitted under paragraph 2.3 above that is irrelevant to the Legacy Matter or these proceedings, or that is abusive or threatening or otherwise involves harassment;

(...)

STATEMENT

I have read and understand the undertaking I have given. I understand that an undertaking is a promise to the court. It may be a contempt of court to break any of my undertakings and the court has power to imprison or fine me or to sequester my assets should I do so.

(Signed) Sean Stimson

DATED this [blank] day of November 2024”

4. The relevant definitions were as follows:
- i) “Legacy Matter” was defined to mean “the administration of the estate of Helen Smith”.
 - ii) “Designated Email Address” was defined to mean “litigation@footanstey.com”
 - iii) “Designated Postal Address” was defined to mean “FAO: Lucy Gill, Foot Anstey LLP, Senate Court, Southernhay Gardens, Exeter EX1 1NT”.
5. The reference in para 1.4 of the Undertakings to “paragraph 2.3 above” is an obvious error for “paragraph 1.3 above”, no doubt due to the carrying over of the wording from earlier documents, including an interim injunction, in which identical words but different paragraph numbering applied. This was conceded by Dr Stimson’s Counsel.

The alleged contempt of court

6. The claimant’s application is based on two communications said to be in breach of the Undertakings given by Dr Stimson. The first is an email from Dr Stimson dated 16 June 2025 (“the Email”). The second is a letter purportedly from Dr Stimson dated 4 September 2025 (“the Letter”).

The Email

7. The Email dated 16 June 2025 was addressed to the Designated Email Address of Foot Anstey as defined for the purposes of the Undertakings, and also to HMCTS, the Newcastle District Probate Registry and Fox News. It said:

“Subject: The Estate of Helen Elizabeth Smith

Dear Sirs,

Despite sending you the appeal forms, I have heard nothing.

I have the certificate of posting, and require a date of the appeal hearing upon receipt of this email.

TO remind Foot Anstey, this is in contestation, and is being appealed, any division of the estate/house despite your illegal order that was contested properly - the court dropped the ball and complaints are in with the PHSO [i.e. the Parliamentary and Health Service Ombudsman] and HMCTS [i.e. His Majesty’s Courts and Tribunals Service], you and your agents will be removed the property until the Appeal has been heard

If you wish to try your luck, and perform things illegally again I will ensure that the websites www.guidedogsfortheblind.com

and others I own are clearly marked to avoid any confusion and published, and comply with the court order of stopping me from publishing misleading websites, where upon the whole underhand tactics, neglect to mediate even from my requests in 2022, before any of your attitudes caused the breakdown in communications, and the illegal redirection of mail etc.

Including the complacency of your clients and the court service.

My Aunts last wishes were very clear, and they will be not ignored and if necessary defended with force.

I expect a reply from HMCTS with the dates of the appeal, I expect Foot Anstey to respect the appeal, and wait until it has been heard.

Failure to follow any of these steps will mean action will be taken against all parties.

Kind regards,

Dr. Stimson.

8. In describing this as a contempt of court, the claimants point especially to the phrase:

“My Aunts last wishes were very clear, and they will be not ignored and if necessary defended with force”.

The claimants interpret this as a direct threat of force (physical violence).

The Letter

9. The Letter dated 4 September 2025 was typewritten throughout (including the signature “Dr Sean Stimson” at the end) and said as follows:

“Foot Anstey Wankers
Senate Court,
Southernhay Gardens,
Exeter EX1 1IN

4/9/2025

Dear Foot Anstey Wankers,

I am giving you one week to return my aunts house and bury her properly.

If not I will come and beat the shit out of you including the bitches.

I have had enough of your crap and the jails are full so I will just keep coming for you until you comply or are permanently hospitalised.

Dr Sean Stimson”

10. It is not disputed that this letter would be a breach of the Undertakings if it was from Dr Stimson. But he denies that he had anything to do with it.

The law

11. The burden of proof is on the claimants and the criminal standard of proof applies to each act of contempt alleged separately. This means that it must be shown to the criminal standard of proof that (a) the defendant did an act prohibited by his Undertakings (b) intended to do the act; and (c) had knowledge of all the facts that would make the act a breach of the Undertaking: *Cuadrilla Bowland Ltd v Persons Unknown* [2020] EWCA Civ 9 per Leggatt LJ at para 25, summarising existing authority.
12. It must be clear that the conduct in question is covered by the Undertakings. If the provision in question is not clear (for example because it is ambiguous, vague or inaccessible), the defendant should not be held in contempt of court: *Cuadrilla Bowland Ltd v Persons Unknown* [2020] EWCA Civ 9 per Leggatt LJ at para 59.

The issues

13. There is no dispute that Dr Stimson gave the Undertakings, knew the penal consequences of breaching them, and sent the Email.
14. It is not accepted by Dr Stimson that the Email was in breach of the Undertakings or that it constituted a contempt of court. Dr Stimson’s case on the Email is:
 - i) The Email is a bona fide communication relating to the Legacy Matter (i.e. relating to the administration of the estate of Helen Smith) and is therefore not in breach of para 1.3 of the Undertakings.
 - ii) The Email is not abusive or threatening and is therefore not in breach of para 1.4 of the Undertakings.
 - iii) The words particularly complained of (“with force”) are or may be intended to mean that Dr Stimson will robustly or vigorously or with lawful force defend what he understands to be his rights and those of his family, and should not be read as a threat of physical or unlawful force.
 - iv) The context supports Dr Stimson’s case because, both before and after the Email, he robustly defended his position through means such as lodging appeals and complaints with HMCTS and the Ombudsman, which is consistent with “force” in the Email referring to the force of law and three emails after the Email in question did not contain threats of violence.
 - v) The burden and standard of proof being the criminal burden and standard of proof, any doubt must be resolved in Dr Stimson’s favour, and the court cannot

be sure that a meaning which would be a breach of the Undertakings is the correct one as required for a finding of contempt.

- vi) Any threat in the Email (even if, contrary to Dr Stimson's primary case, it is a threat of violence) is conditional and therefore incapable of breaching the Undertakings.
 - vii) The language of para 1.3 of the Undertakings is so vague as to be unenforceable in any event.
15. It is accepted that the Letter was abusive and threatening and, therefore, a breach of the Undertakings, if it was written and sent by or on behalf of Dr Stimson. Dr Stimson's case on the Letter is:
- i) He did not write it and he did not cause it to be sent and he knew nothing about it until Foot Anstey brought it to his attention in these proceedings. Therefore, whatever the Letter says, he is not responsible for it and he is not in contempt of court.
 - ii) The claimants/applicants have not made all the enquiries they should have done before accusing Dr Stimson of sending the Letter. They should be regarded (it is suggested on Dr Stimson's behalf) as being in the same position as criminal prosecutors when applying to commit Dr Stimson for contempt of court and are (it is argued) under an obligation to pursue all reasonable lines of enquiry. Because they have not done so, the application is an abuse of process and should be struck out in any event.

Facts

16. I will begin by setting out the primary facts which have been proved to the criminal standard on the evidence before me (unless I indicate otherwise). They will provide a foundation upon which I can make my decisions on the other issues.
17. The evidence before me is:
- i) The affidavit of Peter Singfield sworn on 16 October 2025, and exhibit PS1.
 - ii) The evidence of Peter Singfield at the hearing, including some cross examination.
 - iii) The evidence of Dr Stimson at the hearing, including cross examination.
 - iv) A witness statement from Dr Stimson, verified when he gave evidence, dated 13 July 2026.
 - v) A witness statement from Dr Stimson's partner, Lisa Fife, dated 13 July 2026. She did not attend the hearing.
 - vi) A bundle of documents for the hearing ("the Bundle") and (in addition) an email from Stephen Grindle dated 13 July 2026 (which was tendered as evidence although not in the form of a witness statement, and not verified with a statement of truth), a copy of the will of Helen Elizabeth Smith ("Ms Smith") dated 26

October 2016, which has been submitted for probate and proved by the claimants (“the Will”), and a copy of what Dr Stimson says is a later will dated 10 June 2020 which has not been accepted by the Probate Registry and which is not accepted by the claimants (“the 2020 Document”).

18. The first claimant (“Foot Anstey”) is a firm of solicitors. The second claimant is wholly owned by Foot Anstey and exists in part to administer estates alongside Foot Anstey’s practice acting for client charities who are beneficiaries of wills.
19. Dr Stimson is a nephew of Ms Smith, who died in December 2021. The Will she made on 26 October 2016 left her whole estate to four charities who were originally clients of Foot Anstey. These were: the RSPCA (who, however, no longer instruct Foot Anstey in this matter), Whale and Dolphin Conservation, the Guide Dogs for the Blind Association and Prospect Hospice. Neither Dr Stimson nor any member of his family benefitted from the Will at all. The Will also expressed the wish that Ms Smith’s body should be buried at the Whitworth Road Cemetery and that the ashes of her late mother (Irene Smith) should be interred with her there. The Will had the handwritten signature “Helen E Smith” and a note was made that it had been read over to her, she being unable to read, and that she had appeared thoroughly to understand it and to approve it. The Will was witnessed by two people whose names and addresses were given and whose occupations were stated as lawyer and legal secretary respectively. The front sheet bore the name and address of Morrison & Masters, a firm of solicitors in Swindon, who were appointed in the Will as the executors.
20. Dr Stimson disputed the Will. He claimed that Ms Smith lacked capacity when she made the Will and he said that there was a subsequent will in 2020. There is some dispute, which it is not necessary for me to resolve, about whether he initially failed to produce this for the claimants to look at, but there is no doubt that he did eventually produce the 2020 Document. The 2020 Document is typewritten in a font style and size which resembles those favoured by Dr Stimson (as I can see from the other documents before me) and it does not bear the name or address of any solicitor or legal adviser. It is signed “Helen E Smith” in handwriting that looks radically different to the signature on the Will of 2016. It is signed by two people as witnesses whose names and addresses are given and whose occupations are stated as shopkeeper and machine operator respectively. It is dated 10 June 2020. Clause 1 purports to revoke any previous will. Clause 2 appoints four executors who are Dr Stimson’s mother (Penelope Stimson), Dr Stimson’s father (Peter Stimson), Dr Stimson himself, and another nephew of Ms Smith (Michael Stimson, presumably Dr Stimson’s brother). Legacies of £1,000 each are left to two of the four charities to whom the whole estate had been left by the Will of 2016 and to Dr Stimson and to his brother and to his sister Deborah Stimson. After these legacies, the whole estate is left to Dr Stimson’s mother absolutely (or, if she is no longer alive, to the four executors and Dr Stimson’s sister). Clause 3 said that Ms Smith’s remains were to be cremated and interred with the ashes of her mother (Irene Smith) at Whitworth Road Cemetery in Swindon.
21. Ms Smith died on 9 December 2021.
22. After Ms Smith’s death, Morrison & Masters renounced the duties of executorship given to them by the Will of 2016 (following communications from Dr Stimson). With the agreement of their clients, Foot Anstey applied on 23 February 2023 to the Probate Registry for Letters of Administration of the Will, with the Will annexed.

23. The claimants became concerned by Dr Stimson's conduct towards them. In his evidence before me, Dr Stimson accepted that he had sent all the emails in a chronological schedule annexed to the Particulars of Claim ("the Schedule") and that the Schedule accurately quotes or summarises those emails. (The Schedule also refers to other communications, such as phone calls, which are more controversial, which I will come to later). The emails were relied upon in support of or as background to the committal application, particularly on the question of whether Dr Stimson sent the Letter. The Letter is said to echo themes which Dr Stimson had ventilated in the earlier emails. Since he admits sending the earlier emails, this is said to support the inference that he wrote the Letter too. In particular (looking at the text of the Letter quoted in para above), reliance is placed on:
- i) References in the emails in the Schedule to deadline setting (and to the Letter's opening words "I am giving you one week....")
 - ii) Focus in the emails on Ms Smith's house, as opposed to the rest of her estate (and the Letter's demand "I am giving you one week to return my aunts house").
 - iii) Focus in the emails on disputes between Dr Stimson and Foot Anstey affecting or delaying family burial (and the Letter's second demand "bury her properly").
24. The following emails, in particular, were relied upon and I find it proved to the criminal standard that Dr Stimson sent them (as, indeed, he accepts he did):
- i) An email on 4 February 2022 from Dr Stimson to Lucy O'Boy (a solicitor at Foot Anstey) saying "please be aware that the house of 22 Cloudberry Road belongs to the family".
 - ii) An email on 20 February 2022 from Dr Stimson to Lucy Gill (of Foot Anstey) saying "My question is are the charities depriving the family of the house that was agreed to go to the family? (...) Under the inheritance act as well we can potentially get all the estate. I am offering everything except the house as the house was not hers persay to leave to anyone but the family. (...) If you and your charities advise in writing the family will keep the house. Then we will not contest further."
 - iii) An email on 22 February 2022 to Ms Omeri Liyange of the RSPCA saying "the house must remain with the family as per my Grandmother's wishes (...) I am happy for the charities to take her personal effects and bank accounts. But the house must remain as per the wishes".
 - iv) An email on 2 March 2022 to Lucy Gill saying "In light of the costs that will ensue, are you accepting on behalf of all your clients that the house is not part of the estate and will go to the family?".
 - v) An email on 15 March 2022 to Lucy Gill saying "At this time we are seeking retention of the house as per my Grandmother's wishes. Should it go to court we would be seeking to contest the full estate."

- vi) An email on 18 May 2022 to Lucy Gill saying “I will be taking the house over from today.”
 - vii) An email on 25 May 2022 to Lucy Gill saying “There’s nothing much to talk about apart from that the family are keeping the house.”
 - viii) An email on 20 June 2022 to Lucy Gill saying “I’ve claimed the house (...) At the end of the day, the house is our legacy and will be used as we see fit. (...) you can have everything but the house”.
 - ix) An email on 19 July 2022 to Lucy Gill and Omeri Liyanage saying “The family have claimed 22 Cloudberry (...) As you have now angered me, the family are taking the house as agreed with our grandmother (...) You and your clients have zero rights to the property. Should I see them attempt to access the property they will be removed, forcibly if required. (...) You have been warned and told. (...) By all means attempt to circumvent my authority on 22 Cloudberry, and you will realise the hard way (for you) why I get results quickly.”
 - x) An email on 9 February 2024 to Elizabeth Ware of Foot Anstey saying “You have 48hrs to respond including the weekend”.
 - xi) An email on 9 February 2024 to Lucy Gill and Elizabeth Ware saying “I look forward to the caveats being removed so we can move forward, and finally lay my Aunt finally to rest”.
 - xii) An email on 13 February 2024 to Lucy Gill, Martin Hirst (also of Foot Anstey), Elizabeth Ware and Omeri Liyanage saying “Will you be removing the caveat so we can finally lay our Aunt to rest? (...) Please let me know by close of business today.”
 - xiii) An email on 27 February 2024 to Lucy Gill and Martin Hirst saying “So I will give you until lunchtime today (midday) to give me a reason not to put in the warning”.
 - xiv) An email on 1 May 2025 to Lucy Gill and Omeri Liyanage saying “You have 14 days to get back to me with mediation dates. (...) The family wishes to lay their Aunt to rest and this matter being open, they cannot.”
 - xv) An email on 15 May 2024 to Lucy Gill and Omeri Liyanage saying “3 hours of the day remain, unless you get back to me advising of dates of mediation, the executors will move to warning”. (I assume he meant those members of his own family named as executors in the 2020 Document.)
25. Almost all the email recipients were women. If (which I have yet to decide) Dr Stimson wrote the Letter as well as the emails in the Schedule, this may explain why the Letter (addressed to “Foot Anstey Wankers”) says “If not I will come and beat the shit out of you including the bitches”, since “bitches” is in this country usually a term of abuse directed at women, especially when used by people of Dr Stimson’s generation.
26. On 4 September 2024 Foot Anstey successfully applied for an interim injunction pursuant to section 1(1A) and 3A of the Protection from Harassment Act 1997, which was granted by Mrs Justice Hill on 12 September 2024 (“the Interim Injunction”). Dr

Stimson was on notice of the application although he did not attend the hearing and was not represented. Mrs Justice Hill had evidence before her in support of the Interim Injunction and she gave a reasoned judgment under neutral citation number [2024] EWHC 2621 (KB) (“the Hill Judgment”).

27. Mrs Justice Hill summarised the pattern of behaviour set out in the claimants’ evidence as follows (paras 27-30 of the Hill Judgment):

“First, the Respondent has threatened attendance and confrontation at the offices of the Applicants’ law firm and of their client charities. Documentation from 7 November 2022, April 2024 and 16 May 2024 supports this. I have in mind in particular the April 2024 email at page 207 of the bundle, which indicated a threat by the Respondent to arrange a “flashmob” to attend at the address of one of the charities, a hospice.

Second, the Respondent has threatened the use of false and misleading domain names. Evidence shows that the Respondent has emailed indicating that he has purchased certain domain names in the name of the hospice referred to above, and also in the name of the Applicant law firm. He also holds himself out as a director of computer services with a specialism in IT security. Accordingly these threats are ones that need to be taken very seriously, because on the face of it the Respondent is someone who has the knowledge to carry out domain name misuse, which can be very harmful and damaging to businesses.

Third, the Respondent has made threats to spread malware within the IT systems of the Applicant company and the charities.

Fourth, the Respondent has made obscene and criminal phone calls. I was taken to the evidence about this particular theme in some detail, because a group of phone calls made on 1 August 2024 are, on the evidence, what has led the Applicants to consider it appropriate to make this application to the court. Moreover the Respondent denies making them.”

28. The Hill Judgment referred to evidence of four telephone calls made between 12.11 and 12.33 pm on 1 August 2024 to female employees of Foot Anstey. They all (on the evidence before her) involved similarly abusive and sexually offensive language, an example being one in which the caller said he wanted to “fuck and rape” the female employee on the call.
29. One of the women had been responsible for transcribing dozens of Dr Stimson’s voicemails and, with that experience, identified the caller to her as Dr Stimson. The other three women were played the voicemails (although they had no previous experience of his voice) and all said they thought this was the person who had called them on 1 August. One of them said she thought this with 80 – 85% confidence.

30. Dr Stimson, however, in correspondence denied being the caller. He said that had been at the Magistrates Court that day. The claimant (on the evidence before Mrs Justice Hill, which she refers to in the Hill Judgment) contacted the court in question and found that he had been there but there had been no formal hearing and that he was told he was free to leave after the prosecutor decided to withdraw the proceedings against him. I will come back later in this judgment to the evidence I have heard about that.
31. I find as a fact that these allegations about phone calls were made against Dr Stimson and this evidence was put forward in support of them. I find as a fact that Hill J was not in a position to find them proved to the civil or criminal standard and did not do so, but that she did refer to and rely upon them in her judgment when finding the test for the granting of interim relief was met. She had not heard evidence from Dr Stimson.
32. A Claim Form was issued on 10 October 2024. The terms of the Interim Injunction were finalised and served on Dr Stimson. Dr Stimson was also sent a copy of the Hill Judgment and a transcript of the hearing before her, by email and post on 20 October 2024.
33. Dr Stimson then instructed Counsel (not Counsel who appears before me today). Following negotiations, Dr Stimson agreed the terms of a final injunction to replace the Interim Injunction (“the Final Injunction”) which included the Undertakings.
34. Dr Stimson was warned in correspondence from Foot Anstey dated 11 October 2024 of the implications of giving an undertaking to the court and, Dr Stimson’s Counsel signed to confirm that Dr Stimson had signed the Undertakings in his presence. Counsel confirmed in a covering letter dated 8 November 2024 that Dr Stimson had received legal advice from his Counsel about the implications of signing the Undertakings.
35. After some further correspondence, Dr Stimson’s Counsel provided Foot Anstey with a Consent Order and Undertakings signed by Dr Stimson under cover of an email dated 4 December 2024 and the Consent Order was duly made by Mrs Justice Steyn on 13 February 2025 (“the Consent Order”) incorporating the Undertakings.
36. On 24 February 2025, Foot Anstey was informed by the court in the probate proceedings that an order to issue the Grant of Probate had been made. In other words, the Will of 2016 was accepted as proved. It seems that any effort Dr Stimson may have made to have the 2020 Document proved instead either failed or was for some other reason ineffective. On 6 May 2025 a Grant of Representation was made in favour of Foot Anstey.
37. In the meantime, Foot Anstey had visited Ms Smith’s house and changed the locks and isolated services. It was cleared between 9-11 July 2025 and placed on the market with Savills and Rightmove. Savills were instructed to list the house for auction on 5 September 2025 (although that date was subsequently postponed). The claimants say that this is the context of the Letter, which was dated 4 September 2025.
38. On 26 April 2025, Dr Stimson emailed Foot Anstey threatening to publish websites incorporating Foot Anstey’s name (notably, “footanstey solicitors.com”) saying “they will have disclaimers to ensure the no deceptive clause of your very highly questionable order that had no proof is not breached”. This referred to para 1.6 of the Undertakings by which he had undertaken not to “adopt, use or publish any domain name or other

electronic address or identifier likely to mislead as to its use by the Applicants”. Dr Stimson had threatened to publish content on these domains. Correspondence followed.

39. The Email (quoted in full at para above) was sent on 16 June 2025.

Did Dr Stimson write the Letter and cause it to be sent?

40. The Letter (quoted in full at para above) was dated 4 September 2025. I have examined the original of both the Letter and the envelope.
41. The Letter was typewritten throughout (including the signature “Dr Sean Stimson” at the end). Although dated 4 September 2025, it is stamped as having been received at Foot Anstey’s Exeter office on 26 September 2025, some 22 days later. The envelope has a second class stamp. The evidence of Mr Singfield in his affidavit is that it arrived in an envelope with Foot Anstey’s Exeter address written on it. I accept that evidence, which was not challenged when he was cross examined, and which was inherently plausible and consistent with other evidence.
42. I find, having examined the original of the Letter and the envelope in which it came, that it was stamped with a second class postage stamp (as I have said), and that it was postmarked with a Royal Mail postmark. The postmark said “Royal Mail Southampton Portsmouth & IOW 24/09/2026 18.08.00 2023503116”. The postmark also included, to the left of the posting information, a caption and graphic indicating Royal Mail support for the British Heart Foundation. The postmark and the handwritten address overlapped. The postmark was in its usual place at the top right of the envelope but the address was larger than usual and strayed very close to the top and right where the postmark was. Part of the handwritten address therefore occupied the same area of envelope as the postmark. Dr Stimson at the hearing before me argued that the address was written after the postmark and on top of it, rather than before the postmark and underneath it.
43. I have examined the original letter and envelope. It is not possible for me to say whether the handwriting preceded the postmark or the postmark preceded the handwriting from a physical examination. The handwriting is too thin and the postmark is too blurred for it to be evident from a physical examination alone which came first. However, the overwhelming likelihood from the evidence as a whole is that the address preceded the postmark. I would not expect anyone to post an unaddressed letter and I doubt whether, if they did, it would be postmarked. The address on the envelope corresponds to the address typed at the top of the letter said to have been in the envelope and so it makes sense that the person who wrote the letter wanted it to go into an envelope directed to that address and either personally or by giving instruction to another person procured that this address should be written on the envelope and that the envelope should be posted. That would mean the letter was addressed before it was posted and postmarked. No alternative hypothesis has been clearly articulated but it would presumably be along the lines that the letter was posted with a blank envelope, that blank envelope was postmarked, and a person unknown by some means unknown and unproven subsequently discovered the intended address and wrote it on the envelope after it had been postmarked, with the result that it was duly delivered to Foot Anstey’s Exeter office. That does not seem likely.
44. In an email sent to Foot Anstey on 6 November 2025, Dr Stimson said:

“We both know the letter came from your offices, and was printed off on your printers and sent by your staff from a postbox, it will be proven in court.”

45. Dr Stimson has given no evidence that the Letter came from Foot Anstey’s own offices, or that it was printed off on their own printers and sent by their staff from a postbox. It is ridiculous to make such a suggestion, with no evidence. I have no reason to believe that solicitors or employees of a solicitors’ firm in good standing would have gone to such elaborate lengths to perpetrate a forgery and to deceive the court in the way suggested. There is no basis for the suggestion and I reject it.
46. I was invited to compare the original and the scan of the Letter and to conclude that the Letter had letters occluded or cut short by the folds made in the paper when it was put in the envelope whereas the scan (it was submitted) did not occlude the letters in the same way. From this I was asked to conclude that the scan was taken before the paper had been folded. I looked at the original and the scan with this point in mind and satisfied myself that they were identical even under a magnifying glass.
47. I therefore find as a fact that the address was written on the envelope before the letter was posted, and that the postmark was stamped on the envelope when it was in the hands of Royal Mail, before Royal Mail delivered it to the handwritten address.
48. A lot of emphasis was placed by Dr Stimson on the “Southampton Portsmouth and Isle of Wight” postmark, because his home was in Melksham in Wiltshire. That is a point in his favour. But it is not strongly in his favour. A letter may be posted anywhere, regardless of where the sender lives, and Hampshire is not so far from Wiltshire as to make posting there, either by Dr Stimson or by someone else at his request, strikingly at odds with his home county of Wiltshire. It is not as if the Letter was posted in Scotland or Liverpool. Hampshire is adjacent to Wiltshire.
49. The date of posting is well after the date on the letter. Even allowing for second class post, there was plenty of time to get the Letter dated 4 September posted by one means or another before it was delivered at Foot Anstey’s offices on 26 September.
50. A skeleton argument on Dr Stimson’s behalf filed (on time) the day before the hearing, argued that it had not been proved that Dr Stimson wrote or sent the Letter, or caused it to be sent. It did not, however, assert that he did not write or send it. Before then, no formal notice had been given that he proposed to argue that the letter which purported to be signed by him and written in the first person in his name was not in fact from him.
51. Dr Stimson filed evidence very late (for which I gave leave), just as the hearing was beginning on 13 July. In his witness statement he denied having anything to do with the Letter. He said:

“I categorically deny writing, creating, typing, printing, signing, enclosing, addressing, posting or sending the letter dated 4 September 2025 which the Claimants say they received on 26 September 2025.

The handwriting on the exhibited envelope is not mine. I do not know who wrote or sent the letter. I did not authorise or ask any person to write or send it on my behalf.

(...)

I did not post the disputed letter on 4 September, 24 September or at any other time. To the best of my recollection, supported by the records available to me, I did not travel to Southampton, Portsmouth or the Isle of Wight during the relevant period.”

52. In support of this denial, it was said that the Letter was more offensive than other correspondence that he admitted and so to that extent out of character. However, although I agree it was particularly offensive, the other correspondence was also frequently rude and aggressive, and so the Letter was not so out of character as to appear, for that reason, unlikely to have come from him.
53. Dr Stimson gave evidence that he was too busy to have written or sent the letter at the time. I see no reason to doubt the evidence that September 2025 was a busy time for him (which is supported by his partner’s witness statement and the email from Stephen Grindle), but the Letter is short and writing and posting a letter (or asking someone else to post it) does not require so much time that it could not be done during a period when a person was busy, even if they were very busy indeed, and so I did not find this evidence very significant.
54. Dr Stimson also gave evidence that he was unwell at the time. He said he had severe carpal tunnel syndrome and was on medication including pain killers which affected his ability to drive and to function generally. There was no medical or other evidence to support this and illness and medication are not referred to in his partner’s witness statement. It did not seem to me that the illness described, and the medication, were such as to make it less likely he would have or could have written the Letter or posted it or caused it to be posted by someone on his behalf.
55. I was shown no handwriting of Dr Stimson to compare with the handwriting on the envelope. In any case, the person who addressed the envelope (who may or may not have been Dr Stimson, even if Dr Stimson caused it to be sent) is less important than the person who wrote the Letter.
56. The Letter is entirely typed, including the signature. This is in accordance with Dr Stimson’s admitted practice for other documents which require signatures. That was clear from his evidence and also from the documents in the Bundle. His evidence was that he is in the habit of typing his signature because he does not have a printer and therefore cannot print out documents in order to sign them. However, the Letter was clearly printed out before it was posted. Dr Stimson’s lack of a printer at home would mean that he would have to have it printed somewhere else. That is a neutral point, because the delay between the date of the letter and its delivery provided time for that to be done, even if a printer was not immediately and conveniently to hand at home.
57. The Letter contains abundant internal evidence that it was from Dr Stimson:

- i) It was signed by Dr Stimson. That is not circumstantial evidence, because a signature is direct evidence of the author, even if the signature is disputed.
 - ii) The signature was typed, which is how Dr Stimson is accustomed to sign his documents.
 - iii) The Letter was written in the first person, as if from Dr Stimson. That is also direct evidence. For example, it said “I am giving you one week to return my aunts house and bury her properly”. Of those who might call Ms Smith their aunt, only Dr Stimson had been writing about his aunt’s affairs to Foot Anstey.
 - iv) The Letter, short as it was, made points which Dr Stimson had made in earlier emails. It set an arbitrary deadline, it insisted on the house, which is what he had been focussing on from the outset, and it linked the resolution of the dispute with his aunt’s burial, which was in line, not only with references to burial in his emails, but with his evidence to me, to the effect that, until the dispute over the estate was resolved, it was not in his opinion the right time for her ashes to be interred, although he had them.
 - v) The Letter was to Foot Anstey, with whom Dr Stimson was at this time in regular correspondence by email.
 - vi) The Letter was rude and contemptuous of Foot Anstey, as Dr Stimson was in his emails (although not usually quite as rude as in this Letter).
 - vii) The Letter was written by a person who thought that he was at theoretical but not actual risk of prison, because “the jails are full”. Anyone threatening to “come and beat the shit out of you” and “keep coming for you until you comply or are permanently hospitalised” might be said to risk going to prison, but Dr Stimson, who knew such a letter would breach a court order endorsed with a penal notice made a year before by Hill J on 12 September 2024, would have been more conscious of that risk than most.
58. Dr Stimson was not a credible witness. His answers in cross examination were evasive and were not limited to the topic he was being asked about. This was not because of any lack of intelligence or understanding. Indeed, he told me that he has a Ph.D. He usually responded to questions by inserting long talking points of his own, attacking Foot Anstey, against whom he demonstrated very strong animus. Those talking points were irrelevant to the question he was being asked (for example, he pivoted to a complaint about Foot Anstey having post which was sent to his late aunt’s house re-directed to their offices, in answer to a question about whether he had sent Foot Anstey a copy of the 2020 Document). I formed the impression that he was not giving evidence of what he remembered but that he was trying to use the witness box as a platform from which to advance his case and attack Foot Anstey. He persisted in this despite efforts I made to direct him back towards answering questions.
59. Both Mr Singfield and Dr Stimson gave evidence about whether (as was argued before Hill J in his absence) Dr Stimson could have been the caller who made abusive telephone calls to female members of staff at Foot Anstey between 12.11 and 12.33 pm on 1 August 2024. In an email of 2 August 2024 Dr Stimson told Mr Singfield

“I can prove categorically that the dates in your letter – 1 August @ 12.20 – I was actually in Swindon Magistrates Court in front of the Magistrates, at that time with my mobile phone switched off. This can be confirmed by around 50 people in the Mags court, and also by Swindon Magistrates Court themselves.”

60. Mr Singfield gave evidence to me that he checked this with Swindon Magistrates Court who informed him, by reference to Dr Stimson’s case and reference number, that the hearing was ineffective or incomplete and the matter had been dealt with without the need for a formal hearing so the list had gone short. This suggested that Dr Stimson, contrary to what he had said, could have made the calls because he was not in a court room for the whole period of time covered by the calls as he claimed. He could have sent them before or after going into court, if he went in at all. Mr Singfield gave evidence to the same effect to Hill J, who summarised it in paragraph 37 of her judgment:

“Mr Singfield has explained in his witness statement that the result of those enquiries did not support what the Respondent had said. In fact, no formal hearing had taken place. The prosecutor told him at the court of her intention to withdraw proceedings and that he was free to leave. He was allowed into the court with security to briefly speak to a legal advisor but otherwise left the building.”

61. Dr Stimson’s evidence to me was that he had been sent a letter telling him he was not required in court that day but he went anyway because “I required it from the Magistrates Court”. He said he was brought into court at about midday “and they broke at 12.45 for lunch and I was the last case before lunch. I know because my phone had died. I was there all morning.”

62. In cross examination, he was referred back to his email of 2 August in which he said that his phone was “switched off”, not that it had “died”. He answered

“Switched off and died is the same thing. If there is no power it is off. So you can see my phone was lost battery and powered off.”

63. This was an inconsistency in his evidence. I do not agree that his email saying his phone was “switched off” was the same as his evidence in chief that “my phone had died”; and I do not agree with his evidence in cross examination that “switched off and died is the same thing”. Dr Stimson did not seem very concerned about the truth or accuracy of what he was saying when he was giving evidence, as long as it supported his case.

64. On the question of whether he wrote the Letter, Dr Stimson was only willing to give evidence that he did not write it at the very last minute. He did not take the opportunity given to him by the order of Jay J to file evidence 21 days before the hearing. He did not assert that he did not send the Letter in the skeleton argument filed on his behalf the day before the hearing; which said only that it had not been proved that he wrote it. The first time he told the court that he did not send the Letter was when he filed evidence after the start of the hearing and confirmed it in the witness box. Such a late presentation of such a critical (and surprising) allegation of fact made it less credible.

65. No-one else has credibly been suggested as the sender of the Letter. Such a person would have to have forged the letter by purporting to sign it as from him when it was not from him. Such a person would have to have been familiar with the arguments he had been making in his emails and to have been able and willing to mimic them.
66. When urging me not to conclude on the evidence to the criminal standard of proof that Dr Stimson wrote the Letter and caused it to be sent, his Counsel argued that the evidence was all circumstantial. He cited *Masri v Consolidated Contractors International Co SAL* [2011] EWHC 1024 (Comm) where Christopher Clarke J said, at paras 144-146:

“The approach of the court in cases of contempt

Onus and standard of proof

144. The onus of proving the acts of contempt of which he complains rests on the judgment creditor. He must satisfy the court so that it is sure that the judgement creditors are in contempt in the respects alleged i.e. to the criminal standard. The judgment debtors are to have the benefit of any reasonable doubt.

Inferences

145. In reaching its conclusions it is open to the court to draw inferences from primary facts which it finds established by evidence. A court may not, however, infer the existence of some fact which constitutes an essential element of the case unless the inference is compelling i.e. such that no reasonable man would fail to draw it: *Kwan Ping Bong v R* [1979] AC 609 .

Circumstantial evidence

146. Where the evidence relied on is entirely circumstantial the court must be satisfied that the facts are inconsistent with any conclusion other than that the contempt in question has been committed: *Hodge's Case* [1838] 2 Lewin 227; and that there are “no other co-existing circumstances which would weaken or destroy the inference” of guilt: *Teper v The Queen* [1952] AC 480 , 489. See also *R v Blom* [1939] AD 188, 202 (Bloemfontein Court of Appeal); *Martin v Osborne* [1936] 55 CLR 367, 375. It is not, however, necessary for the court to be sure on every item of evidence which it takes into account in concluding that a contempt has been established. It must, however, be sure of any intermediate fact which is either an essential element of, or a necessary step on the way towards, such a conclusion: *Shepherd v The Queen* 170 CLR 573 (High Court of Australia).”

67. In *R v Sardar* [2016] EWCA Crim 1616, [2017] 1 WLR 917, Sir Brian Leveson P quoted with approval (at para 17) the formulation of the Supreme Court of South Australia in *Questions of Law Reserved on Acquittal (No 2 of 1993)* (1993) 61 SASR

1, by King CJ, and Sir Brian noted (at para 18) that this approach was followed by the Court of Appeal of England and Wales in *Edwards* [2004] EWCA Crim 2102 at paras 83-85 and adopted in *R v Jabber* [2006] EWCA Crim 2694 at para 21. Per Moses LJ in *R v Jabber* [2006] EWCA Crim 2694 at para 21 (with my emphasis):

“We reject that as an approach to be taken by the judge at the close of the prosecution case, even where the evidence is only circumstantial. The correct approach is to ask whether a reasonable jury, properly directed, would be entitled to draw an adverse inference. To draw an adverse inference from a combination of factual circumstances necessarily does involve the rejection of all *realistic* possibilities consistent with innocence. But that is not the same as saying that anyone considering those circumstances would be bound to reach the same conclusion.”

68. Per King CJ in the passage cited by Sir Brian Leveson P (with emphasis in the original) from *Questions of Law Reserved on Acquittal (No 2 of 1993)* (1993) 61 SASR 1:

“I would re-state the principles, in summary form, as follows. If there is direct evidence which is capable of proving the charge, there is a case to answer no matter how weak or tenuous might consider such evidence to be. If the case depends upon circumstantial evidence, and that evidence, if accepted, is *capable* of producing in a reasonable mind a conclusion of guilt beyond reasonable doubt and thus is *capable* of causing a reasonable mind to exclude any competing hypotheses as unreasonable, there is a case to answer. There is no case to answer only if the evidence is not capable in law of supporting a conviction. In a circumstantial case, that implies that even if all the evidence for the prosecution was accepted and all inferences most favourable to the prosecution which are reasonably open were drawn, a reasonable mind could not reach a conclusion of guilty beyond reasonable doubt, or to put it another way, could not exclude all hypotheses consistent with innocence, as not reasonably open on the evidence.”

69. The evidence that Dr Stimson wrote the Letter and caused it to be sent is overwhelming. It includes but is not limited to the direct evidence of the signature, and the content of the letter, which is in the first person and from Dr Stimson about his aunt. Even if all the evidence is properly to be treated as circumstantial, however (including that evidence), a reasonable mind can only conclude, as I conclude, that there is no realistic possibility that anyone other than Dr Stimson wrote the Letter and caused it to be sent. I find as a fact to the criminal standard of proof that he did both.
70. This was a breach of paragraph 1.4 of Dr Stimson’s Undertakings because the Letter was both “abusive” and “threatening”.

Was the Email a contempt of court?

71. Dr Stimson accepts that he sent the Email dated 16 June 2025 which I have quoted in para above. The issues I have to decide are those I have set out in para above.
72. I do not consider the language of para 1.3 of the Undertakings to be so vague as to be unenforceable. The language was chosen and accepted by both parties when the Undertakings were sought and given, and both sides were legally advised at the time. They knew that they were negotiating terms which would attract a penal sanction if breached and it would have been important to both of them that the commitment was clear and enforceable. Mistakes can be made, but in this case I think the commitment was indeed clear and enforceable. The phrase “bona fide communications relating to the Legacy Matter” meant that they had to be communications in good faith and not (for example) purely abusive or insulting.
73. I do not, however, consider that the Email taken as a whole can fairly be characterised as anything other than a bona fide communication relating to the Legacy Matter. I therefore do not find that it breaches para 1.3 of the Undertakings.
74. The remaining question is whether it breaches para 1.4 of the Undertakings, by which Dr Stimson undertook that he would not:
- “...engage in any communication with the Applicants, their employees, servants or agents permitted under paragraph [1.3] above that is irrelevant to the Legacy Matter or these proceedings, or that is abusive or threatening or otherwise involves harassment;
75. I have found that the Email was permitted under para 1.3, and I do not consider that it was “irrelevant” to the Legacy Matter. I am, however, sure that it was “threatening” and consequently in breach of para 1.4.
76. The Email is not, when read as a whole, threatening only due process or lawful force. It does refer to due process, in the form of Dr Stimson’s complaints to the Parliamentary and Health Service Ombudsman (PHSO) and His Majesty’s Courts and Tribunal Service (HMCTS). That is not a breach of para 1.4. But the sentence “My Aunts last wishes were very clear, and they will not be ignored and if necessary defended with force” can only be read as a threat of force, that is physical force, and not as a threat to pursue legal proceedings forcefully.
77. The threat of force was a clear and unambiguous breach of para 1.4 of the Undertakings. Foot Anstey had obtained letters of representation and a grant of probate and the only force that could have been referred to in the context of the Email was a threat of unlawful force, because they were in full and legal possession of the house and there was no legal process which could possibly have justified or involved the use of “force” against them. Dr Stimson himself was explicit that he was talking about “force” that would be used before he had succeeded in any appeal, because he said: “you and your agents will be removed [from] the property until the Appeal has been heard”.
78. The Email also has to be read in the context of his earlier correspondence with Foot Anstey, including his email of 18 May 2022 saying “I will be taking the house over from today”, and his email of 19 July 2022 saying “The family have claimed 22 Cloudberry (...) As you have now angered me, the family are taking the house as agreed

with our grandmother (...) You and your clients have zero rights to the property. Should I see them attempt to access the property they will be removed, forcibly if required. (...) You have been warned and told. (...) By all means attempt to circumvent my authority on 22 Cloudberry, and you will realise the hard way (for you) why I get results quickly.”

79. I also reject the submission that the threat of force is conditional and therefore incapable of breaching the Undertakings. In reality, there was nothing conditional about it. It was threatening, which was prohibited by para 1.4 of the Undertakings. It said force would be used “if necessary” and the only situation in which it would not be necessary (adopting the point of view of Dr Stimson’s email correspondence) was if Foot Anstey suddenly surrendered their control and management of the property, which they were under no obligation to do and had clearly demonstrated they did not intend to do. They had obtained probate of the 2016 Will and, on 6 May 2025, a Grant of Representation.
80. I therefore find the Email to be in contempt of court.

Abuse of Process

81. It is argued on Dr Stimson’s behalf that the application to commit him for contempt of court is an abuse of process and should be struck out or at least refused for that reason, citing *Shand v Semkers* [2026] EWHC 341 (KB). Per Cotter J at paras 116-118:

“116. As Mr Wilton KC pointed out before the reformulation of CPR 81 in 2020 the Practice Direction expressly provided that:

"On application by the respondent or on its own initiative, the court may strike out a committal application if it appears to the court -

(1) that the application and the evidence served in support of it disclose no reasonable ground for alleging that the respondent is guilty of a contempt of court;

(2) that the application is an abuse of the court's process or, if made in existing proceedings, is otherwise likely to obstruct the just disposal of those proceedings; or

(3) that there has been a failure to comply with a rule, practice direction or court order."

117. There is no longer a Practice Direction which accompanies CPR 81 but I accept Mr Wilton KC's submission that the court retains the power to restrain contempt proceedings which are devoid of merit or an abuse of process. The Practice Direction was never the source of the jurisdiction, which can only have been the Court's inherent jurisdiction. In *Vseukrainskyi Aktsionernyi Bank PJSC v Maksimov* [2014] EWHC 4370 (Comm), the then Hamblen J observed;

"...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."

This remains an accurate statement; indeed in my experience there are far more contempt applications made now than there were in 2014 and heightened vigilance is required. The only sensible analysis is that, given its inherent jurisdiction, the Court has the power to strike out a contempt application if that application (taken together with the evidence served with it) discloses no reasonable ground for alleging that the respondent is guilty of a contempt of court and/or is an abuse of the court's process and/or if made in existing proceedings, is otherwise likely to obstruct the just disposal of those proceedings.

118. The application to strike out on behalf of Mr Smith KC and Mr Chelmick is put on a dual basis:

(a) that the proceedings do not disclose any reasonable grounds for alleging the Barristers are guilty of contempt.

(b) that the proceedings are an abuse of process. Mr Wilton KC referred to the judgment of Lord Diplock in *Hunter v Chief Constable of the West Midlands Police* [1982] AC 529 within which he stated;

"The abuse of process which the instant case exemplifies is the initiation of proceedings in a court of justice for the purpose of mounting a collateral attack Upon a final decision against the intending plaintiff which has been made by another court of competent jurisdiction in previous proceedings in which the intending plaintiff had a full opportunity of contesting the decision in the court by which it was made."

Mr Wilton KC submitted that abuse of process is a broad concept which includes vexatious or scurrilous or obviously ill-founded allegations and claims that seek to re-litigate issues already decided."

82. The way in which the abuse of process argument is put to me is, however, very different from the examples considered in that passage.
83. The argument advanced to me is (a) that contempt proceedings are to be advanced in the same way that a criminal prosecutor is expected to conduct criminal proceedings

and (b) the claimants have failed to pursue certain lines of enquiry, with the result that they have fallen below that standard and (c) Dr Stimson cannot receive (as it is put) “a fair trial”, in accordance with his Article 6 rights and the Human Rights Act 1998, without evidence from those lines of enquiry, and the burden of obtaining it is on the claimants as applicants.

84. Para 23 of the skeleton argument of Dr Stimson’s Counsel sets out these lines of enquiry as follows:

“It may assist the court to understand what lines of enquiry one might expect to be followed in a criminal investigation into conduct of this nature, as it assists in establishing what evidence would be required to prove an allegation to the standard that the Claimants must meet in this case:

a. One would expect that enquiries would be made with the Royal Mail to establish where and when the letter was posted, and CCTV of the relevant event being recovered where available;

b. Cell site, ANPR, or other location data to place the Defendant in the vicinity of a relevant post box or office at the time the letter would have been posted; and

c. Forensics of some description to tie the Defendant to the letter. The absence of forensics would be a significant factor.”

85. I reject this argument.

86. First, it is not correct that an application to commit for contempt of court (which is a civil proceeding, although the criminal burden and standard of proof applies) is to be advanced in the same way that a criminal prosecutor is expected to conduct criminal proceedings.

87. An applicant to commit a person for contempt of court is not in the position of the Crown Prosecution Service or of a person pursuing a private prosecution. They are not subject to the Code for Crown Prosecutors (“the Code”) issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985. They are not subject to the requirement of the Code that what is known as the Full Code Test is applied (essentially, that there is both sufficient evidence to provide a realistic prospect of conviction and that a prosecution is required in the public interest). They are not subject to the requirement that the Full Code Test should be applied only “when all outstanding reasonable lines of inquiry have been pursued” (para 4.3 of the Code).

88. The proper role of an applicant in civil contempt proceedings was authoritatively considered by the Court of Appeal in *Navigator Equities Ltd v Deripaska* [2021] EWCA Civ 1799, [2022] 1 WLR 3656. Nothing in that judgment gives any support to the propositions advanced on behalf of Dr Stimson.

89. If an applicant to commit a person for contempt of court fails to pursue reasonable lines of enquiry, the case for contempt may be weakened, as a matter of evidence, to the

point that it cannot be proved to the requisite criminal standard of proof. But that is not because there is a duty to pursue reasonable lines of enquiry. It is because every court (whether a civil court or a criminal court or a family court) will decide a case on the evidence it has, without speculating about evidence it does not have. This is a point upon which juries are always directed in criminal trials. If the evidence the court has contains obvious weaknesses or gaps, that is a matter which goes to the weight of the evidence. It is not a technical objection.

90. Per Nugee LJ in *Solicitors Regulation Authority v Khan* [2024] EWCA Civ 531, [2024] 1 WLR 4212 at para 49:

“So far as the domestic law is concerned, the position is clearly established that although contempt proceedings are often described as "quasi-criminal", they remain civil proceedings. What this means in practice is that while contempt proceedings are not in fact criminal proceedings, they have an obvious resemblance to them, and in some respects similar principles apply to them as they do to criminal proceedings. The examples given by Carr LJ in *Navigator Equities* are that the charges raised have to be clear; the criminal standard of proof applies; the respondent has a right to silence; and there must be a high standard of procedural fairness. Another example is provided by *Jelson (Estates) Ltd v Harvey* [1983] 1 WLR 1401 where this Court, following its earlier unreported decision in *Danchevsky v Danchevsky (No 2)* (10 November 1977), held that the criminal rules governing double jeopardy (autrefois convict and autrefois acquit) applied to proceedings for contempt; and see *ADM International SARL v Grain House International SA* [2024] EWCA Civ 33 at [97]-[98] per Popplewell LJ (a point of law which goes to whether an alleged contempt is one known to the law can be taken on appeal even if not taken below, by analogy with the practice in criminal appeals). I accept, as these examples illustrate, that committal proceedings have much in common with criminal proceedings. But none of this means that contempt proceedings are in fact criminal proceedings. They are undoubtedly civil proceedings: see *Masri v Consolidated Contractors International Co SAL* [2011] EWHC 1024 (Comm) ("Masri") at [157] per Christopher Clarke J (referring to the fact that hearsay may be admissible), and *Navigator Equities* at [80ff] per Carr LJ (holding that the role of the applicant is not to be equated with that of a dispassionate prosecutor acting as guardian of the public interest).”

91. Second, it is not correct that the proposed lines of enquiry would have been required in a criminal prosecution or that I should have expected them to be pursued in the application before me.
92. I have identified the abundant evidence that Dr Stimson did write the Letter and cause it to be sent, and I have found that evidence compelling. It was certainly enough to justify an application to commit him for contempt of court.

93. Dr Stimson did not give or file evidence that he did *not* write the Letter (contrary to the weight of the evidence I have summarised above, including his own signature), until after the hearing before me had begun. In those circumstances, it was not to be expected that the claimant would have felt it necessary to supplement the strong evidence they already had by pursuing the lines of enquiry suggested now. These lines of enquiry had not been suggested in prior correspondence. They were suggested for the first time in the skeleton argument filed on behalf of Dr Stimson the day before the hearing.
94. The suggested lines of enquiry also go well beyond what I would consider reasonable or necessary. Taking them in turn:
- i) Enquiries with the Royal Mail “to establish where and when the letter was posted”. The envelope was postmarked which provided evidence of that already. It is not obvious what Royal Mail would or could have added to that.
 - ii) “CCTV of the relevant event being recovered where available”. CCTV is not always available and, even when it is available, it is not always recovered and deployed even in criminal trials. Without knowing the exact time and place of posting, CCTV could not even begin to be considered. If the exact time and place of posting were known, recovery of CCTV in respect of a letter sent by second class post and delivered over three weeks after its date would be difficult even for the police, because CCTV footage is not usually retained for very long. Foot Anstey lacked both the resources and the powers available to the police for recovering evidence in the course of its criminal investigations.
 - iii) “Cell site, ANPR, or other location data to place the Defendant in the vicinity of a relevant post box or office at the time the letter would have been posted”. This runs into the difficulty that the relevant post box or post office and time of posting were unknown and could not realistically be discovered by Foot Anstey with only a post mark to go on. Even Royal Mail would not know that level of detail. Cell site evidence is not available to the ordinary applicant to commit for contempt of court, and nor is Automatic Number Plate Recognition or other location data. It was suggested that a court order might have been applied for. Even if such an application was possible (which, given the points already made, it was not), it would have been refused, in circumstances where the letter was obviously written by Dr Stimson and he had not, at the point an application would have been made, denied that.
 - iv) “Forensics of some description to tie the Defendant to the letter”. Presumably this is a reference to something like fingerprint or DNA evidence. There is no evidence that the letter or the envelope bore fingerprints or DNA. They only reached Foot Anstey after going through the handling which takes place in the course of postal delivery. The Letter was received weeks after it was written, making recovery of usable forensic data even less likely. Foot Anstey did not have access to Dr Stimson’s fingerprint or DNA record. Nor did it have access to the expert analysts employed by the police.
95. It was open to Dr Stimson to obtain and offer evidence of this sort if he thought it was promising. I say that without derogating from the burden of proof, which was not on him.

96. Dr Stimson was entitled to a fair hearing and due process. He was entitled to respect for his rights under Article 6 and the Human Rights Act. However, he has had all of that.
97. There has been no abuse of process in this case.

Penalty

98. I have found Dr Stimson to be in contempt of court. I will decide the question of penalty after the next hearing, which will be listed on 27 July 2026. The time between the delivery of this judgment and that hearing will give Dr Stimson, should he choose to take it, an opportunity to reflect on this judgment and reconsider his position (in other words, what used to be called a *locus poenitentiae*).