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Case No: CA-2026-000530
CA-2026-00530B

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES COMMERCIAL COURT
Mrs Justice Dias
[2025] EWHC 1612 (Comm)
Mr Justice Robin Knowles
CL-2024-00174

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30/06/2026

Before :

LADY JUSTICE ANDREWS
and
LADY JUSTICE WHIPPLE

- -

Between :

(1) TARNJIT SINGH GILL **(2) JAGJIT SINGH GILL**	**Claimant/ Respondent**
- and -	
JAGJIT KAUR	**Defendant/ Applicant**

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- -

Fiona Horlick KC and San-Mari Martins (instructed by **Janes Solicitors LLP**) for the **Applicant**
George Hayman KC and James Kinman (instructed by **Macfarlanes LLP**) for the **Respondents**

Hearing dates : 9 June 2026

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Approved Judgment

This judgment was handed down remotely at 10.30am on [30 June 2026] by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Lady Justice Andrews :

Introduction

1. This case was listed as the adjourned hearing of Ms Jagjit Kaur's application for an extension of time, of about six months, to appeal against the order of Robin Knowles J dated 14 August 2025, activating the suspended sentence of 18 months' imprisonment for contempt imposed by Dias J on 23 June 2025 ("the Activation Order"). Ms Kaur is serving that sentence in HMP Bronzefield. Males LJ had directed that, if time were extended, the appeal should follow immediately.

2. The application first came before the same constitution of this Court for hearing on 15 April 2026, when Ms Kaur attended by video link. We adjourned on terms directing the service of draft amended Grounds of Appeal, evidence, and a further skeleton argument in accordance with a timetable which allowed sufficient opportunity for the Respondents to respond. The order also provided that any application to amend the Appellant's Notice to include grounds of appeal against sentence, and any related application for an extension of time, would be heard at the adjourned hearing, which was subsequently listed for 9 June 2026.

3. Those directions were not complied with, and I extended time until 4pm on 28 May 2026 for service of the amended Grounds of Appeal and the skeleton argument. They were served on 28 May at 4.05pm and 8.15pm respectively, although described as "unapproved" by Ms Kaur.

4. On 2 June 2026, Ms Kaur's solicitors applied for permission to amend her Grounds of Appeal, to rely upon the further skeleton argument dated 28 May 2026, and to rely on fresh evidence (in the form of witness statements from Ms Kaur and her solicitor Mr Livingston, both dated 26 May 2026). They also applied for bail, or for an order discharging her committal pursuant to CPR 81.10. The Respondents did not oppose the application to rely on the witness statements and the skeleton argument. As our previous order anticipated those documents, permission was probably unnecessary, but we granted it for the avoidance of doubt.

5. The proposed Amended/Replacement Grounds of Appeal include three grounds of appeal against the order of Dias J ("the Suspended Committal Order") as well as four grounds of appeal against the Activation Order. Although there was no formal application for an extension of time to appeal against sentence, and the Legal Aid Certificate granted to Ms Kaur is limited to an appeal against the Activation Order, those matters could no doubt be rectified. We therefore pragmatically treated Ms Kaur as if she had made an application for an extension of time for appealing against both orders.

6. In their skeleton argument for the 9 June hearing, Ms Kaur's counsel sought a further adjournment in conjunction with the fresh bail application, since bail could only be granted in connection with an extant appeal. In her oral submissions Ms Horlick KC developed the arguments skilfully, but in the light of all the evidence, the delay thus far, and the considerable latitude already afforded to Ms Kaur, we were not persuaded that an adjournment would serve any useful purpose. We refused both applications, and proceeded to hear the applications for an extension of time on their merits.

7. We concluded that the delay in filing the original appellant's notice was a serious and significant breach of the rules, and that in all the circumstances it was not in the interests of justice to grant the lengthy extensions required. For completeness we considered the proposed grounds of appeal, and concluded that none had merit. Nor was it appropriate to discharge Ms Kaur from her committal: we were not satisfied that she had made any real effort to purge her contempt or shown any genuine commitment to doing so.

8. We announced our conclusions at the end of the hearing and indicated that our reasons would be given in reserved judgments. These are my reasons for joining with my Lady in those conclusions.

Background History

9. On 23 June 2025 Dias J heard three applications by the Respondents to commit Ms Kaur, their sister, for contempt of court. She accepted that the Respondents had proceeded with the greatest reluctance, and, on the evidence, had no other option.

10. All three applications related to breaches of court orders; one by doing something the order prohibited, the others by failing to provide information as ordered by the court. The first application concerned a failure to disclose information as ordered by Butcher J on 17 July 2024. The second concerned breach of a proprietary injunction restraining dealings by Ms Kaur in the shares or assets of a company named West Property Holdings Ltd ("WPHL"). Both concerned proceedings brought by the Respondents in this jurisdiction in support of proceedings in Delaware.

11. The third application related to proceedings known as "the hotel claim" brought by Ms Kaur in this jurisdiction on behalf of two companies of which she was then the sole director, ("the Transomas companies") against the First Respondent and one of his companies. That claim was effectively abandoned on the first day of trial, and dismissed by Joanna Smith J on 13 November 2023. She later found, among other matters, that part of the claim was an abuse of process. The committal application concerned non-compliance with the subsequent order of Joanna Smith J, made on 6 March 2024 and varied on 20 May 2024, requiring the provision of information as to how privileged material belonging to the Respondents had been acquired by the Transomas companies while they were under Ms Kaur's control, and about how far it had been disseminated. There had been three previous orders for disclosure of that information; two with which the Transomas companies had purported to comply, but were held not to have complied, and a third with which they did not even attempt to comply.

12. Dias J was satisfied that Ms Kaur had sufficient notice of the hearing, and had been served with all relevant orders, the Respondents' skeleton argument and the bundle of documents. Ms Kaur, then in California, failed to attend. Dias J found at para 8 of her judgment that Ms Kaur had had every opportunity to appear, or at least to put before the court an explanation or apology, or an alternative version of events. None of those findings is, or could be, challenged.

13. Dias J went on to find each of the allegations of contempt of court proved to the criminal standard. She considered whether to adjourn the proceedings in order to give Ms Kaur the opportunity to purge her contempt or to appear and make representations

before proceeding to sentence, but exercised her discretion to proceed immediately to sentence. She did so on the basis that there was no indication that Ms Kaur had any interest in engaging with the applications, and it was unlikely that the mere finding that she was in contempt would achieve anything. She said that, by contrast, there was at least some prospect that proceeding to sentence immediately would achieve a focusing of her mind.

14. Dias J found a high level of culpability, and that the breaches were inexcusable in the absence of an explanation. The degree of harm and prejudice caused to the Respondents by the breaches was the same in each case. Ms Kaur had offered no mitigation and no apology but her conduct, so far as disclosed by the evidence before the court, suggested there was no mitigation that could realistically be offered.

15. The judge took account of Ms Kaur's two school-aged children, aged 12 and 16, then understood to be attending a day school in California, and of her financial provision for the medical treatment of her elderly mother, who lived in the UK and had been diagnosed with cancer. She also noted Ms Kaur's own asserted ill health, though no corroborating medical evidence had then been provided despite an order requiring it. (Ms Kaur's solicitor has now exhibited to his witness statement medical evidence indicating that Ms Kaur was an in-patient in the Whittington Hospital for one week in April 2024, having unexpectedly suffered a heart attack, and was advised to take 4-6 weeks off work.)

16. Dias J decided that in all the circumstances the appropriate sentence for what she described as deliberate flouting of court orders was 18 months' imprisonment (to run concurrently on each breach). She was prepared to suspend the sentence, commenting that this seemed the appropriate way in which to deal with concerns about the two children. If Ms Kaur complied with the conditions the Judge imposed, there would be no need for her to be imprisoned should she choose to visit this country. She said "however forlorn, the hope must be that the prospect of incarceration, should she set foot in the United Kingdom, may concentrate her mind and compel compliance finally with the court's orders, however belated." Unfortunately, subsequent events extinguished that hope.

17. The sentence was suspended for a period of 2 years on condition that Ms Kaur provide the information required under the orders of Butcher J and Joanna Smith J by 4pm on 24 July 2025, and that during the period of the suspension she should comply with all other orders of the High Court other than orders which could not themselves be enforced by an application for contempt of court. In the event, no further orders were made during the period of the suspension, so the last condition had no practical impact.

18. The Suspended Committal Order was served on Ms Kaur in compliance with the service provisions in that order, under cover of a letter from the Respondents' solicitors which accurately summarised the outcome of the hearing and explained both the requirements of the suspension and the consequences of non-compliance with the conditions in the clearest possible terms. Ms Kaur's attention was drawn to her right to apply to set aside or to appeal the decision in the contempt proceedings, and she was warned that non-compliance could result in imprisonment.

19. Ms Kaur failed to provide the information or to respond to the Suspended Committal Order, and on 11 August 2025 the Respondents made an application to activate the committal. That application was dealt with on the papers by Robin Knowles J, who made the Activation Order. A Warrant of Committal was issued on 22 August 2025. All this occurred after the 21 days prescribed for appealing against the Suspended Committal Order had elapsed (on 14 July 2025). Time for appealing against the Activation Order expired on 4 September 2025.

20. Ms Kaur returned to the UK on 19 February 2026 accompanied by her younger child, and was arrested at Heathrow Airport. She has been detained at HMP Bronzefield ever since. That child has been looked after, we understand, by a person who previously cared for Ms Kaur's mother. We were told that the other child is being cared for in California.

21. On 9 March 2026 an appellant's notice was issued which sought an extension of time in which to appeal against the Warrant of Committal. We pragmatically treated this as an application for an extension of time to appeal against the Activation Order. Consistently with this, Ms Kaur's Legal Aid Certificate is limited to an appeal against the decision of Robin Knowles J dated 14 August 2025.

22. The provisional grounds of appeal settled on 9 March 2026 suggested that Ms Kaur had no actual knowledge of the committal proceedings "and may not have been formally served". Both those statements were patently incorrect. They are understandably no longer advanced. On 12 March 2026 the Respondents' solicitors provided the evidence of service to Ms Kaur's present solicitors. She had been served personally with the first two committal applications, and there is photographic evidence of her receipt of the documents, as well as evidence from the process servers confirming it. The third application was served in accordance with directions given in an order made by Picken J at a hearing on 7 March 2025. Those directions were sought because Ms Kaur had taken steps to avoid personal service at her address in Palo Alto, California. The directions order was personally served on Ms Kaur on 12 March 2025 and was referred to by her in subsequent legal proceedings in California. It has not been appealed. This history illustrates the need for caution when considering Ms Kaur's narrative.

23. An application for bail was made in the original appellant's notice. This was initially granted in limited terms by Elisabeth Laing LJ on 9 March 2026 to enable the appellant to attend her mother's funeral the following day, but that order was revoked by Elisabeth Laing LJ on discovering that it would not be possible to comply with the bail conditions in time. Fortunately, the prison authorities were able to accompany Ms Kaur to the funeral. Ms Kaur then renewed her application for bail. On 12 March 2026 the renewed application was refused by Males LJ, who directed that the application for an extension of time should be listed for an oral hearing before two Lord or Lady Justices, with the appeal to follow immediately if the extension was granted. Males LJ refused bail again on 27 March 2026.

24. Thus it was that the matter came before me and Lady Justice Whipple on 15 April 2026. Prior to the hearing, on 2 April 2026, a skeleton argument was filed on Ms Kaur's behalf seeking an adjournment, and making a third application for bail. We refused the bail application, as there had been no material change of circumstance since Males LJ's refusal.

25. At that hearing, Ms Horlick proposed what she described as the "practical and pragmatic solution" of an adjournment to enable Ms Kaur's legal team to take instructions. She said that it was Ms Kaur's intention to purge her contempt, and Ms Kaur appeared to confirm this by nodding in response to a specific query from the court. Ms Horlick said that the appeal might turn into a narrow challenge to sanction (which, of course, would be an appeal against the order of Dias J). She suggested a return date in eight weeks with consequential orders for service of documents (included proposed amended grounds of appeal) on the basis that this period was "realistic" bearing in mind the logistical difficulties in communicating with a client in prison.

26. On behalf of the Respondents, Mr Hayman KC, having taken instructions, pointed out that this was the first indication that Ms Kaur wished to purge her contempt. However, as his clients had made plain in correspondence, they have no desire to see their sister in prison, they just want to obtain the information that she has withheld. He proposed a staged approach, with an initial adjournment being granted in order for Ms Kaur to demonstrate a committed, concrete effort towards achieving that end. The court should direct the provision of evidence and then, if the evidence were provided, have a further hearing. We adopted that course.

27. In paragraph 15 of the judgment of the court which I delivered on that occasion I said:

> "I make it very clear that nothing less than evidence from Ms Kaur herself will do, and she will have to make a serious and determined effort to answer the questions that the Court originally required her to answer and to provide that information, insofar as she is able to do so. Whether she does that by means of her own enquiries, having access to her laptop, or by instructing her solicitors to get in touch with other people who might be able to provide it, is a matter for her. But one way or another, she needs to show positive steps towards compliance with the court orders that she breached. And if she does that, there will be much more of a chance of a successful appeal against sentence."

Events following the adjournment

28. An unsigned witness statement from Ms Kaur was sent to the Respondents' solicitors at 17.42 on 26 May. Her solicitor, Mr Livingston, said that he had read it to her, that she had approved it to the best of her ability, and that she would sign it "with any slight amendments she wished to make" as soon as she could. It had still not been signed by the hearing on 9 June 2026. Ms Kaur attended the hearing by video link. There was also a witness statement from Mr Livingston himself, which set out the difficulties he had encountered in gaining access to Ms Kaur whilst she was detained at HMP Bronzefield. He said that the prison had still not granted Ms Kaur access to her belongings.

29. Ms Kaur's witness statement is 20 pages and 84 paragraphs long, but falls well short of demonstrating commitment by Ms Kaur to purging her contempt; on the contrary, it creates a clear impression that she is determined to find any excuse she can to avoid

providing the information. Much of it is devoted to complaints about her brothers and their behaviour, and about the conditions she has experienced in prison. She makes what Joanna Smith J aptly described as "scattergun" allegations of serious dishonesty against her brothers and against professionals associated with them, which appears to be a hallmark of the litigation to date. Thus far she has failed to substantiate any of those allegations with supporting evidence. Such is the level of antipathy that she displays towards her brothers that I was unable to discern any real contrition for her behaviour. Whilst there is little doubt that Ms Kaur is sorry for the situation in which she finds herself, I am not persuaded that she has, or ever did have, any intention of complying with the court orders.

30. To the extent that the contents of the witness statement were of any relevance to the applications we were deciding, Ms Kaur contends that due to a combination of having to deal with multiple pieces of complex litigation and contending with ill health she did not "consciously decide to disobey the Court's orders" and she did not "consciously know that I had been found to be in contempt of court and that I would be arrested if I entered the United Kingdom".

31. As to the first statement, Dias J held that there *was* deliberate disobedience, and that finding cannot be disturbed. In any event, the evidence of deliberate breach is compelling. Ms Kaur's claim to have been so overwhelmed by the litigation that she lost sight of what she had to do and when she had to do it, is not convincing. For much of the relevant time she was legally represented, and even when acting in person there is no evidence that she could not afford to seek legal advice for the limited purpose of explaining a court order.

32. As to the second statement, Ms Kaur was aware of the contempt proceedings and chose not to engage with them. She must have known that failure to attend or provide an explanation for her failure to comply was likely to lead to findings of contempt. If she was unaware of the Suspended Committal Order or the Activation Order, it can only be because she chose to ignore the documents that were served on her. It is possible that she thought she could use technical arguments about the validity of their service in California as a shield, since she has hinted at such arguments in her witness statement. A contemnor cannot avoid the consequences of an order by refusing to read it or to accept service of it. At best, this was an extreme case of Nelsonian blindness.

33. Whilst she has apologised for what she described as her "previous failings" there is no credible attempt made by Ms Kaur to satisfy the court that she would take any steps to provide the missing information if she were not inhibited from doing so by the lack of access to a computer or mobile phone in prison. Indeed, it would appear that the electronic devices to which she is currently denied access would have produced very little data of relevance, since she says:

> "The documents and information relevant to these matters are not held neatly in one place. Some are no longer available, some are on electronic devices, some are in email and cloud-based accounts, some are in hard copy and some are dispersed across different locations and jurisdictions."

34. Given the confidence in progress expressed by Ms Horlick on the previous occasion, I had expected evidence of concrete steps taken and assurances of future compliance

once Ms Kaur had access to electronic devices or could communicate freely with others who hold the information or may be able to give access to it. She could easily have explained what she proposed to do if she were given the liberty to do it. Instead, the statement gives a host of reasons for *not* being able to provide the information even if she were not subject to the restrictions in prison.

35. Ms Kaur even goes so far as to suggest that her brothers already have access to the information, by virtue of having taken over the Transomas companies and other entities. She also says that she "understands" that the accounts in which the information was held are no longer accessible, but does not identify the source of that understanding or explain why this is the case. She refers to possible hard copy back-ups but gives no indication where they are or whether she will permit access.

36. The witness statement of Mr Ward, the Respondents' solicitor, served in response, explains that neither the Respondents nor the former accountants to the companies which are now controlled by them, have access to any of the files that Ms Kaur now says contain the information she was ordered to provide. Mr Ward's evidence is that when access was given to the London office formerly used by Ms Kaur in April 2026, it was discovered that all hard copy documents had been removed to an unknown location, which may well be abroad. Ms Kaur has done nothing to reveal their whereabouts.

37. In relation to the information required by the Order of Joanna Smith J, Ms Kaur professes not to understand what was required of her, and suggests that the Respondents should contact three other people who might be able to assist. Ms Kaur is a qualified Californian attorney; I am not persuaded that she is unable to understand the words of a court order which is not particularly complex (and which was the fourth iteration of the requirement to provide the relevant information). Her protestations would have had more conviction had she suggested a lack of understanding of the requirements of the orders at the time when any of them was made. Even if she did find it difficult to understand what was required of her, she has never sought any clarification from the Respondents' solicitors.

38. It would not have been unduly burdensome on Ms Kaur for her to be able to say at this stage what her own recollection was about what privileged information she accessed and what copies of it she created; nor would it have been difficult for her to have offered to provide the passwords to whatever accounts she believes may hold the relevant emails (even if she could not do so whilst in custody). Her witness statement draws extensively on her recollection of the litigation and other matters; her memory is therefore not so bad as to preclude her from saying what she herself did, or even what she believes that she did. Despite this she has made no attempt to address the question whether she entered into transactions with WPHL or took money out of that company since 1 March 2023, or even whether she might have done, and (if she cannot be certain) why she is not sure.

39. Sadly, Ms Kaur has squandered the opportunity that the court was willing to give her, and despite Ms Horlick's best efforts to portray her evidence in a positive light, I cannot accept that she has displayed any real willingness to assist in providing or obtaining the missing information. Accordingly, I am not persuaded that Ms Horlick's suggestion of a further adjournment coupled with the grant of conditional bail (so that Ms Kaur could gain access to her electronic devices and discuss the position with her

legal representatives free from the constraints of incarceration) would advance the position in any material respect. I do not regard anything in Ms Kaur's unsigned witness statement as a material change of circumstance. We asked if there was an update on the children's wellbeing or current care arrangements, but Ms Horlick said she had no instructions on those matters.

The applications to extend time

40. The three-stage test in *Denton v TH White* [2014] 1 WLR 795 applies to a situation in which an extension of time is required after the prescribed time for doing something has elapsed: see *R(Hysaj) v Secretary of State for the Home Department* [2014] EWCA Civ 1633 and, in the specific context of contempt proceedings, *Lakatamia v Su* [2019] EWCA Civ 1626. Whilst a person found to be in contempt of court may appeal against a committal order as of right, CPR 52.12(2) prescribes the time limit for bringing the appeal, which is 21 days after the date of the decision complained of. The original Appellant's Notice was around six months out of time; the proposed amendments to it to encompass a challenge to the Suspended Committal Order were first served on 2 June 2026, almost eleven months out of time. As I have already pointed out, the Activation Order was made after the time for appealing against the Suspended Committal Order had elapsed.

41. If, as she claims, Ms Kaur was unaware of the Suspended Committal Order or the Activation Order and only found out about the Warrant of Committal when she was arrested, she only has herself to blame. The fact that prior to obtaining Legal Aid she was representing herself does not afford her an excuse for non-compliance with the time limits. It is fair to infer that she has only sought to appeal because she has found herself in prison. The remedy for that lies in her own hands; even now it is open to her to purge her contempt.

42. At the third stage of the *Denton* test, the court has to consider all the circumstances of the case and whether it would be in the interests of justice to grant the extension, bearing in mind, in particular, the importance of conducting litigation effectively and at proportionate cost, and the importance of compliance with rules and practice directions. The more serious and significant the breach, the less likely it is that relief will be granted unless there is a good reason for it.

43. Here there is a very serious and significant breach, for which there is no good reason. As Mr Hayman points out, this is a case in which Ms Kaur disengaged from Court proceedings, including those which she had set in motion, and ignored multiple orders made against her. The explanation she has provided for non-compliance with the court orders is unconvincing, particularly now that a further opportunity to comply has been given and wasted; and the Respondents have been put to considerable expense in responding to this belated set of applications and would incur further expense if an appeal were permitted. Although we made an order that Ms Kaur should pay the costs thrown away by the previous adjournment, it seems unlikely that they will ever be recovered. The need for finality has not been overcome by any realistic prospect that further delay will achieve the outcome which the Respondents seek.

44. Ms Kaur's human rights (and those of the children) are engaged because she is in prison, but as this court held in *Lakatamia v Su* (above) at [15], it is not incompatible with the European Convention on Human Rights to impose time limits on appealing

even against criminal convictions provided they are not too short and not too rigorously enforced.

45. The merits of the underlying appeal are not generally a factor to be taken into account when considering whether an extension of time should be granted, unless they are either very weak or very strong. Despite the fact that she managed to spend sufficient time in discussion with her solicitor to produce the draft witness statement, we were told that Ms Kaur had not yet approved the proposed replacement grounds of appeal. We considered them *de bene esse* and found that they were bound to fail.

46. Three proposed grounds of appeal are raised in respect of the Suspended Committal Order. As the sentencing decision was an exercise of judicial discretion, it is necessary to show that a sufficiently arguable case that the judge erred in principle, or that she took into account irrelevant considerations or failed to take into account relevant considerations, or that she reached a decision which was plainly wrong: see *FCA v McKendrick* [2019] EWCA Civ 524 at [37] to [38].

47. Ground 1 complains that the sentence was excessive, on the basis that Dias J did not consider the fact that Ms Kaur's children might be adversely affected by the order. This ground also complains she did not adjourn to enable Ms Kaur to provide mitigation, and that she attached "inappropriate" conditions. The first complaint is unsustainable. Irrespective of whether Dias J was or was not told in terms that Ms Kaur was a single parent, or failed to inquire who would look after the children in her absence, she had express regard to the detrimental impact on the children of their mother being sent to prison for 18 months, and explained that this was the reason why she was suspending the sentence.

48. The second complaint is one of procedural unfairness. Dias J gave a rational explanation for proceeding to sentence immediately. Had she adjourned the sentencing hearing, there was (and still is) no evidence that Ms Kaur would have engaged with the process, and in any event there was (and still is) no real mitigation for her breaches. There was nothing inappropriate about giving Ms Kaur a limited time in which to comply with the orders to provide the outstanding information, given the number of previous opportunities and the amount of time for compliance that had already passed. As to the third complaint, the condition requiring compliance with any other orders was never activated, and its appropriateness or otherwise has no bearing on the question whether the sanction was proportionate. These were three very serious deliberate breaches of separate court orders. The length of the sentence was fully justified; there is no properly arguable basis for interference with the judge's exercise of her discretion in that regard.

49. Ground 2 complains that Dias J failed expressly to distinguish between the coercive and punitive elements of the sanction she imposed. She was under no legal obligation to do so, though it may be good practice: see *Business Mortgage Finance 4 plc v Hussain* [2022] EWCA Civ 1264; [2023] I WLR 396, at [127] to [130]. It is not arguably "impossible to understand how she arrived at the sanction imposed", as this was clearly spelled out in her sentencing remarks. The coercive element was obviously a key consideration. It would have been clear to anyone reading the Suspended Committal Order that Ms Kaur could avoid the sanction altogether by complying with its terms, which was what Dias J intended.

50. Ground 3 is a complaint that the "findings of contempt" had not been published on the Judiciary's website in breach of CPR 81.8(8), which specifies that the court shall be responsible for ensuring that where a sentence of imprisonment (immediate or suspended) is passed in contempt proceedings under Part 81, that judgment is transcribed and published on the website of the judiciary of England and Wales. Regrettably, for reasons that no-one has been able to ascertain, the perfected transcript of Dias J's judgment was not published on that website. However the failure to publish the judgment was not the fault of Dias J. Paragraph 8 of the Suspended Committal Order specifically directs that the judgment be published. The editors of the White Book point out that there is no guidance as to how to ensure that such judgments are published. They suggest following the recommended practice in para 4 of the Practice Guidance: Publication of Privacy and Anonymity Orders (2019), which requires a copy of the order to be sent by a court officer to the judicial office so that they can upload it to the judicial website. The Suspended Committal Order cannot be impugned if, through an administrative failure, something was not done to publicise it after it was made.

51. In any event, the failure to publish the judgment is not a legitimate basis for challenging the imposition of the Suspended Committal Order. The sentence was necessarily pronounced in open court, and the order sealed, before the judgment would be sent to the judge for approval and any publication of the judgment would occur. The failure to publish had no impact on Ms Kaur's position and could never be an arguable ground for challenging the substance of Dias J's decision to make a Suspended Committal Order on the terms that she did. If and insofar as there was any procedural irregularity, it was not serious and it caused no injustice. There is no evidence that Ms Kaur searched the website of the Judiciary of England and Wales for a judgment finding her in contempt, let alone that her actions were affected by not finding one there.

52. This complaint appears to be founded upon the misapprehension that the requirement to publish is designed to bring the findings to the attention of the contemnor. It is not; the requirement applies whether or not the contemnor was present at the hearing at which sentence was pronounced or chose not to attend. As the consultation paper published by the Law Commission in July 2024 explains, it is designed to ensure transparency and consistency, and to provide information for the benefit of judges and other stakeholders about the types of sentence that are being pronounced for different types of contempt.

53. All four complaints about the Activation Order are fundamentally misconceived. This order, too, was the product of the exercise of judicial discretion. It is suggested that Robin Knowles J erred in law in dealing with the application to activate the sanctions on the papers; that he should have given a reasoned public judgment, and that he should have informed Ms Kaur of her right to appeal without permission, the time limit for appealing and the court to which any appeal must be brought. Finally, it is alleged that he erred in failing to ensure that his judgment was transcribed and published on the judicial website. All these are requirements set out in CPR 81.8, but the fatal problem is that that rule does not apply to an application to activate the suspension of a sentence for contempt that has already been pronounced.

54. Part 81.1(1) states that: "This Part sets out the procedure to be followed in proceedings for contempt of court ("contempt proceedings")." CPR 81.8 (1), which

requires hearings of contempt proceedings to be in public unless the court orders otherwise, is concerned solely with the hearings of "contempt proceedings" as thus defined – i.e. the substantive proceedings which lead to the finding that a person is in contempt and the imposition of the appropriate sanction upon them. That is put beyond any doubt by CPR 81.8(6) which states that:

> " At the conclusion of the hearing, whether or not held in private, the court shall sit in public to give a reasoned public judgment stating its findings and any punishment."

55. Once the contempt proceedings came to an end with the pronouncement of sentence and the making of the Suspended Committal Order, CPR 81.8 no longer applied. That is no doubt why the Suspended Committal Order expressly directed that the activation application be dealt with on the papers. There is no appeal against that direction. Ms Kaur would have been aware of this, had she bothered to read the Suspended Committal Order. The Activation Order was made on the papers, and expressly provided that any party affected had the right to apply to vary, set aside or discharge the order within 7 days after service of the order upon them (para 5). Ms Kaur did not avail herself of that opportunity. It also appended a copy of the Suspended Committal Order in a Schedule.

56. The reasons why Robin Knowles J made the order (non-compliance with the conditions of suspension) are clear on the face of the Activation Order itself. In the absence of any fresh evidence which might explain or excuse the non-compliance, or an application for more time in which to comply, it is difficult to see how he could have exercised his discretion in any other way. In any event, even if he had decided to have a hearing of the application to activate the Suspended Committal Order there is no reason to suppose that Ms Kaur would have attended it, even remotely, or that she would have provided any good reasons why he should not accede to the application to activate.

57. Not only is there is no justification for granting the very lengthy extensions of time, but even if there had been, the proposed Amended/Replacement Grounds of Appeal are totally without merit (as were the original Grounds of Appeal).

58. Finally, there is the application to discharge under CPR 81.10. As Mr Hayman pointed out, this should have been made to Dias J as the judge who imposed the sanction, but in any event there is no justification for discharging the order. I am not satisfied that Ms Kaur is genuinely contrite, and she has not made any appreciable effort to comply with her obligations. She has served the equivalent of a 7-month sentence, but an early discharge in a case of this nature would plainly undermine the important policy that court orders must be obeyed. It is never too late for a contemnor to seek to purge their contempt, and, as I have said, that course will still be open to Ms Kaur. Sadly, given the entrenched rancour displayed in her witness statement, I have little cause for optimism that she will come to her senses despite the knowledge that she only has herself to blame for her enforced separation from her children.

Conclusion

59. For those reasons, all the applications are refused. Since Ms Kaur is the unsuccessful party, she must pay the Respondents' costs, subject to the usual inhibitions on enforcement against a legally aided party.

Lady Justice Whipple:

60. I agree.