Tchenguiz v Akers & Hamedani
Royal Court
11th March 2016

JUDGMENT
10/2016

Application to strike out application dated 23rd May 2014 by the Protector of TDT to commit Mr. Akers to prison or otherwise sanction him.

Civil 1849/2014

IN THE ROYAL COURT OF GUERNSEY

ORDINARY DIVISION

IN RE THE TCHENGUIZ DISCRETIONARY TRUST ("the TDT")

ROBERT TCHENGUIZ

Applicant

-V-

(1) STEPHEN AKERS
(2) HOSSEIN HAMEDANI

Respondents

J U D G M E N T

Before Lieutenant Bailiff Patrick Talbot QC

Oral hearing 3 – 6 November 2015

Judgment handed down: 11th March 2016

Advocate Paul Richardson (AFR) for Mr Robert Tchenguiz, the Applicant
Advocates John Greenfield and Elaine Gray (Carey Olsen) for Mr Stephen Akers, the Respondent

Introduction

1. This is an application by Mr Stephen Akers ("Mr Akers") to strike out an Application dated 23 May 2014 issued by Mr Robert Tchenguiz ("the Applicant"), as Protector of the TDT, to commit Mr Akers to prison or otherwise sanction him for allegedly breaching an Order of the Royal Court made by me, by consent, on 11 August 2010 ("the Protocol Order") in proceedings brought by the former trustees of the TDT for directions; those proceedings ("Guernsey 2") were at all material times heard *in camera*.

2. Mr Akers, and Mr Mark McDonald of Grant Thornton BVI Limited are the joint liquidators of four British Virgin Islands companies, ("the Companies"), having been appointed in the BVI on 18 August 2009, 16 February 2010 and 22 February 2010. Advocate Tim Corfield of Carey Olsen signed the Protocol Order on behalf of the Companies. Since at that time Mr Akers was in office as one of the two joint liquidators of the Companies, it is accepted by him, at least for present purposes, that he was bound by the terms of the Protocol Order from the time it was made, *i.e.* from 11 August 2010.

3. In this judgment I shall refer to the application to commit as "the Committal Application" and to the cross-applications now before the Court, *i.e.* Mr Akers' application to strike out the Committal Application as against him and Mr Tchenguiz's application for leave to amend the Committal Application, respectively as "the strike out application" and "the amendment application". On the strike out application and the amendment application Mr Tchenguiz was represented by Advocate Paul Richardson, who has acted for him in Guernsey 2 since about August 2014, and Mr Akers was represented by Advocates John Greenfield and Elaine Gray. Mr Tchenguiz was previously represented on the Committal Application by Advocate Ian Swan.

4. When it was first before the Royal Court, the Committal Application was supported by the first affidavit of Caroline Mayne ("Mrs Mayne") sworn on 27 May 2014. The amendment application was also supported by Mrs Mayne's 5th affidavit sworn on 20 October 2015.

5. The strike out application and the amendment application were heard by me in open court as part of the same hearing. Although they were heard in open court, I took the same approach as the Court of Appeal had taken in paragraphs 3 and 53-63 of the judgment of George Bompas QC, Judge of Appeal, giving the judgment of the Court in the successful appeal in these proceedings from my decision to permit service of the Committal Application out of the jurisdiction on another respondent, Mr Hossein Hamedani, ("Mr Hamedani"), appeal 33/2015, 29 July 2015, *Tchenguiz v Akers and Hamedani*. I therefore directed that the materials in the Committal Application, including the materials filed on both the strike out application and the amendment application, with the exception of the authorities, should be sealed if not already sealed, and should not be made available to the public, giving the parties, *i.e.* Mr Tchenguiz and Mr Akers, liberty to apply to me for leave to release any particular documents from this restriction.

6. The background to the Committal Application is set out in detail in paragraphs 6-41 of the judgment of the Court of Appeal and it is therefore unnecessary for me to do so myself. After the decision of the Court of Appeal was handed down, the Committal Application has, in effect, proceeded against Mr Akers alone, although Mr Hamedani remains a respondent to it. But it is important to note that leave is sought by Mr Tchenguiz on the amendment application to amend the Committal Application by adding, *inter alia*, new allegations against Mr Hamedani as well as new allegations against Mr Akers.

7. After the Court of Appeal had handed down their judgment in draft, but on the same day, 24 July 2015, Carey Olsen wrote to AFR asking Mr Tchenguiz to withdraw the Committal Application against Mr Akers, and threatening to apply to strike it out if no such withdrawal took place. On 12 August 2015 AFR told Carey Olsen that Mr Tchenguiz intended to seek leave to amend the Committal Application. On 26 August 2015 Mr Akers issued the strike out application. On 29 September 2015 Mr Tchenguiz applied for leave to amend the Committal Application. On about 2 October 2015, and during the oral hearing of the amendment application on 5 November 2015, Mr Richardson produced versions of the proposed amendments to the Committal Application.

8. The main thrust of the strike out application is that the judgment of the Court of Appeal had the clear result, against Mr Akers as well as against the Appellant Mr Hamedani, that there was no reasonable prospect of the Committal Application succeeding as against Mr Akers and that it should therefore be struck out.

9. On the hearing of the strike out application before me no further evidence was served on behalf of Mr Tchenguiz and the application proceeded primarily on the basis of Mrs Mayne's first and fifth affidavits. As he is entitled to choose to do, Mr Akers did not file any evidence on the strike out application. At this early stage of the Committal Application, the fact that he did not do so cannot in any way operate to his detriment; he is not required to elect whether or not he wishes to file evidence in answer to Mrs Mayne's affidavits or to the Committal Application. Indeed, if the Committal Application or another application to commit him to prison for alleged breaches of Orders in Guernsey 2 were to come to a contested hearing on the merits, he would not be required to put in any evidence; it would be his choice whether or not to do so at that stage, and, if so, at what stage during such a hearing he would wish to do so.

10. The amendment application was argued on the basis that the last version of the proposed amendment to the Committal Application, which, as I have said, was produced on 5 November 2015, should be treated, for the purposes of the amendment application, as setting out the terms of the alleged contempt of court by Mr Akers (and by Mr Hamedani) now relied upon by Mr Tchenguiz. Mr Tchenguiz sought leave to amend the Committal Application and argued that he should not be left in the position of the Committal Application being struck out and him being left with making a fresh application for committal, if he so decided, against Mr Akers on the basis pleaded in the draft of 5 November 2015 or on any other basis. It was accepted by Mr Greenfield on behalf of Mr Akers that Mr Tchenguiz would be entitled to start again with a fresh committal application against Mr Akers, but Mr Greenfield argued that the right and proper course was for me to strike out the Committal Application, and order Mr Tchenguiz to pay Mr Akers' costs, which he claimed on an indemnity basis, and that I should direct that Mr Tchenguiz only be permitted to issue any new application to commit Mr Akers to prison which he might decide to file after his costs of the Committal Application had been paid.

11. This procedural approach enabled Counsel to address argument on the amendment application on the basis of the draft amended application and it proved a practical course for the court to adopt on the amendment application.

Discussion

12. As Bompas J.A. made clear in paragraph 83 of the judgment of the Court of Appeal in relation to Mr Hamedani, and as is, in my judgment, equally clear in relation to Mr Akers, the Committal Application depended on alleged breaches of the Protocol Order. The learned Judge of Appeal said that "*the Committal Notice is quite specific in this respect. In other words, fundamental to the contempt alleged against [Mr Hamedani] is the fact that the Protocol Order has been breached, not that there is in some more general sense an interference with the administration of justice by bringing about something which the Protocol Order was designed to prevent.***"**

13. It will be helpful, therefore, for me to set out the terms of the Protocol Order, which provided as follows:

> "*1. In the event that either Investec Trust (Guernsey) Limited and/or Bayeux Trustees Limited and/or Rawlinson & Hunter Trustees SA apply to the Royal Court for directions relating to any transaction or matter which may remove, dispose of, or*

in any other way deal with, encumber or diminish the value of, the TDT trust property or assets, the applicant undertakes to raise with the Court at any such application the question of whether, and if so to what extent, and when, [Mr Akers and Mr McDonald] as joint liquidators of [the Companies] and their Advocates Carey Olsen should be informed about the transaction or matter in question.

2. *In the event that notification is given to the Companies and their Advocates pursuant to Paragraph 1 above, the Companies [shall] be at liberty to submit such evidence and make such submissions, including as to the sufficiency of information provided, in relation to the transaction or matter as the Court may order.*

3. *For the avoidance of doubt, any information or documents provided pursuant to an application or order under Paragraph 1 above, shall be provided in confidence and solely for use in relation to that Application and shall not, without further, be used for any other purpose. This restriction extends to any further information or documents provided to the Companies following any submissions under paragraph 2 above.*"

14. Soon after the Court of Appeal had delivered their judgment, Mr Akers, through Carey Olsen, sought the agreement of Mr Tchenguiz, through AFR, that the Committal Application should be withdrawn or dismissed as against Mr Akers. But AFR did not agree and said that an amended Cause would be prepared. After quite a long delay, indeed, after the amendment application had been issued on 29 September 2015, on about 2 October 2015 a first draft of an amendment of the Committal Application was produced by AFR. Mr Akers did not consent to the amendment or, indeed, to the amendment of the Committal Application in the form presented on 5 November 2015. By the strike out application he seeks to have the Committal Application struck out as against him and contends that the last proposed amended version of the Committal Application, *i.e.* that of 5 November 2015, does not improve the position; Mr Akers argues that leave to amend should not be given since the last amended draft version would be as liable to be struck out as is the Committal Application itself.

15. The Royal Court's jurisdiction to deal with contemnors, whether by committal to prison or by fine or other sanction, was discussed by the Court of Appeal in *BBC v The Law Officers* (1988) and in the judgment of the Bailiff in *B and H v W* (2013), 10 July 2014. Furthermore, as is clear from a Note in the Jersey Law Reports, [2004] JLR Note [29], an application for committal for contempt of court by allegedly using material disclosed by a party to other parties in a private hearing publicly, *i.e.* otherwise than in the private proceedings, is clearly justiciable in the Royal Court – *Westbond International Bank Limited v Cantrust (C.I.) Limited*. This is, in my view, beyond reasonable argument, and it was not otherwise contended on behalf of Mr Akers.

16. At paragraphs 71-77 and 84 of their judgment in *Tchenguiz v Akers and Hamedani (supra)* of the Court of Appeal summarised the current position in Guernsey as follows:

*71. [**The law of contempt in Guernsey**] The law relating to contempt of court, so far as relevant to the Protocol Order, is entirely customary law: at present there is no relevant legislation to provide for or regulate the law.*

72. *A particular instance of customary law is the Royal Court's inherent jurisdiction to punish breaches of its orders to enforce compliance, and also to punish interference with the due administration of justice, including with its orders. Although there is little in the way of reported Guernsey case law on the subject, there is enough to establish that Guernsey customary law as to contempt is similar to the common law of contempt in England, and that guidance can be found in English authorities. The recent case of X v X (otherwise referred to as B&H v W), Guernsey Judgment of 2 September 2013, is important in clarifying various of the applicable principles in the case, at any rate, of contempt involving the failure of a party to comply with a mandatory court order directed to the party. In that case the Bailiff, Sir Richard Collas, approached the relevant contempt as a civil one. An earlier case, BBC v Officers of the Crown [1988] GLR 6:25, decided by this Court, demonstrates that a contempt of Court consisting of interfering with the administration of justice can be prosecuted and punished as a criminal offence.*

73. *It is also common ground between the parties that the RCCR contain no provisions dealing specifically with contempt. In this they differ both from the current form of Civil Procedure Rules, 1998, of England and Wales (these rules containing, in Part 81, a detailed section dealing with applications to commit for contempt), as well as from previous Rules of Court in England and Wales.*

74. *Before the Lieutenant Bailiff reference was made to the Royal Court judgment in X v X, above, in which the Bailiff, Sir Richard Collas, pointed out that the code set out in the English Civil Procedure Rules 1998, Part 81, is not part of the procedural law of the Royal Court. He said:*

> *"I accept that English procedural rules may be persuasive and may be followed at times ... However, I do not accept that [that] should always be so. If it was the intention of the Royal Court that we should simply follow the CPR, there would have been no need to adopt the RCCR; we could simply have promulgated a rule specifying that the CPR shall apply in Guernsey as they do in England and Wales. We have not done so, we have our own procedures, some of which have evolved as a result of our ancient historical, independent, jurisdiction and we are proud to preserve our independence in order to follow procedures we believe are best adapted to suit the needs of our courts and of the litigants who appear before them".*

75. *In X v X what was at issue was whether there was adequate particularisation in a notice of application to have a party committed for contempt in failing to comply with an order directing the party (a party to the original proceedings) to produce documents. In England and Wales CPR, Part 81, contains provision dealing with particularisation. The Bailiff held in X v X that failure to follow the procedures laid out in CPR, Part 81, "is not of itself a reason to strike out" the committal*

application before him. However, he went on to state: "I consider that what is important is that the alleged contemnor should know sufficient detail of the allegation to understand the complaint and to concede, if concession is appropriate, or to defend the complaint, if that is what is desired".

76. This, we have to say, would have been established English law long before 2012, when CPR, Part 81, was enacted and brought into operation. It follows from the fact that the liberty of the alleged contemnor is in issue that he should not be in any doubt about the charges made against him when sought to be committed for contempt.

77. Speaking generally, the law of contempt of court is concerned with upholding and ensuring the effective administration of justice, the applicable rules being the means by which the law vindicates the public interest in the due administration of justice. As the administration of justice has many facets, so too there are many forms of contempt of court.
…

84. Finally it should be noted that, where the question concerns compliance with a court order, the court's jurisdiction in relation to contempt may be invoked, typically, in two classes of case. There is the case where a party to proceedings is seeking the court's assistance to enforce an order to ensure performance. In this situation, where what is at stake is the securing of compliance to ensure for the benefit of a party what the order was intended to secure, it is primarily a matter for that party whether or not to proceed. On the other hand there is the case (of which the present is an example) where there is alleged to have been a failure to comply with an order and the Court is being invited to punish the person responsible for the failure, continuing compliance with the particular order now being of little or no relevance. Although the matter will typically be brought before the court by a party to the proceedings (as pointed out by Lord Donaldson MR in the passage from his judgment in A-G v Newspaper Publishing Ltd [1988] Ch 333 quoted above), in this class of case the Court will be concerned with the public interest in protecting the administration of justice by maintaining confidence in the enforcement of its orders.

17. Even though Mr Richardson contended otherwise on behalf of Mr Tchenguiz, it appears to me to be abundantly clear that what the Court of Appeal described in *Tchenguiz v Akers and Hamedani* as the Factual Ground for allowing Mr Hamedani's appeal was the central *ratio decidendi* of their decision and that the reasons given in paragraphs 102-110 of the judgment are equally applicable to the case in the Committal Application made by Mr Tchenguiz against Mr Akers. In particular, what was said in relation to Mr Hamedani in paragraph 108 of the judgment of the Court is, in my judgment, equally applicable to the case put against Mr Akers in the Committal Application:

> "*… the Committal Application is explicitly based on breach of the Protocol Order as a central foundation. It would not be open to the Royal Court to commit [Mr Hamedani] on the Committal Application for a different contempt of court which had no reference to any breach of the Protocol Order.*"

18. It follows, in my judgment, that, unless I were to allow the amendment application, the Committal Application must be struck out against Mr Akers under rule 52 (2)(a) of the Royal Court Civil Rules, 2007 on the ground that it discloses no reasonable grounds for bringing the claim against Mr Akers. Although the decision of the Court of Appeal on the Factual Ground does not, of itself, bind Mr Tchenguiz on his case against Mr Akers on the Committal Application, the issue as between them is so substantially the same on the Factual Ground that it is, in my judgment, clear that, in accordance with the decision of the Court of Appeal, I should conclude that the Committal Application discloses no reasonable claim against Mr Akers and that, subject to my decision on the amendment application, the Committal Application must be struck out as against him. I have reached this conclusion without any hesitation. I regard the contrary argument as untenable. As I have said, to my mind, the reasoning of the Court of Appeal is as applicable to the case against Mr Akers as they have found on the case against Mr Hamedani. Even though the alleged contempt by each of them differs, in that Mr Akers is alleged to have committed a breach of an order, *i.e.* the Protocol Order, to which he was party, whilst Mr Hamedani was pursued as an alleged aider and abettor, the reasoning of the Court of Appeal on the Factual Ground has the effect, in my judgment, of determining the case against Mr Akers under the Committal Application in favour of Mr Akers.

19. I therefore turn to the amendment application. The issue is whether or not I should allow Mr Tchenguiz, as it were, to save the Committal Application as against Mr Akers by allowing Mr Tchenguiz to plead a new case in place of the original case.

20. It is accepted by Mr Richardson that the proposed amendments, for which leave to amend is sought, primarily raise a new case in contempt from that pleaded in the Committal Application, in particular, that they allege different contempts by both Mr Akers and Mr Hamedani from those relied upon before, *i.e.* in relation to, and in breach of, two orders of the Royal Court made in Guernsey 2 on 21 June 2010 and 28 June 2010 *in camera ("*the *in camera* Orders") at a time when neither Mr Akers and Mr McDonald nor the Companies had been joined as parties to Guernsey 2. Mr Tchenguiz contends in the proposed amendment that the purpose of the *in camera* Orders was to "*keep private and confidential …the existence of [the Committal Application] and/or [Guernsey 2], including any further applications in [Guernsey 2] and in each case their nature and content; information disclosed in [Guernsey 2]; and information disclosed for the purpose of [Guernsey 2], including, for the avoidance of doubt, any information disclosed in advance of any application in [Guernsey 2] and for the purposes of such an application.*" This information was defined in the draft as "Restricted Information".

21. As I read some parts of the draft amended application, *e.g.* paragraph 13 and, possibly, also to some extent paragraph 14, some attempt is also being made to retain some part of the existing case that both Mr Akers and Mr Hamedani have respectively committed, and aided and abetted, a breach of the Protocol Order, but those parts of the draft, which were identified in oral argument and in a schedule produced by Advocates Greenfield and Gray on behalf of Mr Akers, cannot, in my judgment, survive in face of the Court of Appeal judgment in *Tchenguiz v Akers and Hamedani.* I was not persuaded that such parts of the draft were of a materially different nature from the case against Mr Akers and Mr Hamedani as originally relied upon by Mr Tchenguiz in the Committal Application, and I have therefore concluded that they could not survive as existing claims against Mr Akers in light of the judgment of the Court of Appeal.

22. In my judgment, there is a fundamentally different, and new, case being raised in the draft amended application from that pleaded in the Committal Application. Whilst I accept that it is possible under the customary law of Guernsey in some cases for leave to be given for the amendment of an application to commit a party to prison in proceedings in the Royal Court for breach of an order of the Court, - see, *e.g.* paragraph 17 of the judgment of the Bailiff in *B v H*

v W - I consider that the power to permit such an amendment must be exercised with considerable caution and that this is likely to occur in relatively rare cases.

23. The nature of the claim in the Committal Application placed Mr Akers, (who as joint liquidator of the Companies is an officer of the Eastern Caribbean Supreme Court and who I understand, from Mr Greenfield's oral submissions, to be a chartered accountant of international reputation,) at risk both of being committed to prison and to what might well be sustained damage to his professional reputation. That claim is, to my mind, fundamentally different from the claims now being made against both Mr Akers and Mr Hamedani in the draft amendment of 5 November 2015.

24. I accept the submission of Advocates Greenfield and Gray that, in the case of applications for leave to amend a committal application in Guernsey, even allowing for the two-stage procedural approach taken under the CPR in contrast with the Guernsey procedure, and the different approach to be taken in Guernsey – as to which see paragraph 27-31 of the judgment of the Bailiff in *X v H v W* - the following principles can be distilled from recent English cases. I find these principles to be persuasive and so I have decided that they should apply to the amendment application:

    (a) In certain limited circumstances, and only with the court's permission, there is power to grant leave to amend an original committal application – *Inplayer Limited v Thorogood* [2014] EWCA Civ 1511, *per* Lord Justice Jackson at paragraphs 25, 28 and 39;

    (b) Cases where the power has been exercised appear to be few, and appear to show that the power might be primarily exercisable where the original application set out the case in sufficient particularity in the first place – Mr Justice Newey in *Zimareva-Locke v Cetin* (2012);

    (c) The court must have regard to the public interest in applications to commit, even where the application is made by a party to proceedings for performance by another party of an order in civil proceedings between them; and

    (d) As is obvious, of course, the liberty of the respondent to an application to commit is at risk, and such an application is of a quasi-criminal nature and is an application on which the applicant has to satisfy the court, before the court can find a contempt on the part of the respondent to the application, to the criminal standard of proof, *i.e.* beyond reasonable doubt – *e.g. Masri v CCC* [2011] EWHC Comm at [144].

25. I have decided that I should not allow the amendment application. My reasons are as follows.

26. As analysed by me above, in real terms Mr Tchenguiz has failed on the Committal Application. It should, in my judgment, only be in exceptional circumstances that the Royal Court should allow him a second chance within that very application by amending it to plead a new and different case, *a fortiori* a different allegation of contempt of court. I do not regard the circumstances in which the amendment application is made to be exceptional.

27. First, I reject Mr Tchenguiz's argument that the substance of the Committal Application remains the same in the proposed amendment. It is clear to me that the degree of particularity in which the amended draft pleads the new case relates to alleged breaches of the *in camera* Orders, and not to the alleged particular breach of the Protocol Order which was the pleaded basis of the Committal Application. I reject Mr Richardson's submission that Mr Tchenguiz was still entitled to rely upon the pleaded breach of the Protocol Order as well as being entitled to make a new case of contempt against Mr Akers.

28. Secondly, although I am not persuaded that the amendment application can be categorised as an abuse of process, which is what Mr Akers contends, the proposed amendment does demonstrate, in my view, a clear attempt by Mr Tchenguiz to proceed against both Mr Akers and Mr Hamedani on a new case of alleged contempt without issuing a new application. This suggests to me that I should be cautious before allowing him to do so. There is a clear difference, in my judgment, between, on the one hand, an application for leave to amend a committal application by adding a new claim of contempt where the original basis of the application still remains part of the applicant's case and is pleaded with sufficient particularity at the outset and, on the other hand, an application for leave to amend where in substance the original claim has been rejected by the Court of Appeal, as Mr Tchenguiz's claim was on the Factual Ground, and where the applicant has not obtained leave to appeal to the Privy Council but still seeks to *replace* his original (unsuccessful) claim with a new one. In my judgment, Mr Tchenguiz is seeking to take the latter approach and I consider that I should exercise great caution before permitting him to do so rather than leaving him to his option whether or not to start a new committal application against Mr Akers, (who has remained under threat of being committed to prison for contempt of Court since May 2014,) so long as his Advocate can formulate a new application and satisfy himself that he is able to present it to the Royal Court on behalf of Mr Tchenguiz. Whilst holding this view, and as I said at the close of the oral hearing on 6 November 2015, I do not accept Mr Akers' submission that the proposed amendment has been produced after such a long delay that it should not be allowed for that reason alone.

29. Thirdly, I am satisfied that it would have been possible for Mr Tchenguiz to have relied upon any alleged breach by Mr Akers of the *in camera* Orders in the Committal Application, but that course was not taken by him, for whatever reason, because he and his advisers were then content to proceed on the basis of the claim pleaded in the Committal Application as sufficient for their purpose of establishing contempt of court by Mr Akers and Mr Hamedani. In the absence of any evidence from Mr Tchenguiz himself, I am satisfied that it is right for me to have reached this finding.

30. Fourthly, although it is not possible for me at this stage of the proceedings to decide whether or not, as Mr Greenfield submitted, Mr Tchenguiz was pursuing a vendetta against Mr Akers, I do take into consideration the fact that it is Mr Tchenguiz who is making the Committal Application, and not either the Former Trustees, who obtained the *in camera* Orders from the Royal Court, or their successor, the Current Trustee, and that Mr Tchenguiz was originally joined as a party to Guernsey 2 as an adult beneficiary under the TDT and was a party in that capacity at the time of the making of each of the *in camera* Orders. It was, early in July 2010, that he replaced Mr Richard Hiller as Protector under the TDT, and it is noteworthy, in my view, that Mr Tchenguiz has continued as a party to Guernsey 2 in his capacity of Protector, exercising the powers conferred on him by the Trust Deed alone. This factor, and the absence of any apparent support for the Committal Application from the Former Trustees, have increased in my mind the degree of caution I should exercise before allowing the amendment application. Whilst I do not regard this as much increasing the degree of caution I should exercise, I felt it necessary for me to mention it as having played some part in my decision.

31. In summary, in the exercise of my discretion, for these reasons I have decided that it is not just and proportionate for me to allow the amendment application.

32. I shall therefore strike out the Committal Application as against Mr Akers. In doing so, I do not express any further views than the limited views I have set out above about the contents of the proposed amendments. I have decided, in order to be fair to Mr Tchenguiz, that, rather than me making any further comments on the proposed amendments at this stage, I should leave him to decide, first, whether or not to issue a new contempt application against Mr

Akers, and, secondly, if he were so to decide, to have a further opportunity to 'sign off' on any new application which his Advocate might file on his behalf.

PATRICK TALBOT QC

Lieutenant Bailiff

11 March 2016