

IN THE BRISTOL FAMILY COURT

Bristol Crown Court

Date: 08/06/2015

Before:

HIS HONOUR JUDGE WILDBLOOD QC sitting as a Judge of High Court.

Between:

	Roger Williams	<u>Applicant</u>
	- and -	
	Rebecca Minnock	<u>First Respondent</u>
	-and-	
	Ethan Freeman Williams (by his guardian)	<u>Second Respondent</u>

Ms Ireland for the father.
Mr Hutchence for the child.
There being no appearance by the mother
Hearing dates: 9th June 2015

JUDGMENT

HHJ Wildblood QC:

1. This is a continuation of the judgment that I gave yesterday in these proceedings. The hearing today has also taken place in open court and the press have been in attendance throughout. The press are at liberty to publish any information arising from this hearing.
2. Eventually it was possible to arrange for the grandmother, Louise Minnock, to be represented by counsel. Mr Shaw was also represented by counsel. This was arranged after I had produced the case of *Re Ramet (Application for the Committal to Prison)* [2014] EWHC 56 (Fam) and had spoken to the criminal listing department in this Crown Court and also to a member of the legal aid agency; I am grateful to them for their help. Very regrettably it was not possible to find any lawyer who would represent Ms Limmie Shaw (the child's maternal aunt); she maintains her denial of having any information that might lead to the discovery of the whereabouts of the mother or of the child. After hearing submissions to the effect that there was little to be gained at present by adjourning the hearing in relation to Ms Shaw, no further steps were taken *at this hearing* to secure a listing to decide whether she has acted in breach of the terms of the collection order.
3. The collection order provides, amongst other things:
 - i) The court has directed the Tipstaff to arrest any person whom he has reasonable cause to believe has been served with this order and has disobeyed any part of it.
 - ii) Breach of any part of this order would be a contempt of court punishable by imprisonment or fine. Accordingly, whether or not the Tipstaff arrests you, you may be summoned to attend court and, if you are found to be in breach of the order, you are liable to be committed to prison or fined.
4. I remain deeply suspicious that Mr Shaw and Mrs Minnock have not given all of the information that they could to assist in the retrieval of Ethan. They were correctly arrested by the police acting on behalf of the Tipstaff.
5. On the 25th May 2015 Ethan was taken to the Musgrove Park hospital by the mother. The uncle and grandmother were both aware of that. There were discussions between the mother

and those family members after that visit to the hospital. The grandmother spoke to the mother on the afternoon of 26th May and there is CCTV coverage of the mother being in Highbridge at 8.17 a.m. on 27th May having left a black Ford motor car similar to that driven by the grandmother's former partner. There is CCTV imagery which suggests that a similar car was seen in Cheltenham at 9.23 a.m. and further CCTV coverage of a similar car being seen back in Highbridge again at 10.38. There are relatives of this family who live in Cheltenham. The uncle has spoken to the mother three times by mobile telephone since the mother went missing but says that she did not give any information as to where she was.

6. However, I am certainly not in a position to find to the requisite standard of proof that the two family members who gave evidence before me, Mr Marvin Shaw and Mrs Louise Minnock, have acted in breach of the collection order. That would require findings that were made to the criminal standard of proof, meaning that I would have to be satisfied so that I was sure of their guilt. I could not possibly be satisfied to that standard of proof on the evidence that I have heard.
7. The collection order remains in full force and the obligations under paragraph three of the order are continuing obligations. Thus anyone who has been served with that order must inform the Tipstaff (if not directly then via the police) of any information that is governed by the terms of the order.
8. The police now have various further leads to follow. There will be extensive press coverage of this case. I anticipate that the collection order will now be served on others and there are therefore likely to be further hearings before me. The mother is in receipt of benefits which, apparently, include housing benefit for the flat in which she is now not living in Highbridge. Therefore this judgment (and the judgment of yesterday) will have to be served on the Department of Works and Pensions so that they are informed of the position.
9. I would like to express my gratitude to the police, who are working extremely hard to find Ethan, to the Tipstaff and also to the press for the undoubted help that they are also giving. Two officers of the press have been present throughout this hearing.