

**IN THE HIGH COURT OF JUSTICE  
IN BANKRUPTCY**

**No 359 of 2012**

**RE: CLIVE MALCOLM ELLISON**

**Before Mr Justice Warren**

**1<sup>st</sup> December 2016**

**B E T W E E N:**

**Mr RICHARD HICKEN  
(As Trustee in Bankruptcy of Clive Malcolm Ellison)**

**Applicant**

**-and-**

**Mr CLIVE MALCOLM ELLISON**

**Respondent**

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**ORDER**

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UPON the Applicant's application to commit the Respondent to prison for contempt of court made by application notice dated. 21<sup>st</sup> April 2016

AND UPON judgment in the above recited application to commit having been handed down on 8<sup>th</sup> November 2016

AND UPON hearing Counsel for the Applicant (Mr James Couser) and the Respondent not attending and not being represented

AND UPON the Judge having read the written evidence filed and, in particular:

(1) the Order of Miss Registrar Derrett dated 18<sup>th</sup> December 2015 ("the Derrett Order"), which contained a penal notice, and in which it was ordered in paragraph 1 that

"The Respondent shall, by 4.00 p.m. on 4<sup>th</sup> January 2016, file and serve a detailed witness statement as to his means specifying all sources of income and all expenditure and exhibiting:

(a) all necessary documents to substantiate the same; and

- (b) copies of his income tax returns for the last six years; and
- (c) providing details of all monies paid to IG Index”

(2) the order of Henry Carr J dated 12<sup>th</sup> February 2016 (“the Carr Order”), which contained a penal notice, and in which it was ordered in paragraph 9 that:

“9.1 Unless paragraph 9.3 applies, the Respondent must within two (2) working days of service of this order and to the best of his ability inform the Applicant's solicitors of all of his assets worldwide exceeding £500 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

9.2 Unless paragraph 9.3 applies, the Respondent must within two (2) working days of service of this order comply with the terms of the Order of Registrar Derrett dated 18<sup>th</sup> December 2015, the terms of which were as follows:

*The Respondent shall, [within two (2) working days of service of this order], file and serve a detailed witness statement as to his means specifying all sources of income and all expenditure and exhibiting:*

- (a) *all necessary documents to substantiate the same; and*
- (b) *copies of his income tax returns for the last six years; and*
- (c) *providing details of all monies paid to IG Index.”*

And in which it was further ordered in paragraph 10 that:

“10. Within seven (7) working days after being served with this order, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information.”

(3) The order of Mann J dated 14<sup>th</sup> March 2016, which contained a penal notice, and in which it was ordered in paragraph 9 that:

“9.1 Unless paragraph 9.3 applies, the Respondent must by 4.00 p.m. on 24<sup>th</sup> March 2016, and to the best of his ability inform the Applicant's solicitors of all of his assets worldwide exceeding £500 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

9.2 Unless paragraph 9.3 applies, the Respondent must by 4.00 p.m. on 24<sup>th</sup> March 2016 comply with the terms of the Order of Registrar Derrett dated 18<sup>th</sup> December 2015, the terms of which were as follows:

*The Respondent shall, [within two (2) working days of service of this order], file and serve a detailed witness statement as to his means specifying all sources of income and all expenditure and exhibiting:*

- (a) all necessary documents to substantiate the same; and*
- (b) copies of his income tax returns for the last six years; and*
- (c) providing details of all monies paid to IG Index.”*

And in which it was further ordered in paragraph 10 that:

“10. By 4.00 p.m. on 31<sup>st</sup> March 2016, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information”.

AND THE COURT being satisfied that the Respondent has been and continues to be guilty of contempt of Court in that the Respondent has not properly complied with the terms of the Derrett Order, the Carr Order, or the Mann Order for the reasons given in the written judgment handed down on 8<sup>th</sup> November 2016.

AND THE COURT being satisfied that it is right to sentence the Respondent in his absence.

IT IS ORDERED that:

1. The Respondent is sentenced to:
  - 1.1 9 months imprisonment in respect of his breaches of the Carr Order;
  - 1.2 9 months imprisonment in respect of his breaches of the Mann Order;
  - 1.3 6 months imprisonment in respect of his breaches of the Derrett Order;All three sentences to run consecutively with each other.
2. The Respondent shall pay that Applicant's costs of this application, to be assessed on the indemnity basis if not agreed.
3. The Respondent shall make an interim payment on account of the costs ordered in paragraph 2 of this order in the sum of £25,000 by 4.00 p.m. on 15<sup>th</sup> December 2016.

#### Service of the order

A copy of the sealed order will be sent by Applicant to the Respondent at his address for service of 23 High Street, Old Town, Stevenage, SG1 3BG by first class post