Ref. KB-2022-003098

**IN THE HIGH COURT OF JUSTICE**
**KING'S BENCH DIVISION**

Royal Courts of Justice
Strand, London WC2A 2LL

**[2023] EWHC 604 (KB)**

**Before THE HONOURABLE MR JUSTICE KERR**

**IN THE MATTER OF**

**HIS MAJESTY'S SOLICITOR GENERAL (Claimant)**

**-v-**

**EDWARD WILLIAM ELLIS (Defendant)**

**MR AIDAN EARDLEY KC appeared on behalf of the Claimant**
**THE DEFENDANT appeared in person**

**JUDGMENT**
**8th March 2023, 14.03 – 14.41, 15.08 – 15.10**
**(APPROVED)**

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MR JUSTICE KERR:

Introduction

1. The claimant applies in a part 8 claim brought on 29 July 2022 for an order under CPR 81.3(3) and (5), punishing the defendant for contempt of court by interfering with the due administration of justice otherwise than an existing High Court or County Court proceedings. The claimant has obtained the permission of Soole J in an order made on 28 November 2022 to bring the application. The defendant appears in person, as he has done at previous hearings. The claimant appears by leading counsel, Mr Aiden Eardley KC.

2. The defendant made a preliminary objection to the hearing proceeding. He submitted that I should not hear the matter today because the matter is not ready for trial. I reject that preliminary objection. The parties are aware of the hearing and both are present. The documents are in order.

3. The defendant interrupted the hearing several times to assert that I should recuse myself on the ground of bias. I did not accede to any of those applications. As I said at the hearing, there were no grounds that I could see for a supposed reasonably informed observer thinking there was a real possibility of bias. The defendant asserted, among other things, that Mr Eardley KC was guilty of fraud and "perjury", although Mr Eardley did not give evidence.

4. The claimant relies on two alleged breaches of a general civil restraint order (**the GCRO**) originally made by May J on 22 February 2018 for two years until 21 February 2020; and then, on 12 February 2020, extended by May J for a further two year period, until 21 February 2022.

5. The GCRO has since been extended by Eyre J for a further two years by an order made (after expiry on 21 February 2022 of May J's second GCRO) on 16 August 2022, extending the GCRO from that date until 21 February 2024. So, it has nearly a year still to run and will then be subject to further extension if appropriate.

6. The defendant has appeared in person and, as I understand his position, denies liability for contempt. He submits that this court and our courts generally are corrupt. The claimant accepts that I have to find the allegations proved to the criminal standard.

7. The defendant is currently subject to a suspended sentence of nine months' imprisonment, suspended for two years, for nine breaches of May J's GCRO. The sentence was imposed by Cutts J on 16 April 2021. If the breaches are proved, possible activation of part or all of that suspended sentence would become an issue.

Facts

8. It has become customary in this long running saga to quote May J, explaining the background as she helpfully did in her judgment of 27 February 2018 in *Spivac v Ministry of Justice, Ministry of Justice v Ellis* [2018] EWHC 798 (QB) at paragraphs 1 to 3:

> '1. Mr Ellis is an ex-solicitor. He has a fully formed and apparently internally consistent belief system focused on corruption. He believes that some - perhaps all - previous Prime Ministers, all judges and magistrates, the Government Legal Service and Ministry of Justice together with "State officers", by which I took him to mean police and court staff, and probably all sorts of other people and institutions, are corrupt and that the decisions they make are, without exception, fraudulent; hence his destination of judicial decisions as "frauds": for instance, an "evidence irrelevance fraud" when I refused to consider a sheaf of documents he handed up as being of no relevance to the issues I had to decide on this application, or a "jurisdiction fraud" when I determined that I did have jurisdiction to hear the application. The list goes on.
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> 2. These beliefs would have just been sad had Mr Ellis not acted upon them or if his "philosophy" (his word) had not attracted adherents. But he has acted, unceasingly and vexatiously over many years, and persons with grievances against the justice system have been attracted and recruited. The result is that claim forms, application notices, appeals are issued and documents purportedly filed or served at various courts, bearing all the hallmarks of Mr Ellis's unmistakable drafting. These are prolix, tendentious, mostly incomprehensible screeds, making the same assertions of fraud and corruption again and again.
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> 3. Consistent with his activity in drafting and promoting the issue of claims, Mr Ellis would also attend hearings in courts and tribunals with litigants to conduct cases on their behalf, using the occasions to repeat in oral representation the turgid, inchoate passages made in documentary form. Increasing and unwelcome familiarly with Mr Ellis in the Masters Office led Senior Master Fontaine to issue her order of 8 March 2016 … .'

9. The order of Senior Master Fontaine to which May J referred restrained the defendant from: issuing claims on behalf of others or from assisting others to bring claims in contravention of the Legal Services Act 2007."

10. I can take up the story from then on by, again, shamelessly borrowing from judgments of my brother and sister judges, this time from Soole J granting permission on 28 November 2022 at a hearing attended by the defendant and leading counsel for the claimant' see *HM Solicitor General v Ellis* [2022] EWHC 3164 KB at paragraphs 5 to 13.

> '5. By that Order of 22 February 2018 Mr Ellis was restrained from issuing any claim or making any application in the High Court or any county court without first obtaining the

permission of May J or, if unavailable, any High Court Judge or Deputy High Court Judge. Importantly, the Order continued as follows:

> "1. The reference above to issuing any claim or making any application extends to procuring any other person to issue any claim or make any application.
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> 2. Any Claim Form or Application Notice with any of the following features shall be treated as falling within paragraph 1 above:
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> (a) Reference to an 'equity lawyer' or similar;
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> (b) Reference to the Claimant/Applicant as 'citizen';
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> (c) Use of the phrase 'Corruption Claim' or 'Corruption Remedy';
>
> (d) Use of the phrases 'Notice Fraud', 'Arrest Fraud', 'Prosecution Fraud', or any similar combination of a noun and 'Fraud';
>
> (e) Use of the phrase 'Proof Sets';
>
> (f) Any other features that provide reasonable grounds for believing that the Claim Form or Application Notice has been prepared by or on behalf of Mr Ellis".

6. The order was for a 2-year period expiring 21 February 2020. On the same occasion, May J had found Mr Ellis to be in contempt of court for 7 breaches of an order imposed by Senior Master Fontaine dated 8 March 2016 whereby he was "... restrained from issuing claims on behalf of others or from assisting others to bring claims in contravention of the Legal Services Act 2007". May J imposed a sanction of 3 months' imprisonment suspended for 1 year.

[I interject that the suspension period therefore expired in February 2019.]

7. On 12 June 2018 the Court of Appeal dismissed Mr Ellis' appeal against the findings of contempt and the sanction imposed and refused permission to appeal against the GCRO. In the course of its judgment the Court of Appeal rejected Mr Ellis' submissions to the effect that the whole process was a fraud; that May J had no jurisdiction in the matter; and that she should have recused herself.

8. On 12 February 2020, pursuant to an application by the Solicitor General and at a hearing attended by Mr Ellis, May J made the extension order, namely a further GCRO for a period of 2 years commencing immediately upon the expiry of the existing GCRO and thus expiring on 21 February 2022. The extension order repeated the provision which I have recited as to the extension of the restraint to procuring any other person to issue any claim or make any application and the associated "shall be treated" provisions. The order also recorded that May J had refused Mr Ellis' application made orally at the commencement of the hearing that she should recuse herself.

9. As with the original GCRO, the extension order included the standard form penal notice but contained no order dispensing with personal service. By error, the extension order included the Court of Appeal as well as the High Court and any county court within the list of courts which were the subject of restraint on Mr Ellis. There being no jurisdiction in the High Court to make an order in respect of the Court of Appeal, that error was corrected through the slip rule.

10. By a letter dated 24 February 2020 the Government Legal Department (GLD) sent by post and email to Mr Ellis a copy of the extension order. The letter drew attention to the error and stated that variation by the slip rule had been requested. By attachment to an email to Mr

> Ellis dated 27 March 2020 the GLD sent him an electronic copy of the extension order as varied through the slip rule. The email stated: "Whilst writing, I also attach an electronic copy of the amended GCRO which I understand the Court will previously have sent you".
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> 11. On 17 June 2020 Goose J granted the Solicitor General permission to make a committal application in respect of alleged breaches of the original GCRO dated 22 February 2018. The substantive hearing on the committal application was held before Cutts J on 14 and 16 December 2020 and was attended by Mr Ellis. At the conclusion on the second day Cutts J held that Mr Ellis had breached the GCRO dated 22 February 2018 on each of the 9 occasions alleged. Her reasons are contained in her approved judgment dated 18 December 2020.
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> 12. As that judgment makes clear, each of the 9 breaches was in respect of the extended restraint against Mr Ellis procuring the issuing of claims or the making of applications by others. Each of the 9 claims or applications had been dismissed and 7 of them had been marked totally without merit. Of particular relevance, Cutts J stated in her judgment at para. 30: "I am satisfied so that I am sure that the Respondent was the driver of all nine meritless claims and applications issued in the names of other persons, the subject of this application and that he procured each of them to do so".
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> 13. At this stage Mr Ellis's application for permission to appeal the permission order of Goose J was - because of administrative delays for which Mr Ellis bore no responsibility whatsoever - still pending consideration by the Court of Appeal. In consequence Cutts J adjourned the question of sanction until that application had been determined. Following the Court of Appeal's refusal of Mr Ellis' application, the sanction hearing then took place on 16 April 2021. Cutts J imposed a committal order of 9 months' imprisonment suspended for 2 years.'

11. Thus, when Cutts J made her suspended committal order on 16 April 2021, the GCRO as extended by May J up to 21 February 2022, still had about 10 months to run.

12. It was very much in force as at 5 November 2021 when an appellant's notice was issued with appeal court reference CH-2021-000238, applying for permission to appeal to the Chancery Division of the High Court. The claimant's case is that it was the defendant who issued that appellant's notice.

13. It has been called "the Haztunc application" because the appellant was named as "Citizen" Mr Ediz Haztunc, the defendant below in the Central London County Court. The application has some distinct and unusual features to which I will return.

14. May J's GCRO, as extended, was also still in force when on 7 January 2022 another appellant's notice was issued in what has been referred to as the Sood application, in the name of, "Citizen Father Mr Sham Pal Sood", the defendant in proceedings below, also before the Central London County Court. That appellant's notice too has some distinct features.

15. On 4 February 2022, Roth J dismissed the Haztunc application and declared it totally without merit. He treated Mr Haztunc as a litigant in person and gave him seven days to apply to vary or set aside his order, as it had been made without a hearing.

16. On 17 February 2022, just before the GCRO expired, the Government Legal Department (**GLD**) wrote a letter before action to the defendant indicating an intention to bring contempt proceedings against him. In the letter, the GLD also referred to (among other things) the defendant's right to non-means tested legal aid under the criminal legal aid scheme.

17. The GCRO then expired four days later on 21 February 2022. Afterwards, further attempts were made to issue two sets of proceedings in the defendant's own name or, to be precise, in the name of "Equity Lawyer Mr Edward William Ellis"; one in the High Court, Queen's Bench Division and one in the Romford County Court. I need not go into the detail of those claims because they were not in breach of the GCRO, as it had expired.

18. The present Part 8 application was then brought on 29 July 2022. As explained above, the GCRO was then extended by Eyre J in August 2022 for a period that will run until 21 February 2024.

19. The application for permission came before Soole J. As I have said, he granted permission on 28 November last year. He gave the defendant until 23 December to file any evidence. The defendant sent a plethora of documents to the claimant, which are included in the supplementary bundle that is before me. They occupy pages 23 to 643 of that bundle. They are a mix of miscellaneous documents emanating from the defendant and including various court documents.

20. On 23 February 2023, Bean LJ refused the defendant permission to appeal against Soole J's order.

21. At the hearing this morning before the short adjournment, I heard oral evidence from Ms Joanne Arnold on behalf of the claimant, who had also filed an affidavit; and from the defendant on his own behalf.

22. All I need say about the evidence is that the defendant did not deny authorship of the two applications, the Haztunc and Sood applications. He was unwilling to answer the questions when asked whether he was the author of the two documents, describing the questions as "invalid" because as he contended, the absence of the court's jurisdiction had to be recognised before the matter could proceed further.

Submissions

23. The claimant made detailed submissions on the nature of the contempt alleged against the defendant and whether it was by its nature civil or criminal. Mr Eardley KC, for the claimant, submitted that a paradigm case of civil contempt would be breach of a court order made at the instance of the opposing party to protect the latter's right. The purpose of the civil contempt jurisdiction, he said, is primarily remedial.

24. The essence of a criminal contempt, Mr Eardley submitted, is that it involves interference with the administration of justice more generally which may, but need not, involve or include breach of a court order or orders. The purpose of the criminal contempt jurisdiction is primarily punitive, to uphold the strong public interest in seeing that due administration of justice is safeguarded.

25. There can be cases, Mr Eardley noted, where elements of both kinds of contempt are present. I was referred to the judgment of Lord Toulson JSC in *Director of the Serious Fraud Office v O'Brien* [2014] AC 1246 at paragraphs 23 and 35 to 42; and to the 5th edition of *Arlidge, Eady & Smith on Contempt* at paragraphs 3-13 to 3-15.

26. Mr Eardley invited me to treat the present case as one of criminal contempt because of the wide ranging nature of the defendant's litigious activities, which were not confined to particular cases but were activities done in furtherance of a campaign to disrupt the work of the civil courts.

27. I am content to proceed, in line with the claimant's submission, on the basis that the contempts that are alleged in the present case bear the character of a criminal contempt rather than a civil contempt because they consist of alleged breaches of civil restraint orders, which are made to protect the administration of justice generally.

28. I do not find it necessary to embark on a lengthy analysis of the cases but am conscious that there are indications that breach of a CRO is a civil contempt (see *HM Solicitor General v Ellis* [2020] EWHC 3505, per Cutts J at paragraph 8; *HM Solicitor General v Millinder* [2022] EWHC 2832, per Andrews LJ (with whom Cavanagh J agreed) at paragraph 78; cf. *HM Attorney General v Crosland* [2021] 4 WLR 103 (judgment of the court by Lord Lloyd-Jones, Lord Hamblen and Lord Stephens, JJSC) at paragraph 23.

29. Accordingly, as Mr Eardley submitted, the conduct of the defendant must attain a certain threshold of seriousness for his conduct to amount to a contempt in the sense of the criminal contempt jurisdiction; see *O'Brien* per Lord Toulson JSC, paragraph 39; *Attorney General v Yaxley-Lennon* [2019] EWHC 1791, DC, per Dame Victoria Sharp PQD giving the judgment of the court at paragraph 85.

30. Mr Eardley took me on a tour through some of the authorities bearing on the required *mens rea* in cases involving interference with the due administration of justice. I do not find it necessary to rehearse that body of case law here.

31. The required mens rea is, as I accept in line with Mr Eardley's submission, that the defendant must have, first, knowledge of the terms of the GCRO and what it prohibits. That requisite knowledge may be inferred from the circumstances. Second, there must be an intention to act in a manner which in fact breaches those terms.

32. The claimant need not show that the defendant knew that in fact and law, what he did was in breach of the terms of the GCRO. It is not a defence if the contemnor honestly believed that what he did was not a contempt. An intention to interfere with the administration of justice can be inferred from the circumstances and is sufficient even if the contemnor was motivated by seeking what he believed to be a just outcome.

33. As regards the first breach, Mr Eardley submitted that it was the work of the defendant. It was sealed and issued by the High Court. He submitted there are many of the hallmarks of the defendant's drafting, as had been noted by May J in her judgment and listed in paragraph 3 of the GCRO.

34. Mr Eardley submitted that the Haztunc application did not assist Mr Haztunc at all. The order appealed against was a simple adjournment decision which could not usefully have been challenged on appeal, as pointed out by Roth J when he dismissed the application and declared it totally without merit.

35. The appellant's notice, Mr Eardley said, does not address the order challenged at all. Instead, it is merely used to ventilate the defendant's usual complaint of corruption and so forth.

36. As for the Sood application, the claimant submits that the same points about the style of drafting arise; that it does not properly identify the order appealed against or what is said to be amiss with it; and that it is being used simply as a vehicle to advance the defendant's usual complaints, rather than providing any material assistance to Mr Sood.

37. The claimant submits therefore that there are here clear breaches of the GCRO, proven to the criminal standard. And Mr Eardley further submits that the breaches are sufficiently serious, seen in their context, to cross the threshold of seriousness required for a criminal contempt.

38. In the case of the Haztunc application, it wasted the time of the judge who dealt with it. In respect of the Sood application, an order was made refusing a stay of execution on 9 February 2022 and the balance of the application was due to be placed before a judge at the time when the present contempt application was issued in July 2022.

39. The defendant made detailed closing submissions on liability. He touched on the Glorious Revolution of 1688 and various subsequent political events. He referred at great length to what he believes to be the true legal order which, conveniently, effectively puts him and his actions in this matter above the law.

40. He referred to something he called the Coronation Oath Enforcement Authority. The gist of his argument appears to be that the court is a corrupt organ of the state with no jurisdiction over his actions.

41. He did not however deny performing the acts that are said to constitute contempt, namely the issuing of the two applications; nor did he deny that he knew of the GCRO and what it prohibits.

Reasoning and conclusions

42. I am satisfied so that I am sure that the two breaches of the GCRO alleged are proved. The drafting is plainly that of the defendant. In the Haztunc application, Mr Haztunc is referred to as "Citizen". The opposing lawyers are referred to as "Lawyers Black Graf LLP." The request for permission to appeal in box B is marked, "I do without prejudice to Invalidity Arguments."

43. That is the same phrasing as has been used before me today by Mr Ellis on frequent occasions. Asked whether the claim is an Aarhus Convention claim, the writing in the box reads "The Citizen Appellant does not know what the Aarhus Convention is." The relief sought is described as a variation of the order below and in the box there is written "See the Directions and Costs Appeal Grounds and Protection Breach Contempt Fraud Appeal Grounds + Remedy Proposals … ."

44. That again fits with May J's points characterising the defendant's drafting style. Indeed, the phrase "fraud appeal grounds" is repeated lower down. And, as if that were not enough, reliance is placed in section 11 on a "Draft Remedy Order of the Citizen Tenant", an expression that is then repeated. The appellant's notice is then completed with a reference to a document not supplied, described as "an Equity Standard Criminal Investigation is needed to identify and get production of All Relevant Evidence."

45. Following that appellant's notice and attached to it is a page of typed A4 script using trademark phrases and expressions of the defendant, including "Corruption Remedy", "Royal Commission", "Citizen Mr Haztunc", "Corruption Remedy Process", "Equity Lawyer Mr Ellis," who is said to have provided "Investigation Services." There is then mention of many of the phrases used verbally before me today including "Sale Sabotage Frauds" and a "Sabotage Fraud Plan."

46. Turning to the Sood application, that too is unmistakably the work of the defendant. It refers to Mr Sood Snr, the defendant in the proceedings below as "Citizen Father Mr Sham Pal Sood." The request for permission to appeal is again endorsed with the phrase "Without Prejudice to Invalidity Arguments." The phrases, "Royal Commission" and "Fraud Appeal Grounds" appear in section 5, which is supposed to state the order appealed against.

47. In relation to the Aarhus Convention question, the answer given is, "The citizen needs Judicial Assistance to explain an Arhus Convention Claim." The phrases I have already mentioned are repeated on other occasions later in the appellant's notice.

48. For those reasons, I am in no doubt that the two applications are the work of the defendant. Further, he has not denied authorship of the documents in the Haztunc and Sood applications.

49. Next, I am in no doubt that the threshold of seriousness for a criminal contempt is met. A very large amount of judicial time has had to be wasted on the defendant and his applications, to the detriment of litigants in genuine need of the court's precious resources and services. It is fair to include in the assessment of judicial time spent in dealing with the CROs, this GCRO, the making of it, the reasons for making it, the judicial time expended on that and on this and previous contempt applications.

50. For those reasons, I find the breaches are proved to the criminal standard and I find the defendant in contempt of court.

[*A discussion followed about whether the issue of sanction should be adjourned, as the defendant wanted or dealt with the same day, as the claimant advocated. The court concluded that an adjournment would be futile because the defendant would not obtain legal representation or a medical report; on the return date, the court and the parties would be in the same position. This part of the hearing has not been transcribed.*]

51. I turn to the question of sanction. The claimant has drawn my attention to the applicable principles and invites the court to deal with the breaches found as the court thinks fit. The principles are set out conveniently in *Liverpool Victoria Insurance Company Co Ltd*

*v Khan* [2019] EWCA Civ 392, [2019] 1 WLR 3833 at paragraphs 57 to 71 and are helpfully summarised in Mr Eardley's skeleton argument at paragraph 32.

52. The claimant properly acknowledges at paragraph 37 of the skeleton argument that no specific harm appears to have been done to the interests of any of the parties in the cases in which the two infringing applications were made, in breach of the GCRO.

53. The claimant tells me that he is 70 years old. He says that he has huge assets but that they have no value due to fraud perpetrated on him. As available assets, he has only his pension and would not be in a position to pay any fine.

54. He tells me, although there is no medical report before the court, that he has a medical condition that requires dialysis. He does not have caring responsibilities for relatives but he says that, as he put it, the NHS keeps him alive by means of dialysis treatment. He does not say that he has any history of mental problems or psychiatric problems.

55. What other mitigation is available to the defendant? Is he remorseful? It does not appear so. Is he under a misapprehension about the nature of the legal system? Very probably but there is no medical evidence about how that operates on his mind and he has had many opportunities over a period of several years to seek either or both of legal representation, which he disdains, or a medical report, which he has not sought to commission.

56. I have no power to order a pre-sentence report, as I would if this were a criminal case; nor a psychiatric or other medical report. As far as I am aware, the defendant has no criminal record. I do not know in what circumstances he ceased to be a solicitor.

57. The context of these breaches is a long history of flouting orders of this court since 2016. Those orders were made to protect the administration of civil justice against the defendant's campaign of disruption. The GCRO and other previous orders were made primarily not to protect party rights but to protect the due administration of civil justice.

58. It is a serious aggravating feature that the defendant has used actual litigants to pursue his campaign, probably giving them false hopes and expectations. He is not entitled to

represent anyone and his applications issued in the names of others misleadingly present them as if they were litigants in person, although with his idiosyncratic drafting allows the initiated to see through that.

59. The defendant was using these litigants in a manner a bit like a human shield to veil, albeit thinly, his own involvement in the two infringing applications. I am sure it is no coincidence that he issued two further applications in his own name within months of the GCRO expiring.

60. Those are factors relevant to culpability and they can be summarised as knowledge, persistence and determination to disrupt the civil justice system and to disrupt cases brought by other individuals.

61. As for the degree of harm caused, I have already said when deciding that the threshold of seriousness is crossed, that the defendant has been successful in diverting a large amount of judicial time and resources to his spurious and meritless applications and breaches of the CROs to which they led and now of the GCRO.

62. In short, the defendant has caused serious damage to the operation of a major public sector resource, an undertaking funded by the taxpayer. As part of that course of conduct, the defendant asserted many times at the hearing before me today that this court has no jurisdiction over his conduct, that judges were behaving fraudulently and receiving financial benefits from criminal conduct and were corrupt; and he asserted other sundry wrongdoings by the judiciary.

63. He asserted that he was exempt from sanctions or contempt. I asked him why he should be above the law when I and others in court are not. I did not understand his answer but I think it was to the effect that I could not sanction him for contempt because I am a corrupt office holder and he has a special exemption of some kind.

64. It is clear that, particularly having enquired the defendant about his means, that a fine is not sufficient. It would have to be a very hefty one at the very least and I do not get the impression that he has access to substantial funds. There is then the matter of the previous suspended sentences. On 21 February 2018, May J imposed a sanction of three months'

imprisonment suspended for one year for seven breaches of Senior Master Fontaine's order of 8 March 2016. That suspended sentence was not activated but it means that the defendant has "form."

65. A further aggravating feature is the suspended sentence imposed by Cutts J. These breaches were committed during the period of the suspension; it had not yet ended when the breaches were committed. For the moment, I disregard them to avoid any double counting in the event that Cutts J's sentence falls to be activated, which I will consider shortly.

66. I am quite satisfied that only a custodial penalty meets the gravity of the situation. The two other judges who passed the suspended sentences have already so found and I agree with them. Subject to avoiding any double counting, which I keep in mind, the gravity of these contempts is greater now than then because of the repeated conduct after being twice given a chance by means of those previous suspended sentences.

67. Balancing the above factors, I conclude that the appropriate sentence is one of six months' imprisonment for these two breaches. It is not appropriate to suspend that sentence in view of the previous suspensions, including the one that is liable to be activated.

68. In my judgment, it should be activated in part. The activation constitutes punishment for the prior breaches for which the initially suspended sentence was imposed. I will activate six months of the nine month sentence imposed by Cutts J, to run consecutively to the six months for these two breaches. That makes a total of 12 months' imprisonment.

69. Subject to what I am about to say, Mr Ellis, you will serve half that period in custody and the other half in the community on licence. But that sentence will not take effect until two months from now, which is 8 May 2023 or if that is a weekend day, on the first weekday thereafter.

70. If an appeal is brought now in time to the Court of Appeal, then whether or not that sentence takes effect or not, at the expiry of two months from now, will be subject to any order of the Court of Appeal. That is the sentence of the court. I postpone its taking effect in the way that I have just said and that will be reflected in my order.

71. The GCRO, let it not be forgotten, remains in force until 21 February 2024, Mr Ellis. So, if you serve your sentence starting in a couple of months' time, it will still have some time to run when you get out. And if you were to breach the GCRO further, either now, before you go to custody, or while in custody, or after you get out on licence but before 21 February 2024, then you will be in further contempt of this court. And that could, if you are on licence at the time, lead to your recall to prison.

72. That is the decision of the court this afternoon and it will be reflected in the court's order.

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