Neutral Citation Number: [2025] EWHC 1911 (Ch)

Case Nos: CH-2021-000240, CH-2021-000222, CH-2021-000246

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY APPEALS (ChD)

Royal Courts of Justice
Strand, London
WC2A 2LL

Date: 2 July 2025

Before:

MR JUSTICE RAJAH

- -

Between:

RANA KABBANI SEALE — **Appellant/ Defendant in contempt application**

- and -

(1) ORLANDO SEALE
(2) DELILAH JEARY
(3) JASMINE SEALE — **Respondents**

- and -

SOLICITOR GENERAL FOR ENGLAND AND WALES
Claimant in contempt application

- -
- -

THE APPELLANT/DEFENDANT appeared in person
THE RESPONDENTS attended via video link as observers only
SIMON MURRAY (instructed by the Government Legal Department) for the **Claimant**

- -

APPROVED JUDGMENTS

- -

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MR JUSTICE RAJAH:

1. Rana Seale is the widow of Patrick Seale, who died on 11 April 2014. She and her children and stepchildren are locked in long-running probate proceedings. Mrs Seale has behaved vexatiously in that litigation, making numerous applications which have been dismissed as totally without merit, and bombarding the court with correspondence and submissions. On 25 November 2021 Bacon J made an Extended Civil Restraint Order ("ECRO") against her for a period of two years, which Mrs Seale tells me has since been significantly extended to three years, and then for a further three years. While the ECRO is operative, Mrs Seale can only make applications in the proceedings with the permission of the court.

2. By an order dated 10 December 2021, Mrs Seale was ordered to make any application for permission under the ECRO to Bacon J or Falk J, and not to correspond with court staff as to the substance of the ECRO, or any other order. Mrs Seale did not comply with that order, leading to Bacon J, making an order, endorsed with a penal notice, on 30 March 2023, (the "Order"). The Order provides:

> "1. Until further order of the Court, Mrs Seale is prohibited from sending any email to any individual member of court staff (including judges' clerks), and may only correspond with the court through the generic Chancery email address ChanceryJudgesListing@justice.gov.uk. The Court staff will be instructed to delete, unread, any emails sent to their individual email addresses, whether addressed directly to them or copied to them.
>
> 2. Any communications sent by Mrs Seale to the generic Chancery email address listed in paragraph 1 above must be limited to routine administrative matters concerning the lodging of applications, bundles, submissions and draft orders, the fixing of hearings, and any applications for transcripts of hearing or judgments. The Court staff will be instructed not to respond to any emails that do not concern those matters.
>
> 3. Unless otherwise directed by the Court, any applications to the Court made by Mrs Seale (including any application for permission under the ECRO) must be made formally, on the appropriate Court form, with payment of the appropriate fee. The court will not consider or respond to applications or requests made informally in correspondence."

The Order was served on Mrs Seale by Bacon J's clerk by email.

3. On 12 June 2024, the Solicitor General for England and Wales issued an application to commit Mrs Seale for contempt of court for breaching the Order. There are 28 alleged breaches. Each breach relates to an email or a letter sent to the court by Mrs Seale between 24 April 2023 and 25 April 2024 which, it is alleged, breach para.2 of the Order. Some seven of those counts also allege a breach of para.3 of the Order.

4. At this point I will make some remarks about paras.2 and 3. In summary, para.2 is intended to limit Mrs Seale's correspondence with the court to routine administrative matters only, and examples of that are given. That comes against a history in which her correspondence was anything but routine and administrative, and was (according to Bacon J in the judgment that she gave) abusive of court staff. Paragraph 3 adds, so far as this committal for contempt is concerned, very little to para.2. There are seven alleged breaches but they add very little because an informal application, which is not made formally in accordance with para.3, will almost inevitably be a breach of para.2. The clear purpose of para.3 is to ensure that if Mrs Seale has an application which she wishes to make, if she has relief which she wishes to obtain from the court, or if she has an order which she wants the court to make, then she must make it formally in an application notice, and not simply by writing letters to the court. But that is also the effect and purpose of para.2, so, as I say, for the purposes of this contempt application para.3 adds very little to para.2.

5. The Solicitor General for England and Wales has summarised the content of these letters as angry and aggressive letters directed mainly at Bacon J, demanding that she recuse herself, with various threats of criminal proceedings if she does not.

6. On 8 December 2023, the Government Legal Department, on behalf of the Solicitor General, wrote to Mrs Seale to explain that it was contemplating bringing proceedings against her, and requesting that she cease inappropriate correspondence with the court and start complying with the Order. It can be seen from the date range of the alleged breaches that the Solicitor General contends that the correspondence continued unabated. Bacon J gave directions for the contempt application to be heard by a High Court Judge with a time estimate of two days. The Court of Appeal refused Mrs Seale's application for permission to appeal that Order, and also refused her permission to amend her grounds of appeal or to rely upon a supplementary skeleton argument.

7. Mrs Seale was advised that she may be entitled to legal aid and to representation, but she has appeared at this trial as a litigant in person.

8. Orlando Seale, Delilah Jeary and Jasmine Seale are named as respondents in this application, although no relief is sought against them. They are the claimants in the probate proceedings where Mrs Seale is the defendant. They are not represented, but have attended the hearing by video link as observers only. They filed written submissions in the form of a witness statement verified by a statement of truth. Their evidence and submissions raised complaints about Mrs Seale's conduct beyond that set out in the contempt application. The Solicitor General does not seek to rely on that material in support of her contempt application, which is the only application which is before me. I do not take the respondents' material into account.

9. Mrs Debra Chan-Smith, joint head of criminal case work and senior lawyer of the Attorney General's Office, swore an affidavit, dated 4 June 2024, exhibiting the correspondence said to have breached the Order. She was cross-examined by Mrs Seale, including as to whether she had instructions from the Solicitor General to bring these proceedings, and whether the Solicitor General had authority to bring these proceedings. She was clear that the answer to both questions was in the affirmative, and that the Solicitor General had reviewed the proceedings in November 2024 and concluded that it was the public interest to pursue the proceedings. I accept her evidence.

10. After an explanation of her right not to give evidence, Mrs Seale chose to do so, and she was cross-examined by Mr Murray. There were then submissions from both sides, including lengthy submissions from Mrs Seale. Understandably, as a litigant in person, Mrs Seale found it difficult to segregate her evidence from her submissions. She also found it difficult to focus on the issues in this contempt application, often drifting into a long explanation of perceived injustice which she felt that she and her son had been the victims of at the hands of various judges, court staff and others. She was very aggrieved by decisions that had been taken over the years by Master Pester, Deputy Tribunal Judge Cousins, Bacon J, and Falk J (as she then was).

11. Returning to this application, I can distil the following points Mrs Seale seeks to make which are relevant to this application. She does not dispute that she sent the emails and letters in question. All were sent to Chancery Listing's generic email address in accordance with para.1 of the Order. In summary, her evidence and submissions are that:

(a) Bacon J did not have jurisdiction to make the Order;

(b) para.3 of the Order should not have been made because complying with it would have put her in breach of the terms of the ECRO;

(c) that it was her absolute legal right to write to these judges and to criticise them, whatever the terms of the Order;

(d) in any event, all of her communications with the court were routine administration within the terms of para.2 of the Order;

(e) she has also said some of her communications were notifying the court of changes of circumstances as required by the ECRO, but that is not a standard term of an ECRO, and when she and I looked at the terms of this ECRO she was unable to identify any such requirement.

12. I will now go through each of the alleged breaches, and it is convenient when I do so to consider Mrs Seale's point that all of her communications with the court were routine administration.

13. The first alleged breach is a four-page letter. It is wrongly dated, but it was sent on 24 April 2023 (wrongly dated 20 April 2022) to Chancery Listing's generic email address to Chancery Listing's generic email address was for the attention of Bacon J. This is shortly after the Order had been made. In it, Mrs Seale identified a purported anomaly in the rules relating to the hearing on 30 March 2023, and then at the end of that letter said this:

> "Clearly this irreconcilable contradiction within Civil Procedure Rules and the Practice Direction must not be permitted to endure, as it is a lunacy.
>
> I therefore invite you to exercise your power to refer this issue to the Court of Appeal, as to the court being prohibited by authority in law from permitting an application without notice to proceed, or be processed by the court, against a person subject to civil restraint.

> I have no doubt you will recognise the justice of such a reference in the present instance and will reflect it in your still pending judgement."

This is clearly not routine administration. This letter is not concerned with the routine administration of this case. It is not in relation to transcripts or listings, or anything of that routine nature. It is outwith para.2. The application to refer the case to the Court of Appeal is not a formal application, and so contrary to para.3.

14. Turning to the second alleged breach, it is a letter again dated 2022 when it should be 2023, on 24 April. It is four and a half pages long. As with much of this correspondence, it makes serious allegations of judicial misconduct. In this letter the focus is on Bacon J, and it is to her that it is sent. The letter accuses Bacon J of vicious intent, and a flavour of it can be obtained if I read this passage in relation to the Order which she is alleged to have breached:

> "You did this so as to silence me with a double-whammy, by adding an absurd Penal Notice in March 2023 to your already wrongfully-imposed ECRO of November 2021. It is of note that you have not offered & that you cannot offer any legal justifications for these vengeful actions, since none exist.
>
> You threatened me, together with unnamed, unknown persons (real or imaginary, according to your personal whim) with outrageous punishments - including stripping of assets and imprisonment!
>
> If you could have ordered that I be sent to the scaffold (along with my alleged invisible cohorts), you most certainly would have.
>
> I cannot but laugh, Your Very Exalted Ladyship, at the idea that YOU are meant to represent women's empowerment or racial/religious diversity, on England's benches! In seven years of aggressive and appallingly-handled Claim against me by the Court, I have yet to encounter any archetypal 'elderly white male' judge who comes anywhere near your misogynistic and sectarian abuse of a Muslim woman's defence. Is one to suppose that you bring your own Islamophobe Indian background (à la Narendra Modi), and therefore fail to be either neutral or fair with someone of my religion?
>
> Permit me to repeat once more, since it bears repeating a hundredfold: despite the extremely-punitive measures you imposed upon me, you failed to give any legal grounds or judicial justifications for your extremist's order."

I am not concerned with whether or not any of these statements have any justification; I am simply concerned with whether or not these statements in this letter are routine administration, and it clearly is not a letter relating to routine administration. Plainly the content of the letter will have a bearing if there is a breach, taking into account Mrs Seale's other points, when it comes to a sanction. But I read that so that those who read this

judgment will understand the flavour of the sort of correspondence which Mrs Seale is sending. None of this letter qualifies as routine administration or relating to routine administrative matters.

15. The third alleged breach is a letter dated 10 May 2022, which should be 2023. Again, it is to Bacon J, and it is seven pages accusing Bacon J and Master Pester of serious judicial misconduct in deliberately preventing Mrs Seale from access to the law by the making of the ECRO, and requiring Bacon J to recuse herself. Again, that is clearly not routine administrative matters and not within para.2 of the Order.

16. On 6 June 2023 there is an exchange of emails about transcripts, which is said to be the fourth breach. I just read one of those examples. Having been told that the approved transcript of the judgment had been sent to her on 21 April, Mrs Seale responded saying:

> "Dear Dir (sic) or Madam,
>
> I NEVER RECEIVED IT BEFORE THIS MINUTE!
>
> Whoever informed you that it was sent to me before - presumably Bacon J herself, to cover up her almost two-year suppression of various transcripts - is lying.
>
> Thank you,
>
> Mrs R Seale."

This is something which I do think, although said in terms which I deprecate, is about routine administrative matters, because this entire email exchange is concerned simply with obtaining a transcript, although it contains serious allegations of judicial impropriety. As I have said, I am only concerned at this stage with whether the letter is within or without the Order. I consider that it is not proved that this email is not within para.2 as a permitted email about transcripts.

17. The next alleged breach is a letter of 6 June 2023. This is a five-page letter in increasingly directive and threatening terms addressed to Bacon J. There are various allegations of barristers and judges being liable for prosecution for fraud, and wrong information or mistakes in earlier decisions in the underlying proceedings. It ends by saying:

> "The Chancery Division court's order of 3 October 2017, given in summary judgement upon impermissible 'mini trial' on documents alone, in abuse of its own powers, must now be revoked in the interests of the Chancery Division court's own reputation and repute for the administration of justice.
>
> Application for revocation pursuant to CPR 3.1(7) will, therefore, be to the Chancellor of the High Court, Sir Julian Flaux.
>
> Under the terms of your ECRO, permission for that application to go before the Chancellor must be given by you in advance.
>
> The application will be formally prepared in compliance with Practice Direction 3C. The unsigned Form N244 with

> accompanying evidence, ***without*** prior payment of court fee, will then be presented to you for grant of permission, pursuant to your obligations to your court's mandatory overriding objective.
>
> If, ***after 7 days you have not granted the required permission*** you will be reported for perversions of the course of justice in your court.
>
> You will bear at the forefront of your judicial mind that perversion of the course of justice is considered a criminal offence; one so serious that it can carry a sentence of fifteen years imprisonment upon conviction.
>
> If, in advance of the procedures now made necessary by your oppression and injustice, you wish to confirm your recusal and your withdrawal upon recusal of all orders made by you in the above-recited claim and interim appeals, you must give a formal judicial statement to that effect."

Clearly this is not a letter about routine administrative matters. I do not regard this as an application for anything at this point. This is simply a rant, and a statement about an intended application. It means I do not find that there is any breach of para.3, but it is outwith para.2.

18. Alleged breach 6 relates to an email, the copy of which in the bundle is barely legible, but Mrs Seale accepted she knew its contents as summarised by Mr Murray. It contains more submissions, railing against the Order and accusing Bacon J of malice and pressure, that she was prosecutable for false imprisonment, and that her judicial appointment should be terminated. It is, again, clearly not relating to routine administrative matters.

19. Alleged breach 7 relates to a letter to Sir Julian Flaux, the Chancellor of the High Court, on 12 June 2023. It commences by saying:

> "A matter of immediate importance, which Your Lordship may wish to take into account in your recommendation to His Majesty King Charles III, is that the appointment as Justice to High Court Chancery Division of Kelyn Bacon should immediately be revoked."

It then goes on to explain why. Clearly an application to the Chancellor to petition the King to revoke the appointment of a High Court Judge is not a matter of routine administration. It is not within para.2. I do not regard this as a breach of para.3 because, whatever it is, it is not an application for a court order. So it does not seem to me that it is an application of the kind which one could make by application notice, and therefore of the kind which is envisaged by para.3.

20. Breach 8 is an email on 8 July 2023 enclosing a letter. Breach 8 is the covering letter itself, which says:

> "Kindly put this urgent Correspondence addressed to Bacon J before the Judge, concerning the exploitation of her wrong, unjust, oppressive and perverse orders and judgments of 25.11.2021 & 30.03.2023 by two criminals and their accomplices, sent by First Claimant Orlando Seale, for the commission of the crime of violent break-in and aggravated burglary on July 6, 2023 at my solely-owned property. **[address redacted]**
>
> Fraudulent writ, issued by as yet unidentified criminal within Rolls Building, which was used by criminals for the commission of crime at my home & theft of estate assets worth £560,000 on 06.07.2023."

Nothing in this email relates to the administrative matters with which the court office deals, and so that is not within para.2 of the Order.

21. The next alleged breach is the enclosure itself, which is dated the same day and is addressed to Bacon J. The contents of the letter are as summarised in the covering email. It ends by saying:

> "Therefore, justice and the law itself demand that you recuse yourself from ALL matters related in any way to Claim HC-2016-000986 ***with immediate effect***.
>
> Your statement in recusal will contain your permission to appeal all orders issued by you since 25th November 2021, which relate or pertain in any way to claim HC-2016-000986 or its Appeals.
>
> If I have not received confirmation of your recusal by close of business on this coming Friday, 15th July 2023, perversion of the course of justice committed by you in your court can and will be alleged against you."

Again, a request that a judge recuse themselves is not a routine administrative matter to be raised in correspondence with the court office. It is not within para.2. An application for the judge's recusal or for permission to appeal is a matter which should be made formally by application notice, and has not been, in compliance with para.3. So this is ostensibly a breach of paras.2 and 3, subject to Mrs Seale's other and in many ways overarching points.

22. Alleged breach 10 relates to a letter sent by email on 10 July 2023, also to Bacon J, which continues on the same theme, and ends by saying that an application will be made under the ECRO for permission to apply to the Chancellor. Having set out various submissions in relation to that, it ends by stating that an application for permission will be presented to Bacon J:

> "You will then be given 7 days in which to grant the required permission.

> At the expiry of 7 days, the event will establish whether or not you are to be reported for perversion of the course of justice and attempted false imprisonment in your appellate court, with unlawful ECROs and an obscene and unwarranted Penal Notice intended to conceal perversion of the course of justice and other serious offending by Master Iain Pester in a lower Chancery Division court."

So a statement of intention of Mrs Seale's future actions and a threat. This is not a document which relates to routine administrative matters for the court office. It is not within para.2 of the Order.

23. Between breaches 10 and 11 there was a letter of 8 December 2023 from the Government Legal Department, which I have already referred to, which was sent to Mrs Seale and threatened her with these contempt proceedings.

24. Breach 11 relates to her reply, which was erroneously sent to Laura Trott MP, albeit care of the Government Legal Department. It was copied to the court and to others. It sets out in some detail over three pages Mrs Seale's response to the assertion that she is in contempt in not complying with the Order, and reiterates many of the points she has already made about the injustices she feels she is suffering from, or has suffered. Again, it is simply not a routine administrative matter to be sent to the court office. Copying in the court office with *inter partes* correspondence about court proceedings, including allegations of judicial misconduct and the like, and submissions on them, is not a routine administrative matter which should be sent to the court office. It is certainly not within para.2.

25. The next email, the subject of the 12th alleged breach, is an email of 10 December 2023. It is another letter to Laura Trott MP, and the Government Legal Department, copied to the court and others, complaining about judicial bias and misconduct by Bacon J and Falk J, and requiring them to recuse themselves. Again, these are not normal administrative matters and not within para.2.

26. The 13th alleged breach is on 23 January 2024, in another email to Bacon J. It is a complaint to Bacon J about her conduct and the conduct of two judges of the First-tier Tribunal. It demands permission under the ECRO to make an application to the Administrative Court. That complies with neither para.2 nor para.3, there being no formal application for permission under the ECRO, under the terms of para.3.

27. The 14th alleged breach is an email dated 26 January 2024, which is said to be for Falk LJ (as by this stage she was) concerning her orders, as well as flagrant contempt of court under her sworn oath displayed by the third claimant, Jasmine Seale. The email sends Falk LJ correspondence from Mrs Seale to Judge Paton of the First-tier Tribunal, making serious allegations of judicial misconduct by him and demanding permission to appeal. Again, these are not routine administrative matters for the court office.

28. The 15th alleged breach is an email dated 29 January 2024. It is a letter to Bacon J, plus emails dating back to 2017 which Mrs Seale asked to be put before Bacon J. From this point on, most of the correspondence includes this form of words at the outset:

> "For the avoidance of doubt, this correspondence does ***not*** constitute any form of application to your court, ***nor*** is it intended as such, ***nor*** is it to be construed as such."

This is presumably because of the Government Legal Department's letter of 8 December 2023. Mrs Seale's letter had more complaints about matters dating back to 2017 and a demand that the judge ask Master Price's former clerk a number of questions. Again, it does not relate to routine administrative matters for the court office.

29. The 16th alleged breach is on 31 January 2024. It is a letter to Bacon J. It notifies Bacon J of what Mrs Seale says is the fatal vitiation of the respondents' case. The letter itself does not ask for anything. It is simply not relating to a routine administrative matter for the court to deal with. Updating the court as to what Mrs Seale thinks of the strength of the respondent's case is not a matter to be sent to the court office. It is not a matter of routine administration.

30. The 17th alleged breach is on 6 February 2024, which is a letter to Bacon J. While continuing the now usual form of words that the letter was not an application, it actually appears to be an application for permission under the ECRO to apply to the Chancellor for relief, and it is thereby outwith paras.2 and 3 of the Order.

31. The 18th alleged breach is an email of 8 February 2024, which invites the recipient to draw the attention of both Falk LJ and Bacon J to the attached correspondence with the President of the Upper Tribunal (Lands Chamber). The letter referred to alleged misconduct and criminality by Judge Paton, Bacon J, Falk J, and invited the referral of a First-tier Tribunal decision to the Court of Appeal. Again, that is clearly not a routine administrative matter.

32. The 19th alleged breach is dated 11 March 2024. It is to Bacon J, and it purports to make detailed submissions on various matters relating to the underlying proceedings, threatening further applications and consequences for Bacon J if she did not give permission under the ECRO. That is again not a routine administrative matter within para.2 of the Order.

33. The 20th alleged breach is the 13 March 2024 letter to Bacon J, which contains submissions on Bacon J's alleged "horrifying abuse" of her judicial powers and requiring her to recuse herself. Again, for reasons I have already given, that is not a routine administrative matter within para.2 of the Order, and the request to recuse herself should have been in a formal application notice, and so this is also contrary to para.3 of the Order.

34. The 21st alleged breach is a letter for the attention of Falk LJ on 16 March 2024. It is eight pages of submissions about the case, and is clearly not within para.2 as routine administration.

35. The 22nd alleged breach is a letter to Bacon J on 16 March 2024, which again contains further submissions about the case, and is again not within para.2 of the Order.

36. We are now on the 23rd alleged breach. This is a letter of 2 April 2024 for the attention of Bacon J, and it contains allegations of impropriety by court staff and judges, and a further demand that Bacon J recuse herself. That, for the reasons already outlined, is not within para.2.

37. The 24th alleged breach is dated 11 April 2024. It is a 16-page letter for the attention of Falk LJ setting out grounds of appeal, and Mrs Seale's intention to apply for permission to appeal. Once again, that is not a routine administrative matter, and it is not within para.2.

38. The 25th alleged breach is dated 12 April 2024. It is correspondence with the respondents to the litigation, which is copied to the court and headed:

> "For the Attention of Lady Justice Falk, re: [this case] & its Appeals, and her own precedent in law as given in the Court of Appeal on mini-trial."

It is submissions about the case and what Mrs Seale believes has gone wrong, and indeed is in the form of correspondence with the other side, which is simply copied to the court. None of this can be described as routine administration or administrative matters for the attention of the court within para.2 of the Order.

39. The 26th alleged breach, dated 18 April 2024, is a letter to Bacon J and is a repetition of the now familiar accusations of impartiality, and demands for recusal which, for reasons I have already given, are not within para.2.

40. The 27th alleged breach is a letter dated 18 April 2024. It is a long letter to the respondents about the case, listing a number of court staff, government officials and judges who are accused of effectively conspiring with the respondents, and it is copied to the court. That is again not within para.2.

41. The final alleged breach, on 25 April 2024, is a letter to Bacon J, and it contains further complaints, over five pages, about previous orders and an alleged lack of integrity on the part of the judge, and is again not within para.2 of the Order.

42. I turn then to the law. The Secretary of State brings this contempt application, and she must prove beyond reasonable doubt that:

(a) there is a breach of the clear and unambiguous terms of an order;

(b) the defendant knew of the order;

(c) the defendant's conduct which breached the order was intentional conduct as opposed to inadvertent;

(d) the defendant knew all of the facts which made the defendant's acts a breach of the order, but knowledge that the order was being breached or an intention to commit a breach is not necessary, although that might be relevant to the appropriate sanction.

Mr Murray relied upon *National Highways v Heyatawin*, but the report in the bundle had some issues with it, and I prefer to rely on *Cuadrilla Bowland Ltd. v Persons Unknown* [2020] 4 WLR 29, para.25, for these propositions, which are well known.

43. Taking those elements in turn - breach of a clear and unambiguous order. A number of Mrs Seale's points are engaged here. Firstly, she says that Bacon J did not have jurisdiction to make the Order, which can only be made by the Divisional Court on an application by the Attorney General. She says that she cannot be in contempt of an order

which should not have been made. That submission is wrong, for a number of reasons. Firstly, court orders must be obeyed. There is a process for challenging court orders by appeal or applications in certain circumstances to set aside or stay. Unless and until an order is stayed or set aside, it has full effect and must be complied with. Mrs Seale could have, but did not, appeal to the Court of Appeal in respect of the Order. It has never been stayed or set aside. It has full force and must be obeyed, whatever Mrs Seale believes is the position as to whether it should have been made.

44. In any event, Bacon J clearly had jurisdiction to make the Order she did. The court has an inherent jurisdiction to control its processes and prevent them from being abused. So long as the very essence of a litigant's right of access to the court is not extinguished, a court has a right to regulate its processes in such manner as it thinks fit, as long as they are proportionate to the perceived abuse: see *Bhamjee v Forsdick (No2)* [2003] EWCA Civ 1113. One of those ways is to prohibit communication with the court except in a specified manner: see *Attorney General v Ebert* [2001] EWHC Admin 694, at paras.24 and 31. The purpose of that may be to protect staff from aggressive and hostile communications, prevent the time of court staff and judges being wasted, or to prevent the disruption of the administration of justice. This also means that Mrs Seale is wrong when she says that it was her absolute legal right to write to these judges and to criticise them, whatever the terms of the Order. The idea that only the Divisional Court can make an order restricting communication with the court appears to be derived from the fact that that was what happened in *Ebert*. *Ebert* was, however, an application of the inherent jurisdiction which is exercisable by all divisions of the High Court.

45. Mrs Seale also says that para.3 of the Order should not have been made because complying with it would have put her in breach of the terms of the ECRO. Para.3 of the Order requires her to make any application, including an application for permission under the ECRO, by way of formal application notice. That is clear and unambiguous. But Mrs Seale says that the ECRO prohibited her from making any application in the proceedings without permission, thereby preventing her from complying with para.3 of the Order, and creating a Catch 22. The ECRO itself refers to an application for permission being made in writing. Applications to the court for orders such as an order granting permission to make an application are required, by Part 23, to be brought by application notice with payment of the appropriate fee. There is in fact therefore no inconsistency between the terms of the ECRO and para.3 of the Order. Further, I am not satisfied that on the occasions when Mrs Seale applied informally by letter for permission under the ECRO she was under any misapprehension that this was how she needed to comply with the ECRO. No other requirement of CPR PD 3C was complied with, such as obtaining the prior comments of the respondents and sending them in with her application, even if it was being done informally. It will also have been seen from my review of the alleged breaches from 1 to 28 that where there has been a failure to comply with para.3 in almost all of those cases, they are not in fact applications for permission under the ECRO but simply an application being made for relief in a letter without regard to the ECRO.

46. This means, in light of the comments which I have already made in relation to each of the alleged breaches, and in particular whether the relevant communication was permitted by paras.2 or 3 of the Order, that there has here been a persistent and significant breach of the Order by Mrs Seale.

47. As to the requirement that the defendant know of the Order, this is usually achieved by the requirement that the order must be endorsed with a penal notice and it must be served

personally, unless the court dispenses with personal service: see CPR 81.4. In this case the Order was sent to the defendant by email by the court. She clearly received it, as the email of 20 April 2023, which forms the basis of count 1, refers to the Order and the penal notice. In subsequent emails and letters the defendant has described the penal notice as a threat of false imprisonment. She accepted that she had received the email and was fully aware of the terms of the Order. I will therefore dispense with personal service.

48. As to whether the defendant's conduct which breached the Order was intentional conduct, Mrs Seale wrote and sent the emails and correspondence which breached the Order. That was deliberate conduct. As to whether the defendant knew all the facts which made the defendant's act a breach of the Order, the facts which made her acts a breach of the Order are the contents of the emails and correspondence. She knew them. I also find, although it is not a necessary requirement, that Mrs Seale knew or did not care whether her emails and correspondence were in breach of the Order. As she repeatedly said in cross-examination and in her submissions, she believed she was entitled to write as she did, whatever the Order said.

49. I find therefore that the application for committal for contempt has established that there has been a breach of the Order in at least 27 of the 28 alleged instances.

LATER

50. I handed down a judgment on the liability of Mrs Seale in this case for contempt of court this morning. The background is therefore set out in that judgment, a transcript of which is to be produced on an expedited basis at public expense. I will not therefore repeat those comments now. It falls to me now to determine what is the appropriate sanction for Mrs Seale's breaches of the Order.

51. The relevant legal principles can be extracted from the judgment of the President, Dame Victoria Sharp, in *National Highways v Heyatawin* [2021] EWHC 3078 QB, at paras.48 and 49, which I will read:

> "48. There is no tariff for sanctions for contempt of court, because every case depends on its own facts ... The sanction for contempt of court 'has nothing to do with the dignity of the court and everything to do with the public interest that court orders should be obeyed': ...
>
> 49. The key general principles are as follows:
>
> (a) The court has a broad discretion when considering the nature and length of any penalty for civil contempt. It may impose: (i) an immediate or suspended custodial sentence; (ii) an unlimited fine; or (iii) an order for sequestration of assets;
>
> (b) The discretion should be exercised with a view to achieving the purpose of the contempt jurisdiction, namely (i) punishment for breach; (ii) ensuring future compliance with the court's orders; and (iii) rehabilitation of the contemnor;

> (c) The first step in the analysis is to consider (as a criminal court would do) the culpability of the contemnor and the harm caused, intended or likely to be caused by the breach of the order;
>
> (d) The court should consider all the circumstances, including but not limited to: (i) whether there has been prejudice as a result of the contempt, and whether that prejudice is capable of remedy; (ii) the extent to which the contemnor has acted under pressure; (iii) whether the breach of the order was deliberate or unintentional; (iv) the degree of culpability; (v) whether the contemnor was placed in breach by reason of the conduct of others; (vi) whether he appreciated the seriousness of the breach; (vii) whether the contemnor has cooperated, for example by providing information; (viii) whether the contemnor has admitted his contempt and has entered the equivalent of a guilty plea; (ix) whether a sincere apology has been given; (x) the contemnor's previous good character and antecedents; and (xi) any other personal mitigation;
>
> (e) Imprisonment is the most serious sanction and can only be imposed where the custody threshold is passed. It is likely to be appropriate where there has been serious contumacious flouting of an order of the court;
>
> (f) The maximum sentence is 2 years' imprisonment ... A person committed to prison for contempt is entitled to unconditional release after serving one half of the term for which he was committed ...
>
> (g) Any term of imprisonment should be as short as possible but commensurate with the gravity of the events and the need to achieve the objectives of the court's jurisdiction;
>
> (h) A sentence of imprisonment may be suspended on any terms which seem appropriate to the court."

I would add to that passage, as it is relevant in this case, that when sentencing for multiple breaches, the court should generally employ the totality principle, namely the principle that in general when sentencing for more than a single breach, the court should pass a total sentence which reflects all of the offending behaviour and is just and proportionate.

52. **Culpability**. I take culpability first. This was a serious and persistent breach of the Order. There are some 27 breaches of the Order, with about 17 of them occurring after the 8 December 2023 letter from the Government Legal Department on behalf of the Solicitor General, warning Mrs Seale that contempt proceedings were in contemplation. Mrs Seale acted the way she did knowing or not caring that she was breaching the Order. She regards it as her right to act the way she did, regardless of the terms of the Order. I will add at this stage that she has not apologised and appears generally unrepentant. I assess culpability as high.

53. **Harm**. The harm is the serious prejudice that repeated and deliberate flouting of court orders causes to the due administration of justice. The offending acts involved

bombarding the court and particular judges with offensive correspondence, making fanciful allegations of criminality, conspiracy, corruption, bias and prejudice, simply because Mrs Seale did not agree with their decisions or reasoning. These allegations are wholly unsubstantiated and without foundation. The reality is that Mrs Seale does not and may never accept that any judicial finding against her is justified and in accordance with the law. There is a high risk that she will continue to act in this way. On the scale of the possible conduct which could comprise breaches of this Order, however, this is not at the highest end. There is some reference to ethnicity and protected qualities, but it is limited to one letter. There have been no threats which I can see which are intended to instil fear for personal safety: see, by contrast, the case of *Solicitor General v Millinder*, which had those features and where an immediate custodial sentence of 15 months' imprisonment was imposed. I assess harm as moderate.

54. **Mitigation**. Mrs Seale is 67 years old and has a number of medical conditions which she has told me about. There is no medical evidence about these conditions but she tells me, and I accept, that she has a heart condition, an arrythmia, for which she takes propranolol. She says she has bipolar syndrome, for which she takes medication; she suffers from insomnia, for which she is on some sleeping medication, and that she has always suffered from a young age with anxiety. I take those points into consideration because at her age and with those conditions a term of imprisonment would be hard for her and certainly much harder than for someone much younger.

55. She also says that she is the sole carer for her 37-year-old son, who has Asperger's syndrome, epilepsy and other conditions. I have been referred to two reports by Dr Alcock, a consultant forensic psychiatrist, in 2018 and 2020, and I read those over the short adjournment. These, however, are aimed at his ability to conduct stressful litigation as a litigant, and not with his ability to care for himself on a day-to-day basis if his mother is not able to because she is in prison. It turns out that there is a helper and a housekeeper, and there is assistance from friends and Godparents, which has enabled Mrs Seale to go to Syria for an extended period. She wrote a letter to the Government Legal Department on 28 April indicating that she was in Syria and intended to remain in Syria until after the date for trial. Today is 2 July. The Government Legal Department did not agree with that, so Mrs Seale has returned, but it indicated that she was able and willing to be away from her son for an extended period. She has an explanation (which I am not willing to accept at the moment without some more evidence) that she was only away for three weeks and that her son was going to join her in Syria. That is another matter which I think would need some further exploration.

56. A further issue which has arisen in relation to what she says about her son is that over the short adjournment when I retired to consider what was an appropriate sanction in this case, information was provided to the court by one of the respondents by email, with photographs. While I did not look at that email, I was told enough about it by my clerk to suggest that Alexander Seale is married, that his wife is in court and has been present in court throughout the trial. No mention was made by Mrs Seale of that when mentioning that she was the sole carer for her 37-year old son. There are other matters which Mr Murray says are in that message from the respondents, such as, apparently, an allegation that Alexander Seale works as a journalist and travels abroad, all of which give a rather different impression to that which I have been given by Mrs Seale.

57. The fact that there is a close relative who is dependent on the contemnor is often a matter which tips the scale as to whether or not the court should impose an immediate custodial

sentence rather than a suspended sentence. If this was a factor which in this case I thought was going to tip the scale as to the appropriate sanction which I should give, then I would have required it to be much more fully investigated. I am certainly not satisfied, on the evidence which I have heard so far, that Alexander is totally dependent on Mrs Seale, such that she can properly describe herself as a sole carer, and certainly in the few questions which I asked her before I started delivering these sentencing remarks, I formed the view that her perception of what is a sole carer is rather different to what most judges would perceive is meant by that term. The fact that she cooks for her son because he cannot cook, for example, does not make her his sole carer. As I say, much further, much more full investigation would be required if that was going to be a factor which was going to prevent her from going to jail.

58. I turn then to what is the minimum sanction. Mrs Seale's persistent breaches of the Order are so serious that only a custodial sanction will suffice. Having regard to totality, the aggregate sentence for the breaches which would be appropriate before consideration of mitigation is nine months' imprisonment. Taking into account the mitigation above, and in particular what weighs with me in this case is Mrs Seale's age and medical conditions, I will fix a term of six months' imprisonment. I have found it a useful cross-check to have regard to the Sentencing Council Guidelines for breach of a Criminal Behaviour Order. Of course those guidelines are for a different type of breach of an order in a different context, and in which the underlying principles not the same. Nevertheless, it seems to me that it is helpful to look at those. It provides an offence range of a fine to four years' custody In a case of moderate harm and high culpability, the starting point is one year's custody with a category range of a high level community order to 2 years custody. In that context, bearing in mind what I have said about culpability and harm, nine months' imprisonment, before taking into account the mitigation, sits within the same category range.

59. I have considered whether I should suspend this sentence. I have concluded that I should. I hope Mrs Seale will realise that she is standing on the brink and looking into the abyss. Her conduct to date has not been a game, but I think she thinks it is. She has come to court surrounded by supportive friends, but they do her no favours if they do not help her realise that this has gone long past being a game. I will give her a final chance. I will suspend the order for two years. If Mrs Seale commits a further breach of the order within that two-year period, she will be brought back to court and she should expect to have her prison sentence activated.

60. I have not taken into account, in my decision to suspend, her alleged position as a sole carer for her son. This is because, as I have already indicated, there is a real question mark in my mind as to whether she really is. If she is brought back to court, that issue will be properly investigated and the court determining whether to send her to prison for breach of a suspended sentence can decide whether or not to take her position into account. I will say this. If she really is her son's sole carer and she chooses to breach the order again, she has only herself to blame if she is sent to prison and is unable to care for him.

61. Mrs Seale has a right to appeal to the Court of Appeal pursuant to section 13(1) and (2) of the Administration of Justice Act 1960. No permission to appeal is required.

62. The judgment in relation to this sentence, as well as the judgment on liability, is to be transcribed at public expense on an expedited basis.

(This Judgment has been approved by Mr Justice Rajah.)

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