

Financial Remedies Journal | Case Summary | Gohil v Gohil & CPS [2023] EWHC 1567 (Fam)

11 JULY 2023

Sarah Wood



Sarah Wood was instructed on behalf of the Applicant in the High Court, Family proceedings.

The Financial Remedies Journal on the case of *Gohil v Gohil & CPS* [2023] EWHC 1567 (Fam).

Mostyn J.

The case concerned the inexplicable differences that accompany a draft judgment handed down respectively in the King's Bench Division, the Family Division, and the Crown Court. H was served by the Crown Court with a document titled the 'Findings Made Following

Confiscation Proceedings'. The Crown Court later confirmed that the document constituted a draft judgment, which was complete subject to editorial corrections. The draft judgment did not contain a rubric limiting who could be apprised of its contents. The judge had also not given an express prohibition on any party disseminating the draft judgment, though such prohibition could be inferred. Unfortunately, H had told Mostyn J a number of things concerning the contents of the draft judgment, and therefore could technically be in contempt of court.

Mostyn J considered the procedural rules for rubrics on embargoed judgments in the King's Bench Division, namely CPR PD 40E, which provides that it is a contempt of court to disclose to any other person or use in the public domain a draft judgment or its substance, and to take action against a draft judgment before it is handed down. There is no equivalent to CPR PD 40E in the Family Division and Family Court or the Crown Court, meaning that a party may be in contempt for disclosing parts of a King's Bench Division decision, and potentially not in contempt for disclosing a draft of a Family Division judgment; [19]–[21].

The judge concluded that the confusion was completely unacceptable and directed that a copy of the judgment was sent to each Civil Procedure Rule Committee with a request that they seek to harmonise the rules on embargoed draft judgments.

*The case summary was published by the **FRJ** on 06/07/2023.*

Sarah is Joint Head of the Business Crime Team at 5SAH and is ranked in both Chambers & Partners and the Legal 500 for her confiscation and asset recovery work. Sarah is ranked as a Tier 1 leading junior barrister in the Legal 500. Sarah is also recognised in Chambers & Partners in Financial Crime - Private Prosecutions spotlight table. She is one of a handful of counsel at the Bar with demonstrable experience of dealing with cases where there are contemporaneous proceedings in the criminal and family courts in relation to the same assets and is therefore able to advise clients and appear in all aspects of both sets of proceedings.