

# Issues and lessons from the use of imprisonment for breach of injunction

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There is no official record of contempt of court cases and the sanctions imposed. Our database consists of 405 cases of sanctions applied in the county courts for breach of injunctions. The information was collected by recording cases on the [Judicial Judgments site](#) between April 2019 and February 2025, with one exception. That is the case of Floyd Carruthers which was reported by a [newspaper](#) which serves the UK Black community. This case has not been reported on the Judicial Digest.

The information comes from 69 different county courts. There are 170 county courts. We do not know whether the 101 county courts not present in our database have not imposed any sanctions for contempt of court in this period (2019 to the present) or whether they have heard such cases and have failed to report them, as they should have done under the applicable regulation.<sup>2</sup>

## 1. Disproportionate Punishment

The Civil Justice Council's [Report](#) published in July 2020 detailed the disproportionate punishments imposed by the County Courts under the ASBI legislation. Our data provides a number of examples.

[Ms Marriott](#) breached her injunction by phoning 999, for which the maximum sentence under criminal law (s.127(2) of the Communications Act 2003) is six months in prison. (A person is guilty of an offence if, for the purposes of causing annoyance, inconvenience or needless anxiety, he...sends a message that he knows to be false...or persistently makes use of a public electronic communications network. Under s.127(3), the maximum penalty for this offence is six months' imprisonment and/or an unlimited fine.) The judge said he had no option but to commit her to prison for six months, for Anti-Social Behaviour Injunction breach. Immediately out of prison, she repeated exactly the same anti-social

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<sup>2</sup> Following a committal hearing, CPR 81(8): The court shall be responsible for ensuring that where a sentence of imprisonment (immediate or suspended) is passed in contempt proceedings under this Part, that judgment is transcribed and published on the website of the judiciary of England and Wales.

behaviour (calling 999) as before. This time, on 3 March 2023, Milton Keynes County Court committed her to 12 months immediate imprisonment for contempt of court for breach of an ASBI.

In 2021, a group of Travellers breached injunctions forbidding them from moving their caravans onto land that Essex County Council believes they should not occupy (an issue of current litigation). The sanctions imposed were extremely harsh; they were clearly disproportionate. Here are some examples:

- i. On 14 December 2021, the High Court imposed a sentence of 14 months immediate imprisonment on [Thomas Cleary](#) who breached his injunction by moving his caravan to a proscribed site. By way of comparison, in a recent case, Luton Crown Court imposed a sentence of 14 months in prison on a man who admitted causing death by careless driving and causing death while uninsured or unlicensed.
- ii. The High Court sentenced [Leah Foley](#), a mother of six dependent children, to 14 weeks immediate imprisonment for moving her caravan.
- iii. [Bridget McDonagh](#) was committed to 11 months immediate imprisonment for the same breach.
- iv. [Gerry Anderson](#) spent 24 weeks in prison for breach of an injunction for moving his caravan.

## 2. Punishing Destitution and Homelessness

A number of injunctions have targeted people who are destitute and/or homeless, who have been sent to prison for this.

On 18 December 2024 Peterborough County Court found that [Jacqueline Reilly](#), who is homeless, had for the second time breached an injunction not to enter the YMCA and not to sleep there. The Court committed her to an immediate term of imprisonment of 18 months.

In January 2022, Watford County Court found that [Pukakdandawa Lanka](#), an asylum seeker who was not represented nor present in court, had breached an injunction by sleeping rough and leaving belongings in front of St Albans Civic Centre. He was committed to 12 weeks immediate imprisonment.

On 21 February 2021, [Mr Batty](#) came before Leicester County Court, which found that he had breached an injunction against begging. It ordered 52 weeks immediate imprisonment.

On 25 April 2019, Recorder Hill QC, sitting in the County Court at Birmingham as a Judge of the County Court, sentenced [James Maguire](#) to a custodial sentence of 26 weeks for contempt of court: he had been found begging.

On 21 July 2022, at Swindon County Court, Mr Recorder Main Thompson committed [Mr Abrook](#) for contempt of court to HMP Bullingdon for ten months. He is a long-term drug addict. On release, he continued to beg. A later decision to discharge the injunction was successfully [appealed by the Council](#) in the Court of Appeal.

### 3. Punishing Mental Illness

In 46 cases in this database, the judge made mention of 'mental health issues' or 'mental illness' or 'drug or alcohol addiction'. Nevertheless, sentences of imprisonment were imposed. Here are two examples.

- A. On 19.10.2021, Milton Keynes County Court ordered [Charlotte Nudd](#), who had a long history of self-harming and drug overdoses, to be taken directly from a psychiatric ward to serve [6 months in prison](#) (she had directed abusive racist language at a housing officer).
- B. Floyd Carruthers was diagnosed with schizophrenia in 2003. In April 2021 he breached an ASBI by banging twice on his neighbour's door, first at 17.30 and again at 19.30. The Court found he had breached his injunction; he was remanded in custody. When the case was again before the Birmingham County Court on 6 May 2021, he was committed to prison for 66 days. He had an infected heart valve and did not eat in the prison for four days. No medical personnel were called. He was found collapsed in his cell and died in hospital on 14 June 2021.

### 4. Penalising the Victims of Domestic Abuse

On 25 July 2023, Rachael Williamson, Head of Policy and External Affairs at the Chartered Institute of Housing, spoke at a seminar on Anti-Social Behaviour organised by the Public Policy Exchange. She reported findings from Resolve that show that one in three cases of ASB are noise-related. Analysis from the Domestic Abuse Housing Alliance shows domestic abuse survivors are four times more likely than the general tenant population to receive ASB complaints. While both men and women experience domestic abuse, women are considerably more likely to experience repeated and severe forms of it. When complaints are made and dealt with as instances of ASB housing nuisance – loud noise, abusive language, banging and shouting – these are frequently due to domestic abuse. Both parties are then subject to the sanctions for ASB. Thus, the victim of domestic abuse is punished in the same way and to the same extent as the perpetrator. Clearly, this is a serious injustice.

### 5. Bereavement

Two of the cases illustrate how grief can be a factor in ASB.

Natalie W: her baby had died. In July 2021, at Bristol County Court, the judge [commented](#) on her mental health issues, stating that, due to the Covid pandemic, no mental health help was available to her, and said: *'I am very sorry to see her in such a distressed state'*; he hoped she would get help. The court imposed four months suspended imprisonment for making a noise outside her flat.

Nicholas [M fed pigeons on his balcony](#), causing mess from birds: he was committed to 15 weeks' immediate custody on 12 June 2020. He gave this account of his [mental condition](#) to [The Manifesto Club](#)

'I started feeding birds with my mum in the 60s. In recent years, feeding the birds has helped with my grief, depression, and on-going sobriety. I owe them. I lost my partner, mother, brother, and best friend in the space of a few years. I haven't drunk

since 1990. My first CPN for feeding the birds was in 2016; then a civil injunction was issued. In 2017, there was another CPN and, in 2019, another injunction was issued. In 2020, I was arrested for breaches and held for one day. At my breach trial, the council had four members present, all saying things that were exaggerated, including lies from the next-door neighbour who hated birds (and poured disinfectant on my balcony). The judge was horrible. I tried to tell him about how feeding the birds saved me from drinking again, and helped my grief. I had a solicitor, who said that it was a mental health issue, but the judge disagreed. He offered no compassion for my severe grief and very fragile mental state and told me that I was sentenced to prison for several breaches.'

## 6. Neurodiversity and Learning Difficulties

The [JUSTICE Report 2023](#) on Behaviour Control Orders states:

'Similar concerns were also raised in respect of Orders being imposed on neurodiverse persons and those with learning difficulties ... a report by HM Inspectorate of Prisons and Probation found that, in the context of the criminal justice system generally, people experience specific disadvantage because of their neurodivergence'.

In our data there are two men sent to prison for feeding pigeons. Continuing to feed birds, despite having the injunction imposed, may be linked to neurodivergence.

Darren fed pigeons. On 5 April 2022, Birmingham Civil Justice Centre sentenced [Darren J.](#) to six weeks imprisonment suspended, stating 'He has a number of physical and mental health issues and he has a history of chronic pain due to spinal difficulties'. [The judgment](#) includes this: Defendant: '*Your Honour, I was allowed to feed the birds then, there was not an injunction. It was – I was OK to feed the birds then.* Judge Truman: '*Mr Jones, you were not at liberty to feed the birds then, there was an injunction against you. Please do not interrupt.*'

## 7. No Consideration of Dependent Relatives

Under the criminal law, the court should have regard to the [Sentencing Council's guidance](#). It states that a factor indicating that suspending the sentence may be the correct decision is where immediate custody will result in significant harmful impact upon others. Under the criminal law, being a 'sole or primary carer for [dependent relatives](#)' is a statutory factor reflecting personal mitigation. [That allows the court at least to consider the position of children and other dependants when sentencing.](#)

In the civil law, there is no requirement to take account of a significant harmful impact on others. On 28 September 2023, the judge at Wolverhampton County Court [sentenced Ms Rothan to 14 weeks](#) immediate custody for breaching an injunction by causing nuisance to her neighbours. He noted that her daughter was 'on the autism spectrum', but did not state her age and made no mention of any enquiries regarding who would care for her during her mother's three months in prison.

## 8. Imprisonment Imposed When No Harm or Inconvenience Caused

There is evidence from the cases that the courts are imposed terms of imprisonment when there is no harm or inconvenience caused.

On 9 January 2023, Nuneaton County Court imposed four weeks immediate imprisonment on [Annie Harley](#), remarking that there was no evidence that her presence in the prohibited area caused any harm or distress to any person. She did not appear in court and was not represented. The judge stated:

‘On no occasion was there evidence of a resident or person lawfully present in the exclusion zone suffering any adverse consequences as a result of the defendant being present.’

She spent 15 days in prison on remand.

On 20 October 2022, Swindon County Court sent [Zackeriah Gordon](#) to prison for 15 days; he spent five days in prison on remand. The judge said: ‘It could not be shown the breaches had caused harm to any persons.’

On 29 April 2024, [Christopher Scott](#) was committed to prison for two days; he was in an exclusion zone. The judgment states:

‘Little or no harm or distress caused to any person, no persons were actually inconvenienced by his presence in the exclusion zone.’

The Defendant stated he was simply meeting his grandmother who lives within the exclusion zone and has mobility issues. He stated he sought to obtain funds for food, as he is currently homeless.

Such imprisonment stands in stark contrast to the criminal law. The Criminal Justice Act 2003, s.152(2) states that:

‘the court must not pass a custodial sentence unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that neither a fine alone nor a community sentence can be justified for the offence.’

## 9. Custody On Remand

Many protestors have been [remanded in custody](#). The judgments all state ‘this was an entirely peaceful protest’. Surely, imprisonment should be reserved for those who have been found guilty of committing offences causing serious harm and should not be imposed on people who have engaged in peaceful protest and who have not yet been found guilty of any criminal offence or found to have breached an injunction.

Apart from the protestors, we note also that in two of the cases cited in Section 1, Harley and Gordon, whose behaviour caused ‘no harm or inconvenience’, had spent time in prison on remand before the court hearing. There is also the tragic case of Floyd Carruthers, who was remanded in custody for his first and only breach of an ASBI.

## 10. Recommendations

These are the recommendations that I believe follow from the research findings.

- The current system is profoundly unjust. The punishments fall largely on the most vulnerable in our society, almost entirely on those living in poverty, those with mental illness and addictions, those suffering from trauma and bereavement, those least able to cope without support. Reform is urgent and imperative.
- The sanctions are ineffective; the same names appear in the court records again and again.
- There should be a clear line between sanctions that obtain in criminal cases and those applied under civil law.
- There should be a clear distinction between contempt of court for breach of Behaviour Orders including Anti-Social Behaviour Orders and other forms of contempt of court.
- In cases concerning Behaviour Orders, **imprisonment should not be an option available to the courts.**
- We note that most European judicial systems reserve imprisonment for contravention of the criminal code. Anti-social behaviour is distinct from crime.
- The sanction of imprisonment for contempt of court should be reserved for:
  - a) Contempt in the face of the court, thus protecting the operation of the courts upon which the rule of law depends; and
  - b) Contempt in cases such as property and inheritance conflict/obduracy where coercion is required.
- There should be adequate protections for those accused of breach of injunctions, which would include the right to legal representation.
- Community sentences should be available as a sanction for contempt of court. The courts should be able to order community sentences together with probation support in case of breach of an injunction.
- The court should have powers to recommend support from probation and other services (such as health care, help with accommodation, education, training or employment) for the contemnor.
- There should be adequate and effective oversight of courts imposing sanctions for breach of injunctions to ensure that any requirements imposed are not disproportionate.

## 11. Conclusion

We should not accept the injustices occurring every day when county courts deal with breach of behaviour control orders which are heard under civil law, with none of the protections afforded by the criminal courts, with no judicial oversight, and fall

disproportionately on the poorest and most disadvantaged in our society. This echoes [the report by the Civil Justice Council](#) in 2020. They noted the lack of representation for many in contempt cases, and the disproportionate punishments imposed. They reported how limited are the options available to the judges in these types of cases, and made it particularly clear that diversion and liaison services, so useful in the criminal system for supporting people who have committed minor offences, are not available in contempt of court cases. They called for reform of the system, making fifteen recommendations. None has been implemented.

Sensible reform would be compliant with human rights, and would respect the need for social justice and for a welfare-based, rather than a punitive, approach to social problems. Such reform would make economic sense, as prison is the most expensive option when dealing with anti-social behaviour. It would also provide a significant contribution to alleviating the pressure on prison places.