

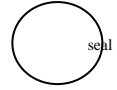
**Committal or Other Order upon Proof of Disobedience  
of a Court Order or Breach of an Undertaking**

In the LEICESTER

**Between** THE COUNCIL OF THE BOROUGH OF CHARNWOOD **Applicant**  
  
and MR TERRY SPENCER **Respondent**

**County Court**

**Claim No.** *Always quote this* C01LE734



**Before Mr Recorder Potts**  
**Sitting at** The County Court at Leicester on 12 July 2019

**1**An application having been made by<sup>(1)</sup>the Council of the Borough of Charnwood for committal of<sup>(2)</sup> Mr Terry Spencer to prison for disobeying the amended order of 09 May 2019 . The relevant terms of the order and the allegations made by the applicant are recited on the Notice of Application for Committal to Prison and supporting affidavit of Ms Leye Price, sworn on 08 May 2019. The allegations of breach are recorded on the attached schedule of breaches.

2

**and**

**3. Whereas<sup>(2)</sup>** Mr Terry Spencer has been suspected of a breach of the attached amended order dated 09 May 2019 and has been arrested under a power of arrest and brought before the Judge under the Power of Arrest attached to the Amended Order on 31 May 2019 and 30 June 2019.

**IMMEDIATE CUSTODIAL ORDER**

**It is ordered that<sup>(2)</sup>** Mr Terry Spencer be committed for contempt to Her Majesty’s Prison at Leicester for a total period of 30 weeks, with credit to be given for 8 days already served, or until lawfully discharged if sooner, and that a warrant of committal be issued forthwith.

**And** the contemnor can apply to the court to purge his contempt and ask for release.

**PROVISION FOR COSTS**

**And it is ordered that No Order as to Costs**

**Date** 12 July 2019

*For record of service, hearing and contempts found proved, see overleaf*

# RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

## At the hearing

- (1) The Council of the Borough of Charnwood was represented by counsel  
(2) Mr Terry Spencer appeared personally

**The court read** the affidavits of (Names)  
Ms Leye Price

Date affidavit(s) sworn  
08 May 2019

**And the court heard** oral evidence given by  
Name(s)

**And the court is satisfied** having considered the facts disclosed by the evidence and admitted in court by him  
that<sup>(2)</sup> Mr Terry Spencer has been guilty of contempt of this court by disobeying the  
amended order dated 09 May 2019 as set out in the attached schedule

1. As per the Application for Committal to Prison dated 15 May 2019 as supported by the affidavit of Ms Leye Price, sworn on 08 May 2019, copies of which are attached hereto and the attached schedule.

And for the particular contempt the court imposed the penalty of:

1. 30 weeks immediate custody, for each breach, to be served concurrently, with credit to be given  
2. for the 8 days already served.

## RECORD OF SERVICE

### Service of Injunction Order with Penal Notice incorporated or indorsed

Service proved by

- Previous certificates of service as per the committal orders of 07 July 2017 and 27 October 2017.

### Service of Notice to show good reason in form N78

Service proved by

- certificate of service dated 10 June 2019

### Arrest under warrant of arrest

respondent arrested on 31 May 2019 and 30 June 2019  
by PC Tharane and  
Inspection Botte  
in accordance with the power of arrest attached to the amended order of 09 May 2019

### Service of Immediate Custodial Order

I (name of Officer)

certify that I served the contemnor with a copy of this order by:

- delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention  
 delivery by hand to the contemnor at (time) on (date) [19 ][20 ] at (place)

**Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)**  
**Where there is suspended committal order or penalty is adjourned on terms, personal service is advisable.**

The court office is open from 10 am to 4 pm Monday to Friday.

When corresponding with the court, please address forms and letters to the Court Manager and quote the case number.

