

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

In the Central London	
County Court	
Claim No. <small>Always quote this</small>	F01BF022

Between The London Borough of Ealing

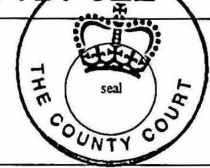
Applicant  
Claimant  
Petitioner

and Kelly O'Brien

Respondent  
Defendant

Before His (Her) Honour Judge  
Sitting at Baucher

on (date) 16 September 2020



- 1 An application having been made by The London Borough of Ealing for committal of <sup>(2)</sup> Kelly O'Brien to prison for disobeying the order [~~breach of the undertaking~~] dated 13/9/19 ~~The relevant terms of the order (undertaking) and the allegations made by the applicant are recited on the attached notice to show good reason~~  
or
- 2 ~~Whereas~~<sup>(2)</sup> ~~dated~~ ~~under section 47(6) of the Family Law Act 1996.~~ ~~or~~ ~~has been suspected of a breach of the attached order and has been arrested by a constable and brought before the Judge~~
3. ~~Whereas~~<sup>(2)</sup> ~~[undertaking] dated~~ ~~[section 47(8) of the Family Law Act 1996] [section 3(3) of the Protection from Harassment Act 1997].~~ ~~or~~ ~~has been suspected of a breach of the attached order and has been arrested under a warrant of arrest and brought before the Judge under~~

## IMMEDIATE CUSTODIAL ORDER

It is ordered that<sup>(2)</sup> KELLY O'BRIEN be committed for contempt to Her Majesty's Prison (be detained under section 9(1) of the Criminal Justice Act 1982) at<sup>(1)</sup> HMP BRONZEFIELD for a (total) period of<sup>(4)</sup> 4.8 Weeks (minus 9 days) or until lawfully discharged if sooner, ~~and that a warrant of arrest and committal be issued forthwith.~~

~~And the contemnor can apply to the (court) (judge) to purge his contempt and ask for release.~~

~~[And, as the court by order dated~~ ~~dispensed with service of the notice of application for a committal order,~~

~~It is ordered that the contemnor be brought before a judge of this court as soon as practicable.]~~

## ALTERNATIVE DISPOSAL

~~It is ordered that~~<sup>(2)</sup> ~~of~~<sup>(4)</sup> ~~be committed for contempt to prison for a (total) period~~

~~The order is suspended until~~ ~~contemnor~~ ~~[19] [20]~~ and will not be put in force if during that time the complies with the following terms:

~~And it is further ordered that in the event of non-compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor)~~

~~It is ordered that~~<sup>(2)</sup> ~~Such sum to be paid into the office of the court within 14 days of the date of this order.~~ ~~be fined the sum of £~~

~~It is ordered that consideration of the penalty for the contempts found proved be adjourned until~~ ~~[20]~~ ~~and may be restored for decision if during that time~~<sup>(2)</sup> ~~does not comply with the~~ ~~following terms~~ ~~[19]~~

## PROVISION FOR COSTS

And it is ordered that

There be no order on the Claimant's cost.  
There be a detailed assessment of the Defendant's publicly funded costs

Date 16 September 2020

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

**RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED**

**At the hearing**

(1) The London Borough of Ealing ~~[appeared personally]~~ [was represented by <sup>Ms Cullen</sup> ~~solitor / counsel~~] ~~[did not attend]~~  
 (2) Kelly O'Brien ~~[appeared personally]~~ [was represented by <sup>Ms Cullen</sup> ~~solitor / counsel~~] ~~[did not attend]~~

**The court read the affidavits of (Names)**

PC Burberry dated 22 May 2020  
 PC Davies dated 22 May 2020  
 PC Devine dated 12 September 2020  
 PC Phillips dated 12 September 2020

**Date affidavit(s) sworn**

PC Gramblen dated 11 September 2020  
 and the Affidavit of  
 Ms Bhatt dated 3 August 2020

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

Ms Bhatt

**And the court is satisfied** having considered the facts disclosed by the evidence and/or admitted in court by him/her that<sup>(2)</sup> Kelly O'Brien has been guilty of contempt of this court by disobeying the order (breaking the undertaking) dated 13 September 2019 by ~~(and as set out in the attached schedule)~~

- 1) On 22 May 2020:
  - + a) Being within the exclusion zone
  - 2 b) causing nuisance/annoyance
- 2) In breach of suspended sentences  
7 May 2020 and 14 May 2020
- 3) On 11 September 2020 being within the exclusion zone

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

- + 1) a) 20 weeks
  - 2 b) 20 weeks concurrent
  - 2) 28 weeks consecutive to 20 weeks
  - 3) 2 weeks concurrent
- Total: 48 weeks (deduct 9 days for remand - see sentence attached)

**RECORD OF SERVICE**

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

(Order dated [19 ][20 ]  
 (for substituted) (dispensing with) service)

Service proved by

- certificate of service dated [19 ][20 ]  
 certificate of bailiff  
 oral evidence of

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

(Order dated [19 ][20 ]  
 (for substituted) (dispensing with) service)

Service proved by

- certificate of service dated [19 ][20 ]  
 certificate of bailiff  
 oral evidence of

**Arrest under warrant of arrest**

respondent arrested on  
 by  
 in accordance with a warrant of arrest issued on

**Service of Immediate Custodial Order**

I (name of Officer) Alex Castle certify that I served the contemnor with a copy of this order by:

- delivery by <sup>email to HMP BRONZEFIELD</sup> ~~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.

