



Neutral Citation Number: [2023] EWHC 3226 (KB)

Case No: QB-2016-004092

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 15 December 2023

**Before:**

**HHJ PARFITT**  
**(sitting as a judge of the High Court)**

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**Between:**

**(1) THE ALL ENGLAND LAWN TENNIS CLUB (CHAMPIONSHIPS) LIMITED**  
**(2) THE ALL ENGLAND LAWN TENNIS GROUND PLC**  
**- and -**  
**(1) BROKER 4 U LTD**  
**(2) GARY DAVIS**

**Claimant**

**Defendants**

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**Edward Rowntree** (instructed by **Armstrong Teasdale Limited**) for the **Claimants**  
**The Second Defendant** in person

Hearing date: 15 December 2023  
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**Authorised Penalty Judgment**

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**HHJ PARFITT**

**HHJ Parfitt:**

1. I have handed down judgment today finding the Second Defendant in contempt of court as summarised in paragraph 74 of that judgment:

74. The Claimants have proven beyond reasonable doubt that the Second Defendant on 14 and 15 July 2023 and contrary to the Injunction dated 22 August 2016 offered and exposed for sale, caused to be transferred, provided and arranged for the provision of non-transferable Wimbledon Tickets, namely two tickets for block 103 for centre court on 15 July 2023, knowing that those tickets were non-transferable Wimbledon Tickets within the meaning of the Injunction.

2. I remind myself of the law regarding sentencing for breaches of civil injunctions. The objectives include (i) ensuring future compliance (ii) punishment and (iii) rehabilitation (see *Lovett v Wigan Borough Council* [2022] EWCA Civ 1631 at paragraph 39).
3. The available penalties and general guidance as to sentencing was set out by the Supreme Court in *AG v Crosland* [2021] UKSC 15 at paragraphs 43 and 44:-

43. We turn therefore to consider what penalty is appropriate. The available penalties for an individual found in contempt of court are a term of imprisonment of up to two years (section 14, Contempt of Court Act 1981) or an unlimited fine. A sentence of imprisonment may be suspended.

44. General guidance as to the approach to penalty is provided in the Court of Appeal decision in *Liverpool Victoria Insurance Co Ltd v Khan* [2019] EWCA Civ 392; [2019] 1 WLR 3833, paras 57 to 71. That was a case of criminal contempt consisting in the making of false statements of truth by expert witnesses. The recommended approach may be summarised as follows:

1. The court should adopt an approach analogous to that in criminal cases where the Sentencing Council's Guidelines require the court to assess the seriousness of the conduct by reference to the offender's culpability and the harm caused, intended or likely to be caused.

2. In light of its determination of seriousness, the court must first consider whether a fine would be a sufficient penalty.

3. If the contempt is so serious that only a custodial penalty will suffice, the court must impose the shortest period of imprisonment which properly reflects the seriousness of the contempt.

4. Due weight should be given to matters of mitigation, such as genuine remorse, previous positive character and similar matters.

5. Due weight should also be given to the impact of committal on persons other than the contemnor, such as children or vulnerable adults in their care.

6. [concerns admissions which are not relevant]

7. Once the appropriate term has been arrived at, consideration should be given to suspending the term of imprisonment. Usually the court will already have taken into account mitigating factors when setting the appropriate term such that there is no powerful factor making suspension appropriate, but a serious effect on others, such as children or vulnerable adults in the contemnor's care, may justify suspension.

4. Although various breaches of the Injunction have been proven, for sentencing purposes they can and should be treated as a single event: on this occasion, the Second Defendant has involved himself in dealing with non-transferrable Wimbledon tickets. What is the appropriate sentencing response to this conduct?
5. The Second Defendant has a high degree of culpability: the purpose of the Injunction was to help protect the Claimants and the tennis going public from the activities of ticket-touts and to prevent the Second Defendant from participating in such transactions. These purposes have been flouted and undermined by the Second Defendant's conduct.
6. The degree of harm is particular: tickets were made available, the Hotel Guests thought they had tickets for the women's final and went to Wimbledon for that purpose. They failed to have the afternoon they expected. In addition, there are others who have suffered indirectly because of this transaction, to a limited but real extent, two tennis fans, who likely could not afford the relatively high price of debenture tickets, have lost the opportunity provided by the ballot system of attending one of the prime tennis events of the year. I would assess the degree of harm given that this is a single transaction case as medium.
7. The Second Defendant has said that his motivation for breaching the injunction was not so much to sell tickets as to further his client relationship with the Londoner Hotel. This does the Second Defendant no credit: essentially it is a choice of future profit over obedience to the court's order. This is an aggravating factor.
8. In mitigation the Second Defendant has said that:
  - i) he has caring responsibilities for his parents who are having cancer treatment. This has been difficult for him emotionally.
  - ii) he was at least reckless and should have paid attention and will not do it again.
  - iii) the last few years have been tough: in 2017 he was bankrupt; in 2019 he was very ill and then Covid came, which was very damaging to the event industry.
  - iv) his financial position remains precarious and he is assisted by others and is very concerned about the potential consequences of any costs order against him.
  - v) nobody else involved in the ticketing transaction appears to have had any consequences.
9. Bearing all these factors in mind, I do consider that this conduct is sufficiently serious that a fine would not be a sufficient penalty. I have noted other cases where a breach of

a ticket injunction has been met with a custodial sentence and bear in mind to some extent (every case will turn on its own facts) that a message that pursuit of profit contrary to an injunction can be met by payment of a fine might create an impression that the risk of being caught and fined can be leveraged against the profit to be made. This would seriously undermine the efficacy of the court's orders in this area.

10. Accordingly, I ask myself what would be the shortest period of imprisonment that would properly reflect the seriousness of the Second Defendant's conduct. In my view, given that this appears to have been a one-off after many years when the Second Defendant says he has kept away from Wimbledon tickets, the minimum but sufficient penalty would be 13 weeks in prison. In reaching that figure I take into account what the Second Defendant says about his caring responsibilities towards his parents and the need for him to support his family.
11. I consider whether the sentence should be suspended. In my view it should for a period of 2 years on condition that no further breaches of the Injunction occur in the meantime. While I have already taken account of the impact of a custodial sentence on the Second Defendant's family, I do have particular regard for the position of his parents. I also consider that given this is the first occasion on which this order has been found to have been breached, the suspension is likely to encourage compliance with the order in the future.
12. Lastly, I note as part of the background in a case in the court's authority bundle, *Chelsea Football Club Ltd v Nichols* [2020] EWHC 827 at [2], that a 6 month sentence suspended for 2 years was considered appropriate by Lane J on 7 September 2018 for a 4 Wimbledon ticket sale breach some 7 years after the injunction in that case was made. The overall sentence I am making is consistent with that albeit I have determined that a lesser period of custody would be appropriate here.