



[2025] EWCA Civ 476

Stephen Yaxley-Lennon

- v -

HM Solicitor General

PRESS SUMMARY

*This summary is provided for the benefit of the press and public. It does not form part of the judgment.
References in square brackets are to numbered paragraphs of the judgment.*

1. The Court of Appeal (The Lady Carr of Walton-on-the-Hill (Lady Chief Justice), Lord Justice Edis and Lord Justice Warby) today handed down judgment in this appeal against sanction. It dismissed the appeal.
2. The full background to the appeal can be found at [7] to [21] of the judgment.
3. In October 2024, the appellant had admitted 10 separate contempts of court. He was sentenced by Mr Justice Johnson to 18 months' imprisonment, divided into a punitive element of 14 months and a coercive element of 4 months [2024] EWHC 2732 (KB). He is currently due for unconditional release on 26 July 2025. Were he to purge his contempts, he would be due for release at the end of May 2025.
4. The appellant advanced 7 grounds of appeal in writing. 3 of those (grounds (a), (f) and (g)) were not pursued at the appeal hearing.

Extension of time and fresh evidence

5. The Court granted the appellant a necessary (3 ½ month) extension of time in which to appeal on the remaining 4 grounds of appeal and permission to both parties to rely on fresh evidence. The appellant relied on a fresh medical report from an expert psychologist (the Connolly report) and a witness statement of his own outlining his conditions in prison. The Solicitor General relied on two witness statements from prison officials also addressing the appellant's conditions in prison.

Grounds (b) and (c): conditions in prison

6. The gravamen of the appeal on grounds (b) and (c) was that the sanction of 18 months' imprisonment should be reduced due to unexpectedly onerous prison conditions. The Court considered the updating evidence with care, summarising it at [40] and [41].
7. The Court did not consider that it showed that the appellant's conditions in prison were materially harsher or more onerous than Mr Justice Johnson had foreseen at the time of sanction. Mr Justice Johnson had foreseen that the appellant was likely to be segregated for his own safety, and that a bar on association with other inmates was a clear possibility. The appellant had in fact been able to associate with others by email, by telephone, and in person, to a considerable extent. The evidence did not support the submission that the appellant was often held in his cell for as long as 21 hours a day, a normal regime for civil prisoners in any event [38] [43].

Grounds (d) and (e): mental health

8. The gravamen of the appeal on grounds (d) and (e) was that the fresh evidence in the Connolly report provided grounds for reducing the sanction. The Connolly report was said to show that the appellant had, over a period of time, suffered a significant exacerbation of a pre-existing health condition (response to trauma) that was taken into account by Mr Justice Johnson, coupled with symptoms of an additional previously undiagnosed health condition (ADHD) [44].
9. The Court concluded that the fresh evidence in the Connolly report did not afford grounds for reducing the sanction [44]. So far as PTSD was concerned, the findings of the clinical psychologist in the report that was already before Mr Justice Johnson at the time of sanction were very much on lines of those in the Connolly report, if not worse. Both reports identified the same manifestation of a condition caused by trauma and a likelihood that this condition would be triggered by imprisonment and segregation [47]. The Court concluded that the additional diagnosis of ADHD did not have a substantial bearing on the issue for decision [48]. The evidence did not show either a significant exacerbation of a known medical condition or a material new factor [49].

Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision. The full judgment ([2025] EWCA Civ 476) is the only authoritative document. The judgment is a public document and is available online at Judgments Archive - Courts and Tribunals/Judiciary: <https://caselaw.nationalarchives.gov.uk/>