

Case No: M02MA509

IN THE COUNTY COURT AT CHESTER

Civil & Family Justice Centre
Trident House
Little St John Street
Chester CH1 1SN

Date of hearing: 26 March 2026

Start Time: 12:17 Finish Time: 12:42

Before:

HER HONOUR JUDGE HOWELLS

Between:

RAYMOND BRYCE	<u>Claimant</u>
- and -	
JORDAN ROBERT PERRIAN	<u>Defendant</u>

THE CLAIMANT appeared **In Person**

THE DEFENDANT appeared **In Person**

APPROVED JUDGMENT

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HER HONOUR JUDGE HOWELLS :

NOTE: Prior to this judgment at the commencement of the hearing Mr Perrian was asked if he wanted an adjournment to obtain free legal advice or representation, and he declined.

1. The background to this matter, Mr Perrian, is that the claimant, Mr Bryce, alleges and it was proven that he was attacked by you and brought a claim for damages. That was issued back in 2018. There was a defence filed but judgment was entered with damages to be assessed.
2. Ultimately, there was an order made in 2020 that there be judgment against you, plus interest. The judgment was £1,500 plus interest of £37.05 and costs. These proceedings have subsequently been about the enforcement of that judgment and they have continued in a number of ways from 2020 onwards. Therefore, there is a long and protracted history.
3. Back in 2021, Her Honour Judge Sykes made an order that you attended court to answer certain questions. There was a suspended committal order ordered by HHJ Sykes. Ultimately, that was set aside but there were ongoing problems in relation to the enforcement of that judgment debt.
4. The matter was transferred back to Crewe County Court and then again transferred back to Chester. In 2023, the matters first came before me when applications were made by Mr Bryce in relation to contempt proceedings because it was said that you were not answering questions and not providing documentation in relation to how this debt could be enforced. I am using a short form, but that is in fact what was said, about the enforcement of the debt that you owed to Mr Bryce.
5. From that stage onwards, you mentioned that you were filing for bankruptcy. In January 2025 at a hearing, you indicated that was the case. In March of 2025, the matter finally came back before me. At that hearing, you having previously been found to have been in contempt of court for not providing documents as ordered, the matter was listed for you being sentenced for having breached a court order. I stress that there had been prior to that a number of hearings adjourned at your request and you were told of your rights including the right to free legal representation. You were not represented and wished to proceed. You offered to the court and the court accepted, an undertaking. That undertaking, given on 4 March 2025, was that you would pay £200 on the 10th of each month to Mr Bryce, initially through a collection agency and then thereafter directly to him. That was an undertaking that was given formally to the court on 4 March 2025.
6. I explained to you on that date the consequences of this undertaking and that that was a promise to the court that you had to comply with. You agreed and you said you understood. Since that date I have found that you have made no payments whatsoever to Mr Bryce in compliance with that undertaking.
7. The current proceedings are in relation to committal for you for breaching that undertaking. The matter came back before me having been instituted in

Manchester, for reasons which are not entirely clear to me, but they came back before me on 22 September 2025, when for the sake of clarity I endorsed a penal notice on my previous order. I ordered that it should be personally served by email, because that is the method of service that you have previously said you wanted, and I ordered that Mr Bryce should file evidence and you were given a warning that the matter may proceed in your absence.

8. There have then been a number of court hearings which you did not attend. Shortly before the court hearing that was listed in November of last year, you emailed to the court at 18.48 saying that you had declared yourself bankrupt as at 11 September and gave a bankruptcy reference number. You said you would provide evidence in support. The matter was listed for a January hearing, therefore. I made the order in November, Mr Bryce being present, you not being present. I was satisfied that you had had notice of that hearing, that I had received the email to the court saying you were declared bankrupt and it was ordered that the matter should be re-listed on 19 January 2026 and that you should attend in person. That was to deal with the committal application.
9. You were given the opportunity then to file documents with the court in support of your position in relation to bankruptcy and there was a penal notice attached to that order. Unfortunately, you did not file information. That was your choice, you did not have to, but you did not file information prior to the January hearing. In fact you did not attend in January. However, I determined, having been satisfied that you had been properly served, that the matter should proceed in your absence on 19 January 2026.
10. I refer to my order of 19 January 2026 in relation to that when I was satisfied beyond reasonable doubt that you were guilty of contempt of court by breaching your undertaking given to the court on 4 March to pay monthly the sum of £200 on the 10th of each month to discharge the judgment debt by payment to the account details given. You have not appealed that order. You accept that you are in breach.
11. Now I adjourned the matter yet again for you to be able to attend and to be sentenced. You were given warnings then, as you have been on every order, in relation to your rights, which I repeated to you in the course of the hearing today. You did not attend the next hearing, which was in January. At that hearing I had issued a warrant for your production by Cheshire Police. However, despite the matter being put back to 2.15, they were unable to execute that warrant and you did not attend. I was satisfied that you knew of the hearing and you had been personally served by email. Upon, therefore, the court proceeding in your absence, there having been two previous adjournments to assist you, and you having been warned that the case could proceed in your absence, I yet again adjourned to today's hearing and made directions that the court would be assisted, but not ordering that you had to, if you produced documentary evidence in support of your position that you had been declared bankrupt.
12. As at that hearing on 30 January 2026, I made enquiries (which I discussed with Mr Bryce, who was present via a Teams hearing) in the face of the court, that indicated that you in fact had just been declared bankrupt as at that date. Since that date, not in compliance with the time set in the court order but subsequently, you emailed the court indicating that in fact you had been made bankrupt. This

is by way of an email dated 17 February 2026. You stated in that email that you had paid the final instalment fee for your bankruptcy in January 2026, that the bankruptcy had been approved and the order made on 27 January 2026. You also filed some screenshots to confirm that that was the position.

13. That did not fully answer the documentary evidence that I had said would assist (but not ordered) at the end of January but it provided evidence in support of your bankruptcy position. The position, therefore, today is that you are a declared bankrupt. You have explained to the court that you are not in any position to pay £200 per month as you had previously undertaken.
14. The position is, therefore, that you are in contempt of court in that you have broken your undertaking as provided in this judgment. The breaches have previously been proved and I have referred to my judgment in that regard. There had been no previous suspended penalty imposed, so I do not have to consider that. I have set out the facts which have been proved which amount to the breach. In effect, this was a case for the enforcement of a Judgment Act debt. You gave an undertaking to the court that you would pay £200 a month. Since the date of that, you have paid nothing.
15. You have indicated to the court today that you had continued to be in work or in employment of some sort up until December, so as at March when you gave the undertaking, you were in receipt of some income, albeit you indicated that you had financial difficulties. Between December 2025 and February 2026 you have indicated you were out of work, and from February of this year you have indicated that you are now currently in employment. That gives the background to the breach.
16. I have now to consider what penalty I should impose in relation to that breach and the found contempt of court. In that regard I am assisted by the guidelines endorsed by the Court of Appeal in the case of *Lovett v Wigan*, 2022. It is clear that this is a civil matter and not a criminal matter, and as such the objectives for sentencing for breach of the order are not primarily to punish you but to ensure future compliance with this order. I refer specifically to paragraphs 39 and 40 of the case of *Lovett v Wigan*. Although punishment and rehabilitation are matters I should consider, the primary objective is, of course, ensuring future compliance with this order.
17. The difficulty I face is that you have indicated to the court today that you are not in a position to comply with the court's order in relation to the payment which you had undertaken to make. You are bankrupt.
18. In relation to suspension and adjournment, they are matters which the court can consider if appropriate. The maximum term of custody to be imposed is limited to two years' imprisonment pursuant to section 14 of the Contempt of Court Act.
19. I have considered carefully the question of a custody threshold and I note from paragraph 43 of the case of *Lovett v Wigan* that custody should be reserved for the most serious breaches and for less serious cases where other methods of securing compliance with the order have failed. I also recognise I have to look

at the totality of penalties imposed, but in this case it is only one penalty that is going to be imposed.

20. I recognise what is said in the case of *Lovett* that a custodial sentence should never be imposed if an alternative course is sufficient and appropriate. In that regard, therefore, I look at the sentencing grid which is set out in the case of *Lovett v Wigan*, and I look at questions of culpability and harm. There are three levels of culpability: high, where there has been a very serious breach or persistent serious breaches; B, deliberate breach falling between A and C and lower culpability, minor breach or breaches. In my judgment, this is a case which would fall into category B for culpability. I say that because in my judgment, you have breached the court order. It is a deliberate breach because you have immediately, after the undertaking that was given, failed to make any payments. You did not do anything to notify the court that you were unable to pay, nor have you provided any evidence that you notified Mr Bryce. You simply ignored the order. Every month from March onwards you have been in breach of that undertaking by failure to make the £200 payment.
21. So that they have been deliberate breaches and they have been ongoing, albeit I recognise, and I will come to it in a moment in terms of mitigation, that you indicate that financially you are not in a position to make those payments.
22. I have also considered the question of harm, and again there are three categories. Where the breach causes very serious harm or distress, category 2, cases falling between categories 1 and 3, and category 3, breach causes little or no harm or distress. Mr Bryce has indicated that he considers himself to have been caused serious harm or distress or in any event, of significance. I recognise that this has been an ongoing matter and that each time these proceedings have come to court, they have caused some harm and distress. Mr Bryce has been without his money, which he is legitimately owed, for a significant number of years. However, I do not consider this to be category 1. I consider it to be borderline between category 2 and category 3 for harm and distress.
23. The starting point, therefore, in relation to the grid in *Lovett v Wigan* is category B for culpability and categories 2 to 3, borderline, in relation to harm. Therefore, the starting point could be a one month custodial sentence or adjourned for consideration, or adjourned for consideration generally. Of course that is a starting point. This grid does not take into account the question of whether any order should be made or not.
24. I stress what is said at paragraph 56 of *Lovett*, that:

“It cannot be over-emphasised that the task of sentencing a defendant for breaches of orders is multifactorial and the court should take into consideration all factors so that a sentence is just and proportionate. However, the court still has to approach things in this relatively systematic manner”.
25. Having looked at that, therefore, and given my starting point, I have identified what the range of penalty is. The range of penalty goes from no order to adjourning matters, also a financial penalty and a short custodial sentence. I am satisfied that the breach in this case is not so serious that the custody threshold

is crossed, i.e. so serious that no penalty other than a custodial penalty is appropriate. Custodial sentences should be reserved for those cases where the matters are very serious or there have been continual and persistent breaches. However, looking at matters in this case I am not satisfied that such is the appropriate remedy or sentence.

26. I look at admissions that you have made and mitigation factors. In relation to mitigation, you have accepted, albeit today at the door of the court, that you have been in breach of the order. You have explained that you have been in significant financial difficulties and were simply not in a position to comply with the order. That is evidenced by the fact that you have finally declared yourself bankrupt and that that has been a matter which the Trustee in Bankruptcy, I believe, and I will be corrected if I am wrong, has evidenced and in fact that is the position. So that supports the fact that your financial position is very poor. Those are mitigating factors.
27. I also recognise that you have indicated that during the course of these proceedings your mental health has been poor and it is only when the bankruptcy has gone through, that there has been a significant improvement in that. I have not seen any medical evidence for today's purposes, but I accept at face value what you say.
28. In relation to aggravating features, this is not the first time that there has been a contempt found against you. In fact, the undertaking was given as part of a sentencing process in relation to a previous contempt. You cannot, as you believe that you can, persistently ignore court orders. By sticking your head in the sand and ignoring court orders, you have made things significantly worse for yourself. This has therefore meant that there have been a number of court hearings, the police have been involved. That has caused grave inconvenience to all parties in this case and to the court, and of course has used up court time which other court users could have had. Sticking your head in the sand is not the answer. Those are factors which I consider to be aggravating matters.
29. Nevertheless, taking a multifactorial approach as I am required to do pursuant to *Lovett v Wigan*, I look at the starting point, which I have indicated. I give you credit for your mitigation, which I have identified. I take into account your persistent ignoring of court orders as aggravating features and of course your ongoing non-compliance. However, I recognise that in fact you indicate, and as has been confirmed by you being declared bankrupt, that your financial position is in a very poor state and you are not in a position, at present, to comply with the undertaking that you gave. You have indicated that you are not in a position to make any regular offer and that is supported to a degree by the bankruptcy that has been made.
30. I give you very modest credit for your admissions today, it was only in the face of the court. However, it seems to me that you have in fact finally woken up to the seriousness of this matter, which cannot and should not be ignored.
31. I, therefore, consider what is the appropriate penalty. Working upwards, I am satisfied that in this case and on this occasion no penalty is appropriate for the breach of your undertakings. However, I record that there has been that breach and that may be taken into account if there are any future breaches. I have

reached that conclusion while looking at other penalties which would be appropriate. As I indicated, I do not consider that the custody threshold has been crossed. That means that a custodial sentence is not appropriate and that means that a suspended sentence, obviously, is not appropriate.

32. I have looked at and considered whether an adjournment of the matter might assist in terms of compliance, to see if you could comply in the future. Given that there is a bankruptcy order in place, I do not consider that to be the appropriate course to take. I say that whilst recognising that Mr Bryce has indicated that he wishes to apply to set aside the bankruptcy. That of course is entirely a matter for him and if he is successful in doing so, he can seek enforcement of this judgment debt in the usual way as he has done in the past. So the matter is not simply at an end, albeit I hope for everybody's sake that a remedy can ultimately be found.
33. I have considered whether a financial penalty is appropriate. Given what you have told me about your means, given the bankruptcy order that has been made, I do not consider that a further fine would be appropriate in all of those circumstances, because I am not satisfied that you have the means to pay the fine. In any event, any funds that you have should go to be paying your creditors, not to pay a fine to this court.
34. I have thought very carefully about this matter, Mr Perrian. It does seem to me that you have not taken these proceedings seriously. It does seem to me that you have been avoiding coming to court. It may be that that was because of mental health issues, I do not know, albeit I accept what you say, that you have found things very difficult. However, in all the circumstances I consider that no further order is appropriate, in the extreme circumstances in which we find ourselves where a bankruptcy order has been made.
35. These proceedings are not the usual sort of committal proceedings that this court sees where, for example, the court is looking for compliance with injunctions in relation to people's behaviour and anti-social behaviour and the like. It is nevertheless important that court rules and court orders are complied with. I am satisfied, however, that in these circumstances the breach of this undertaking was due to your financial position rather than deliberately flouting a court order. Therefore, that is why I am making no further order today.
36. I direct that my remarks should be publicised on the website for the Judiciary for England and Wales. I direct that a transcript of my remarks can be obtained at public expense on an expedited basis. I remind you, Mr Perrian, if you sought to do so, that you have a right to appeal this decision without applying for permission. The time limit is 21 days. The route of appeal is to the Court of Appeal.

(This Judgment has been approved by the Judge.)

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