

IN THE COUNTY COURT AT CANTERBURY

Case No. L00ME577

Courtroom No. 2

The Law Courts
Canterbury Road
Canterbury
CT1 1ZA

Friday, 20th February 2026

Before:
HIS HONOUR JUDGE PARKER

B E T W E E N:

AYESHA KRAMER

and

LOUIS SCUDDER

MS GRELL appeared on behalf of the Claimant
MS TAYLOR appeared on behalf of the Defendant

JUDGMENT
(Approved)

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HHJ PARKER:

1. This is my judgment in a contempt application, which was heard by me today and in which the applicant claimant, Ms Kramer, was represented by Ms Grell of counsel and in which the respondent defendant, Mr Scudder, was represented by Ms Taylor. I am grateful to counsel for their assistance.
2. This contempt application arises from a dispute between the parties about 5 Vincent Gardens, Sheerness. Ms Kramer had for many years been in occupation of that property as a tenant, and Mr Scudder had been her landlord.
3. In June 2024, Mr Scudder locked Ms Kramer out of the property. Ms Kramer then applied for and obtained an injunction order made by District Judge Mohabir on 12 June 2024. The present contempt application relates to an alleged breach of that order.
4. Therefore, I begin by referring to the order of District Judge Mohabir, which order was made at a hearing attended by both parties, both of whom were represented by counsel. The order contained a penal notice, set out in bold type at the top. The penal notice was not precisely in the words used in CPR81.2, but the wording of the notice was materially equivalent to that wording. The order said that the defendant, Mr Scudder, must provide the claimant vacant possession of 5 Vincent Gardens, that he must allow the claimant to re-enter and occupy the property and that he must provide the claimant with keys to the property. Those were the first three paragraphs of the order. It went on to say that he must do those things within four hours after the service of this order upon him.
5. The order of 12 June 2024 was personally served upon Mr Scudder at 18.35 on 18 June 2024. That is not disputed by Mr Scudder.
6. The contempt application was made shortly afterwards on 26 June 2024. I do not need to refer to the terms of the original application in detail. That is because when the matter came before me on 13 August 2024 I did not consider that the application set out sufficiently clearly the claimant's allegations of breach of the injunction. The claimant then clarified the terms of her contempt application, as I set out in paragraphs one and two of my order of 13 August 2024. References in that order to "the Property" are references to 5 Vincent Gardens, Sheerness, as is stated in recital (4).
7. I ordered that the contempt application should proceed on the basis of the allegation set out at paragraph 2. Paragraph 2 reads in full:
 - "The Claimant alleges that the Defendant breached paragraphs 1, 2 and 3 of the Injunction Order of 12 June 2024 ("the Order") in that:
 - (a) Those paragraphs required the Defendant to provide the Claimant with vacant possession of the Property, to allow her to re-enter and occupy the Property and to provide her with keys to the Property within 4 hours after service of the order on the Defendant.
 - (b) The Defendant was served with the Order at 18:35 on 18 June 2024.
 - (c) The Defendant did not by 22:35 on 18 June 2024, or at any time, thereafter, provide the Claimant with vacant possession of the Property, allow the Claimant to re-enter and occupy the Property, or provide the Claimant with keys to the Property."
8. Today's hearing was listed to see whether Mr Scudder wished to admit that alleged contempt.

9. When I gave directions leading to this hearing, Mr Scudder was unrepresented. My directions said that the hearing today would go no further than establishing whether the allegation was admitted or disputed.
10. Mr Scudder has attended court today represented by counsel, Ms Taylor. I have asked him directly whether he admits the allegation which I have read out, and he has confirmed to me that he does admit it. In addition, I have revisited with him the point whether he admits not merely a failure to provide vacant possession, etc. by 22.35 on 18 June 2024, but a failure to do any of those things ordered by Judge Mohabir at any time thereafter. Mr Scudder admitted that also.
11. Ms Taylor then told me that, given that Mr Scudder was represented and that he wished to see an end to these proceedings, she invited me to deal with sentencing for that admitted contempt of court today. I have agreed to do that.
12. I need to say something more about the circumstances of the case. The effect of Mr Scudder's breach was that he did not let Ms Kramer back into the Property by the time required or ever.
13. Mr Scudder said to me today, when admitting that he did not let Ms Kramer back in on 18 June 2024 or at any time thereafter, that the house was too unsafe to enter. The house was too unsafe to enter because, both before and after the grant of the injunction, it suffered very serious damage, including the partial removal of the roof.
14. Ms Taylor accepted in her submissions that that damage was done by Mr Scudder and by nobody else.
15. By taking those steps, Mr Scudder made the house uninhabitable. He not merely failed to obey the injunction by the time required, but he did what he could after the grant of the injunction to ensure that Ms Kramer could never go back to what had been her home.
16. Ms Kramer pursued a claim for damages for unlawful eviction and trespass. That resulted in a hearing before me on 14 August 2025, which Mr Scudder did not attend. At that hearing, I gave judgment for Ms Kramer for a total sum, including interest, of £53,748.
17. Meanwhile, although I do not know on what date, Mr Scudder's mortgagee, Halifax, has obtained a possession order and recovered possession of 5 Vincent Gardens. It is common ground that Halifax has sold the Property and now holds the balance of the sale proceeds – that is, the amount remaining after Halifax has recovered what was due under its mortgage. I am told that the amount held is approximately £22,000. I am told that Halifax emailed the Claimant's solicitors in 2025, indicating that it intended to pay that money into court. So far as I am aware, Halifax has not made a payment into Court.
18. I had some concerns about what caused Mr Scudder to behave in such an eccentric way that he would seriously damage his own property. I considered that there may be an issue about his mental capacity.
19. Mr Scudder's solicitors, Holden & Co, obtained a psychiatric assessment from a Dr Falkowski. Dr Falkowski interviewed Mr Scudder on 11 October 2024, and I have Dr Falkowski's report dated 6 December 2024. Ms Taylor invited me to consider that report and submitted it was not necessary for me to adjourn further so as to obtain any updating information.
20. I have considered the report. I will read into this judgment two paragraphs from Dr Falkowski's summary and opinion, 13.4 and 13.5. They say this:

“Mr Scudder is very stressed about the situation with his house in 2024. His mood became low, he experiences suicidal ideation, anxiety, difficulty sleeping, and agitation. He has periods when his mood is high and he feels on top of the world. The periods of having episodes of an elevated mood and episodes of depression are symptoms of a Bipolar Affective Disorder. Mr Scudder suffers from

a Bipolar Affective Disorder. Mr Scudder's emotions would have been more extreme as a result of his bipolar disorder. He was very upset and angry after the court hearing. He would have been aware of his actions when he damaged his house.

Mr Scudder's Bipolar Affective Disorder does not have a substantial impact on his ability to carry out day-to-day activities and therefore is not a disability within the meaning of the Equality Act 2010. He was very anxious and distressed when I saw him. The stress of the ongoing litigation is contributing to his bipolar disorder, and it may reach a point where it is a disability under the Equality Act 2010."

21. It was submitted to me that currently Mr Scudder is homeless and I was told that he has been referred, I assume by his GP, to a psychiatrist. That first referral was, apparently, lost by the hospital, so that a further referral had to be made. An appointment for Mr Scudder to see a psychiatrist is now expected in approximately six weeks time. I am told that among the reasons why a referral was made is that Mr Scudder continues to report suicidal thoughts.
22. I was also told Mr Scudder is particularly concerned about the impact of any custodial sentence on his dog. He has an elderly dog which is blind and deaf. Mr Scudder had thought he would be able to get a friend or relative to look after the dog but now believes that will not be possible.
23. At this point, I will refer myself to the judgment of the Court of Appeal in *Lovett v Wigan Council* [2022] EWCA Civ 1631, which gives general guidance about sentencing for contempt of court. The guidance is in terms addressed to sentencing for breaches of anti-social behaviour injunctions made under the Anti-social Behaviour Crime and Policing Act 2014. However, both counsel accept that it provides valuable assistance for sentencing in relation to other types of contempt as well.
24. At paragraph 39, Birss LJ said that, when the County Court is sentencing for a breach of an order made under the 2014 Act, and in civil contempt generally, the objectives are, in order:

- "i) Ensuring future compliance with the order;
- ii) Punishment; and
- iii) Rehabilitation."

25. At paragraph 43, Birss LJ referred to the custody threshold, saying:

"The concept of a custody threshold, as used in criminal sentencing, has application here, bearing in mind that the civil context has its own objectives and range of penalties. 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. It is good practice to consider a penalty for each breach found proved, and the terms of imprisonment may be concurrent or consecutive to each other. Nevertheless, consideration must also be given to the totality of the penalties imposed. Simply adding up what may well be appropriate penalties for each individual breach is likely to lead to an excessive total. A custodial sentence should never be imposed if an alternative course is sufficient and appropriate. If the court decides to impose a term of imprisonment, that term should always be the shortest term which will achieve the purpose for which it is being imposed."

26. At paragraph 46, Birss LJ referred to the report of the Civil Justice Council and the need to consider the degree of harm and the degree of culpability. He pointed out that courts must bear in mind that “sentencing is highly fact sensitive, and the facts will vary widely.”

27. He then went on at paragraph 47 to set out the three levels of culpability:

“A High culpability; very serious breach or persistent serious breaches
B Deliberate breach falling between A and C
C Lower culpability; Minor breach or breaches.”

28. As to harm, he said at paragraph 48:

“The level of harm is determined by weighing up all the factors of the case to determine the harm that was caused or was at risk of being caused by the breach or breaches. In assessing any risk of harm posed by the breach(es), consideration should be given to the facts or activity which led to the order being made. The three levels of harm are:

Category 1 Breach causes very serious harm or distress

Category 2 Cases falling between categories 1 and 3

Category 3 Breach causes little or no harm or distress.”

29. At paragraph 49, Birss LJ said:

“The analytical approach based on separately identifying culpability and harm allows the court to determine a starting point for the sentence and a range within which the sentence can be adjusted taking into account additional elements which increase or decrease the seriousness of what has happened or amount to personal mitigation. It is impossible to identify all the factors of this kind which might apply. Examples of factors increasing seriousness include a history of disobedience and the particular vulnerability of any victim of the behaviour concerned. Persistent breaches of the injunction are likely to amount to an important aggravating factor. Examples of mitigating factors include genuine remorse, ill health, and age or lack of maturity when it affects the responsibility of the contemnor. An early admission of contempt (together with an appropriate apology) will usually serve as a significant mitigating factor.”

30. At paragraph 54, Birss LJ set out what is called the sentencing grid, which gives starting points for sentencing, the starting point depending on where a particular breach falls by reference to the categories of harm and of culpability. I will return to that grid.

31. At paragraph 56, Birss LJ said that:

“It cannot be over emphasised that the task of sentencing a defendant for breach of orders in contempt of court is a multifactorial exercise of judgment based on the particular facts and circumstances of the case before the judge. Any sentence must be just and proportionate. Nothing in what has been said above is intended to detract from that.”

32. I go on to consider culpability. What is involved here was clearly a deliberate breach, as Ms Taylor has accepted.
33. As to seriousness, it seems to me I can only assess that as being very serious. There was not merely a failure to meet a court-imposed deadline, but then a continued failure to take the steps required by the Court, a failure which was never in fact rectified. That, it seems to me, can only be regarded as very serious. It seems to me that a single persistent failure to do what the Court has ordered is analogous to the persistent serious breaches referred to in culpability level A.
34. As to harm, the refusal to let Ms Kramer back in occurred in the context of her having been evicted from the Property, which had been her home for many years. The effect of the breach was simply that she could not go back there. That is manifestly very serious harm.
35. I then go on to consider other factors. The first point I discuss is one taken by Ms Taylor: that this is not a case where there is any way of ensuring future compliance with the injunction. The injunction in question has expired - it expired in 2025 - and there is nothing more that Mr Scudder could now be ordered to do in relation to the Property because, as I have noted, he has lost possession of the house himself.
36. It does not appear to me from paragraph 39 of *Lovett* that the Court of Appeal was saying that the Court should never impose any sentence when there is nothing to be done about ensuring future compliance with an order. Punishment and rehabilitation are also expressed to be objectives of the civil court.
37. I then consider the question of admissions. At this point, I need to mention another aspect of the history of this case. That is because the way in which admissions have been dealt with in this case is slightly unusual.
38. I made an order on paper on 27 March 2025. In summary, that order recited that the Court had received an email from the Claimant's solicitor dated 12 December 2024 which, regrettably, was not referred to me until March 2025. The email invited the Court to make directions, which were said to have been agreed by the Defendant's solicitor and which would lead to a sentencing hearing on the basis that the Defendant intended at the hearing to admit the contempt set out at paragraph 5 of the contempt application dated 27 June 2024.
39. As I pointed out in the recitals to my order of 27 March 2025, paragraph 5 of the contempt application was no longer the operative allegation of contempt. That was the result of the order which I made on 13 August 2024.
40. The email of 12 December 2024 does appear to show that Mr Scudder was willing to make an admission at that stage. I accept that the delays which occurred since then were not delays of his making. I therefore take it that Mr Scudder was willing to make a full admission of contempt within just under six months from the breach complained of. I could not say that that was an early admission of contempt, but it is an admission and does go to his credit.
41. Secondly, there is the question of remorse. This was not a point initially mentioned by Ms Taylor when she made her submissions in litigation. It is a matter which Ms Grell raised, as having been omitted.
42. When she returned to court after an adjournment for another purpose, Ms Taylor read out to me a note written by Mr Scudder, in which he said, among other things, that he regretted everything he had done, and that he was sorry if he had caused upset to others' lives. I note the word "if", so Mr Scudder has not made an entirely unconditional expression of regret. As Ms Grell highlighted, there was no direct reference to Ms Kramer, but just a general reference to "others". It seems to me that is a limited expression of remorse, but it does attract some credit.
43. Ms Taylor made a submission about totality. I have read out what was said in *Lovett* about the importance of the Court considering the totality of its sentence, when setting a sentence

for more than one breach. That is not the situation here, as there is only one breach, but Ms Taylor argued that the award of damages in August 2025 was effectively already a punishment of Mr Scudder for what had taken place.

44. I do not fully accept that. The award of damages was compensation to Ms Kramer, not punishment. In addition, the damages were for the unlawful eviction, not for the breach of the injunction, although admittedly those two things substantially overlap.
45. Having had that point raised, I queried what the position was about the sale proceeds of £22,000-odd which I mentioned earlier. I was told Mr Scudder had believed that the money had already gone to Ms Kramer. Ms Grell confirmed the money had not reached the Claimant or her lawyers.
46. I then asked whether Mr Scudder was willing to instruct the mortgagee to pay the money to Ms Kramer as a part payment of the sums awarded in August 2025. Ms Taylor took instructions and Mr Scudder said he was willing to do that. Subsequently, during the adjournment, he signed a letter of authority to that effect, which has been given to Ms Grell.
47. I will accept in Mr Scudder's favour that, as I was told, he had believed that this money had already found its way to Ms Kramer. On that basis, I give him credit for the fact that as soon as he became aware that was not correct and that the money had not reached Ms Kramer, he took up the invitation to do something about it, and he has now done all that he can do to see that the money held by Halifax reaches her lawyers. It seems to me that although this point came up when discussing the totality principle, it is not so much an aspect of that principle as a tangible step by Mr Scudder to put things right, as far as he is now able to do so. It certainly does show a degree of remorse and a willingness to cooperate with court orders.
48. Then, I have to consider the question of ill-health. I accept that Mr Scudder has significant mental health problems. I consider them significant because I accept, as I am told, that he has been referred for psychiatric treatment, because that view is consistent with what Dr Falkowski said in his report of December 2024, and also because of the obvious point that in acting as he did, damaging his own property, Mr Scudder inflicted major financial harm on himself, which does appear to be at least potentially indicative of a significant mental health problem.
49. I remind myself of what is said in *Lovett* at paragraph 43. As I read paragraph 43 custodial sentences are not only to be imposed where it is necessary to secure compliance with an order, they are also appropriate for the most serious breaches even if compliance is no longer possible.
50. I have considered carefully whether the custody threshold is crossed in this case. It seems to me that it is. It is my view that this was such a serious and such a harmful breach of a court order that the threshold is crossed.
51. I have already assessed this breach as falling within Category 1 for harm and Level A for culpability. Under the grid at *Lovett* paragraph 54, that gives a starting point of six months' imprisonment with a category range of between eight weeks to 18 months' imprisonment.
52. In then considering how to sentence within that range of figures, I have taken into account the admission, as discussed, and Mr Scudder's remorse, both as expressed by the note which was read out and by his actions in issuing instructions to the mortgagee to pay Ms Kramer's solicitors.
53. I have also considered the point that it appears to me likely Mr Scudder's behaviour was at least affected by his mental health. He had mental capacity. There is no report to say that he was not able to control his behaviour at all. But I accept he has a real mental health problem, and I accept, for the purposes of sentencing, that it played into his conduct.
54. I acknowledge that Mr Scudder needs treatment for his ongoing mental health problem, and it appears to me he is more likely to achieve effective treatment outside prison than in it.

55. All of those factors, it seems to me, justify moving down from the six-month starting point specified in the sentencing grid.
56. They do not, in my view, completely avoid the need for a custodial sentence. It seems to me that custody is the only way that the Court can properly mark such a flagrant and harmful breach of a court order. It would call the court system into disrepute if the Court did not take such action as a response to anyone who proceeds as Mr Scudder did when required to let someone back into their home.
57. Nevertheless, all of the factors I have discussed have persuaded me to move to the very lowest end of the range for category A1. My sentence is therefore that Mr Scudder should be imprisoned for eight weeks.
58. Mr Scudder will be aware (and if he is not aware Ms Taylor will remind him) that he does not need permission to appeal against this judgment. An appeal can go directly to the Court of Appeal and no permission is needed.
...
59. Ms Taylor, as to the suicidal ideation, I am aware that was mentioned in 2024, and so it seems to be a long-running issue. Whatever happened to cause the recent referral, and I have seen no document about it, it did not cause a referral as a matter of extreme urgency. My understanding is a sentence of eight weeks will not result in eight weeks served in prison, but no more than four weeks. On that basis and from what you have told me, Mr Scudder will be free before there is a psychiatric appointment available.
60. I should add that I have also considered the question - and I am sorry that I did not articulate it earlier - whether I should suspend the order. It seems to me, I am afraid, that I should not, simply because of the severity of what happened.
61. As to your specific point, Ms Taylor, that I should delay the commencement of the sentence, you suggest that it would be an exercise of the power to suspend, to defer the start of the sentence. I am not entirely convinced that I have the power to defer in that way. But if I did have that power, I would not have exercised it. I think Mr Scudder should have appreciated what he was likely to be facing today having asked me to proceed to sentencing, and I do not think it is justifiable to delay matters by seven days. Sentence will begin today.

End of Judgment.

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This transcript has been approved by the judge.