



Neutral Citation Number: [2026] EWHC 625 (Admlty)

Case No: AD-2025-000065

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES**  
**KING'S BENCH DIVISION**  
**ADMIRALTY COURT**

The Rolls Building  
Fetter Lane  
London, EC4A 1NL

Date: 27 February 2026

**Before:**

**THE HONOURABLE MR JUSTICE ANDREW BAKER**

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**Between:**

**MARINA DEVELOPMENTS LIMITED**

**Claimant**

**- and -**

**THE OWNER/S OF M/Y "DURANDO"**

**Defendant**

**Contempt of Court Application (Luke Lane)**

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**Tom Hall (instructed by Bargate Murray Solicitors) for the Claimant**  
**The Defendant was neither present nor represented**

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**APPROVED JUDGMENT**

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**Mr Justice Andrew Baker:**

1. This is a contempt application brought by an application notice in the proper form, form N600, dated 10 December 2025. It concerns the small motor yacht “*Durando*”. The claimant, Marina Developments Ltd, owns and operates marinas including a marina at Torquay in Devon where the *Durando* was berthed. The claimant brought an action *in rem* in this court against the *Durando* on 4 November 2025 pursuing a debt of £2,370.88 in unpaid marina charges together with interest and costs.
2. The claimant followed the normal proper procedure to secure the arrest of the vessel. A warrant of arrest was issued and duly served on the vessel such that from at some point on 5 November 2025 the *Durando* was under arrest, present physically at the claimant’s marina but in the lawful custody of the Admiralty Marshal on behalf of the Admiralty Court.
3. Later in November, after initially (incorrectly) being informed by the marina that he could not access the *Durando* at all whilst it was under arrest, the respondent to this contempt application, Mr Luke Lane, attended claiming to be interested only to do some cleaning, to install new batteries, and it may be take photographs to enable the *Durando* to be marketed for sale. Mr Lane, on the evidence, if he had not already realised this, being an obvious consequence of the vessel being in the custody of the Admiralty Marshal under arrest, was specifically informed that he, Mr Lane, had no entitlement to sell her while the arrest was in place. Subject to that, as was confirmed to him, there could in principle be no objection to his doing cleaning on the boat or attending to batteries if they needed attending to.
4. However, on 28 November 2025 it became apparent to staff at the marina, including the marina supervisor Mr Osborne who had had the previous contact with Mr Lane that I have just summarised, that the *Durando* had been removed from the marina. CCTV footage from two locations at the marina and also from the other side of the marina to the entrance that was used, show a clear sequence of a man entering the marina by tailgating behind another user through a secure gate carrying a tool box and what appears to be a plastic fuel can, the *Durando* shortly thereafter being piloted off her berth and away, and then the *Durando* being towed away on a trailer behind a black or possibly very dark grey BMW SUV registration number F1 SYE.
5. In those circumstances, and subject to two matters that needed, in principle, some anxious consideration, there was in this case the plainest possible and most serious contempt of this court. The two matters that required, in principle, anxious consideration, and there is a link between the two, were, firstly, whether the man in question was Mr Lane, that being a matter which the claimant would have to prove to the court’s satisfaction so it was sure before there could be any possible finding of contempt of court against Mr Lane, and, secondly, whether in the circumstances that have arisen this morning such that Mr Lane has not attended for this hearing the court should proceed in his absence.
6. They are, on the facts of this case, related issues, in this sense. The claimant had what seemed to me, at any rate on the papers, at least a strong argument that the evidence available to it which it could have deployed created a powerful enough circumstantial case for the proposition that the man taking the *Durando* away was indeed Mr Lane, that there would have been room potentially for the claimant to invite the court, even

without any evidence or admission from Mr Lane, to that conclusion. However, so long as the identity of the man taking the *Durando* away remained formally in issue between the parties, firstly, as to the substance, there might yet have been room for a debate over whether the evidence was strong enough to satisfy the court so that it was sure as to identity, and secondly, there may have been a more acute concern as to whether it was appropriate to proceed in Mr Lane's absence even if the court were persuaded that his absence was deliberate and, as things stood, a waiver of the right to attend, because that would mean proceeding to consider the matter of whether it was indeed he and the court should therefore find him in contempt without in fact knowing what, if anything, he would say given the chance in court to be confronted with the evidence against him.

7. As it is, however, after initially indicating, more than once, that with knowledge of the proceedings, the contempt application and the listing of this hearing, he would be attending, Mr Lane very recently has indicated that he would not attend. In doing so Mr Lane in particular sent an email yesterday to Mr Bishop, being the responsible solicitor of the claimant's solicitors Bargate Murray, in these terms:

*“Hi. As per our phone call. I can't afford to get to London to attend the hearing. I have no defence other than the facts of what happened which are that I removed the vessel whilst it was under arrest. Obviously it was not my vessel but I accept I put it there so responsibility falls on me. I have stated I can pay £200 per month of the costs incurred. I can't afford any more than that as I'm currently on Universal Credit and have no assets or savings so I'm not sure what else to offer. If you need any more information from me please ask.”*

8. That does not, as Mr Hall for the claimant acknowledges, in so many words admit contempt of court. However, it is a full and open admission of the only fact about which there might perhaps have been any question mark for the purposes of determining that there was a contempt, namely whether it was indeed Mr Lane who had taken the *Durando* away from the marina. In those circumstances, as I shall explain in a little more detail just in a moment, I was persuaded by Mr Hall's submissions that it had become appropriate to proceed at least to the point of determining, although in as clear a case as this in reality it is really confirming, that indeed Mr Lane was in contempt, in his absence, and, as that way of putting it has just indicated, indeed to hear the matter on its substance and thus to make the finding.
9. Proceeding in Mr Lane's absence, therefore, and for the reasons I have given it is completely plain and I am sure that Mr Lane acted in contempt of court in the manner alleged by removing the motor yacht *Durando* from the claimant's marina whilst she was to Mr Lane's knowledge under arrest and in the custody therefore of this court.
10. In a little more detail, then, in a sense logically going backwards, the discretion to proceed in the defendant's absence in contempt applications, which is in truth only the same discretion as in any other case to proceed in the absence of a party but with obviously the considerations to be taken into account being identified and taking their particular flavour from the nature of the application, is a familiar discretion. The principles by reference to which it is ordinarily to be exercised were set out by Cobb J, as he was then, in *Sanchez v Oboz* [2015] EWHC 235 (Fam). In that description of the principles Cobb J naturally enough referred to the Family Procedure Rules 2010 for its

statement of the overriding objective. Nothing turns on that, the overriding objective for these proceedings under CPR 1.1 being in materially the same terms for present purposes as what was then Rule 1.1 of the Family Procedure Rules 2010.

11. Mr Hall reminded me of a recent application of what was originally that statement of the principles to be applied, in *XL Insurance Company SE v Ipors Underwriting Ltd et al* [2021] EWHC 1407 (Comm), *per* Cockerill J, as she was then, at [46]-[47], in turn quoting her own previous judgment in *ICBC Standard Bank Plc v Erdenet Mining Corp LLC* [2017] EWHC 3135 (QB). Running quickly through the numbered paragraphs of that statement of the normally relevant considerations:

(i) Mr Lane, I am entirely satisfied, was served with all appropriate parts of these proceedings, including the notice of this hearing. In particular, as to the latter, the listing appointment resulting in today's hearing date of 27 February was as long ago now as 13 January and the date was confirmed by email on that date using the email address that is still the email address being used by Mr Lane from which, for example, he sent the email yesterday to which I have referred, and confirmation of that listing date was included in documents of which I have clear evidence from a process server that personal service was effected on Mr Lane. I am satisfied by the evidence I have that there were several subsequent reminders or notifications and of course finally Mr Lane's email yesterday makes it perfectly plain that he was well aware of the hearing today and the fact that he was supposed to be attending in person,

(ii) against that background, I am entirely satisfied that Mr Lane had sufficient notice to enable him to prepare for this hearing,

(iii) Mr Lane has suggested, but only in his email yesterday, that his reason for not attending was he could not afford to get to London to attend. However, that is on its face an incredible statement that I do not accept and I am sure is dishonest, in circumstances where the same email claims and offers an ability to pay £200 per month towards the now ever increasing debt, including legal costs, that Mr Lane is running up in this litigation. Whether or not it is true, as to which I cannot currently say but as he also claims in the email that for income he is presently dependent on Universal Credit and does not have assets for savings, if he is in a position to pay £200 per month towards his debt, he is in a position to buy a train ticket to London. Therefore, although a reason has been advanced for Mr Lane's non-attendance it is, in my judgment, a dishonest and not credible reason, and the reality is that Mr Lane has simply chosen not to attend the hearing today of which he was well aware,

(iv) it follows, therefore, that in my judgment Mr Lane indeed waived his right to be present at the hearing today. As Mr Hall has reminded me, the contempt application notice in the normal way contained serious warnings of the potential consequences of non-attendance including that the court might proceed in the absence of the non-attending defendant,

(v) I agree with Mr Hall that merely adjourning would be unlikely in the circumstances to secure Mr Lane's attendance in circumstances where he, in my judgment, was in a position to attend today and simply chose not to do so; if I merely adjourn there would be no reason to suppose he would not take the same course. Mr Hall acknowledges that were I, on the other hand, to adjourn and back the matter with

an immediate arrest warrant to secure Mr Lane's attendance that would create a real prospect of his attendance,

(vi) there is, however, no disadvantage to Mr Lane in not attending in person to present his account of events, he has now given that account and it is one which simply openly admits the factual allegation against him. As I have indicated, it may not quite in terms confess this, but that factual position, now admitted, amounted to a contempt of court on the part of Mr Lane. There is therefore no disadvantage to Mr Lane in his not now having the opportunity to be here in person to confirm what he has said, clearly intending that for the court and not just for the claimant's solicitors to whom it was addressed, by way of factual account,

(vii) there would be prejudice to the claimant, and in my judgment in the circumstances of this case it would be an undue prejudice, if there were now delay. It would result in an aggravation of costs and wastage of time, in circumstances where there is, in truth, as regards the liability issue, no live question still to be determined,

(viii) again in light in particular of the admissions as to fact made yesterday by Mr Lane via his email, there is no prejudice at all to the forensic process in proceeding on the basis now of the evidence put together by the claimant coupled with the admissions by that email rather than affording the defendant an opportunity to appear and/or be represented at this hearing, and in all those circumstances,

(ix) there is nothing in the overriding objective that would militate against proceeding in Mr Lane's absence. To the contrary, as Mr Hall submitted, the interests of the proper and efficient administration of justice overwhelmingly support the decision that I indicated after he had made his submissions on the discretion that I would do to proceed with evidence today (inaudible).

12. The finding therefore is that Mr Lane is in contempt of court and I will so declare by an order today.
13. I shall not proceed to deal with the matter of sentence, that is punishment, in relation to the contempt. I consider that it would be just to provide Mr Lane with one further opportunity to appear in court, firstly so that on that occasion, to the extent that there is anything he would wish, or if he is then represented representatives on his behalf would wish, to say in mitigation, that can be said and the court is not left merely to try to identify things that might have been said on his behalf in his absence. Secondly, so that between now and the date of any sentencing hearing Mr Lane will have an opportunity to do anything that he now has power to do either fully to purge his contempt, if that might be possible, or at least to take steps to lessen the impact of his contempt upon, in particular, the claimant, which ultimately is the original aggrieved party in the matter, having been deprived of the secure means it had through the arrest of the *Durando* to obtain satisfaction for Mr Lane's debt.
14. I posit even the possibility of a full purging of contempt for this reason. On the evidence it does appear that the *Durando* may have been at least offered for sale. That act on any view compounds the seriousness of Mr Lane's contempt, and I do not need to take any final view as to whether it is additionally or separately an act of contempt in and of itself. However, there is not evidence before me as to whether a sale has in fact occurred. I proceed today on the basis, therefore, that it may yet be possible that the

*Durando* is still in the effective possession or control of Mr Lane such that, were he to choose to do so, he might even be able to return it or cause it to be returned to the marina so that it was physically back into its location in the possession of the claimant and, in effect, it could be restored to the custody of the Admiralty marshal under arrest.

15. If, however, it has been sold, then of course, other things being equal, one would expect to find that Mr Lane is now not merely in the position of being able to offer something like £200 a month, as referred to in his email of yesterday but, rather, a more substantial and rapid discharge either in whole or at least in substantial part of his current debt.
16. I therefore make clear that, whilst I make no decision today concerning sentence, I do agree provisionally, as I have effectively already indicated, with submissions by Mr Hall that this is a very serious matter. Other things being equal, immediate custody must be a sentencing option to which I will be giving serious consideration when the matter returns to me. However, were it possible as a matter of fact for the contempt to be purged by return of the *Durando* to the marina, and that was done, or, if that is not now possible, were it the position that Mr Lane is in truth able to and now does start to make serious inroads into the discharging of his debt owed to the marina, I can say now that actions of that kind might well be received by the court as powerful mitigation.
17. I will hear Mr Hall now as to the detail of the order to be drawn up, but the essential shape of it will be to recite by way of confirmation that the court has made a sure finding of contempt, to declare that contempt, and to adjourn the matter for sentence with a provision for a date to be fixed. In the circumstances of Mr Lane's non-attendance on this occasion, but on the back of an obviously incredible and in my judgment dishonest excuse, there will be provision in one form or other that unless there is satisfactory reassurance to the claimant and the court that Mr Lane will attend the sentencing hearing, a bench warrant will be issued to secure his attendance, once we know the date, as of some appropriate short period prior to that fixed date.

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**(This Judgment has been approved by the Judge.)**