

IN THE COUNTY COURT OF CLERKENWELL AND SHOREDITCH

Case No. M00EC203

Courtroom No. 7

The Gee Street Courthouse
29-41 Gee Street
London
EC1V 3RE

Monday, 8th September 2025

Before:
DISTRICT JUDGE HAYES

B E T W E E N:

THE GUINNESS PARTNERSHIP

and

MOHAMMED AAMIN YUSUF

MR STEAD appeared on behalf of the Claimant
THE DEFENDANT appeared In Person

JUDGMENT TWO
(Approved)

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District Judge Richard Hayes:

1. This is my judgment in relation to penalty. The words that were used were deeply unpleasant and I am satisfied have caused harm and distress.
2. I remind myself of the guidance of the Court of Appeal in *Lovett v Wigan Borough Council* [2022] EWCA Civ 1631. The objectives of the Court are, in this order: ensuring future compliance with the order; punishment; and rehabilitation.
3. That case refers to a grid. I need to consider culpability and harm.
4. Culpability ranges from A to C. A is “high culpability”, which is very serious breach or persistent serious breaches. B is “deliberate breach” falling between A and C. C is “lower culpability”, namely minor breach or breaches.
5. I do not consider the proven breach here to be describable in any sense as minor. It is a serious breach. It does not seem to me, however, that it comes within very serious breach. It clearly is not persistent serious breach. It is, in my judgment, B, “deliberate breach”, falling between A and C.
6. What I say does not minimise the distress and hurt that Ms Elize no doubt felt. As regards harm one has: Category 1, breach that causes very serious harm or distress; Category 2, cases falling between 1 and 3; and Category 3, breach that causes little or no harm or distress. I am satisfied that distress and mental harm has been caused and it seems to me that this is a Category 2 matter.
7. Looking at the grid in *Lovett v Wigan Borough Council*, that brings me to B2. The starting point is one month in custody. However, there is a range from adjourned consideration to three months in custody. Here, the matter was contested throughout so no credit can be given in relation to any guilty plea as there was none. That is not to say that the absence of making a plea is any sort of aggravating factor.

8. There are references in the statements to Mr Yusuf having been in drink on the occasion in question. That certainly is not a mitigating factor. I do not consider it either to be an aggravating factor. It is simply a feature.
9. I have asked myself what the minimum sentence is that is appropriate in this case. There is material to suggest a mental health dimension, in particular in relation to – effectively - suicidal ideation on the day in question. That does not go behind the fact that Mr Yusuf, even now, appears to be contesting what I have found is proved he said.
10. I have reached the view that this matter does, in principle, pass the custody threshold.
11. If I sentenced Mr Yusuf today, I would be inclined towards 28 days, giving credit for 14 already served. That sentence would either be suspended or immediate. However, instead of making that decision today, what I intend to do is to adjourn sentence to a date that I will now give to Mr Yusuf and the claimant, which will be three months down the line from today, with the matter reserved to me. All options remain open. If there has been no further breach between now and the next hearing, it is likely that the sentence will be less than I have just indicated. If there is any further breach, that will not be the case.

End of Judgment.

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