

IN THE COUNTY COURT AT LUTON

Case No. M00LU188

Courtroom No. 5

Luton Justice Centre
Floors 4 & 5
Arndale House
Luton Point
Luton
LU1 2EN

Thursday, 27th August 2026

Before:
HIS HONOUR JUDGE MURCH

B E T W E E N:

THE CHIEF CONSTABLE OF BEDFORDSHIRE POLICE

and

JASON BARRY

MR A CRICHTON-MILLER appeared on behalf of the Claimant
NO APPEARANCE by or on behalf of the Defendant

JUDGMENT
(Approved)

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HH JUDGE MURCH:

1. The matter comes before me today to determine what penalty, if any, I should impose, having, at a hearing on 29 July 2026, concluded I could be satisfied so that I was sure that Mr Barry had breached the terms of an injunction to which I shall refer during the course of this judgment.
2. Having concluded that I could be satisfied so that I was sure that Mr Barry had breached the terms of the injunction, I adjourned the matter for a hearing to today. A recital to the order I made read:

“Upon the Court being satisfied that the interests of justice favour adjournment of today’s proceedings, so the defendant can be represented at the hearing when the Court would determine what penalty should be imposed following the breaches of the injunction order.”

after which I directed at paragraph 1:

“The case is adjourned for a penalty hearing to 27 October 2026 at 11.00am at the Luton County Court, Luton Justice Centre. If the Court is satisfied that the defendant has been served with this order it may proceed in his absence.”

At the foot of the order there was a prominent notice under the following heading:

“Important information for respondent application to commit to prison for contempt of court.”

It warned the respondent of the potential for him being sent to prison for up to two years or being ordered to pay a fine. It set out some of the rights he had when facing a contempt application, the important one remaining, even though I had found the contempt proved, that he had a right to legal representation. It set out how he might secure the services of a lawyer in the event that he could not pay for a lawyer himself. It had a link which solicitors could use to gain access to the Legal Aid Agency’s guidance for providers, setting out how they might secure legal aid for civil contempt cases. I am satisfied that the Court gave Mr Barry the opportunity to secure legal representation so that he might be represented before me today and put in mitigation any points he wanted me to consider.

3. He has not done so. He has not attended today, and I am satisfied that he has been served with the notice of today’s hearing, having the statement of PC Alexander Savage, who says that on 10 August 2026, which is now some two Mondays ago, at 21.31, Mr Barry was served with a copy of the order which I had made. I have given Mr Barry the opportunity to attend. I have made it clear that if satisfied he had been served, I may proceed in his absence. That is what I am now going to do.
4. I found proved at the last occasion a series of breaches of an injunction which had been granted on 25 September 2025. That injunction forbade Mr Barry from doing the following:

Entering the area of Leighton Buzzard town centre, as indicated on Map A, except to attend a pre-arranged appointment, evidence of which will be required when requested.

Approaching another person in public in the area of Leighton Buzzard town centre, as indicated on Map A, who is not a member of his family or his friend, either verbally or by conduct, to ask for money or objects or other items from that person.

A map was attached to the order.

5. Further provision was made for Mr Barry to comply with certain requirements, that is to say liaising with Central Bedfordshire Council for housing support and to attend an assessment at Path to Recovery. There is no evidence as to whether Mr Barry has or has not complied with those requirements. They play no part in the sentencing exercise I have to perform today.
6. The breaches are as follows: I am satisfied so that I am sure that on the following dates, Mr Barry was found in breach of condition one of the injunction in the area indicated on the map in Leighton Buzzard town centre. That is to say on 4 October 2025; 11 October 2025; 14 October 2025; on two occasions on 28 October 2025; on three occasions on 30 October 2025; on 3 November 2025; on 4 November 2025; 6 November 2025; on 9 November 2025; on two occasions on 10 November 2025 and finally on 11 November 2025.
7. Further, I found I was satisfied so that I was sure that Mr Barry had breached the second condition of the injunction, that is to say approaching a person in a public area in the Leighton Buzzard town centre, indicated in the map, who was not a member of his family and either by verbal or conduct, asking for money or objects. That occurred on 14 October 2025 and 10 November 2025, on occasions when he was also found to have been in breach of condition one.
8. I now need to determine what penalty I should impose for these breaches. I remind myself of the guidance of the Court of Appeal in *Wigan Borough Council v Lovatt* [2023] All England Law Reports at page 1143 where the Court of Appeal gave guidance at judges who have to deal with the consequences of defendants breaching civil injunctions in the county court.
9. The Court gave guidance as to the objectives for sentencing for breach of an order. Their Lordships said:-
 - “As these orders are injunctions made by a civil court, the objectives in sentencing for breach are the ones applicable to civil contempt, namely in this order:-
 1. Ensuring future compliance with the order.
 2. Punishment.
 3. Rehabilitation”
10. I therefore consider those points in that descending order of importance. The Court went on to say:-
 - “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 totality of the penalties imposed.”
11. The Court also went on to say:
 - “If custody is appropriate, the length of the sentence should be decided without reference to whether or not it is to be suspended. It has been observed that suspension is usually the first way of attempting to secure compliance with the underlying order. However, as was done in the case of Ms Hopkins, another first option in many cases will be to adjourn the consideration of a sentence.”

12. The Court then set out how judges should approach this task by reference to a grid setting out harm and culpability. Three levels of culpability were set out:
 - (a) High culpability
 - (b) Deliberate breach falling within (a) and (c).
 - (c) Low culpability being minor breach or breaches.
13. The Court then has to consider the level of harm. That 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.
14. In assessing any risk of harm posed by the breaches, consideration should be given to the facts or activity which led to the order being made. The three levels of harm are:-
 - (i) Category 1: Breach causes very serious harm or distress
 - (ii) Category 2: Cases falling between 1 and 3 and,
 - (iii) Category 3: Breach causes little or no harm or distress.
15. There was then a grid setting out the starting point and a range for each combination of culpability and harm, when the Court has considered for each breach what each of those are. The Court of Appeal then warned that it could not be over-emphasised the task of sentencing a defendant for breach of or in contempt of Court was 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.
16. I remind myself that I am sentencing a number of breaches which, as is apparent from the chronology I set out earlier on, started quite soon after the injunction had taken effect. I think I can consider the breaches of condition one together, albeit that each of them is a separate breach of an order. I do not intend to repeat myself in respect of each breach, given that save for what I shall explain took place on 11 November 2025 there is no material difference in what happened.
17. Each of these breaches, in my judgment, was within Culpability A. This was, in my judgment, a conscious decision on the part of the defendant to be in the area he was not permitted to be. That is clear, in my judgment, from the evidence which was before me. I am satisfied that culpability is level A.
18. As to the harm which was caused, for each of those breaches, I am satisfied that Category 3 is the appropriate level of harm. So far as being in the areas in which he was not meant to be is concerned, it is fair to note that the only evidence before me, save the two allegations of clause two, to which I return in a moment, each of them was only witnessed by a police officer. That is not to say that the impact upon a police officer might never be relevant but it is not suggested, save what I shall say in relation to 11 November, that any harm or distress was caused to the witness when seeing the defendant in breach of the order. I am satisfied that the level of harm and culpability is A3 for each of those breaches over the period 4 October through to 10 November 2025.
19. The starting point is one month imprisonment. The category range is adjourned consideration to three months' imprisonment. In my judgment, the custody threshold is passed in this matter, and it is not appropriate to adjourn for the purposes of seeing whether the defendant can comply. He has shown an inability to comply and when one sees the number of breaches in short succession, that, in my judgment, is a conclusion I am entitled to reach. In my judgment, for each of the breaches, a sentence of four weeks' custodial sentence is appropriate. That marks the level of harm and the breach.
20. I consider separately the breach on 11 November 2025. That is because the evidence of PC Buckingham which is before me, gives evidence of what Mr Barry said to the officers on that occasion. He said, "Leave me alone. I do not care that I am in breach". He then went on

to say, “I will catch you. I will get you at the right place and right time. I will get you. You have it coming for you”. He also said, “This is England, this is England” and PC Buckingham records that Mr Barry was clearly angry and acting in a manner that he did not care. He was throwing his hands in the air, picking his items in an angry manner. Although it is still, in my judgment, remains within Category 3 harm, in my judgment, a sentence of six weeks’ imprisonment is appropriate for that breach.

21. I turn then to the second set of allegations I found proved. Namely, that the defendant was in breach of condition two of the injunction on two occasions. That is to say, 14 October 2025 and 10 November 2025 he approached a member of the public in a public area within the town centre who was not a member of his family or his friend and either verbally or by conduct, asked for money or objects or other items from that person. That, in my judgment, is also something I can look at together, although I have in mind they are two separate breaches and should be considered on that basis.
22. Looking therefore at each breach, these are different from the breaches of condition one. They take matters further. Not only is Mr Barry in the area he is not meant to be, he is actively doing that which he was forbidden from doing and that being the purpose of the injunction. That, in my judgment, satisfies me that this is a breach which is Culpability A. There is no suggestion of any harm caused to the members of the public but also, in my judgment, it is a Category 3 breach on each occasion.
23. Each of these breaches, in my judgment, attracts a penalty of six weeks’ imprisonment. That, in my judgment, meets the justice of each of those breaches, they being the conduct very much which the defendant was forbidden from carrying out.
24. I need to stand back and ask how I should deal with the various breaches and whether these should be consecutive or concurrent and also determining the principle of totality. I think I can do those exercises together, totality being the watch word. There is on any understanding, a large number of breaches in this case; some 15 breaches of clause one and two breaches of clause two of the injunction. Standing back, it would not, in my judgment, be a proportionate response to impose consecutive terms of imprisonment for each of the breaches I have found proved, but the terms of imprisonment I have concluded should be imposed act as a starting point from which I should move upwards when determining, standing back, the question of totality.
25. Having regard to the sentences I have imposed for each of the breaches under clause one and each of the breaches under clause two, I am satisfied that the appropriate term of imprisonment is one of 10 weeks. That, in my judgment, reflects the principle of totality, looking at the similarity of the number of the breaches.
26. I was not persuaded that it was appropriate on this occasion to adjourn the question of sentencing, albeit that would be an option which was open to me, in accordance with the *Wigan Borough Council v Lovett* [2023] guidance. In my judgment, the number of breaches I was being required to consider required me, on this occasion, to determine the question of penalty.
27. I do not have the benefit of Mr Barry’s observations as to whether I should suspend the activation of the sentence I have imposed. I know nothing about Mr Barry, other than that which I have seen in the witness statements. I gather he is street homeless and know nothing else about his life or anything further about him.
28. I need to determine whether it is appropriate though to suspend the term of imprisonment. I am persuaded that this being the first set of allegations of breach which has been found proven, albeit they were very shortly after the grant of the injunction, it is appropriate to give Mr Barry the opportunity to show that he is now capable of complying with the order of the Court. My attention was drawn during submissions to breaches of orders of the Crown Court and

Magistrates' Court going back to 2013, to more recently in 2019, where Mr Barry has failed to surrender to custody. It is capable of being seen as a breach of an order and something to which the Court can have some regard, although I need to be very careful not to conflate civil proceedings with criminal proceedings for these purposes.

29. I think I can stand back and see that I have been satisfied so that I am sure that the defendant has breached a civil order and that, of course, is something which goes at the top of the consideration set out by the Court of Appeal as the objectives of sentencing. I am satisfied that ensuring future compliance of the order is met by me suspending this term of imprisonment of 10 weeks, for the remainder of the duration of the injunction, that is to say until 25 September 2027. Mr Barry must understand that should he be brought before the Court again on an allegation of breaching the terms of the injunction, then if the Court, following a hearing, is satisfied so that it is sure that he has breached the terms of the injunction again, it will need to consider activation of the sentence I have given today.
30. I do not disregard the requirement to have regard to the need to ensure punishment and rehabilitation as well. In my judgment, rehabilitation can be achieved by a suspended sentence because if Mr Barry breaches the terms of the sentence, he faces the very real prospect of this sentence I have passed today being activated. Much will depend upon what I am told has happened between today and that occasion and any other mitigation which is drawn to my attention, but there is a very real risk of today's sentence being activated.
31. Similarly, in my judgment, punishment can be achieved because Mr Barry will know that if he is brought before a court again and is found to have breached the terms of the injunction which remains in force, that he will be at the very real risk of today's sentence being activated.
32. I therefore impose a sentence of 10 weeks' imprisonment, suspended on condition that the defendant complies with both clauses of the injunction granted on 25 September 2025. That suspension to continue until 25 September 2027.
33. As I have imposed a sentence of custody, albeit suspended, I will direct there is a transcript of this taken on an expedited basis and uploaded to the website in the usual way. No order as to costs.

End of Judgment.

Transcript of a recording by Acolad UK Ltd
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Acolad UK Ltd hereby certify that the above is an accurate and complete record of the
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This transcript has been approved by the judge.