



R v Tim Haries

Southwark Crown Court

5 February 2014

Sentencing Remarks of His Honour Judge McCreath

- 1.1 I am in no position to come to any informed conclusions about why it was that the family court ultimately denied you access to your children, other than to observe, as you well know, that in our system of family justice it is the interests of the children which are paramount, as they surely should be. If anyone has rights in these matters, it is the children, not the parents, who have them.
- 1.2 Nonetheless, for the purposes of sentencing you today, I accept that your separation from your daughters for a period of 4 years caused you real anguish. I also accept that you felt that the legal processes by which you had tried to have contact with them had failed you.
- 1.3 I do not, however, accept that the means you chose to adopt to make your protest were in any way justified. This was, in reality, a choice you made, not a sudden ill-considered act under immediate provocation.
- 1.4 You made a carefully considered decision that you would gain publicity for yourself and for your wider cause by targeting the portrait of the Queen on public display in Westminster Abbey. You prepared yourself by buying a can of spray paint and taking it into the Abbey.
- 1.5 You caused damage to the painting, disappointment to those who had come to see it, cost to the Abbey and their insurers in putting it right, and almost certainly some degree of offence to many people who would regard an attack on a portrait of the monarch as unacceptable.
- 1.6 Whilst I accept that the painting was damaged and not destroyed, I am satisfied, having seen you give evidence, that your assertion that you intended to do no more than cause damage which could be easily repaired is simply not true. I have no doubt that you intended to do as much damage as you could and that it was only the intervention of Mr Crook, the steward on duty, that limited the damage to the extent that it was possible to repair the painting at a cost of less than £10,000.
- 1.7 There is one other aspect of this which is worthy of mention. The opportunity to have close access to works of art is greatly valued by many people. Those who act as you did put that opportunity at risk. It would be a sad day when works of art can only be viewed from a distance or from behind barriers.

- 1.8 Your case does not fall easily within such sentencing guidelines as there are in relation to criminal damage. This case involves the deliberate and planned causing of damage to a valuable item of property, on public display, carried out as a publicity exercise.
- 1.9 The sentence I must pass must acknowledge your distress and unhappiness but must also have regard to the aggravating features of the offence which I have identified and to a degree deter others from acting as you did.
- 1.10 I do not consider that a sentence of any great length is necessary in your case but there must be a sentence of imprisonment and one which you must serve today.
- 1.11 The sentence on you is 6 months imprisonment.