

**TRANSCRIPT OF PROCEEDINGS**

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**Claim No: QB-2022-001236**

**IN THE HIGH COURT AT BIRMINGHAM**      **Neutral Citation [2022] EWHC 1323 (QB).**

**QUEEN'S BENCH DIVISION**

**BIRMINGHAM DISTRICT REGISTRY**

**Before His Honour Judge Rawlings sitting at Birmingham Civil Justice Centre on 19 May 2022**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**-and-**

**VICTORIA LINDSELL**

**(Defendant)**

**MR SHEPHEARD appeared on behalf of the Claimant MR JONES appeared on behalf of the Defendants**

**APPROVED JUDGMENT**

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JUDGE RAWLINGS:

1. You have accepted that you knew that an injunction was in force and that, by your actions and in the manner asserted by the Claimants you were breaching that injunction, It follows that I am satisfied to the criminal standard so that I am sure that you deliberately breached the injunction.
2. So I must consider the question of the appropriate sanction.
3. Guidance is given as to the appropriate sanction to impose by the Sentencing Guidelines for the breach of a Criminal Behaviour Order. Whilst those guidelines relate to sanctions to be imposed by a criminal court for the breach of an order imposed by a criminal court and I am considering the breach of a civil injunction, those guidelines are still used to establish the starting point for the sanction and the range of sanction for a breach of a civil injunction.
4. The guidelines require that I assess first your culpability for the breach according to the 3 levels of breach (A-B) and then consider the degree of harm caused by the breach according to 3 levels (1-3). In this case I consider that culpability falls in the middle band (B) for a deliberate breach of the injunction and that there was no material harm flowing from your breach of the injunction and that the level of harm should therefore be assessed at 3. So by looking at the guidelines for B3 I arrive at the starting point and range of appropriate sanctions. One of the sanctions specified in that band is a Community Service order, but that sanction is not available as a sanction for breach of a civil injunction.
5. I am satisfied that the appropriate sanction is the imposition of a fine. If you were not of limited means then, in my judgment the appropriate starting point would be £1200, but on the basis of what I am very briefly told by you about her financial circumstances I am satisfied that you have very limited means to pay a fine and for that reason I assess the starting point at half the level that it would be for a defendant of adequate means, so £600.
6. I also take into account the fact that you have accepted breach of the injunction at the first opportunity and, therefore, the fine that I impose, taking into account a discount of one-third, for accepting the breach at the first opportunity is £400. There are no aggravating or mitigating factors, so the fine will be £400.
7. I am told that by counsel that for defendants who have breached the index injunction in a similar manner to you, who are of limited means Her Honour Judge Kelly has ordered that the fine be paid within 12 months. It is important there should be a level of consistency in relation to sanctions imposed for similar breaches of the index injunction, and the basis upon which they are ordered to be paid so, I will order that the £400 fine be paid at the rate of £20 a month.

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This transcript has been approved by the Judge

