

Neutral Citation No: [2019] NIQB 115

Ref: WEI11194

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Delivered: 04/12/2019

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION

A

v

C

SIR REGINALD WEIR

[1] This transcript of an *extempore* judgment has been anonymised in order to protect the identities of the parties and in particular that of the child whom I have called Y. The initials used are not the actual initials of those concerned. Nothing may be published of or concerning this judgment that would lead directly or indirectly to the identification of those concerned.

[2] This is an application brought by Ms A under Article 20 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 for a non-molestation order to prohibit Mr C from molesting her. I have heard the application today and am giving my decision immediately. The sad background to the application is that Ms A and Mr C are the parents of a daughter, Y, in respect of whom there is an ongoing dispute about contact. Y lives with Ms A and Mr C wishes to have contact with her. This has been difficult to arrange because of the need for contact to be supervised at present and a failure to arrange suitable supervision arrangements has impeded the contact. As a result Mr C has not had organised contact with Y since the summer of 2018 apart from a one-off contact in December of that year. On Sunday 16 June of the present year, 2019, Ms A and her mother and Y had driven to their church in Belfast and were parking in the car park and leaving the car when Mr C drove in. I am satisfied on the evidence that has been given that there was a certain amount of shouting over by him and I am also satisfied, and I make it clear, that Y wanted to see her father. So far as I can see from the evidence that I have heard so far Y does want to see her father but wants to see her father in proper, sensible child-friendly

circumstances, not by being shouted at in the street or having her mother shouted at in the street.

[3] As a result of the church incident, as I have called it, Ms A was granted a non-molestation order but it was not renewed. The alleged facts that found the present application are, in the submission of Ms O'Reilly, supported by the church incident as evidence of propensity in respect of the present ex parte non-molestation order which was granted following a second alleged incident, which I have called the Bangor incident, which took place in Bangor town on 30 October 2019. That ex parte order expires today. In that incident it appears that Ms A and Y and her older daughter had gone to Bangor for some sort of Halloween activity that involved getting a pumpkin and carving a face on it, the sort of fun thing that any child might look forward to. There is some suggestion being made and I have no evidence to satisfy me of this at all, but there is some suggestion made that Mr C knew that Ms A was going to be in Bangor. I do not know whether he did or not, and I do not care whether he did or not, because whether he happened to meet her on the street just by chance, or whether he knew she was going to be there, there was a most unpleasant exchange.

[4] As Ms A took the child across the road she was followed loudly by Mr C. Mr C says he is not angry and he does not lose his temper, but if he does not he would be a very good actor at the theatre because he certainly gives the impression that he is angry and that he had lost his temper and he has done that again today. He says he is just loud. Well he certainly was loud on the video that he himself has produced because he is to be heard there shouting unpleasant things and following this child and her mother across the road. There was no excuse for that. That is harassment. The Oxford English Dictionary defines harassment: as "causing trouble to, vexing, annoying or inconveniencing". Molestation is defined as "the condition of being molested, intentional annoyance and harassment". In my view the behaviour evidenced by Mr C on his own video is ample evidence that there was molestation in this case and I am going to make a non-molestation order accordingly. I am going to confirm the order that has already been made and I am going to make that order until further order, in other words I am not going to time limit it because it seems to me that it should remain in place unless and until this business about the child and the contact is sorted out.

[5] I want to just say a word about that before I leave this. It is obvious that if something could be done to organise contact that it would take a lot of heat out of this situation. Mr C unfortunately seems to think that it is nothing to do with him, he has not got any part to play in getting those arrangements made, all he has to do is put forward the name of some lady who he wants to supervise contact and whom the judge has already said is not acceptable and then he can wash his hands of the whole affair, which in my mind, is a very odd way to go about looking after your child. If you really want to see your child then something has to be done to organise it and I would have thought that the way to get it organised was to get social services involved.

[6] Bear in mind that if you breach this order Mr C you are liable to be imprisoned. Do not be in any doubt about that.