

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

In the	
West Cumbria	
County Court	
Claim No. <small>Always quote this</small>	G00WH106

Between Castles & Coasts Housing Association Ltd
and Mr Philip Gambles

**Applicant
Claimant
Petitioner**
**Respondent
Defendant**

Before His ~~(Her)~~ Honour ^{Deputy} Judge/ District Judge Stuart
Sitting at West Cumbria County Court, Hall Park, Workington

on (date) 13 October 2021



1 An application having been made by⁽¹⁾ the Claimant for committal of⁽²⁾ Philip Gambles to prison for disobeying the order ~~[breach of the undertaking] dated~~ 25/11/2020. The relevant terms of the order (undertaking) and the allegations made by the applicant are recited on the attached notice to show good reason.

or

~~2 Where⁽²⁾ has been suspected of a breach of the attached order dated and has been arrested by a constable and brought before the Judge under section 47(6) of the Family Law Act 1996/section 43 of Crime and Policing Act 2009.~~

or

~~3 Where⁽²⁾ has been suspected of a breach of the attached order [undertaking] dated and has been arrested under a warrant of arrest and brought before the Judge under [section 47(8) of the Family Law Act 1996] [section 3(3) of the Protection from Harassment Act 1997], [section 44 of the Policing and Crime Act 2009].~~

IMMEDIATE CUSTODIAL ORDER

It is ordered that⁽²⁾ be committed for contempt to Her Majesty's Prison (be detained under section 9(1) of the Criminal Justice Act 1982) at⁽³⁾ for a (total) period of⁽⁴⁾ or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.

And the contemnor can apply to the (court) (judge) to purge his contempt and ask for release.

[And, as the court by order dated dispensed with service of the notice of application for a committal order, It is ordered that the contemnor be brought before a judge of this court as soon as practicable.]

ALTERNATIVE DISPOSAL

It is ordered that⁽²⁾ Philip Gambles be committed for contempt to prison for a (total) period of⁽⁴⁾ 12 weeks

The order is suspended until 12 October 2022 and will not be put in force if during that time the contemnor⁽²⁾ complies with the following terms:

- * compliance with paragraph 2 of the Order of 25 November 2020 by 4:00PM on 10 November 2021
- * compliance with paragraphs 1 and 3 of the order until 25 November 2021 and continues to comply with all remaining terms of the order of 25 November 2020

And it is further ordered that in the event of non compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor)

~~It is ordered that⁽²⁾ be fined the sum of £ Such sum to be paid into the office of the court within 14 days of the date of this order.~~

~~It is ordered that consideration of the penalty for the contempts found proved be adjourned until 20 and may be restored for decision if during that time⁽²⁾ does not comply with the following terms~~

PROVISION FOR COSTS

And it is ordered that

Mr Gambles to pay £6,846.60 - standard basis, payment by 27 October 2021

Date 13 October 2021

For record of service, hearing and contempts found proved, see next page

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

(1) [appeared personally] [was represented by solicitor/counsel] [did not attend]
 (2) [appeared personally] [was represented by solicitor/counsel] [did not attend]

The court read the affidavits of (Names)

Date affidavit(s) sworn

And the court heard oral evidence given by Name(s)

And the court is satisfied having considered the facts disclosed by the evidence and/or admitted in court by him/her that⁽²⁾ Philip Gambles has been guilty of contempt of this court by disobeying the order (breaking the undertaking) dated 25 November 2020 by (and as set out in the attached schedule)

Paragraph of Order	Alleged Action	And for the particular contempt the court imposed the penalty of:
1. 3. Mr Philip Gambles must on or before 31st December 2020 remove the lock, bolt and/ or chain from the gate to the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria and refrain from securing/ locking/ bolting the gate in future.	On 7 January 2021 the Defendant had not removed the chain and lock from the gate to the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria.	1. 12 weeks on each breach (to run concurrent 12 weeks total) 2. Suspended 12 months (until 4pm 13 October 2022)
2. 1. Mr Philip Gambles is forbidden from engaging or threatening to engage in anti-social behaviour that being defined as: 1.2 conduct Capable of causing nuisance or annoyance to Barrie Moore at 141 Newlands Gardens, Workington, Cumbria.	On 7 January 2021 the Defendant placed a plant pot in front of the gate that leads into the gardens behind 140 and 141 Newlands Gardens, Workington, Cumbria which caused a nuisance and annoyance to Mr Barrie Moore as this prevented him from accessing the garden.	
3. 2. Mr Philip Gambles must on or before 31st December 2020 permanently remove any structure from the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria except for those structures which the Respondent has express written permission from the Applicant to remain.	On 11 January 2021 the Defendant had failed to remove any structure from the garden behind 140 and 141 Newlands gardens, Workington, Cumbria.	
4. 2. Mr Philip Gambles must on or before 31st December 2020 permanently remove any structure from the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria except for those structures which the Respondent has express written permission from the Applicant to remain.	On 26 January 2021 the Defendant had failed to remove any structure from the garden behind 140 and 141 Newlands gardens, Workington, Cumbria.	
5. 3. Mr Philip Gambles must on or before 31st December 2020 remove the lock, bolt and/ or chain from the gate to the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria and refrain from securing/ locking/ bolting the gate in future.	On 26 January 2021 the Defendant had not removed the chain and lock from the gate to the garden behind 140 and 141 Newlands Gardens, Workington, Cumbria.	

RECORD OF SERVICE

Service of Injunction Order with Penal Notice incorporated or indorsed

(Order dated 20
(for substituted) (dispensing with) service)

Service proved by

- certificate of service dated 20
- certificate of bailiff
- oral evidence of

Service of Notice to show good reason in form N78 or Application for Committal N244

(Order dated 20
(for substituted) (dispensing with) service)

Service proved by

- certificate of service dated 20
- certificate of bailiff
- oral evidence of

Arrest under warrant of arrest

Respondent arrested on
by
in accordance with a warrant of arrest issued on

Service of Immediate Custodial Order

I (name of Officer) certify that I served the contemnor with a copy of this order by:
 delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention
 delivery by hand to the contemnor at (time) on (date) 20 at (place)

Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)
 Where there is suspended committal order or penalty is adjourned on terms, personal service is advisable.

The court office is open from 10 am to 4 pm Monday to Friday.

When corresponding with the court, please address forms and letters to the Court Manager and quote the case number.