Neutral Citation Number: **[2021] EWHC 3537 (Ch)**

Case No: BL-2021-MAN-000052

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN MANCHESTER
BUSINESS LIST (Ch)

Royal Courts of Justice
Strand, London
WC2A 2LL

Date: 8 December 2021

Before:

HIS HONOUR JUDGE CAWSON QC

- -

Between:

THE LAW SOCIETY OF ENGLAND AND WALES

Claimant

- and -

MR JAKUB WOJCIECH PAWLAK

Defendant

- -
- -

MR T. LONGSTAFF for the **Claimant**
MR C. PUTHUPALLY for the **Defendant**

- -

APPROVED JUDGMENT

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JUDGE CAWSON QC:

Introduction

1. On 17 November 2021, following a hearing on 4 November 2021, I handed down judgment in respect of an amended application dated 2 July 2021 whereby the Claimant, the Law Society of England and Wales, applied to commit the Defendant, Jakub Wojchiech Pawlak, to prison for contempt of court ("**the Contempt Judgment**"). The neutral citation number of the Contempt Judgment is [2021] EWHC 3076 (Ch). This judgment should be read together with the Contempt Judgment.

2. By the Contempt Judgment, I found the Defendant to be in contempt of court by breaching paragraph 1 of my order dated 20 May 2021 made in these proceedings ("**the May Order**"), which required him to deliver up within two days of service upon him of the May Order the client files and other records of his practice as a Registered European Lawyer and, subsequently, as a Registered Foreign Lawyer, in the manner specified by paragraph 1 of the May Order.

3. In paragraph 130 of the Contempt Judgment, I stated that I regarded the breach of paragraph 1 of the May Order that I found to be established to be a serious breach and one that I considered was calculated to frustrate the attempts made by the Claimant to intervene in the Defendant's practice in the performance of its statutory functions, being functions designed to protect the public. I indicated that, subject to such mitigation as might be advanced, I kept open all sentencing options, including the imposition of an immediate custodial sentence of significant length.

4. At the close of submissions on 4 November 2021, I indicated that if I found that the Defendant had acted in contempt of court, then I was likely to deal with penalty or sentence when I handed down judgment. However, on reflection and given, in particular, the considerations regarding the seriousness of the contempt of court that I have just identified and the fact the Defendant had not been present at the hearing on 4 November 2021, albeit represented by counsel, I considered it appropriate that the Defendant be given the opportunity to carefully consider the terms of the Contempt Judgment and the implications of it before I determined sentence.

5. I therefore considered that the appropriate course was to adjourn sentencing so as to, amongst other things, enable the Defendant to consider presenting mitigation purging his contempt and/or belatedly complying with paragraph 1 of the May Order.

6. Consequently, the order that I made on 17 November 2021 when I handed down judgment:

    i) Recited that the court had found that the Defendant had acted in contempt of court by breaching paragraph 1 of the May Order, but considered that the sentence to be imposed for such contempt should be determined at an adjourned hearing on 8 December 2021 at 2.00 p.m., as provided for by paragraph 1 of the order;

    ii) Recorded that at the adjourned hearing:

a) The court intended to proceed to consider and impose the appropriate punishment or sanction for the Defendant's contempt of court even if the Defendant did not attend the adjourned hearing;

b) The Defendant would have the opportunity to make submissions by way of mitigation in respect of the punishment or sanction to be imposed for his contempt of court;

c) All sentencing options remained open, including the imposition of an immediate custodial sentence; and

d) The Defendant would be entitled to be legally represented, in respect of which he might be entitled to apply for legal aid to enable him to obtain such representation.

iii) Ordered that:

a) Further consideration of the amended application to commit, including the determination of sentence and all outstanding issues, be adjourned to 2.00 p.m. on 8 December, such hearing to be held in open court and in person at the Business and Property Courts of England and Wales, 7 Rolls Building, Fetter Lane, London, EC4A 1N;

b) The time for the Defendant to file an Appellant's Notice with the Court of Appeal (Civil Division) be extended until 21 days after the adjourned hearing provided for;

c) Pursuant to CPR 81.5, notice of the adjourned hearing might be given to the Defendant by email to the address specified in the order; and

d) Costs be reserved.

7. The order dated 17 November 2021 was served by the court on the Defendant at the email address specified therein. Using this email address, the Defendant emailed me directly at 7.15 p.m. on 18 November 2021 in the following terms:

> *"**Dear Mr Judge Mark Cawson QC***
>
> ***Re Law Society of England and Wales v Mr Jakub Wojchiech Pawlak***
>
> ***Claim number BL-2021 - MAN-000051***
>
> *Can you kindly sent (sic) me the sentencing outcome for the hearing of 8 December 2021 by way of email to my email? I kindly await hearing from you.*
>
> *Yours sincerely*
>
> *Jakub Pawlak"*

8. Due to the fact that I am currently sitting in London, and in order to avoid any significant delay in dealing with sentencing, the sentencing hearing was listed in

London rather than Manchester where the amended contempt application had been heard. After the order dated 17 November had been served on the Defendant, I discovered that it was not possible for a contempt hearing of this kind to be heard in the Rolls Building and, and that it was necessary for the same to be heard in the Royal Courts of Justice. The Defendant was informed of the change of venue by an email sent by the court to his email address (as referred to in the order dated 17 November 2021) at 2.29 p.m. on 7 December 2021.

9. It is against this background that the contempt application comes before me this afternoon. Whilst the Defendant has not attended in person this afternoon, the Defendant has attended by Counsel, Mr Ciju Puthuppally. The Claimant continues to be represented by Mr Tom Longstaff of counsel. Mr Puthuppally has put forward mitigation on behalf of the Defendant to which I shall return to in due course.

The Defendant's non-attendance

10. Although the Defendant is this afternoon represented by Counsel, he is not here in person. The first question that arises for consideration is as to whether I should proceed in his absence.

11. Although covered in considerable detail in the Contempt Judgment, I would repeat that the Defendant, who I was informed at an earlier hearing and have been informed again this afternoon has been, and remains in Poland, has not personally attended any of the hearings of this matter. However, apart from the first hearing on 28 May 2021 that was held without notice to the Defendant, and a short hearing on 2 November 2021 when the Defendant sought (by email) and was granted an adjournment in order to obtain legal representation, the Defendant has been represented by Counsel at all the earlier hearings in this matter at which Counsel made representations and submissions on his behalf. The Defendant is, again, represented this afternoon by Counsel albeit not here in person.

12. In paragraph 118 of the Contempt Judgment I found that I was entitled to draw adverse inferences against the Defendant, and on the basis thereof to conclude that he had taken a conscious decision not only not to attend any hearing in person, but also not to give evidence, because he was aware that his evidence would not stand up to scrutiny, and that by attending at court rather than remaining in Poland, he would be exposing himself to arrest in the event that he was found to have acted in contempt of court.

13. One option for me today, given the Defendant's absence and notwithstanding that he is represented by Counsel, would be to adjourn the sentencing hearing and issue a warrant for the Defendant's arrest prior to passing sentence. However, I do not propose to adopt that course of action for the following two reasons:

    i) As I observed in paragraph 72 of the Contempt Judgment, when a respondent to a contempt application does not attend the hearing, the court is generally faced with a choice of proceeding in the respondent's absence or adjourning the hearing and issuing a warrant for the respondent's arrest. However, whilst it is only in exceptional circumstances that a court will proceed in a respondent's absence, a key consideration in deciding whether or not to proceed is whether the respondent has voluntarily decided not to attend such as to waive his right to appear – see e.g., *XL Insurance Company SE v IPORS Underwriting Limited*

> [2021] EWHC 1407 (Comm) at [43] *et seq* per Cockerill J. I am satisfied that the Defendant has, again, voluntarily decided not to attend himself in person today and that the circumstances are sufficiently exceptional to make it appropriate to proceed in his absence, particularly bearing in mind that he is represented by counsel who can offer such mitigation as is appropriate on his behalf.

ii) Secondly, there would, as I see it, be little point in issuing a warrant for the Defendant's arrest given the very real likelihood that he is in Poland and that an arrest warrant could not be served upon him certainly within a reasonable period of time.

14. Mr Longstaff, for the Claimant, draws my attention to the **White Book 2021** at paragraph 81.9.2, p.2243, which says that:

> "Where the court has issued a warrant of committal and where the contemnor has gone into hiding, the court has jurisdiction to make ancillary orders including an order that he surrender to the Tipstaff so that he may execute the warrant."

Reference is made in that respect to the decision of the Court of Appeal in *JSC BTA Bank v Ablyazov (No.8)* [2012] EWCA Civ 1411, [2013] 1 WLR 1331.

15. It would therefore be open to me to issue a warrant of committal in accordance with CPR 81.9(2) by form N604 along with a mandatory injunction ordering the Defendant to surrender himself to the Tipstaff, and Mr Longstaff invites me to do so. Mr Puthuppally, on behalf of the Defendant, opposes that course of action.

16. In my judgment, it would be premature for me to make an order of that kind at this stage. The order made in the *Ablyazov* case was made against the background of hotly contested ongoing litigation where there had been failures to comply with orders of the court that concerned procedural steps in those proceedings. One can well see why, in those circumstances, an order of this kind might well be of use and facility in securing compliance with court orders. It might at some point in the present proceedings be of some use and facility to make such an order, but I agree with Mr Puthuppally that it would be premature to make such an order at this stage.

17. I will therefore proceed with sentencing in the absence of the Defendant, but with him represented by Counsel, and although I will impose what I consider to be the appropriate sentence, I will not grant any ancillary order of the kind suggested by Mr Longstaff.

The relevant law

18. Pursuant to section 14 of the Contempt Act 1981:

> "(1) In any case where a court has power to commit a person to prison for contempt of court and (apart from this provision) no limitation applies to the period of committal, the committal shall (without prejudice to the power of the court to order his earlier discharge) be for a fixed term, and that term shall not on any occasion exceed two years

> in the case of committal by a superior court, or one month in the case of committal by an inferior court.
>
> (2) In any case where an inferior court has power to fine a person for contempt of court and (apart from this provision) no limit applies to the amount of the fine, the fine shall not on any occasion exceed £2,500."

19. Further, CPR 81.9 provides that:

> "(1) If the court finds the Defendant in contempt of court, the court may impose a period of imprisonment (an order of committal), a fine, confiscation of assets or other punishment permitted under the law.
>
> (2) Execution of an order of committal requires issue of a warrant of committal. An order of committal and a warrant of committal have immediate effect unless and to the extent that the court decides to suspend execution of the order or warrant.
>
> (3) An order or warrant of committal must be personally served on the Defendant unless the court directs otherwise.
>
> (4) To the extent that the substantive law permits, a court may attach a power of arrest to a committal order."

20. Hughes LJ in *Longhurst Homes v Killen* [2018] EWCA Civ 402 observed that:

> "It is trite to say that there is no tariff for sentences for contempt of court. The reason is simply that every case must inevitably depend upon its own facts."

21. Although there are no definitive sentencing guidelines and each case must be considered on its own facts, previous decisions provide some guidance as to the factors which should be taken into account in sentencing for contempt and how those factors should inform the type and extent of any sentence.

22. Recent guidance has been provided by the Court of Appeal in *Liverpool Victoria Insurance Company v Zafar* [2019] EWCA Civ 392, a decision concerning an application for contempt brought against an expert witness for making false statements. In this case, it was explained in the judgment of the Court of Appeal (Sir Terence Etherton MR, Hamblen, Holroyde LJJ) that:

> "[44] It should be recognised that a decision as to the appropriate level of penalty to impose for a contempt of court involves a value judgment being made and the assessment and weighing of a number of different factors…"
>
> [64] … As to the appropriate length of sentence, it is important to emphasise that every case will turn on its particular facts. The conduct involved in a contempt of this kind may vary across a wide range. The court must, therefore, have in mind that the two year maximum term has to cater for that range of conduct, and must seek to impose a sentence in the instant case which sits appropriately within that range...

> [65] In determining what is the least period of committal which properly reflects the seriousness of a contempt of court, the court must of course give due weight to matters of mitigation. An early admission of the conduct constituting the contempt of court, before proceedings are commenced, will provide important mitigation, especially if it is volunteered before any allegation is made. So too will cooperation with any investigation into contempt of court committed by others involved in the same proceedings or in other fraudulent claims. Where the court is satisfied that the contemnor has shown genuine remorse for his or her conduct, that will provide mitigation. Serious ill health may be a factor properly taken into account. Previous positive good character, an unblemished professional record and the fact that an expert witness has brought professional and financial ruin upon himself or herself are also matters which can be taken into account in the contemnor's favour. However, in deciding what weight can be given to those matters, it must be remembered that it is the professional standing and good character of the expert witness which enables him or her to act as an expert witness, and thus to be in a position to make false statements of this kind. Breach of the trust placed in an expert witness by the court must be expected to result in a severe sanction being imposed by the court in addition to any other adverse consequences...
>
> [66] The court must also give due weight to the impact of committal on persons other than the contemnor…"
>
> [69] The court must, finally, consider whether the term of committal can properly be suspended."

23. Helpful guidance had earlier been provided in *Crystal Mews Limited v Metterick* [2006] EWHC 3096 (Ch) at [8] to [13] per Lawrence Collins J as to the range of sentencing powers available to the court and the factors which should be taken into account when using them. In *Oliver v Shaikh* [2020] EWHC 2658 (QB) at [17], Nicklin J helpfully identified that the following can be derived from *Crystal Mews v Metterick*:

> "i) The object of sanction imposed by the court is two-fold: (1) to punish the historic breach of the court's order by the contemnor; and, (2) to secure future compliance with the order. In my judgment, if those objects in any way conflict in terms of sanction, then the primary objective is to secure compliance.
>
> ii) The sanctions available to the Court range from making no order, imposing an unlimited fine or the imposition of a sentence of imprisonment of up to two years. The Court has the power to suspend any warrant for committal.
>
> iii) As with any sentence of imprisonment, that sanction should only be imposed where the Court is satisfied that the contemnor's conduct is so serious that no other penalty is appropriate. It is a measure of last resort. A suspended prison sentence, equally, is still a prison sentence. It is not to be regarded as a lesser form of punishment. A sentence of imprisonment must not be imposed because the circumstances of the

> contemnor mean that he will be unable to pay a fine. A sentence of imprisonment may well be appropriate where there has been a serious and deliberate flouting of the Court's order.
>
> iv) The Court's task when determining the appropriate sanction to assess is to assess culpability and harm. The Court will consider all the circumstances, but typical considerations when assessing the seriousness of the contemnor's breach are:
>
> a) the harm caused to the person in respect of whose interests the injunction order was designed to protect by the breach;
>
> b) whether the contemnor has acted under pressure from another;
>
> c) whether the breach of the order was deliberate or unintentional; and
>
> d) the degree of culpability of the contemnor.
>
> v) Mitigation may come from:
>
> a) an admission of breach - for example, admitting the breach immediately and not requiring the other party to go to the expense and trouble of proving a breach;
>
> b) an admission or appreciation of the seriousness of the breach;
>
> c) any cooperation by the contemnor to mitigate the consequences of the breach; and
>
> d) genuine expression of remorse or a sincere apology to the court for his behaviour."

24. Further guidance has been provided by the Court of Appeal in *Financial Conduct Authority v McKendrick* [2019] 4 WLR 65 where in the judgment of the Court of Appeal (Hamblen and Holroyde LJJ) it was said that:

> "[40] Breach of a court order is always serious, because it undermines the administration of justice. We therefore agree with the observations of Jackson LJ in [*JSC BTA Bank v Solodchenko and others, (no 2)* [2012] 1 WLR 350]... as to the inherent seriousness of a breach of a court order, and as to the likelihood that nothing other than a prison sentence will suffice to punish such a serious contempt of court. The length of that sentence will, of course, depend on all the circumstances of the case, but again we agree with the observations of Jackson LJ as to the length of sentence which may often be appropriate. Mr Underwood was correct to submit that the decision as to the length of sentence appropriate in a particular case must take into account that the maximum sentence is committal to prison for two years. However, because the maximum term is comparatively short, we do not think that the maximum can be reserved for the very worst sort of contempt which can be imagined. Rather, there will be a comparatively broad range of conduct which can fairly be regarded as falling within the most serious

> category and as therefore justifying a sentence at or near the maximum."
>
> "[41] As the judge recognised, it may sometimes be necessary for the sentence for this form of contempt of court to include an element intended to encourage belated compliance with the court's order. Where that is the case, that element of the sentence is in principle one which may be remitted if the contemnor subsequently purges his contempt by complying with the order."

25. It is to be noted that CPR 81.10 provides:

> "(1) A Defendant against whom a committal order has been made may apply to discharge it.
>
> (2) Any such application shall be made by an application notice under Part 23 in the contempt proceedings.
>
> (3) The court hearing such an application shall consider all the circumstances and make such order under the law as it thinks fit."

26. It follows from what was said in *Financial Conduct Authority v McKendrick* at paragraph 41 when read together with CPR 81.10 that, where the punishment imposed by the court contains both elements of punishment for previous breaches and encouragement to belated compliance, the court may reduce a previously imposed penalty on an application made pursuant to CPR 81.10.

The Claimant's position

27. The type and duration of any sentence is a matter for the court and not the party seeking committal. However, the latter is entitled to put forward its views as to what are considered to be the relevant factors which the court may take into account - see *Charity Commission for England and Wales v Wright and Wright* [2019] EWHC 3375 (Ch) at [54] per Morgan J. Mr Longstaff on behalf of the Claimant has brought a number of factors to my attention that, to the extent I have considered it appropriate to do so, I have taken into account in deciding upon the appropriate sentence to impose upon the Defendant for the contempt of court that I have held to be proved.

The appropriate sentence to impose

28. As *Financial Conduct Authority v McKendrick* makes clear, breach of a court order is always serious because it undermines the administration of justice.

29. There are, as I see it, particular aggravating factors in the present case that aggravate the seriousness of the Defendant's breach because they demonstrate that:

    i) There is a real likelihood of harm having been caused in respect of those whose interests the May Order was designed to protect, i.e., members of the public for whom statutory powers conferred on the Claimant enabling it to intervene in the Defendant's practice were designed to protect. Whilst there might not, as Mr Puthuppally submits, be hard evidence to that effect sufficient to satisfy the

criminal standard of proof, on the basis of the evidence, I certainly consider that there is a real likelihood of such harm having been suffered;

ii) The Defendant's breach was deliberate and calculated; and

iii) The culpability of the Defendant for the breach was particularly high.

30. I consider the particular aggravating factors to be the following:

i) The present proceedings were brought by the Claimant in the exercise of its statutory functions concerning the regulation of solicitors and other lawyers such as the Defendant, being functions designed to protect the interests of members of the public from the actions of recalcitrant solicitors and other lawyers regulated by the Claimant.

ii) The decision, which has not been challenged by the Defendant, was made by the Claimant to intervene in the Defendant's practice on the basis that there was reason to suspect dishonestly that the Defendant had failed to comply with the SRA Accounts Rules and that it was necessary to intervene to protect the interests of clients (or former or potential clients) of the Defendant - see paragraph 14 of the Contempt Judgment.

iii) In order to effectively intervene in the Defendant's practice, it was necessary for the Claimant to seek to recover the Defendant's clients' files and other client records in paper and electronic format, not least in order to bring live client matters under control and to do so in a timely manner. The inability to do so has led to a number of difficulties that are liable to undermine confidence in the legal profession and the confidence of those who have cause to deal with regulated law firms.

iv) As I found in the Contempt Judgment, the Defendant has shown a marked lack of cooperation with the Claimant in respect of the performance by the latter of its statutory functions, in particular, through deliberately stifling and frustrating attempts made by the Claimant to intervene in his practice by failing to deliver up client files and other records aggravated further by him inventing a false story as to the alleged theft of files, computers and other equipment from a van as referred to in the Contempt Judgment.

v) Further, it formed part of my decision in the Contempt Judgment that the Defendant's actions in failing to deliver up client files and other records as required by the intervention and, ultimately, by paragraph 1 of the May Order was calculated to enable the Defendant to continue conducting litigation and to perform a reserved legal activity without the necessary regulatory permission. In doing so, not only did the Defendant place clients and other members of the public at risk, but he deliberately undermined the statutory regime which applies to legal practice in the United Kingdom as provided for by the Solicitors Act 1974.

vi) Indeed, I am satisfied that by his actions the Defendant has shown a brazen disregard for the important regulatory functions discharged by the Claimant.

31. Despite being given the opportunity to do so by my decision to adjourn sentencing from 17 November 2021, the Defendant has shown no remorse, has offered no apology to the court and has not attempted even belatedly to perform that which was required by paragraph 1 of the May Order, or even to approach the Claimant to discuss how he might now be able to cooperate with the intervention. It was said on his behalf this afternoon by Mr Puthuppally that there is a limit to the extent to which the Claimant can cooperate given that he does not have access to the email account maintained by his previous practice, but this does not provide anything approaching a satisfactory explanation as to why he could not cooperate in some way so far as the provision of client files is concerned.

32. Turning to the question of mitigation and the matters put forward on behalf of the Defendant by Mr Puthuppally.

33. Firstly, I have been referred to a *"Medical Certificate"*, translated from Polish and prepared by a Dr Arkadiusz Uzananski, a doctor with licence no. 5951797 in Poland. This reads as follows:

> "Patient Jakub Pawlak, aged 39, married, two children, has been undergoing treatment in our office since June 2020. He reported mixed anxiety and depression disorder. In medical interview the patient indicated that the cause of his medical condition is stress resulting from sudden termination of business activity run by him in Great Britain, as well as disciplinary proceedings going on. He also added that the situation influenced his family life, professional and social functioning.
>
> As I can see from the patient's report, since he lost his employment, he has been suffering from sleeping disorder with nightmares and early waking up as well as internal tension and anxiety, also suicidal ideation. The symptoms accompanying this condition are palpitations, vertigo, excessive sweating and sometimes episodes of dysphonia. He became taciturn, withdrawn from society and introverted.
>
> I applied psychotherapy and pharmacotherapy and antidepressants. At the moment, the patient is still undergoing therapy. I believe the patient's participation in any official proceedings will be highly traumatic experience and it is not advised as long as it is absolutely necessary. The situation like this will surely cause recurrence of his depression and anxiety disorder and, knowing the patient's story, also suicidal ideation."

34. So far as this is concerned, Mr Puthuppally realistically accepts that this is not something in itself that should lead to the court not imposing a custodial sentence in circumstances in which it would otherwise do so, but it is submitted that it is a factor that the court should take into account in considering its sentencing options.

35. I certainly do take into account that the Defendant has been deprived of his livelihood, that he is a family man with family obligations and that he may well suffer from the medical conditions that have been identified in the Medical Certificate that I have referred to. However, I consider that there is only limited weight that I can attach to the medical evidence that has been produced.

36. During the course of submissions, I identified as a potential authority that might assist on this point the decision of the Court of Appeal in *Lockett v Minstrell Recruitment Limited* [2021] EWCA Civ 102. That was a committal application on appeal to the Court of Appeal from a decision of Snowden J. At paragraph [29] of her judgment Rose LJ said this:

> "As to Mr Lockett's mental state, the Judge was not persuaded that the concerns were sufficiently severe or unusual that they could not be addressed and that Mr. Lockett cannot be safeguarded by the authorities whilst in custody, even in these challenging times... They did not outweigh the need for a custodial sentence to mark the seriousness of the contempts in this case."

37. I take from this case that whilst, as I have found, I am entitled to take into account the medical evidence that has been produced, it is of limited weight on an application of this kind. I note that the mental state of Mr Lockett in that case was not dissimilar from that reported by the Medical Certificate that I have been referred to.

38. The other and second factor identified by Mr Puthuppally is that there is no evidence otherwise than that the Defendant is a person of previous good character and that is something that I certainly do take into account.

39. However, it is right again to observe that in the course of mitigation today there has been no attempt to offer any apology to the court for the contempt of court that occurred and no indication of remorse on the part of the Defendant which are factors that I have to balance against the mitigation that has been offered.

40. In all the circumstances of the case, I am well satisfied that the breaches by the Defendant of the May Order are so serious that the custody threshold has been surpassed and that only a significant, immediate custodial sentence is appropriate to reflect the culpability of the Defendant and the harm liable to have been caused by his deliberate breach of paragraph 1 of the May Order. Although I have, as required, considered whether a suspended sentence might be appropriate, I am well satisfied that it would not given the serious nature of the breach and the failure of the Defendant to offer any form of apology or to show any contrition. In all the circumstances and having regard to the gravity of the breach, I consider it appropriate to impose an immediate custodial sentence committing the Defendant to prison for a period of thirteen months.

41. For the purposes of CPR 81.10, I indicate that of this thirteen months, four months represents the element of the sentence intended to encourage belated compliance and the balance of nine months represents the element of punishment for contempt in any event. Subject to any applications that might be made pursuant to CPR 81.10, the Defendant will be entitled to unconditional release after serving half of his sentence of thirteen months.

42. The Defendant has a right to appeal without permission to the Court of Appeal. I direct, subject to any further submissions that might be made, that any application notice must be lodged by 4.00 p.m. on Wednesday, 29 December 2022.

43. I shall therefore direct the issue of the warrant for committal in accordance with CPR 81.9(2) to give effect to the sentence.

This judgment has been approved by HHJ Cawson QC.

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