



JUDICIARY OF  
ENGLAND AND WALES

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
DIVISIONAL COURT

Before:

THE PRESIDENT OF THE QUEEN'S BENCH DIVISION  
and MR JUSTICE WARBY

Between:

HER MAJESTY'S ATTORNEY GENERAL

and

STEPHEN YAXLEY-LENNON

**DECISION ON PENALTY**

THURSDAY, 11<sup>TH</sup> JULY 2019

1. On Friday 5 July 2019, after a 2-day hearing, we announced our decision that the respondent, Stephen Yaxley-Lennon, was in contempt of court. The written judgment handed down on Tuesday 9 July 2019 set out our findings of fact, and our view of the gravity of the respondent's conduct. Our task today is to impose an appropriate penalty.
2. The *Akhtar* trial was a long-running and important one. It involved a large number of vulnerable complainants and 9 defendants who faced grave charges, including ones of rape, child abduction, trafficking, and inciting a child to sexual activity. They also faced lengthy sentences if convicted.
3. The contempts we have found proved were not ones of deliberate defiance; there was no intention to interfere with the administration of justice, and, in the event, neither the *Akhtar* trial or the trial that followed, were prejudiced. Nevertheless, the respondent's conduct amounted to a serious contempt. It consisted of the reckless disobedience of an important court order imposed to protect the integrity of the *Akhtar* trial and subsequent trials, and of conduct which created a substantial risk of a serious impediment to the integrity of the trial process.
4. An aggravating feature is the respondent's previous offending, including but not limited to an earlier contempt committed at Canterbury. He has 11 convictions, including for offences of violence, public order offences, disobedience to court orders, and fraud. On 22 May 2017 he received a suspended committal order from the Crown Court at Canterbury, in the circumstances described in our judgment.
5. We are in no doubt that the custody threshold is crossed in this case, in particular having regard to the common law contempt that he committed. Nothing less than a custodial penalty would properly reflect the gravity of the conduct we have identified.

6. We are dealing with a single course of conduct, which should be dealt with by a single penalty. The main purpose of the penalty in this case is punishment and deterrence of the contemnor. The Court is also concerned to demonstrate its determination to uphold the rule of law by deterring conduct of this kind, and to ensure future compliance with orders of the court
7. We must have regard to the respondent's personal circumstances. We do not have a pre-sentence report as there is no power to order one in a case of contempt.
8. We do however have a considerable body of information and evidence about the respondent, including the effect of prison on him, and his mental health. We take account of all the information placed before us, and all other matters advanced in mitigation, in particular the fact that these proceedings have been prolonged, the medical evidence on which reliance is placed, and the impact on the respondent and on his family of a custodial sentence.
9. In deciding on the appropriate period of custody, we must assess the seriousness of the offending, including the harm caused. By law, the maximum sentence for contempt is one of 2 years. There is no sentencing guideline for cases of contempt, but we have regard to those guidelines that are of some relevance. *We also have regard to the guidance given by the Criminal Division of the Court of Appeal in the respondent's appeal to that court last year, and the authorities that have been cited.*
10. The respondent cannot be given credit for pleading guilty. He has lied about a number of matters, and sought to portray himself as the victim of unfairness and oppression. This does not increase his sentence, but it does mean that there can be no reduction for an admission of guilt, or for contrition or for remorse.
11. In our judgment, the appropriate penalty for the Leeds contempt is one of 6 months. That is a proportionate penalty and the least penalty commensurate with the seriousness of the offending.
12. We have considered whether the period of custody can and should be suspended, rather than imposed immediately. Having reviewed the position, we remain of the view that only immediate custody would be commensurate with the seriousness of this case. The respondent's actions at Leeds were themselves in breach of an existing suspended committal order, and we are unable to identify any features of the case that would justify that approach. There is some personal mitigation, but it is not strong. His family circumstances are typical of many offenders, and could not justify suspension of a custodial sentence.
13. The contempt at Leeds was committed during the operational period of the suspended committal order imposed at Canterbury. In our judgment, there can be no doubt that the appropriate way to exercise the court's discretion in this case is to activate the suspended committal order, and to do so in full.
14. The contempts at Canterbury and Leeds were separate and distinct. In accordance with established principle, the two periods of custody should be ordered to run consecutively to one another.
15. As a result, the total penalty which we consider it appropriate to impose for the contempt with which we are concerned in this case is one of committal to prison for 9 months, that is, 39 weeks.

16. The respondent has spent 10 weeks in custody as a result of the order for committal made by Judge Marson. It is appropriate to reflect that in the total penalty. As there is no automatic entitlement, in cases of contempt, to credit for time already spent in custody, we must reduce the penalty by a commensurate amount, which, on the information before us, is 138 days. If on subsequent inquiry, our calculation in relation to time already served proves to be wrong, the position can be corrected administratively
  17. Mr Yaxley-Lennon, stand up please. You be will be committed to prison for a period of 19 weeks.
  18. The law is that you will serve up to half of this period. Once half of that period has been served you must be released.
  19. In principle, we consider you should pay some of the costs of these proceedings. However, in view of the fact that you are being committed to custody we do not think it would be right to make an order as to amount, without further information as to your circumstances. We will give your legal representatives 28 days in which to file further information. The Attorney General will have 7 days to respond. We will then make a decision without a further hearing.
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