

ENGLAND AND WALES / JUDGMENT

Teledyne UK Ltd v Mary Ensell & Anor

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Neutral Citation Number: [2025] EWHC 2164 (KB) IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION Case No: KB-2024-004175 Royal Courts of Justice Strand, London, WC2A 2LL Date: 18 August 2025 Before: THE HONOURABLE MRS JUSTICE STACEY DBE

- ----- Between: TELEDYNE UK LIMITED

- and -

(19) MARY ENSELL

(20) HARRY WADE

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- ----- Claimant Defendants Natalie Pratt (instructed by Keystone Law) for the Claimant Will Hanson (instructed by Robert Lizar) for the Defendant (Mary Ensell) Owen Greenhall (instructed by Robert Lizar) for the Defendant (Harry Wade) Hearing dates: 28 & 29 July 2025

- ----- Approved Judgment This judgment was handed down remotely at 2pm on Monday 18th August by circulation to the parties or their representatives by e-mail and by release to the National Archives. THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions The Honourable Mrs Justice Stacey DBE: 1. 2. 3. 4. 5. This matter comes before the court on the application of the Claimant, Teledyne UK Ltd, to commit Ms Ensell & Mx Wade, (“the Defendants”), for contempt of court for breach of a protest injunction order made by Tipples J on 24 January 2025 (“the Injunction Order”). The Claimant’s business includes the manufacture and export of various products, components and systems including in the aerospace and defence industries for commercial, civilian and military applications and end users worldwide. The Defendants took part in a direct action on 28 January 2025 in protest at the Claimant’s sale and export under licence of some of its products to Israel for military purposes and use by the Israeli Defence Force (IDF) in Gaza. The Injunction Order forbade 14 named defendants, none of whom were Ms Ensell or Mx Wade, and four categories of persons unknown (“PU”) from entering onto six specified Teledyne sites including in Shipley, Bradford. It also prohibited the defendants from depositing any items or substances on Shipley and the other named sites, from blocking or interfering with vehicle access from the highway to the Shipley and the other named sites, from affixing themselves to any other items or vehicle entering or exiting the Shipley and the other named sites for the purposes

of protesting. The Injunction Order was obtained after there had been an increasing number of incidents of direct-action protest at some of the Claimant's sites including Shipley involving aggravated trespass and damage to property. The Defendants admit that they breached the Injunction Order in six respects by their actions on 28 January 2025. The issue is the appropriate sanction, if any. The parties had agreed terms between them that the Claimant would withdraw grounds 1 and 7 of the Committal Application, the Defendants would admit grounds 2-6 and 8 on the basis that the proceedings were properly served and the contempt jurisdiction engaged, but the contested issue of whether either of the Defendants had actual knowledge of the Injunction Order would be decided at a sanctions hearing with a one day time estimate (which in the event proved insufficient and the case continued into a second day). The Claimant undertook not to pursue the Defendants for any financial loss at this time or in the future, nor to seek costs against the Defendants in respect of the committal proceedings to date. The Defendants accept the accuracy of the affidavit evidence of the Claimant's witnesses, Nicholas Wargeant and Scott Patterson, served in support of the application. Both Defendants gave evidence on oath and were cross-examined as to whether either or not both of them had actual knowledge of the Injunction Order at any time before or during the commission of the breaches. It was common ground that it was an important issue. It is relevant to sanction, but not liability, since liability for contempt requires the contemnor to have 'notice' as opposed to 'actual notice' or knowledge of the Injunction Order (*Cuciurean v Secretary of State for Transport & High Speed Two (HS2) Limited* [2021] EWCA Civ 357 at [54]-[62]). For a Defendant to have 'notice' of an order, it must be duly served. In these proceedings that required service in accordance with the provisions for alternative service at paragraph 3 of the Injunction Order which had been fully complied with. It was on this basis only that the Defendants admitted breach, as they both denied actual knowledge of the Injunction Order. It was accepted by the Claimant that if the Defendants were THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment *Teledyne UK Limited v Gao and Others- Sanctions* unaware of the Injunction Order it may be inappropriate to impose any penalty for breach. As noted by Soole J in *National Highways Limited v Kirin & Ors* [2023] EWHC 3000 (KB) [22]- [23] ("Kirin") it is now well settled that the clear distinction between notice and knowledge is relevant to the sanction to be imposed, not the finding of contempt and he noted with approval the observation in *Cuadrilla Bowland Ltd v Persons Unknown* [2020] 4 WLR 29 ("Cuadrilla") at [25] that: "It would not necessarily follow from proof of these facts [establishing liability] that the person had knowingly disobeyed the order; but the judge took the sensible approach that, unless this further fact was established, it would not be appropriate to impose any penalty for the breach." 6. 7. 8. 9. The Claimant argued that all cases are fact sensitive and the authorities do not establish that it would never be appropriate to impose a penalty for a technical breach. However, the point is academic in this case. There was a legal dispute between the parties as to the approach that this court should take to the burden and standard of proof in resolving the factual dispute of whether either or both of the Defendants had actual notice or knowledge of the Injunction Order. Ms Pratt for the Claimant relied on the ruling in *Kirin* that the burden is on the Defendants to establish to the civil standard that they did not have

knowledge of the existence of its order and/or its material terms at [36] and see also [37]-[38]. Mr Greenhall for the Defendants argued that correct approach, analogous to criminal sentencing law and procedure, was that the Claimant had to prove to the criminal standard the facts of the breach which included knowledge, the Defendants did not bear the burden of proof, and that the Defendants had given evidence in a hearing analogous to a Newton hearing and the court should approach its findings on Newton hearing lines. It was common ground between the parties, that it is well established law that the purpose of the sanction for contempt of court is twofold: to both punish the defendant for their conduct in defiance of the order, as well as serving a coercive function by holding out the threat of future punishment as a means of securing the protection which the injunction is primarily there to achieve (*Crystal Mews Limited v Metterick*

[2006] EWHC 3087 (Ch) at [8] per Lawrence Collins J). 10. The Supreme Court in *HM Attorney General v Crosland* [2021] 4 WLR 103 at [43]-

[44] (“Crosland”) set out that the court must adopt an approach analogous to criminal cases in which the court is required to assess the defendant’s level of culpability and the harm their breaches have caused.

11. Mr Greenhall’s submission was that it followed that since liability for contempt has to be proved to the criminal standard and the approach to punishment for breach must also follow criminal law principles, the procedure in Newton applies. 12. In the event it was not necessary to resolve the legal dispute between the parties since on the evidence in this case the same result is achieved by adopting either approach, whether by requiring the Defendants to prove to the civil standard that they did not know of the Injunction Order, or by requiring the Claimant to prove knowledge to the THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment *Teledyne UK Limited v Gao and Others- Sanctions criminal standard* as is explained in the findings of fact below. However, in case it becomes relevant in other cases and as I have had the benefit of full argument from both sides,¹ I shall briefly set out my analysis. 13. If there are conflicting versions between the prosecution and the defence about the facts of the offence a Newton hearing may be conducted with the judge hearing the evidence and coming to his or her own conclusions adopting the criminal burden and standard. (see Archbold 5A-339). But there are three circumstances where a Newton hearing is unnecessary, also set out at Archbold 5A-340: “The cases (including, in a recent restatement in Cairns [2013] EWCA Crim 467; [2013] 2 Cr. App. R. (S.) 73) establish three situations where although there is a dispute as to the facts of the case, the court is not obliged to hear evidence under the principles laid down in Newton. The first is where the difference in the two versions of the facts is immaterial to the sentence (see Hall (1984) 6 Cr. App. R. (S.) 321, CA; Bent

(1986) 8 Cr. App. R. (S.) 19, CA). If the sentencer does not hear evidence, he should specifically proceed on the defendant’s version: Hall, above; see also Sweeting (1987) 9 Cr. App. R. (S.) 372, CA.” The second exception is where the defence version can be described as “manifestly false” or “wholly implausible” (see Hawkins (1985) 7 Cr. App. R. (S.) 351, CA;

Bilinski (1988) 9 Cr. App. R. (S.) 360, CA; Walton (1987) 9 Cr. App. R. (S.) 107, CA; and Mudd (1988) 10 Cr. App. R. (S.) 22, CA). See also Palmer (1994) 15 Cr. App. R. (S.) 123, CA and Broderick

(1994) 15 Cr. App. R. (S.) 476, CA (couriers claiming to believe that they were carrying cannabis as opposed to a Class A drug). A judge may form such a view of the defence basis of plea where, for example, he had presided over a trial of co- defendants; but he should only do so after hearing full submissions and giving a reasoned decision so that the basis on which subsequent mitigation would take place was entirely clear to all concerned: Taylor [2006] EWCA Crim 3132;

[2007] 2 Cr. App. R. (S.) 24. The third exception is the case where the matters put forward by the defendant do not amount to a contradiction of the prosecution case, but rather to extraneous mitigation explaining the background of the offence or other circumstances which may lessen the sentence. These matters are likely to be outside the knowledge of the prosecution: see Broderick, above. Where the facts put forward by the defence do not contradict the prosecution evidence, the cases justify the following propositions. 1 Mr Greenhall who appeared in Kirin frankly accepted that Soole J had not been given similar levels of assistance by counsel in that case and the issue had been touched on only briefly in argument. THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions (a) (b) The defendant may seek to establish his mitigation through counsel or by calling evidence. The decision whether to call evidence is his responsibility, and there is no entitlement to an indication from the court that the mitigation is not accepted (Gross v O'Toole (1982) 4 Cr. App. R. (S.) 283, DC); but such an indication is desirable (Tolera [1999] 1 Cr. App. R. 29, CA). The prosecution are not bound to challenge the matter put forward by the defendant, by cross-examination or otherwise (Kerr (1980) 2 Cr. App. R. (S.) 54, CA), but may do so (Ghandi (1986) 8 Cr. App. R. (S.) 391, CA; Tolera, above).

(c) Where the prosecution not only dispute the defence assertions, but identify the evidence on which they would rely to challenge them, the defendant is effectively bound to adduce evidence in support of his assertions if there is to be any prospect of them being accepted by the court: see Noonan [2010] EWCA Crim 2917; [2010] 2 Cr. App. R. (S.) 35. (d) (e) The court is not bound to accept the truth of the matters put forward by the defendant, whether or not they are challenged by the prosecution (Kerr, above): see Broderick, above. In relation to extraneous matters of mitigation raised by the defendant, a civil burden of proof rests on the defendant, although in the general run of cases the court would accept the accuracy of counsel's statement: Guppy (1995) 16 Cr. App. R. (S.) 25, CA." 14. 15. It appears to me that in this case, the facts put forward by the defence do go to important facts to do with the offence and that they contradict the prosecution evidence which was that the Defendants must have known of the Injunction Order because of their involvement in the action and briefing by Palestine Action and the notice on the perimeter fence. The issue as to knowledge of the Injunction Order is not an extraneous matter of mitigation where a defendant bears the

burden of proof on the balance of probabilities (see category (e) above) but concerns the facts of the offence and is highly material to the sentence. None of the categories listed in the paragraph in Archbold apply. It therefore appears to follow that the Claimant must prove to the criminal standard that the Defendants had knowledge. They may do so by direct evidence or by the drawing of inferences in the usual manner. Nor do I read either Cuadrilla and Cucuirean at first instance or on appeal as altering the position in contempt cases concerning protestors. Cuadrilla Bowland Ltd & Ors v Ellis & Ors [2019] 6 WLUK 888 at first instance before HHJ Pelling QC [2019] 6 WLUK 888 applied a criminal burden and standard at [20]. I do not understand his references at [15] – [16] about the inherently incredible and untruthful account given by the defendants to mean that the judge had placed the burden of proof on the THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions 16. 17. defendants, but that Cuadrilla had proved that the defendants knew of the injunction, but explaining why he disbelieved the defendants’ account in that case. The question of the burden and standard of proof on the issue for the purpose of sanction was not relevant to the issues in the appeal in that case, but the fact that in its judgment the Court of Appeal made no observations beyond summarising (at [27]-[28] Cuadrilla Bowland v Persons Unknown [2020] 4 WLR 29) the approach of the first instance judge without comment, is consistent with the Court of Appeal having accepted that the first instance court’s approach as correct. Cucuirean at first instance – to give it its full reference of Secretary of State for Transport & High Speed Two (HS2) Limited v Cucuirean [2020] EWHC 2723 (Ch) - does not address the burden and standard of proof directly, but the judge made a finding that the defendant knew of the injunction order and what it entailed [29]. I find that reliance by the Claimant on paragraphs [54]-[62] of Cucuirean on appeal ([2021] EWCA Civ 359) does not assist, as these paragraphs address the different point of liability for a breach when notice has been given through proper service of the order. The facts Both defendants, who were unknown to each other before 27 January 2025, had independently become concerned about what they understood to be happening in Gaza from the social media and news sources that they were following. They came across the organisation Palestine Action in the autumn of 2024 (long before it became a proscribed organisation under the Terrorism Act 2000 which took place after the events which we are concerned with here). They were both interested in doing something more to register their concern about what they believed to be happening and attended an online onboarding session organised by Palestine Action in November 2024. They may or may not have attended the same onboarding session, but each received a similar briefing. Each of them volunteered to take part in what was described as a medium level action in order to draw attention to the plight of Palestinians in Gaza and the role of companies in the UK supplying arms and parts to the IDF that they were increasingly concerned about. They each understood that it carried some risk of arrest, but not imprisonment. There was no discussion or mention of any injunction, and indeed there was none in place in November 2024. The first without notice injunction, the predecessor to the Injunction Order, was obtained shortly before Christmas 2024 (“the Bourne J Order”).

18. Ms Ensell had explained to Palestine Action that she could not take part in any action that risked her imprisonment or of being separated from her 18 year old daughter who, although now an adult, has special needs and autism and cannot live independently. Ms Ensell is a single parent and is her daughter's carer. Her daughter self-harms and neglects her self care and suffers from OCD, depression and anxiety. Ms Ensell had made clear that she could not and did not want to risk imprisonment for her daughter's sake and she also has challenging health needs of her own- she has fibromyalgia which causes pain and fatigue and has a significant impact on her life and she has had poor mental health since childhood and is medicated with pain relief and antidepressant medication.
19. A few months later and after several further conversations with representatives from Palestine Action, they each told, separately, that they had been approved to be THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions involved in a medium level action, coming up shortly. They were not told any details or what or where it might be, although Ms Ensell remembers being told that the action would involve a van being driven to block the gates at an entrance of an unidentified site somewhere, and that the actionists such as herself, would then chain themselves to the van. The details were kept strictly confidential and not shared with either of them.
20. Both knew of Teledyne's activities supplying the IDF with parts for military aircraft that they believe have been used in Gaza. Ms Ensell has not done any research into Teledyne but picked it up from people she follows on Instagram. She had not learnt of the Bourne J Order or the Injunction Order either through social media or otherwise. Mx Wade had visited the home page of Teledyne's website in their own research and learnt from that that they manufacture components for F-35 jets. They did not see a notice of the injunction on the Teledyne website. I had no evidence from Teledyne as to if, or where, on their website the Injunction Order is publicised. They did not learn of it from any other sources either.
21. On 27 January 2025 Mx Wade was picked up at an agreed spot near to where they live with their parents in the East of England and was driven to a safe house in or near Shipley where they arrived that evening. They had never heard of or been to Shipley before.
22. Ms Ensell got herself to the safe house from her home in Liverpool on the evening of 27 January 2025 where the actionists, as they termed themselves, were to meet and be briefed beforehand. They had both been told not to take their mobile phones which they had both left at their respective homes.
23. They did not know that the action would take place at a Teledyne site until the briefing on the evening of 27 January 2025, but knew that Teledyne was a secondary target for action because of their supply of weapons systems components to the IDF. Both Defendants have satisfied me that it is more likely than not that they did not know of the injunction in place at the Teledyne site in Shipley, Bradford at any point before they commenced the action the next day. I accepted their evidence that it was not mentioned when they were briefed on the evening of 27 January 2025. I accepted Ms Ensell's evidence that if she had been told that evening of the High Court injunction and the risk of imprisonment for breach she would have decided not to be part of the direct action the next day. I also accepted that Mx Wade was not informed of it. It would not have been in Palestine

Action's interests to make the actionists, especially nervous first time actionists such as Mx Wade and Ms Ensell, aware of it and I do not draw the inference that they must have done so. As Ms Ensell remarked, it would have been counter-productive to have told them.

24. Mx Wade and Ms Ensell were very much foot-soldiers in the operation. The action had been planned, designed and organised by others beforehand and neither of them were privy to any information other than about the limited role each had agreed to perform the next day.
25. The role of Mx Wade and Ms Ensell was to go to the safe house and be briefed about what they were to do the next day. They were to travel as passengers in a second vehicle, behind a van that had been adapted by others to be suitable for locking onto which would arrive at the Shipley site at around 5am. The driver of the van would THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions drive the van so as to block the entrance to the site and the two Defendants would then get out of the second car and lock themselves onto the van to block the vehicle entrance to the site to disrupt Teledyne's activities and remain there until the police was able to unlock them.
26. On the morning of 28 January 2025, the driver of the van drove at speed into a bollard at the entrance to the site lodging the van onto two bollards causing just under £3,500 damage. Ms Ensell and Mx Wade were travelling as passengers in the car behind. The driver of the van and the driver of the second vehicle then both fled the scene and have not been traced.
27. Ms Ensell and Mx Wade did as they had been told and locked onto the van, sat quietly in the rain and awaited the arrival of the security guards and then the police. It was still dark and neither of them saw the notice of the Injunction Order affixed to the left of the entrance to the site. Mx Wade is functionally blind in their left eye and partially sighted in their right eye and even if they had seen a piece of paper on the fence, would not have been able to read it at that distance even in full light. Ms Ensell is fully sighted, but was thinking only of getting to the van as quickly as possible to lock on and not looking to the perimeter fence and was not aware of the notice on the fence. There was no evidence about the notice on the fence to suggest that it would have been readable from the distance where the Defendants were standing or that they would have been able to see what it was. There was no evidence that they were close enough. When Ms Ensell had locked on, she had her back to the perimeter fence and the notice was outside her sightline from where she was sitting.
28. At around 7am Teledyne security staff approached the Defendants and said: "Morning protesters. What I am saying is being recorded on my body camera. I need to inform you, you are in breach of a Crown Court injunction. You are committing an offence of contempt of court. You will be prosecuted. We will take you to court. You will be responsible for all costs and penalties. A copy of the injunction is here. Would you like to read it?" There was no answer. The staff member continued: "Excellent. I'll leave a copy there. It's also available online. Thank you."
29. 30. He then placed a copy of the Injunction Order in a traffic cone in a plastic wallet, out of reach of the Defendants whilst they were locked onto the van. Both defendants were able to self-release from the lock on, if they had chosen to do so. When their protest ended at around 12.30pm they released themselves. They chose not to release themselves at 7am and read the Injunction Order at any time after 7am. I find that when the security staff member

informed them of the fact of a court injunction and that they were in breach of it, coupled with his reference to contempt of court and proceedings, they had actual knowledge of the Injunction Order, even though words used by staff member were not completely accurate or comprehensive and did not set out in precisely accurate terms the penal notice: he said it was a Crown Court and not a High Court injunction and the reference to the THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions Claimant “prosecuting” the Defendants might have been confusing, since it is the police who are prosecuting them and the Claimant bringing breach proceedings. But they both had enough of a gist to know there was a court order, that they were being accused of breaching it and that there could or would be consequences that sounded serious. They then both chose to ignore it and chose not to acquaint themselves with the detail of it by unlocking themselves and reading it. They therefore had actual knowledge at around 07:00am. However, I accept that neither of them fully appreciated the significance of being in breach of a court order at the time and there was no mention of the risk of imprisonment in the words spoken by the security staff member. They remained locked on for around five and a half hours until around 12.30pm when they released themselves. Around 40 police officers and ambulance staff attended over the course of the day and tried to release them from the van, but the van had been reinforced with concrete from inside which the police were unable to dismantle. It is to their credit that they then gave up the protest themselves when they unlocked themselves and they were both arrested. In terms of harm, the action caused only minor disruption to the workings of the Teledyne site that day. The 100 or so staff were not able to drive into the staff car park, but were easily able to park nearby and walk through the pedestrian entrance, delaying them by a matter of around five minutes. It was also raining. One disabled member of staff was a little more inconvenienced. The Defendants did not interact with the staff and workers going into the site but remained silent throughout. The Shipley site is in a business park and there was sufficient parking nearby for the Teledyne staff. Four nearby businesses were initially impacted by police road closure until 8.30am and one printer business until 3pm. The disruption to neighbouring businesses appeared to be minimal. However, the considerable police and ambulance service manpower who attended the scene will have diverted them from other activities that day. There was also only minor inconvenience to the Teledyne deliveries that came in that day as all the delivery vehicles were able to park close by, all scheduled deliveries were successful as Teledyne staff were able to help carry the goods into the site through the pedestrian entrance without excessive disruption to their day. After the Defendants’ arrest and identification by the police, the Claimant brought a contempt application on 11 March 2025 against both Defendants who were also both added as named Defendants to the injunction proceedings which had been issued under Part 8 in December 2024. The Defendants were both served with the committal application by the end of March 2025 and with notice of a directions hearing on 23 May 2025. There was initially a disagreement between the parties about when the Defendants’ lawyers had received all the documentation and were first able to consult with their clients, but following service of witness statements from both the Claimant and the Defendants’ lawyers during the course of

the hearing the matter was cleared up and the facts were no longer in dispute. The defence lawyers received the papers electronically on 24 June 2025 and a hard copy on 25th June 2025 and were thus in a position to advise their clients and receive instructions shortly thereafter.

31. 32. 33. 34. 35. 36. THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment Teledyne UK Limited v Gao and Others- Sanctions 37. On 2 July 2025 both Defendants offered undertaking that were not acceptable to the Claimant. 17 July 2025 both Defendants admitted breaching six of the terms of the Injunction Order as follows: Ground 2: on 28 January 2025 at approximately 05:00hrs, the Defendants instructed, encouraged or allowed another person (that person being the driver of a white Vauxhall Vivaro van) to enter the Shipley Site, in breach of paragraph 2(i)(a) of the Injunction Order; Ground 3: on 28 January 2025 at approximately 05:00hrs, the Defendants instructed, encouraged or allowed another person (that person being the driver of a white Vauxhall Vivaro van) to deposit an item on the Shipley Site (that item being a white Vauxhall Vivaro van), in breach of paragraph 2(ii)(a) of the Injunction Order; Ground 4: on 28 January 2025 at approximately 05:00hrs, the Defendants instructed, encouraged or allowed another person (that person being the driver of a white Vauxhall Vivaro van) to damage a fixture on the Shipley Site (that fixture being two yellow retractable bollards), in breach of paragraph 2(ii)(a) of the Injunction Order; Ground 5: on 28 January 2025 at approximately 05:00hrs, and until approximately 12:30hrs, the Defendants blocked, obstructed or otherwise interfered with vehicular access to and from the highway at the Shipley Site, in breach of paragraph 2(iii) of the Injunction Order; Ground 6: on 28 January 2025 at approximately 05:00hrs, the Defendants instructed, encouraged or allowed another person (that person being the driver of a white Vauxhall Vivaro van) to block, obstruct or otherwise interfere with vehicular access to and from the highway at the Shipley Site, in breach of paragraph 2(iii) of the Injunction Order; Ground 8: on 28 January 2025 at approximately 05:00hrs, and until approximately 12:30hrs, the Defendants affixed themselves to a vehicle on the Shipley Site for the purpose of protesting, in breach of paragraph 2(vi) of the Injunction Order. 38. Neither had been involved in any previous direct action protests with Palestine Action or any other group. Neither of them have any previous convictions, reprimands or cautions or ever been arrested before. Both had positive and impressive testimonials as to their characters.

39. Mx Wade was 25 years old at the time of the breach of the Injunction Order, and is now aged 26. They were diagnosed with autism aged 14 which affects them significantly socially. They have been diagnosed with depression and anxiety and has been receiving a high dose of antidepressant medication for a number of years and they have been receiving therapy for PTSD. They are also currently undergoing diagnosis for suspected ADHD. They achieved well academically at university. They are committed to helping others in need especially in the LGBTQ+ community and are employed as a trainee support worker with a small local LGBTQ+ charity providing support to young adults on a minimum wage. As their mother points out in her character reference, they are working at a lower income level than they could command with their skills and education in order to assist others and work in a caring
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Gao and Others- Sanctions role. There were impressive testimonials as to their compassion and support for those in need and less fortunate than themselves.

40. Mx Wade has apologised sincerely and wholeheartedly for breaching the Injunction Order. Whilst they wanted to protest about the issues and Teledyne's involvement in supplying military components for use in F-35 fighter jets because they feel so strongly about the issues, they would not have taken the action that they did if they had known of the Injunction Order. They knew they might be arrested for possible alleged breaches of the criminal law such as public nuisance and were willing to take that risk, but not a contempt of court application. They have no savings and are living with their parents, hoping to find suitable accommodation of their own in due course. They found taking part in the direct action to be extremely stressful and described "freezing up and closing down" during it.
41. Ms Ensell is now 45 years old and was 44 at the time of the protest action. Her caring responsibilities for her daughter are set out above. She is a registered veterinary nurse and works for the PDSA (People's Dispensary for Sick Animals) and earns £2,000 per month after tax and has no savings and receives no state benefits for herself. She has previously worked with children with special needs and as a volunteer at a rape crisis centre. 42. 43. 44. 45. Like Mx Wade, Ms Ensell is genuinely sorry for breaching the Injunction Order and has no intention of doing a direct action protest again, even though she remains very concerned about events in Gaza. She was ill for two months after 28 January because of the effect of the rain and the cold on her fibromyalgia and the stress of it all. Both she and Mx Wade found taking part in the direct action protest to be anxiety- inducing and difficult and neither wish to place themselves in a similar situation again. Application of the facts to the principles to be applied on sanction The maximum sanction is two years imprisonment and/or an unlimited fine with a term of imprisonment in default of payment (Contempt of Court Act 1981 ss.14 & 16). The Supreme Court in *Crosland* sets out the principle that the court should adopt in line with criminal cases to consider the seriousness of the conduct, a defendant's culpability and the harm caused, intended or likely to be caused. Due weight must be given to matters of mitigation, such as genuine remorse, previous positive character and all the circumstances of the case, including the impact of committal on persons other than the contemnor, such as any persons in their care such as children or vulnerable parents. The court must first consider if a fine would be a sufficient penalty or if the custody threshold has been met. Reduction in sanction for early acceptance of the contempt in line with the Sentencing Council Guidelines ("SCG") on Reduction for Guilty Pleas applies. If the contempt is so serious that it can only be marked with a custodial sanction, the shortest possible term commensurate with the seriousness of the contempt must be imposed and consideration given to suspending the term of imprisonment. The SCG on the Imposition of Community and Custodial Sentences is a useful resource in considering whether it is appropriate to suspend the sanction of the imposition of a custodial term. THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment *Teledyne UK Limited v Gao and Others- Sanctions* 46. 47. 48. 49. 50. 51. This case arises out of the Defendants' direct action protest. There is no principle which justifies treating the conscientious motives of a

protester as a licence to flout court orders with impunity, but greater clemency is normally required to be shown in cases of civil disobedience than in other cases and the conscientious motives of protesters will be taken into account when they are sentenced for their offences or sanctioned for a breach of court order (see *Cuadrilla* in *EWCA* [2020] 4 WLR 29 at [97]- [99], Lord Hoffman in *R v Jones (Margaret)* [2006] UKHL 16 at [89] as quoted with approval by Lord Burnett of Maldon CJ in *R v Roberts* [2019] 1 WLR 2577, for example). Unlike the driver of the van and the second vehicle, the Defendants' act was public and they did not seek to avoid detection, indeed they invited it by locking themselves onto the van. It was a demonstration of their sincerity and willingness to accept the legal consequences of their actions, albeit that they were initially unaware of the Injunction Order. The Defendants' culpability is significantly reduced because they were unaware of the Injunction Order before the action and until 7am on 28 January 2025 and did not understand its seriousness from what was said to them by the security staff. But they were knowingly in breach of it thereafter. By their admission, the Defendants have engaged with the protester bargain, acknowledging that they have committed contempt of a court order. I am also satisfied that their admission and acceptance is good evidence of their intention not to commit further breaches. As too is the frank acknowledgment of how traumatic they found the experience to be. The protest was entirely peaceful and conducted in silence and there was no abuse or harassment or any interaction with the Teledyne staff. Road users and members of the public were not put at risk. The Defendants' culpability is limited to their own involvement on the morning of the protest, and they had not been involved in any of the planning and organisation. They did not encourage or instruct any others to breach the terms of the Injunction Order although they did so themselves. The harm caused is detailed above, it is possible that more harm was intended than was caused and the organisers of the protest may have been disappointed. It is not clear how much harm was specifically intended by the Defendants given their lack of knowledge and experience of such protests. The harm caused includes the number of police and ambulance service personnel who were called out and deployed. It is marginal, but on balance I am satisfied that the custody threshold is passed in this case and that a fine will not be sufficient to mark the contempt, principally because of the length of time – five and a half hours – that the protest continued after they learnt of the Injunction Order. It is however appropriate that the custodial term be suspended in accordance with the protester bargain and the fact that the Defendants themselves brought the action to an end before the police had been able to unlock them. There was no suggestion this was anything other than a dignified and restrained protest by these Defendants who remained calm and quiet throughout. There are also none of the factors under the SCG Guidelines on the Imposition of Community and Custodial Sentences that indicate that it would be inappropriate to suspend the sentence: neither of them presents a risk or danger to the public; it is not the case that appropriate punishment can only be achieved by immediate custody; and there is no history of poor compliance with court orders. On the contrary, all the factors consistent with THE HONOURABLE MRS JUSTICE STACEY DBE Approved Judgment *Teledyne UK Limited v Gao and Others*- Sanctions 52. 53. 54. suspending a custodial term apply: there is a realistic prospect of rehabilitation;

both have strong personal mitigation; and immediate custody will result in significant harmful impact upon others such as Ms Ensell's daughter. It was common ground that the SCG Guideline on Reduction on Sentence for a Guilty Plea were relevant. Undertakings were offered by the Defendants on around 2 July 2025, just over a week after their lawyers had received all the papers. It is not an exact science trying to apply and map on the SCG guidelines with the clear cut and formal stages in criminal proceedings – for example there is no first appearance or first hearing or first stage of proceedings similar to a criminal defendant appearing in a Magistrates' Court and no Plea and Trial Preparation Hearing – to civil contempt proceedings, but doing the best I can, I consider that a 25% reduction is appropriate. The admission did not come at the earliest opportunity so as to attract a one third discount as suggested by Mr Greenhall, but nor did it come so late in the day as to be reduced to 10% as suggested by Ms Pratt. There were six admitted breaches and in accordance with the totality principle regard must be had to ensure that the punishment is just and proportionate, reflecting the totality of the contempt. This was a single incident and the six breaches were all part and parcel of the same direct action and there is considerable overlap and risk of double counting. Taking all the facts and circumstances into account, the limited harm caused, the limited culpability including lack of actual knowledge of the Injunction Order until after the action was well underway and the wholehearted and genuine apology and expression of regret, and bearing in mind the principle that the term of imprisonment must be for the shortest possible period commensurate with the seriousness of the breach I conclude that in respect of both Defendants, the appropriate term of imprisonment after trial would have been 28 days. I reduce that by 25% to 21 days imprisonment which I suspend for 12 months so that the committal to prison shall not take effect so long as, during the next 12 months from 29 July 2025, the Defendant does not take any of the steps that are forbidden by paragraphs 2(i)-2(vi) (inclusive) of the order of Mr Richard Wright KC (sitting as a Deputy Judge of the High Court) dated 25 July 2025. The terms of the suspension shall continue to apply irrespective of any variation or discharge to the aforementioned order of 25 July 2025.

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