

Wilson v Webster

[1998] 1 FLR 1097

26/02/1998

Barristers

Robin Barda

Court

Court of Appeal

Facts

On 16 February 1998 the mother was attacked in the street by the father of her children. The father knocked the mother to the pavement and punched her in the face until restrained by a pedestrian. The mother sustained severe bruising to her head, face and hands which necessitated hospital treatment. At the subsequent committal proceedings for breach of his undertaking not to assault or pester the mother, the father admitted the assault. In his judgment, the judge stated that if the father had not admitted the assault he would have been sentenced to 3 months' imprisonment, but as he had admitted the assault and was in work he would be sentenced to 14 days' imprisonment. The mother appealed, challenging the judge's decision on the ground that the sentence of 14 days' imprisonment was not long enough as the sentence failed to reflect the serious nature of the contempt which took place in a public place.

Held

Held - allowing the appeal -

(1) That under the 1960 Act the court had jurisdiction to review the committal order of the court below and in a proper case the court was not barred from increasing the sentence.

(2) In the circumstances of the present case, the father had inflicted significant injuries on the mother in a public place which the judge, in the exercise of his discretion, had failed to reflect by the 14-day committal order. Accordingly, the court would substitute a sentence of 3 months imprisonment.

Permission

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