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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS: 20/87453
	Delivered: 11/05/2026

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

Between:

CANDICE MARILYN WINTER

Petitioner

and

COLIN BRETT WINTER

Respondent

RULING ON APPLICATION FOR COMMITTAL FOR CONTEMPT OF COURT

Both the petitioner and the respondent appeared as litigants in person

HUMPHREYS J

Introduction

[1] The sorry history of these divorce proceedings is outlined in a series of previous judgments of this court. This ruling should be read in conjunction with those.

[2] The application for ancillary relief concluded by the making of a consent order by Master Bell on 31 May 2023. The petitioner has brought this application alleging that the respondent has been guilty of contempt of court in failing to comply with the terms of the order, and seeking to have him committed to prison. This is the third such application which has been brought.

The court order

[3] The order made by Master Bell provided as follows:

- (i) The respondent was to transfer his beneficial interest in the matrimonial home to the petitioner and there would be a legal transfer when the petitioner was able to secure mortgage transfer approval;
- (ii) A 45% pension sharing order was made in relation to the respondent's NHS pension;
- (iii) A periodic maintenance order in favour of the petitioner of £1,000 per month was made for a period of four years, payments commencing on 22 May 2023, into the petitioner's account ending in 47;
- (iv) A periodic maintenance order in favour of the petitioner of £3,275 per month was made for a period of four years, payments commencing on 22 May 2023, into the joint account ending in 04;
- (v) The respondent was obliged to remove all direct debits and standing orders from the account 04 held in joint names other than the specified direct debits identified in the order;
- (vi) The consent order was without prejudice to the extant judgment summons which was to be dealt with by O'Hara J.

[4] There were therefore two separate periodic payments required, one of £1,000 per month and the other of £3,275 per month, each payable for a period of four years from the date of the order, expiring on 31 May 2027. The total sum therefore payable on foot of this order over that period is £205,200.

The first contempt application

[5] The petitioner's first application to have the respondent committed for contempt was based on a number of breaches of the court order:

- (i) He did not make the £1,000 periodic payments in each of the months from May to August 2023;
- (ii) He failed to remove the direct debits from the account, causing payments to be made to his benefit of £11,672.08; and
- (iii) He drew various sums on the joint account to his own benefit of £17,588.01.

[6] On 28 November 2023, Fowler J found the respondent guilty of contempt of court by reason of these failures to comply with the terms of the court order. His findings are recorded in the judgment, *Winter v Winter* [2023] NIFam 26.

[7] Having heard submissions and considered evidence in mitigation, Fowler J sentenced the respondent to a period of two months' imprisonment in respect of his

contempt. His reasons for imposing this sanction are set out in *Winter v Winter* [2024] NIFam 2.

[8] The respondent was committed to prison from 19 to 24 April 2024 but was released on bail pending his appeal. He made a payment of £1,000 on 25 April 2024, leaving a sum outstanding of £13,135.95.

[9] On 1 May 2024, the Court of Appeal allowed the appeal and ordered that the respondent was committed to prison for a period of 57 days suspended for a period of two years on condition that he:

- “(a) Pays a sum of £541.66 per month (or such balancing sum required) to the petitioner until the outstanding sum of £13,135.95 was discharged, payment to commence on 20 May 2024; and
- (b) There would be an attachment of earnings order in relation to the said payments.”

The variation application

[10] The respondent applied to the court for variation of the order made by Master Bell. In a judgment handed down on 14 May 2025, Kinney J refused the application. It is evident from the court’s findings that the respondent feels aggrieved by the court order and has simply decided not to adhere to its terms.

[11] In particular, the respondent was found to have frequently extracted a substantial portion of the £3,275 monthly payment from the joint account into an account in his own name. He was also unable, despite repeated court directions, to vouch his income and expenditure. The judge found:

“... [he] has failed to disclose the full extent of his income in a very material way. He has been receiving literally thousands of pounds more than he was declaring to the court in his submissions ... I am satisfied that [he] has taken deliberate steps to conceal the full extent of his income and that his income is considerably greater than that disclosed to the court. I am satisfied that he is fully able to meet his commitments under the terms of the consent order.”

[12] The variation application was dismissed. On 13 November 2025, the Court of Appeal dismissed the respondent’s appeal against this decision.

The second contempt application

[13] On 8 February 2022, an order for maintenance pending suit was made by consent. The respondent failed to comply with this order and a judgment summons issued. On 11 May 2023, O'Hara J ordered the respondent to pay a lump sum of £7,000 within 12 months. No payment having been made, a committal summons was issued. On 14 May 2025, Kinney J found the respondent to be in contempt of court and on 8 August 2025 sentenced him to a period of five months in prison. The judge characterised the respondent's continuing breach of the court order as serious, deliberate and wilful.

[14] The respondent appealed against this order and, prior to the hearing of the appeal, paid the sum of £7,000 to the petitioner. The Court of Appeal then discharged the sentence on the basis that the respondent had purged his contempt.

The third contempt application

[15] At the date of this hearing, 35 months of the four year period have expired and therefore the respondent ought to have paid, by now, the sum of £149,625 in periodic payments.

[16] The evidence of the petitioner in this case is that there has been continued breaches of the terms of the order of the court:

Account Ending in 04

In the 31 months from October 2023 to April 2026, a total amount of £101,525 (being 31 x £3,275) ought to have been paid into this account. A total amount of £7,870 was received. When the attachment of earnings commenced in June 2024 following the order of the Court of Appeal, the respondent immediately withdrew a significant sum from each of the amounts paid, usually between £2,000 and £3,000 to his own credit. From February 2025 to April 2026 no payments were received at all.

Account ending in 47

In the 31 months from October 2023 to April 2026, a total of £31,000 ought to have been paid into this account in addition to the £541.66 payment on foot of the Court of Appeal arrears order. In total, an amount of £12,755 has been paid.

Direct Debits

The petitioner has set out in evidence each and every direct debit payment from the account ending in 04 which ought not to have been made following the order of the court. Between 18 September 2023 and 1 December 2025 these total £45,012.16.

Rather than make the payments required under the court order, the respondent has made a unilateral decision to ignore its terms and instead make sporadic payments in respect of household expenditure, including mortgage payments and utility bills. He asserts that this represents, in effect, compliance with the court order.

The total amount of these expenses payments made by the respondent over the relevant period is £76,359.

[17] On the court's calculation, the total amount paid by the respondent during the 31 month period is £96,984, rather than the court order amount of £132,525. The total arrears in respect of the periodic payments stands at £35,541. This takes no account of the direct debit payments which ought not to have been made of over £45,000.

[18] The consequences of the failure by the respondent to make the payments required on foot of the court order have been stark. A summons has been issued to appear at court in respect of any unpaid rates bill in the sum of £1,273.72. The television licence was cancelled. Utility bills have been unpaid and the respondent has refused to pay school fees.

[19] On 28 November 2024, the petitioner was informed by the mortgage company, Barclays Bank, that the arrears of the mortgage had been referred to its litigation team. On 3 February 2025, repossession proceedings were intimated and a Notice to Quit was served on 12 August 2025. The respondent has maintained that it is the petitioner's obligation to pay the mortgage liability despite the clear terms of the court order. In a series of emails of 27 November 2025 to the petitioner he stated:

"You're stupid. The court broke the law by telling me I was responsible to part. Irrelevant. The law stated a joint mortgage. The only way around that was for the court to get Barclays to drop you from the mortgage which they said would have refused...So regardless of what the court said by contract law YOU are jointly liable for the mortgage. Fact fact fact. And that will be evident to the Supreme Court as true as day."

"You were due to pay the mortgage by law. Stuff you and the pathetic court ignored. And I won't be fucked over anymore. Your choice. And I couldn't care if you have no house. Not in the slightest. You and the kids are not my problem anymore."

[20] He also stated:

"I am not paying anymore. In any case I am taking this case to the Supreme Court and that will take precedence over your attention seeking attempts to get me

incarcerated again. I'm done negotiating with your trash. It's over. Why should I pay alimony AND practically all the household expenses. At divorce it's one or the other. Fact. As is the house. It will be sold shortly. I'm done paying. And you can explain to the kids when they have no home - that it's because you refuse to pay what are required to do by law. And I am correct here. Fact. And hilariously the court has ignored these facts. It will unravel in the Supreme Court. Or the European Court of Human Rights. I will get my day finally."

"I've been fucked by the courts and I won't stand for it. I will be heard. They have broken their own laws to satisfy you. It ends now. I will get my justice."

[21] In a further email to both the petitioner and the court dated 5 January 2026 the respondent made it clear that he would cease paying utility bills, television licence, school fees and the mortgage.

[22] Since January, the respondent has been making a monthly payment to the mortgage provider of £1,600 and an amount of around £540 to the petitioner which is in respect of the arrears as ordered by the Court of Appeal. The television licence, school fees and the electricity bill have been paid. Neither the £1,000 per month nor the £3,275 due on foot of the court order have been paid for many months.

[23] The last payments of the £3,275 were made in December 2024 and January 2025. In each case, once the payment had gone through, the respondent transferred funds of £3,200 and £2,600 into his own account.

The respondent's employment

[24] From 1 August 2012 to 30 November 2023, the respondent was employed as a consultant anaesthetist by the Southern Health and Social Care Trust. In the tax year ending 5 April 2022, he was paid £152,589.37 in respect of this employment. The respondent also carried out a considerable amount of private work.

[25] He then worked for the Shrewsbury and Telford Hospital NHS Trust from 1 May 2024 to 1 January 2025. Since that time he has been working at Liverpool Women's Hospital.

[26] The bank statements disclosed by the respondent reveal a net income in the tax year to April 2026 of over £115,000. I concur with the finding of Kinney J that, at all material times, the respondent had the financial wherewithal to comply with his legal obligations.

[27] The respondent was the subject of misconduct proceedings before the Medical Practitioners Tribunal (“the Tribunal”) and admitted a series of dishonest applications made in order to gain employment. He had been placed under supervision since October 2022 and failed to disclose this to potential employers.

[28] The Tribunal found this represented serious misconduct, was an abuse of his professional position, constituted a deliberate decision to deceive and led to a reckless disregard for patient safety.

[29] As a result, it found that the respondent’s fitness to practice was impaired. On 9 April 2026 he was suspended for a period of 12 months with immediate effect.

The legal principles

[30] The nature of the contempt alleged in this case is breach of the court order of 31 May 2023. The applicant must satisfy the court, beyond reasonable doubt, that:

- (i) The respondent had notice of the terms of the order;
- (ii) The respondent has acted, or failed to act, in a manner which involved a breach of the order; and
- (iii) The respondent knew of the facts which made that conduct a breach.

[31] By Schedule 4 to the Contempt of Court Act 1981, this court may commit a contemnor to prison for a period not exceeding two years. In the area of family law, the authorities make it clear that the primary objective in imposing a sanction for breach of a court order ought to be encouraging compliance rather than meting out punishment. In *Stelfox v Stelfox* [2023] NICA 45, the Court of Appeal stated:

“It is a given that contempt powers should be used sparingly. They should only be exercised as a last resort where other less drastic remedies are not available. However, it may be necessary for a court to act to protect the processes of the court and an element of deterrence is a proper consideration.”

[32] A sentence of imprisonment for contempt in a family case should only be imposed if it is necessary, proportionate and where nothing other than a custodial sentence is justified.

Consideration

[33] The order in the present case was served on the respondent with a penal notice attached by personal service on 3 August 2023.

[34] I am satisfied beyond reasonable doubt that the respondent was fully aware of the terms of the order of the court made on 31 May 2023 and that he has made a long term and deliberate decision to flout the terms of that order.

[35] I therefore find him guilty of contempt of court.

[36] In order to determine the appropriate sanction for this contempt, it is necessary to consider the level of culpability, the harm caused and any mitigating factors.

[37] There are a number of significant aggravating factors which demonstrate in this case that the culpability is at the higher end of the spectrum:

- (i) This is the third occasion the respondent has been found guilty of contempt, each arising out of payments which he was legally obliged to make to his ex-wife;
- (ii) Despite these previous findings, the respondent has flagrantly decided to continue breaching the court's order;
- (iii) This course of conduct has continued for a period of almost three years;
- (iv) The respondent continues to correspond with the petitioner in an abusive fashion, demonstrating no respect for her, for the courts or for the terms of the order which he willingly agreed to;
- (v) The previous findings of both Kinney J and myself are to the effect that the respondent was well able to meet his obligations under the order should he have chosen so to do;
- (vi) Fowler J determined that the respondent was "disingenuous, inconsistent and incredulous"; and
- (vii) The respondent's dishonesty in these proceedings is now mirrored by the findings of the Tribunal.

[38] This is also a case in which the level of harm caused by the respondent's conduct is significant. The petitioner and the children of the marriage have been denied very substantial sums of money which have led to the deep distress caused by threatened repossession proceedings and court summonses. The petitioner described how she has been living in "survival mode", unable to restart her life whilst these court proceedings continue. The children have been devastated by the events which have unfolded.

[39] In his submissions, the respondent maintained that he had "by and large" made the payments required and that his actions have not been in bad faith or malicious.

[40] In mitigation, he put forward the following:

- (i) He has no criminal record in any jurisdiction;
- (ii) His mother has been diagnosed with a serious illness and remains in receipt of treatment;
- (iii) Incarceration would have a catastrophic effect on his ability to work at all, and also on his potential to resume his career as a consultant;
- (iv) He put forward a positive character reference from his current partner who lives in the USA; and
- (v) If he is imprisoned, the home will likely be repossessed.

[41] When asked about his employment prospects, the respondent stated that he is not pursuing an appeal against the Tribunal decision by reason of cost. He does intend to seek out some form of work and would make whatever contribution he could out of his salary. There seems to be little or no prospect of him paying the £4,275 per month which is liable to do for the next 13 months.

[42] When asked if he had any proposals to discharge the arrears which he owes, the respondent was unable to make any offer.

Conclusion

[43] This is a case of high culpability and high harm with little in the way of mitigation. The respondent is a dishonest man who has taken forward a deliberate and prolonged campaign of defying the court order. This has caused serious emotional and financial harm to the petitioner.

[44] It is particularly significant in this case that two previous findings of contempt have not served to ensure that the respondent complies with the order of the court.

[45] I have concluded that the only appropriate sanction in this case is one of imprisonment. I have considered whether to exercise my powers under Order 52 rule 9 of the Rules of the Court of Judicature (NI) 1980 to suspend the execution of the committal order but, given the previous orders, the continued flagrant breaches of the order and the lack of any proposals to make good the arrears, it is not appropriate to suspend the order.

[46] Taking into account all the circumstances, I have decided that the appropriate sentence is one of nine months' imprisonment. This is the necessary and proportionate response to the contempt which has been committed.

[47] The respondent should present himself at Laganside Courthouse this Thursday 14 May at 10 am, to be taken into custody. It always remains open to the respondent to seek to purge his contempt and if he chooses to do so, an application can be made to the court for this order to be varied or discharged.