

# THE HIGH COURT

[2026] IEHC 431

[Record No. 2022/4507 P]

BETWEEN

THE BOARD OF MANAGEMENT OF WILSON'S HOSPITAL SCHOOL

PLAINTIFF

AND

ENOCH BURKE

DEFENDANT

**JUDGMENT (No. 6) of Mr. Justice Cregan delivered on 1<sup>st</sup> July, 2026**

## **Introduction**

1. This is my sixth judgment in this matter. The issue I want to consider in this judgment is whether Mr. Burke should be released from prison for repeated breaches of High Court orders, or whether he should remain in prison for contempt of court.

## **Background**

2. Mr. Burke was suspended from his teaching position in or about August 2022. However, he continued to turn up to the school. As a result, the school issued legal proceedings against him. On 30<sup>th</sup> August 2022, the High Court (Stack J.) granted an interim injunction to restrain Mr. Burke from trespassing on the school.

3. On 7<sup>th</sup> September 2022, the High Court (Barrett J.) granted an interlocutory injunction restraining Mr. Burke from trespassing on the school. Mr. Burke disobeyed that injunction.

4. As a result, the school brought an application for attachment and committal, and Mr. Burke was committed to prison for contempt of court on 5<sup>th</sup> September 2022 by Mr. Justice Quinn.
5. Mr. Burke then appealed that decision to the Court of Appeal and the Court of Appeal refused his appeal. It is clear therefore that the interlocutory injunction granted by the courts was a valid and lawful order of the High Court which was affirmed by the Court of Appeal. Despite this, Mr. Burke repeatedly breached the court order and trespassed on school property.
6. Subsequently, the school brought on its plenary action for a declaration that its suspension of Mr. Burke was lawful. It was successful. Mr. Justice Owens also dismissed Mr. Burke's counterclaim (in which he argued for his constitutional rights) because Mr. Burke refused to turn up to argue it. The High Court (Owens J.) also granted a permanent injunction after a full hearing, on 19<sup>th</sup> May 2023, restraining Mr. Burke from trespassing on the property of the school. This order, until recently, was never appealed by Mr. Burke. Mr. Burke refused to obey this court order and again was committed to prison for contempt.
7. Subsequently, Mr. Burke was released by the courts on a number of occasions. On the first occasion, the court imposed a fine of €700 per day for each day he trespassed in breach of the High Court order. Despite this, Mr. Burke continued to trespass on the school property.
8. Mr. Burke was subsequently returned to prison on foot of a further application for attachment and committal by the school but was again released by the High Court (Nolan J.), in or about 20<sup>th</sup> December 2024. Nolan J. also decided that the fine would be increased to €1400 per day for each day that Mr. Burke trespassed. Despite this, Mr. Burke continued to trespass on the school each day of the school term between 6<sup>th</sup> January 2025 and 18<sup>th</sup> November 2025.

9. Subsequently the matter came before me and, in my first judgment in this matter, delivered on 18<sup>th</sup> November 2025, I found that Mr. Burke was in contempt of court and I directed his immediate attachment and committal to Mountjoy Prison. Mr. Burke remained in prison from 26<sup>th</sup> November 2025 until 14<sup>th</sup> January 2026.

10. In early January 2026, Mr. Burke brought proceedings against the second Disciplinary Appeal Panel (“DAP”). These proceedings were entitled Burke v. O’Longain and Others (record number 2026/18P). I formed the view that Mr. Burke should be released in order to give him a proper chance of preparing for these proceedings, which were complex. Unfortunately, instead of using his time wisely to prepare his case, Mr. Burke trespassed on the school property again on 16<sup>th</sup> January 2026. The school then brought another application for attachment and committal and on Monday, 19<sup>th</sup> January 2026 I made another order for Mr. Burke's attachment and committal to prison where he has remained ever since.

11. Mr. Burke, belatedly – almost three years later – appealed the order of Mr. Justice Owens to the Court of Appeal. However, on 20<sup>th</sup> May 2026, the Court of Appeal rejected his application for an extension of time to appeal on all grounds (see [2026] IECA 96.) It was not just a decision to refuse his appeal on a technical point of delay. The Court of Appeal carefully analysed all the substantive arguments which he indicated he would make if the extension of time were granted and it comprehensively rejected every single argument he made. It is clear therefore that the permanent injunction granted by Mr. Justice Owens is a lawful injunction and must be obeyed.

12. However, despite his defeat in the Court of Appeal, Mr. Burke has indicated to this court that he still will not obey the court order of Owens J. In other words, Mr. Burke's attitude is that if he had won his appeal, then the order of Mr. Justice Owens would be set aside, whereas having lost the appeal, he still refuses to accept the lawfulness of Mr. Justice Owens’ order. In substance therefore, Mr. Burke appealed to the Court of Appeal when he

had absolutely no intention of abiding by the decision of the Court of Appeal. That is a gross abuse of process.

13. Mr. Burke now wishes to appeal to the Supreme Court against the decision of the Court of Appeal and has made an application for leave to appeal to the Supreme Court. However, unless and until the Supreme Court overturns the order of the High Court granting the permanent injunction, the High Court order is lawful, and binding and must be obeyed by Mr. Burke.

### **Reasons for his imprisonment**

14. I would emphasise that Mr. Burke was committed to prison for contempt of court for refusing to obey the order of the High Court restraining him from trespassing at the school. He was not imprisoned for his religious beliefs.

15. It is also important to emphasise that the reason for restraining Mr. Burke from trespassing at the school was so that Mr. Burke would be restrained from disrupting the education of the young pupils in the school. His activities in constantly turning up at the school, where he is not wanted, was a significant disruption to the school and its pupils, as described in the various affidavits by the school. The application by the school for attachment and committal, and the committal of Mr. Burke to prison, was essentially a measure to protect the children of the school and its teachers from the disruption which Mr. Burke was causing to the activities of the school by his unwelcome and unwanted presence at the school.

16. It is extraordinary that Mr. Burke would turn up at the school every single day when he knows that the school has dismissed him for gross misconduct. It is unacceptable that any individual, let alone a teacher, would turn up to a school from which they have been dismissed for gross misconduct, in order to deliberately disrupt the education of the pupils.

17. What is even more astonishing is that when the school went to the trouble of hiring security guards to keep Mr. Burke out, Mr. Burke nevertheless insisted on trying to push past those security guards and to verbally berate them for doing their job.

**18.** Mr. Burke has also turned up at the school despite a court injunction restraining him from doing so. In other words, Mr. Burke is turning up at the school despite three layers of objections to him. The first is the school's dismissal of him for gross misconduct; the second is the hiring of security guards to keep him away from the school premises; and the third is the deliberate breach of a court order restraining him from trespassing on school property. This is a level of contumacy and refusal to accept reality which is unprecedented.

**19.** It is now clear that Mr. Burke is an unwelcome intruder on the school premises, intent on causing as much disruption to the education of its young pupils, as he can, in his campaign against transgenderism. He is entitled to his religious views on transgenderism; he is allowed to turn up at the school gates and protest against his dismissal every day of the week. However, what he is not allowed to do is trespass upon the school property, enter the school corridors, disrupt the education of the pupils, try to bully and berate security guards, and disobey court orders. These are the actions of a teacher who has completely lost his moral compass.

**20.** Mr. Burke keeps protesting about his constitutional rights to freedom of religion, freedom of conscience and freedom of expression. These are important constitutional rights. However the rights of the school to consider transgender pupils, and the rights of children to be educated without the disruption of intruders on the school are also important constitutional rights. The only way under the Constitution to decide on this clash of rights is by way of cases decided by judges under the Constitution, as set out under Article 34. But Mr. Burke does not want to agree to this method of resolving this dispute. He wants the courts to decide in his favour, or else he will disobey any order it makes. This is a level of religious and civic intolerance by Mr. Burke which illustrates that whilst he wants freedom of religion, freedom of conscience and freedom of expression for himself, he wants to deny it to everyone else in the school.

21. Mr. Burke makes much of the fact that his conscience will not let him call a pupil by their preferred pronoun. Yet his conscience seems undisturbed when he deliberately disrupts his pupils' education and undermines the proper functioning of the school.

**Reasons why Mr Burke should be released**

22. However, despite all the above criticisms of Mr. Burke, this court has to consider whether Mr. Burke should now be released again. On each occasion on which this matter has come before the court, I have asked Mr. Burke whether he was prepared to give an undertaking that he would not trespass on school property. On each and every occasion he has refused to give that undertaking and he therefore remains in ongoing contempt of court.

23. However, I have decided that Mr. Burke should be released from prison at this time for a number of reasons.

***(i) End of appeal process***

24. First, there was a material change in circumstances on 20<sup>th</sup> May 2026, when the Disciplinary Appeal Panel ("DAP") refused Mr. Burke's appeal against his dismissal from the school. In substance, Mr. Burke sabotaged his own appeal by refusing to accept the rulings of the DAP, just as he sabotaged his constitutional case before Mr. Justice Owens. On the same day that the DAP communicated its opinion to the school, the Board of Management of the school met on 20<sup>th</sup> May 2026 and decided to confirm its decision to terminate Mr. Burke's employment for gross misconduct with immediate effect.

25. In addition, the Department of Education, which had been paying Mr. Burke's salary, until his appeal had been finalised, has now stopped paying Mr. Burke's salary.

26. The position therefore now is that (i) Mr. Burke has exhausted the internal appeals process in respect of his employment as a teacher in Wilson's Hospital; (ii) his dismissal for gross misconduct has been confirmed by the Board of Management; (iii) his contract of employment is at an end; and (iv) the Department has ceased paying his salary.

27. This marks an important stage in the dispute between Mr. Burke and the school.

Absent any legal proceedings which might be brought by Mr. Burke in respect of his dismissal, this dispute is now at an end and it is appropriate to release Mr. Burke.

28. No proper reason was ever given by Mr. Burke as to why he continued to turn up at the school day after day, despite the fact that the school had terminated his employment, and despite the fact that the school had obtained a High Court order to restrain him from trespassing at the school. The only reason he gave was that the principal's instruction to him to adopt transgender pronouns was contrary to his religious beliefs; that his dismissal was unlawful; that he was still an employee of the school, and that he had a duty to turn up at the school every day to teach, and that this would remain until the appeal process had been completed.

29. This is, of course, a legal fantasy which only exists inside Mr. Burke's head. It was never a serious argument and, on each occasion that it has been made by Mr. Burke as a reason for his actions, it has been rejected by judge after judge in the High Court and Court of Appeal. It is now clear that this hopeless fiction is at an end. In those circumstances, it should be clear to Mr. Burke that he has now reached the end of the road of the internal disciplinary procedures and that his position as a teacher in this school is now permanently at an end.

*(ii) End of the school year*

30. The second reason I have decided to release Mr. Burke is that the school year is over and the students who were sitting leaving certificate exams in the school are now finished. So even if Mr. Burke does turn up to the school, the school will be on holidays and it is unlikely to create any great disruption to the activities of the school between now and September.

*(iii) The school's attitude*

31. The school has indicated that it has no desire to keep Mr. Burke in prison but it is apprehensive that he will re-appear at the start of the new school term. I understand that

concern but if that happens, it can be dealt with by another application for attachment and committal.

### **Conclusion**

**32.** In the circumstances, I have come to the conclusion that Mr. Burke should be released from prison, even though he has not purged his contempt.

**33.** I would emphasise however, that the order of the High Court (Owens J.) made on 19<sup>th</sup> May 2023, is a permanent injunction restraining Mr. Burke from trespassing upon the school property. It remains a valid order of the High Court.

**34.** Whilst Mr. Burke will be released from prison, he is still in contempt of court and the finding that he is in contempt of court will remain until he purges his contempt.

**35.** In the event that Mr. Burke trespasses upon the school again at the start of the next academic year, the school will be at liberty to bring a fresh application for attachment and committal before the court.

**36.** The school has also indicated that if Mr. Burke trespasses upon the school property again it will report him to the gardai and seek a criminal prosecution. That is a matter for the school.

**37.** Mr. Burke's obligation to continue to pay the fines imposed by the courts will remain and the exact amount of these fines will be clarified in a later judgment.

**38.** Whilst Mr. Burke is perfectly entitled to his own religious views, he is not entitled to his own Truth. Every time Mr. Burke says that he is in prison because of his opposition to transgenderism, that is a clear falsehood. The truth is that a court has a duty under the law to set out precisely why Mr. Burke is in prison and it has done so in its written judgments on each occasion. The truth is that Mr. Burke is in prison because he is trespassing on school property.

**39.** Mr. Burke is entitled to his religious views on transgenderism. He is free to shout those views from the rooftops – so long as he remains outside the school gates and does not trespass and disrupt the education of the young pupils at the school.