

THE HIGH COURT

[2026] IEHC 478

[Record No. 2022/4507 P]

BETWEEN

THE BOARD OF MANAGEMENT OF WILSON'S HOSPITAL SCHOOL

PLAINTIFF

AND

ENOCH BURKE

DEFENDANT

JUDGMENT (No. 7) of Mr. Justice Cregan delivered on 15th July 2026

Introduction

1. This is my seventh judgment in this matter, and it deals with the amount of court-imposed fines for contempt of court which Mr. Burke has to pay.

The amount of fines imposed by the courts

2. The starting point for this is 26th January 2023 when the High Court (Mr. Justice O'Moore) imposed a daily fine of €700 for each day that Mr. Burke trespassed on school property in breach of the court order. See *Board of Management of Wilsons Hospital School v. Burke* [2023] IEHC 36 (at paragraph 24 and 40.)

3. Mr. Burke's position is that he attended school every day as he had a duty to attend. In his affidavit of 30th June 2026, Mr. Woods, the chairman of the plaintiff Board of Management stated that the number of school days when the school was open from 26th January 2023 to 27th March 2023, inclusive, was 37 days. He calculated that a fine of €700

per day at 37 days amounted to €25,900. I will reduce this by one day to 36 days so that the first fine started on the day after Mr. Justice O'Moore's order, so the fine for this period of time is €25,200.

4. The plenary hearing before Mr. Justice Owens took place on 28th – 31st March 2023. Mr. Burke did not attend school on these days.

5. Between 1st April 2023 and 19th May 2023, the school was open for a period of 24 days, and Mr. Burke attended school on each day, resulting in fines of €16,800.

6. Mr. Justice Owens delivered his judgment on 19th May 2023. In his judgment, Mr. Justice Owens granted a permanent injunction restraining Mr. Burke from trespassing on the school property. This permanent injunction effectively replaced the interlocutory injunction.

7. The next period to consider is from 20th May 2023 until 8th September 2023. It appears that Mr. Burke trespassed at the school continuously, from 20th May 2023 until 8th September 2023 (during school term). He was committed to prison again on 8th September 2023. However, I do not believe that the court should impose fines on Mr. Burke for this period of time because the court had not imposed any daily fines for any breaches of Mr. Justice Owens' order at that time.

8. Mr. Burke remained in prison from 8th September 2023 until his release on 24th June 2024 at the end of the school year.

9. Mr. Burke defied the court order again at the start of a new school year on 22nd August 2024 until 2nd September 2024. He was committed to prison again on 2nd September 2024 until 20th December 2024. Mr. Justice Nolan released Mr. Burke on 20th December 2024. However, he imposed a daily fine on him in the sum of €1400 per day thereafter if he breached the order of Owens J.

10. The next period of time to consider is from 20th December 2024 to 4th September 2025. Mr. Burke trespassed on the school property in breach of the order as and from 6th January 2025, when the school re-opened, until 4th September 2025.

11. Mr. Woods, in his affidavit, states, at paragraph 12, that the school was open for a period of 98 days between 6th January 2025 and 3rd September 2025. At a daily fine of €1,400 this results in a fine of €137,200 for those days.

12. On 4th September 2025, when the school brought another motion for attachment and committal, Mr. Justice Nolan increased the fine to €2000 per day. Mr. Burke continued to trespass on school property thereafter from 5th September until 18th November 2025. Mr. Woods has stated in his affidavit, that in the period from 5th September 2025 until 17th November 2025, the school was open for 46 days. This results in a fine of €92,000.

13. This court made an order for Mr. Burke's committal to prison on 18th November 2025, and he was attached and committed on 25th November 2025. Mr. Burke did not trespass at the school at any time between 18th – 25th November 2025.

14. The next period of time is from 25th November 2025 to 14th January 2026. Mr. Burke was in prison throughout this period of time and therefore no fines accrued.

15. The next period of time is from 14th January 2026 to 18th January 2026. On 14th January 2026, I released Mr. Burke in order to allow him to pursue his case against Ó Longain and Others. However, Mr. Burke trespassed on the school on 15th January 2026 again, for one day, until he was recommitted to prison on 20th January 2026. This gives rise to a further fine of €2,000.

16. The next period of time is from 19th January 2026 until the court released Mr. Burke on 1st July 2026. Mr. Burke was in prison for this period of time and therefore no fines have accrued.

17. I would therefore calculate the total amount of court fines as follows:

(i)	€25,200
(ii)	€16,800
(iii)	€137,200
(iv)	€92,000
(v)	€2,000
	€273,200

18. However, this sum should be reduced by the amount of money which the Receiver and the Courts Service have received from Mr. Burke, which I set out below.

19. The school's initial calculation of the fines on Mr. Burke was €452,100. However, this figure included weekends and bank holidays. The more appropriate figure is a fine based on each school day on which Mr Burke attended at the school in breach of the High Court order (i.e. Monday to Friday).

Amount of monies obtained by the Receiver and/or the Courts Service

20. The Receiver has sworn affidavits to state that, as at 17th June 2026, and 30th June 2026, the Receiver had collected a sum of €51,613.93 from Mr. Burke. This was done by way of a garnishee order which directed the Department of Education to pay Mr. Burke's salary to the Receiver in part payment of the fines imposed by the court. From this, must be deducted the sum of €15,000, collected by the Receiver and paid to the school - in payment of the judgment of Owens J. in the sum of €15,000 as damages payable by Mr. Burke to the school. That leaves a sum of €36,613.93 collected as fines.

21. Mr. Kirby has also sought an order for the payment out of his fees and expenses in the sum of €10,000, plus VAT @ 23%. I am satisfied that this is a discounted fee for all the work Mr. Kirby and his staff did in this case, as outlined in his affidavit, and I will make an order directing that these costs be paid out of the amount collected. That results in a sum of €36,613,93, less €12,300 in fees, which is €24,313.93.

22. In addition, the Courts Service Account has received the sum of €40,617.89 from Mr. Burke's Bank of Ireland account pursuant to the order of the High Court (Nolan J.) of 9th April 2025.

23. This means that the Courts Service Account has received the sums of:

(i)	€24,313.93
(ii)	€40,617.89
	€64,931.82

24. This figure will be credited to Mr. Burke in respect of these fines.

25. This means that the sum of €64,931.83 will be deducted from the total amount of fines of €273,200.

26. This means that the total remaining amount of fines which Mr. Burke has to pay is €208,268.18.

27. I would also note that whilst this court has concerns about the proportionality of these fines compared to Mr. Burke's income as a teacher, this court had previously requested Mr. Burke to provide information on his assets and liabilities but he has refused to do so. At present therefore, this court has no information on Mr. Burke's financial position and is not in a position to consider whether to reduce these fines to a lesser amount so that they are proportional to his income.

28. If Mr. Burke wishes to challenge the proportionality of these fines on the basis of his assets and income, he is free to do so – provided he furnishes a statement of affairs to the court.

29. Mr. Burke was given an opportunity to make written submissions to this court on the issue of fines but he declined to do so.

30. I would also note that Mr. Burke has never appealed any of these orders imposing fines to the Court of Appeal. Moreover, in his most recent appeal to the Court of Appeal he did not seek to appeal these orders.

Conclusion

31. Mr. Burke has paid a very heavy price for his refusal to obey court orders. He has been imprisoned for over 700 days; he has been fined over €273,000 (of which he has paid almost €65,000); he is also facing the enormous legal costs of the school (which I am told run into many hundreds of thousands of euro), and he is facing a disciplinary hearing before the Teaching Council. In short, he has wasted 700 days of his life in prison, his financial position has been undermined, and his reputation as a teacher damaged.

32. All this has happened because of a senseless and misguided campaign to breach a court order. None of this would have happened if Mr. Burke had attended the school every day (as he said he had to do) but remained outside the school property and obeyed court orders. However, as Mr. Burke has discovered, the Rule of Law applies to everybody, including Mr. Burke.