**In the High Court of Justice, No: NE21P07336**

**Family Division**

**The Administration of Justice Act 1960**

**The Children Act 1989**

**The Human Rights Act 1998**

**The Child**

**James Malone; a boy; 3.5.2017**

After hearing

Miss K. Fenwick (Counsel) instructed on behalf of mother, Mr P Caulfield (Counsel) instructed on behalf of father, Ms E Callaghan (Counsel) instructed on behalf of the child and Mr B Farmer who represented the interests of the Press Association.

After reading the documents specified in the Recitals below and hearing submissions from all parties.

**REPORTING RESTRICTION ORDER MADE BY MRS JUSTICE ARBUTHNOT ON 7 OCTOBER 2021 SITTING IN PRIVATE**

**IMPORTANT WARNING: ANY PERSON OR BODY WHO KNOWS OF THIS ORDER AND DOES ANYTHING TO BREACH ITS TERMS MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**IF YOU ARE SERVED WITH THIS ORDER YOU SHOULD READ IT EXTREMELY CAREFULLY AND ARE ADVISED TO CONSULT A SOLICITOR AS SOON AS POSSIBLE. YOU HAVE THE RIGHT TO ASK THE COURT TO VARY OR DISCHARGE THE ORDER.**

**The parties**

1. The applicant is Kerry Foster, the mother, represented by Miss K. Fenwick (Counsel) instructed by Miss H. Robson (Solicitor) [helen@carisrobson.com](mailto:helen@carisrobson.com)

2. The first respondent is Ian Malone, the father, represented by Mr P Caulfield (Counsel) instructed by Mr J. Clish (Solicitor) [johnclish@hewitts.co.uk](mailto:johnclish@hewitts.co.uk)

3. The second respondent is the child, through his Children’s Guardian, represented by E Callaghan (Counsel) instructed by Mr B. Nixon (Solicitor) [BenN@hadaway.co.uk](mailto:BenN@hadaway.co.uk)

**Recitals**

3. On 7 October 2021 the court considered an application for a reporting restriction order.

6. The Judge read the bundle which contained the Position Statements on behalf of the mother, the father and the child and heard submissions from all parties and on behalf of the Press Association.

7. Schedule 1 to this order is an explanatory note. It forms part of this order. The note must always be supplied to any person affected by this order.

9. Subject to the following paragraph, this order binds all persons and all companies or unincorporated bodies (whether acting by their directors, employees or in any other way) who know that the order has been made.

**Territorial limitation**

10. In respect of persons outside England and Wales:

* 1. Except as provided in sub-paragraph (b) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this court.
  2. The terms of this order will bind the following persons in a country, territory or state outside the jurisdiction of this court:
     1. the first and second respondents or their agents;
     2. any person who is subject to the jurisdiction of this court;
     3. any person who has been given written notice of this order at his residence or place of business within the jurisdiction of this court; and
     4. any person who is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this order;
     5. any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

**Undertakings to the court**

12. The applicant will not without permission of the court seek to enforce this order in any country, state or territory outside England and Wales.

**IT IS ORDERED THAT:**

13. The applicant is granted permission pursuant to section 100 of the Children Act 1989 to apply for an order in the exercise of the court’s inherent jurisdiction.

**Prohibited publications**

14. Subject to the ‘**territorial limitation’** above, this order prohibits the publishing or broadcasting in any newspaper, magazine, public computer network, internet website, social networking website, sound or television broadcast or cable or satellite program service for the purposes of preventing the identification (whether directly or indirectly) of the name and address of the mother (whose details are set out in paragraph 1 above)

14. No publication of the text or summary of this order or the supporting documents (except as provided for below under ‘Service of this order’) shall include any of the matters referred to in the preceding paragraph.

**Permitted publications**

15. Nothing in this order shall prevent any person from:

* 1. publishing information relating to any part of a hearing in a court in England and Wales (including a coroner’s court) in which the court was sitting in public and did not itself make any order restricting publication;
  2. seeking or publishing information which is not restricted by the section ‘Prohibited publications’ above;
  3. enquiring whether a person or place falls within the section ‘Prohibited publications’ above;
  4. seeking information relating to the child while acting in a manner authorised by statute or by any court in England and Wales;
  5. seeking or receiving information from anyone who before making of this order had previously approached that person with the purpose of volunteering information (but this paragraph will not make lawful the provision or receipt of private information which would otherwise be unlawful).

**Duration of this order**

16. Subject to any different order made in the meantime, this order shall have effect until James Malone’s 18th birthday on 3.5.2035.

**The right to apply for variation or discharge of this order**

17 The parties and any person affected by any of the restrictions in the section ‘Prohibited publications’ above of this order may make application to vary or discharge it to a judge of the High Court on no less than forty-eight hours’ notice to the parties. Any such application shall be supported by a witness statement endorsed with a statement of truth.

**Service of this order**

18. Without prejudice to the terms of the ‘territorial limitation’ above, copies of this order (which is endorsed with the notice warning of the consequences of disobedience) shall be served by the applicant (and may be served by any other parties to the proceedings):

* 1. by service on such newspaper and sound or television broadcasting or cable satellite or programme services as they see fit, by fax or first class post addressed to the editor (in the case of a newspaper) or senior news editor (in the case of a broadcasting, cable or satellite programme service) or website administrator (in the case of an internet website) and/or to their respective legal departments; and/or
  2. on such other persons as the parties may think fit, by personal service.

**Costs**

18. There shall be no order as to costs.

Dated 7.10.21

**Schedule 1**

**EXPLANATORY NOTE**

1 Kerry Foster is the mother of a child who is the subject of pending contempt proceedings listed to be heard in public before Mrs Justice Arbuthnot on 11.10.21.

2 On 11.10.21 the application for contempt will be heard by Mrs Justice Arbuthnot, who will give judgment in open court.

3 A Reporting Restriction Order has been made to protect the mother’s right to confidentiality. This does not restrict publication of information or discussion about the case, provided that such publication is not likely to lead to the identification of the mother.

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