

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

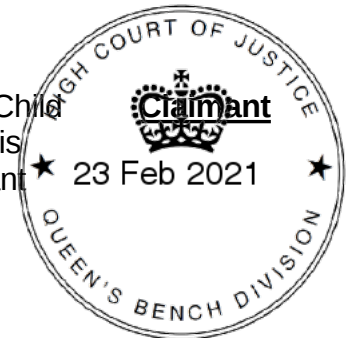
Claim No.: QB-2020-004074

Master Dagnall

Dated 23rd February 2021

BETWEEN

1. A (A Child By His Litigant Friend, ZL), 2. B (A Child
By His Litigant Friend, ZL), 3. C (A Child By His
Litigant Friend, ZL), 4. D (A Child By His Litigant
Friend, ZL)



- and -

1. The Chief Constable of Surrey Police

QB-~~2020-004074~~ **Defendant**

ORDER

UPON the Application ("the Application") of the Claimants made by undated Notice of Application filed on 19 November 2020 And without a Hearing or Notice of the Application having been served upon the Defendant

AND UPON consideration of the Claimants' Article 8 right to respect for private and family life and the Article 10 right to freedom of expression

AND UPON Court considering the Notice of Application and the accompanying draft order sought by it AND THAT:

1. The action is one which is likely to attract significant media attention and publicity.
2. The action relates to claims of minor children and to serious criminal matters
3. It is conceivable that publicity revealing the identity or address/location of the Claimants could unfairly damage the interest of the Claimants and their family and give rise to serious harm to the Claimants or their family.
4. It may well be that Non-disclosure of the identity of and anonymity of the Claimants and of their family and of their addresses/locations is necessary in order to protect the interests of the Claimants and to secure the proper administration of justice.
5. Until a hearing takes place the Claimants' identities and address/location ought to be withheld from the public and should not

be published, and that the Court should allow these prohibitions and give consequential directions, and that such prohibitions are necessary to secure the proper administration of justice

6. It is necessary to sit in private to secure the proper administration of justice, and including because publicity would subvert the purpose of the Application and this Order.

AND pursuant to the section 11 Contempt of Court Act 1981, Civil Procedure Rules 1998 rules 1.1, 1.2, 3.1, 3.3, 3.10, 5.4 A-D and 39.2 and the inherent jurisdiction of the Court.

IT IS FURTHER ORDERED AND DIRECTED THAT:-

1. The identities and the address/location of the Claimants and of their family be not disclosed or published without the permission of the court (other than as required for the purposes of the carrying on of this action).
2. There be substituted for all purposes in this Claim in place of references to the individual Claimants and their Litigation Friend by name, and whether orally or in writing, reference to the characters, "A", "B", "C" and "D" (for the Claimants respectively) and "ZL" (for the Litigation Friend); and the Claimants and the Litigation Friend shall be described in all statements of case and other documents to be filed or served in the proceedings and in any judgment or order in the proceedings and in any report of the proceedings by the press or otherwise by those characters.
3. The address of the Claimants and of the Litigation Friend be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the Claimants' solicitors.
4. That insofar as necessary, any statement of case or other document disclosing any Claimant's or the Litigation Friend's name or address already filed in the proceedings be replaced by a document describing such name or address in anonymised form as above (and in the meantime shall be kept confidential), and the Claimants' solicitor shall have permission to file with the court such copies of such documents adjusted so as to comply therewith.
5. The original of any such statement of case or other document disclosing the name or address/location of the Claimant (and in particular any Application Notice, or any statement of case, judgment, Order or other document to which anyone might have access to pursuant to Rule 5.4 A-D or otherwise at any time) are to be retained by the Court in a sealed envelope, marked "Not to be opened without the permission of a Judge or Master or District Judge of the Queen's Bench Division", or, if electronically filed or scanned, shall be placed on the court file and marked "confidential: not to be opened without the permission of a Master or High Court Judge".
6. Any person not a party to this action may not inspect or obtain a copy of any document on or from the Court file (other than this order duly anonymised as directed) and whether pursuant to Part 5.4 A-D of the Civil Procedure Rules or otherwise, without the permission of a Judge or Master of the Queen's Bench Division. Any application for such

permission must be made on notice to the Claimants and the Court will effect service. The Court file is to be retained by the Court and marked "Anonymised".

7. The reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the Claimants or the Litigation Friend. The publication of the name or address/location of any Claimant or of the Litigation Friend or any member of the Claimants' or the Litigation Friend's immediate family is prohibited.
8. The Claimants must serve a copy of this Order and of the Notice of Application and the witness statement in support upon the Defendant and otherwise comply with CPR Rule 23.9 as soon as practicable.
9. The Defendant may apply under CPR Rule 23.10 and CPR3.3(5) to set aside or vary this Order at or prior to the first Hearing in this Claim.
10. Any non-party affected by this Order may apply on notice to all parties to have this Order set aside or varied.
11. The Court will further consider the anonymity Application at the first Hearing in this case
12. The Claimants have permission to apply to set aside or vary this order.
13. A copy of this Order shall be published on the judicial website of the High Court of Justice specifying that the Claimants shall be referred to as "A", "B", "C", and "D" respectively and the Litigation Friend as "ZL".
14. The costs of the Application are reserved.

Further Reasons

1. I have considered the decisions in Zeromska-Smith v United Lincolnshire Hospitals NHS Trust [2019] EWHC 552 (QB) and in Jones v Ministry of Defence [2020] EWHC 1603 (appendix) in both of which anonymity was refused. However, those cases are distinguishable not only on their individual facts but as this case is about minor children. Further, the case of PQ (A Child proceeding by her father and litigation friend RS) v Royal Free London NHS Foundation Trust [2020] EWHC 1662 favours anonymity in most, if not all, children cases especially where, as here, there may be a real prospect of "jigsaw" identification if a settlement were to be reached.
2. The witness evidence in support of the Application (and in conjunction with the Claim Form) is extremely unspecific regarding what effect publicity (as opposed to part has happened in the past) might have on the Claimants. I have no details of the ages of the Claimants (now or at any material time) etc. There may also be some public interest regarding publicity of the underlying claim but I do have the factual material with which to assess that.
3. However, the facts regarding the past would seem to make it distinctly likely that, even apart from the PQ v Royal Free decision (which may very well justify an anonymity order on its own), a full application for anonymity may be justified and succeed; although I do not consider that I have the proper material before me at this point, and, also, the Defendant, which is a public body, has had no chance to be heard (and neither has the press). I am also concerned that not to make an

anonymity order now could result in disclosure regarding the Claimants and cause precisely the harm which anonymity orders are designed to avoid.

4. While I could list a sooner hearing, the likelihood that anonymity will be ordered at any event is such that a proper balance and achievement of the overriding objective would be for anonymity to be fully considered at the first hearing of this Claim (probably a costs case management conference) with what is effectively an interim order in the meantime. It seems to me that that will not unduly prejudice open justice whilst preserving the parties' various rights. The Claimants may well wish to serve and file further evidence in support. The parties (and the press) are further protected by permissions to apply and the usual publication order.

Dated this 23rd day of February 2021

SERVICE OF THE ORDER

The Court has sent sealed copies of this order to:

Matthew Gold & Co Ltd, First Floor, 2D Lodge Lane, London, N12 8AF
M132-3-00