



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2022-001016



A –v– LONDON BOROUGH OF HARINGEY

CA-2022-001016

ORDER made by the Rt. Hon. Lord Justice Arnold

On consideration of the application for anonymisation
And on consideration of the papers and without an oral hearing

Decision:

UPON READING the Appellant's Notice

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

AND UPON IT APPEARING that non-disclosure of the identity of the Appellant is necessary in order to protect the interests of the Appellant and her child

AND UPON the Respondent having been served with the Appellant's Notice and having indicated it has no objection

AND PURSUANT to rule 39.2(4) of the Civil Procedure Rules and section II of the Contempt of Court Act 1981 and rules 5.4C and 5.4D of the Civil Procedure Rules

IT IS ORDERED THAT:-

1. The identity of the Appellant be not disclosed.
2. The Appellant 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 as "A" or in any other anonymised form as ordered.
3. The Appellant's child be described in all statements of case and other documents to be filed or served in the proceedings and in any report of the proceedings by the press or otherwise as "C".
4. The address of the Appellant be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the Appellant's solicitors.
5. In so far as necessary, any statement of case or other document disclosing the Appellant's name or address already filed in the proceedings be replaced by a document describing such name or address in anonymised form as above.
6. The original of any such document disclosing the name or address of the Appellant is to be placed on the Court file in a sealed envelope marked "not to be opened without the permission of a Judge or District Judge".
7. A non-party may not inspect or obtain a copy of any document on or from the Court file in accordance with CPR 5.4C unless any references to the Appellant are anonymised in accordance with the terms of this order.
8. Reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the Appellant. The publication of the name and address of the Appellant or of any member of the Appellant's immediate family is prohibited.

9. A copy of this order is to be published on the website of the judiciary of England and Wales and any person who is not a party to this appeal may apply on notice to all parties to have this Order set aside or varied.

10. Costs in the case

Reasons

The Appellant challenges a decision by the Respondent that she was ineligible for homeless assistance. Her appeal under section 204 of the Housing Act 1996 was dismissed by the County Court. The County Court made an anonymity order in favour of the Appellant. The Appellant is now applying for permission to appeal, and if permission is granted to appeal, to the Court of Appeal. The appeal raises legal issues which are of public interest whether or not it satisfies the criteria for a second appeal and whether or not it is ultimately successful. But the legal issues, and the public interest in them, do not depend on the Appellant's identity or address or her specific personal circumstances. Rather they arise out of the fact that she is an EU national with pre-settled status, circumstances which are generic in nature. The Appellant's evidence is that she is a victim of domestic abuse and at risk from the perpetrators if her name and address (or those of her child who resides with her) are publicised. Accordingly she seeks an order for anonymisation. The Respondent does not oppose the order. Balancing the Appellant's Article 8 ECHR rights against the Article 10 ECHR rights of the media, I consider that the former justify restriction of the latter to the extent of granting the Appellant and her child anonymity as set out in this order.

Notes:

- 1) Where an application (other than an application for permission to appeal) has been refused on the papers, the applicant may request that the decision be reconsidered.
- 2) An application for reconsideration must be filed within 7 days after the party is served with notice of the decision.
- 3) The reconsideration will be determined by the same or another judge on paper without an oral hearing; except that the judge determining the reconsideration on paper may direct that the reconsideration be determined at an oral hearing, and must so direct if the judge is of the opinion that the reconsideration cannot be fairly determined on paper without an oral hearing: see CPR 52.24.

Date: Lord Justice Arnold
21 September 2022
BY THE COURT