

Claim No. KB-2022-003316
Claim No. KB-2022-003317
Claim No. KB-2022-003318
Claim No. KB-2022-003340
Claim No. KB-2022-003357
Claim No. KB-2022-003404

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST



The Honourable Mr Justice Nicklin
10 November 2023

B E T W E E N:

- (1) BARONESS LAWRENCE OF CLARENDON OBE**
(Claim No. KB-2022-003316)
(2) ELIZABETH HURLEY
(Claim No. KB-2022-003317)
(3) SIR ELTON JOHN CH CBE
(4) **DAVID FURNISH**
(Claim No. KB-2022-003318)
(5) SIR SIMON HUGHES
(Claim No. KB-2022-003340)
(6) PRINCE HARRY, THE DUKE OF SUSSEX
(Claim No. KB-2022-003357)
(7) SADIE FROST LAW
(Claim No. KB-2022-003404)

Claimants

- and -

ASSOCIATED NEWSPAPERS LIMITED

Defendant

ORDER

UPON APPLICATION by the Defendant in each action by Application Notices dated 5 December 2022 (“the Restriction Order Application”) and 20 January 2023 (“the Limitation Application”)

AND UPON APPLICATION by the Defendant in each action by Application Notice dated 20 January 2023 (“the Reporting Restriction Application”)

AND UPON the Court having heard the submissions of the parties’ on the Restriction Order Application and Limitation Application at the hearing between 27-30 March 2023 and reserving judgment

AND UPON the Court having imposed reporting restrictions and related orders by Order dated 27 March 2023 until the handing down of judgment on the Restriction Order Application and the Limitation Application (“the Reporting Restriction Order”)

AND UPON the Court having handed down judgment on the Restriction Order Application and the Limitation Application on 10 November 2023 ([2023] EWHC 2789 (KB)) without a hearing by remote circulation to the parties and publication on www.judiciary.uk and to The National Archives (“the Judgment”)

AND UPON the Court having directed, by this Order, that a hearing will take place on 21 November 2023 (“the Further Hearing”) at which the Court will (1) consider the order to be made on the Restriction Order Application and Limitation Application consequent on the judgment; and (2) reconsider the Reporting Restriction Application and the Reporting Restriction Order

AND UPON the Court considering that it is likely that persons not taking part in the proceedings are likely to wish to attend the Further Hearing remotely and to make a transmission direction request to enable them to do so

WITHOUT A HEARING IT IS ORDERED that:

Further Hearing and Consequential Orders

1. The Further Hearing will be listed before the Judge on 21 November 2023 with a time estimate of up to 1 day to consider the orders to be made consequent upon the Judgment.
2. The parties must cooperate to attempt to agree the orders consequent upon Judgment.
3. By 10am on Friday 17 November 2023, the parties must:
 - a. file a draft order showing those orders the parties are **agreed** (subject to the Court’s approval) should be made consequent upon Judgment and those that are **not agreed**;
 - b. file and exchange skeleton arguments for the Further Hearing and any further paginated and indexed bundle that is required for the Further Hearing
4. By 10am on Monday 20 November 2023, the Claimants must file a bundle of authorities.
5. Any applications for permission to appeal are adjourned to the Further Hearing. The time for lodging an Appellant’s Notice with the Court of Appeal (Civil Division) is extended until, at least, 21 days after the Further Hearing and the Court will consider any application for a further extension of time at the Further Hearing.

Reporting Restrictions pending the Further Hearing

6. The restrictions imposed by the Order of 27 March 2023, a further copy of which is attached, will continue in force until further order of the Court at the Further Hearing.

Transmission Direction Requests for the Further Hearing

7. Any request by a person not taking part in the proceedings (“an applicant”) for a direction under s.85A(3)(b) Courts Act 2003 for permission to watch or listen to the Further Hearing remotely (“a transmission direction request”) must be made (in accordance with Paragraph 8) by **10am on Friday 17 November 2023**.
8. Transmission direction requests must be sent to kjudgeslistingoffice@justice.gov.uk and **must include** the following:
 - a. the full name of the applicant;
 - b. the email address of the applicant;
 - c. information as to whether the applicant would be located within the jurisdiction of England and Wales at all times when attending the Hearing remotely (if a transmission direction were to be made); and, if not, details of the applicant’s location;
 - d. any information the applicant wishes to provide in support of the request, including in particular any reason(s) why it is contended that making such a direction would be in the interests of justice; and
 - e. a statement by the applicant in the following terms:

“I agree and undertake to the Court that, if permitted to attend the Hearing remotely, I will not make a recording, capture images, and/or broadcast any part of the proceedings. I understand that to do so may be an offence and/or contempt of court, punishable by imprisonment and/or a fine. I will abide by any directions given to me by the Court during the Hearing.

I agree and undertake to the Court that I will not provide the link that I am given to access the Hearing to any other person.”

9. A transmission direction request that is not made by the deadline imposed by Paragraph 7 of this Order and/or does not comply with Paragraph 8 of this Order may be refused. Any transmission direction request made otherwise than in accordance with the directions in Paragraphs 7 and 8 **must** be made by way of Application Notice.

REASONS

- (A) The Court has handed down judgment remotely. The Further Hearing has been fixed for 21 November 2023 to enable the Court to determine the orders that should be made consequent upon the judgment. The Reporting Restriction Order will continue in the meantime, and as previously directed, will be reconsidered at the Further Hearing.
- (B) The Court anticipates that, as was the case with the original hearing, there is likely to be interest from media representatives and members of the public in attending remotely the Further Hearing on 21 November 2023. To manage the process, I have set out a

straightforward procedure whereby anyone who wishes to attend the hearing remotely can make a transmission direction request.

- (C) The Court will not normally grant a transmission direction request in respect of an applicant who will not be in England & Wales during the Hearing. Anyone making a transmission direction request who will not be in England & Wales should provide information (pursuant to paragraph 8(d) above) as to why it would nevertheless be in the interests of justice to make a transmission direction order in his/her case.
- (D) Late requests, because they cause disruption to the Court's work are likely to be refused, unless there are compelling reasons why the applicant was unable to comply with the Court's directions.

10 November 2023

