



Judiciary of England and Wales

24 January 2025

**LOUISE TICKLE AND HANNAH SUMMERS v. THE BBC, PA MEDIA,
ASSOCIATED NEWSPAPERS LIMITED AND OTHERS**

Appeal Nos: CA-2024-002784 and CA-2025-000083

Important note for press and public: this summary forms no part of the court's decision. It is provided so as to assist the press and the public to understand what the court decided.

The full judgment of the Court of Appeal is the only authoritative document. Judgments are public documents and are available at:
www.judiciary.uk, <https://caselaw.nationalarchives.gov.uk>

Neutral citation number: [2025] EWCA Civ. 42

JUDGMENT SUMMARY

1. In this case, the judge (Mr Justice Williams) decided ([2024] EWHC 3330 (Fam)) to order the anonymisation of the names of the circuit judges that had decided historic care proceedings relating to Sara Sharif (Sara), who was brutally murdered by her father and step-mother in early August 2023.
2. The Court of Appeal (Sir Geoffrey Vos, Master of the Rolls, Lady Justice King and Lord Justice Warby) overruled the judge's decision and directed that the press be at liberty to publish the names of the historic judges 7 days after its judgment.

3. On 18 August 2023, the Local Authority made a wardship application in respect of five of Sara’s siblings, who had been wrongfully removed to Pakistan. Thereafter, on 8 September 2023, the journalists (Louise Tickle and Hannah Summers) and the other media parties requested disclosure of documents relating to the historic care proceedings. The judge made a number of Reporting Restrictions Orders in the run up to and during the lengthy criminal trial of the father and the step-mother. That trial culminated in convictions on 11 December 2024 and sentencing on 17 December 2024. The order now appealed was pronounced orally on 9 December 2024 and drawn up on 11 December 2024. It allowed the press to see and publish numerous documents from the historic proceedings, but also anonymised the three historic judges.
4. The Court of Appeal said that the appeal raised three issues: (i) whether the court had jurisdiction to prohibit the publication of the names of judges, (ii) whether the judge’s anonymisation of the historic judges was irregular for lack of submissions, evidence or reasons, and (iii) whether certain remarks in the judge’s judgment demonstrated inappropriate bias against or unfairness towards the media. The Court of Appeal decided that the appeals should be allowed primarily on the ground that the judge did not, in the circumstances of this case, have jurisdiction to anonymise the historic judges, but also on the grounds of procedural irregularity and unfairness towards the media.
5. The Court of Appeal explained the requirements of open justice and transparency by reference to well-known decided cases. It held that these principles were as much applicable in family as in other proceedings. The statutory limitations protecting the privacy of children involved in certain family cases contained in section 12 of the Administration of Justice Act 1960 and section 97 of the Children Act 1989 did not create any separate “shielded justice” environment (as the judge had thought).

6. The Court of Appeal held that judges were indeed in a special position. The authorities concerning anonymisation of social workers, experts and others involved or caught up in the justice system were not directly applicable to judges. Judges were appointed to fulfil a crucial public office. The independence and integrity of judges was a cornerstone of democracy. It was the duty of judges to sit in public, save in circumstances that were closely delineated by statute (e.g. section 97), procedural rules (e.g. CPR Part 39.2) and the common law. In accepting office, all judges will or ought to have been aware that that is the expectation, because public scrutiny of judges and the justice process is essential to the rule of law.
7. The only jurisdictional foundation for the judge's decision was section 6 of the Human Rights Act 1998 that provided that it was "unlawful for a public authority to act in a way which is incompatible with" an European Convention on Human Rights (ECHR) right. Nobody had asked the judge to anonymise the historic judges, and no evidence had been filed supporting anonymisation. The names of the historic judges had theoretically already been in the public domain since the hearings over which they presided years before. Neither the Local Authority nor the Guardian had submitted to the judge at any stage that the protection of the children required that the historic judges be granted anonymity.
8. Article 2 (right to life), article 3 (freedom from torture and inhuman or degrading treatment), and article 8 (respect for family and private life) of the ECHR apply as much to judges as to anyone else. Judges did not, however, even in cases like this, need to consider, of their own motion, when asked to relax reporting restrictions, whether to anonymise the names of the judges who have heard the cases in question. Section 6 of the Human Rights Act 1998 did not require the judge to trawl through his own

experience to see if there were risks that he could imagine facing the historic judges. If he thought they faced risks, there were other, more appropriate, ways to protect them. He could have contacted HMCTS to warn them of the Order that he was making and the risks that he foresaw. HMCTS would, in that event, as has now happened, have considered how the judges could be protected.

9. Judges will sit on many types of case in which feelings run high, and where there may be risks to their personal safety, such as cases involving national security, criminal gangs and terrorism. The first port of call is not and cannot properly be the anonymisation of the judges' names.
10. The judge took an excessively strong line about the quality of reporting in this and other cases. It was inappropriate for him to have prayed in aid other cases within his experience to support the position he had adopted without any of the parties asking him to do so. In short, the judge got rather carried away in his judgment.
11. Accordingly, the appeal was allowed, but the historic judges were allowed 7 days before their names were published to allow HMCTS to put measures in place to protect them from any potential harm once their names were released.

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