IN THE CROWN COURT AT LIVERPOOL

Case No: URN 05E90236125

R v Paul Doyle

JUDGMENT of HHJ Andrew Menary KC

Application under Section 46 of the Youth Justice and Criminal Evidence Act 1999

Date: 3 June 2025

Introduction

1. This is my ruling on an application by the Crown under section 46 of the Youth Justice and Criminal Evidence Act 1999 to continue a reporting direction initially made in the magistrates' court and continued by me in this court in relation to four adult complainants: two male and two female. These individuals were among those injured during the Liverpool Football Club victory parade on 26 May 2025 when a vehicle was driven into a crowd. They are complainants in the serious offences alleged against the Defendant of causing or attempting to cause serious harm or wounding with intent to cause such harm.

2. The Prosecution seeks the continuation of a lifetime reporting restriction in respect of these complainants, preventing their identification in any publication. The media, appearing by counsel Mr Millar KC and represented collectively by Guardian News & Media, Associated Newspapers, the BBC, Telegraph Media Group, Sky UK, ITN, and the Press Association news agency oppose that application.

Procedural Background

3. The reporting direction was imposed under s.46(6) at the time of sending and continued by me at a directions hearing on Friday 30 May 2025. It falls now to be reviewed in light of the evidence and submissions made to this court.

4. The adult complainants are all named in public charging documents and will be named in the indictment. If called as witnesses, it is expected that they will give evidence in open court, potentially with the benefit of one or more special measure.

No application for a witness anonymity order has been made. As such, this matter squarely engages the principles of open justice.

Statutory Framework and Legal Principles

5. Section 46 allows the court to give a reporting direction where it is satisfied that a particular witness is 'eligible for protection' and that giving such a direction is likely to improve the quality of their evidence or the level of their cooperation in connection with the preparation of the case. A witness is eligible for protection if those features are likely to be diminished by reason of fear or distress on the part of the witness in connection with being identified by members of the public as a witness in the proceedings.

6. Under section 52 of the same Act, in considering whether a restriction is in the public interest, the court must have regard to the open reporting of crime, the welfare and views of the witness, and whether the restriction would impose a substantial and unreasonable burden on reporting.

7. The relevant principles are clearly articulated in the various authorities to which I have been directed in the skeleton arguments. Those past decisions include *ITN News and others [2013] EWCA Crim 773* where the then LCJ summarised the general approach to the application of s46; and *In re Guardian News and Media Ltd [2010] UKSC 1* where the Supreme Court, in considering whether it was necessary for media reports to carry specific details, expressed the view that the naming of individuals is often central to the media's ability to tell a compelling and publicly engaging story. Article 10 ECHR protects not just the substance but the form and manner of reporting.

8. What emerges from a consideration of these decisions is that the principle of open justice is not a mere procedural formality—it is a core constitutional value so that any deviation from it must be supported by clear and cogent evidence.

9. It is also clear that the eligibility of each witness must be considered separately and on the evidence currently available to me relating to that witness and their particular circumstances, including any views expressed by the witness on this issue.

Submissions and Evidence

For the Prosecution

9. The Crown relies on witness statements from or relating to each of the four complainants. I will not rehearse the detail of those statements in this judgment but I have what they say very much in mind. The witnesses are aged from 18 years to 77

years and each expresses the view, no doubt in response to a specific question by a police officer, that they would rather that their personal details not appear in any media report. They refer to distress and concern about testifying in a high-profile trial; about particular anxieties based on past and current health issues and feel that the quality of their evidence and their willingness to cooperate with the criminal investigation and prosecution might be adversely affected by such reporting. I have no doubt that these anxieties are genuinely felt and have been faithfully reported by the police.

10. The Prosecution argues that a restriction will protect the witnesses' emotional well-being and promote full and accurate testimony.

For the Media

11. The media point out that no written application or supporting evidence was served as required under CrimPR Part 6 and rule 6.4. In any event they contend that:

    - The statutory eligibility requirements are not met for any of the witnesses;
    - There is no sufficient evidence that public identification will impair the quality of evidence or cooperation;
    - The fear or distress described appears to stem from testifying in a high-profile trial generally, not from being identified as a witness, which is the statutory test under s.46(3).

12. Mr Millar KC makes the point that the incident was a public event, widely recorded and reported; that there is no realistic risk of stigma or public hostility to the witnesses. On the contrary, he argues that public sympathy and support for the victims is a much more likely outcome.

13. The media further argue that the restriction would significantly impair public interest reporting, especially upon arraignment and at trial and urge that if any direction is continued, an excepting direction should be granted to allow reporting of the charges in full.

Discussion

14. I accept that the complainants are sincere in expressing concern and emotional difficulty. Indeed, if asked I anticipate that most people would say that if they were ever required to give evidence in court proceedings they would prefer not to have their involvement publicised. I do not underestimate the ordeal that potentially lies ahead for each of them. However, emotional upset alone does not meet the threshold

under s.46(3). I have not been provided with any psychiatric or psychological assessment indicating that a witness's ability to give evidence will be impaired by the risk of identification. The law does not permit anonymity to be granted to adult witnesses simply because publicity will be unwelcome or uncomfortable.

15. The statutory test is specific: the fear or distress must be connected to identification as a witness and must be likely to diminish evidence or cooperation. Three out of the four witnesses have already given full statements to police and confirmed their willingness to testify. Their cooperation does not appear to be conditional upon the granting of a reporting restriction.

16. In *ITN*, the court upheld a restriction only where the witness had changed her appearance, was testifying from behind a screen, and had a real fear of being identified to and harmed by associates of the accused. Nothing comparable arises here.

17. The public nature of this incident, and the apparently blameless status of the complainants, make it difficult to see how identification would deter them from testifying. Their accounts relate to events already widely discussed in the public domain. There is, it seems to me, no risk of victim-blaming or reprisals from any quarter, nor any indication that public identification would result in hostility.

18. Further, section 46(2)(b) requires that the direction would be likely to improve the quality of the evidence. There is no cogent evidence to that effect before me.

19. Even if the eligibility test were met, section 46(8) requires a further balancing exercise. I accept the submission that the effect of the restriction would be to impose a substantial and unreasonable restriction on reporting. The charges are serious. The victims are central to the narrative. Their anonymity would diminish the human interest and limit public engagement, as recognised in the *Guardian News* case.

20. This incident occurred during a public celebration, attended by thousands, widely reported in national and local media, and subject to substantial public commentary. It is rightly regarded as a matter of public interest. Anonymising adult complainants in such circumstances—absent compelling evidence—would risk setting an unfortunate pattern where anonymity becomes the norm for witnesses in criminal cases, or at least gives rise to an expectation on the part of witnesses that their personal details will not be reported. That would be contrary to Parliament's intention, and to the principle of open justice emphasised in *ITN*.

21. In my judgment, the public interest in open and accurate reporting outweighs the potential distress, anxiety or discomfort to these witnesses. The restriction is not necessary or proportionate, nor convincingly established.

Conclusion

22. In summary then, I am not satisfied that the statutory test in section 46(3) is met for any of the four adult complainants.

23. Even if it were, I would refuse the direction under section 46(8) on the basis that the restriction would constitute a substantial and unreasonable limitation on reporting of this important case.

24. The application to continue the reporting direction is therefore refused.

25. In the alternative, had any part of the direction been maintained, I would have granted an excepting direction under section 46(9) to allow reporting of the full wording of the charges, including the complainants' names, in the interests of justice.

26. I thank counsel Mr Astbury and Mr Millar KC and the media representative Ms Eleanor Barlow for their submissions.