IN THE CROWN COURT AT SHEFFIELD

THE KING

— v —

MOHAMMED UMAR KHAN ('BOY A')

RULING BY THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE
ON FURTHER APPLICATIONS FOR AN EXCEPTING DIRECTION

[This ruling is recorded in the form in which it was read out in Court. For the reasons set out, there is no longer any restriction on the reporting of Boy A's name – Mohammed Umar Khan.]

1. For reasons which will become clear, in this ruling I shall refer to the defendant in this case as 'Boy A'.

2. On 30 June 2025, being the first day of trial, I acceded to an application made by certain Press organisations to grant an excepting direction, following an earlier order made under section 45 of the Youth Justice and Criminal Evidence Act 1999 ('the 1999 Act'). The parties had adopted a neutral stance to that application, and, for reasons set out in my ruling of that date, I granted it. As varied, the order then made and which remains in place subject to the outcome of the application now before me, was in the following terms:

> 'No matter relating to the Defendant, [Boy A], shall, whilst he is under the age of 18, be included in any publication if it is likely to lead members of the public to identify him as a person concerned in the proceedings, including, in particular:
>
> (a) his name;
>
> (b) his address;
>
> (c) the identity of any school or other educational establishment attended by him, save that the fact that he was a pupil at All Saints Catholic High

School, Sheffield at the time of the incident to which these proceedings relate may be published;

(d) the identity of any place of work attended by him; and

(e) any still or moving picture of him.'

Similar orders were made in relation to certain young witnesses, and to other young people whose names feature in this case, which remain in force and which there is no application to lift or vary.

3. On 8 August 2025, Boy A was convicted of the murder of Harvey Willgoose. At the date of that murder, as at today's date, Boy A was 15 years old. Harvey was the same age. On that day, I adjourned sentencing until today, for the purpose of obtaining reports and Counsel's notes on sentence. I adjourned to the same date consideration of four separate written applications for an excepting direction, seeking the lifting of the reporting restriction currently relating to Boy A. I gave directions for the provision of written submissions and of any evidence on which the Defence might wish to rely in connection with each such application, and for each Press organisation then to respond, should it wish to do so. I have had regard to all material provided in writing and no party has sought to make further submissions orally today.

The Law

4. Section 45 of the 1999 Act provides (so far as material):

> *'***45.— Power to restrict reporting of criminal proceedings involving persons under 18.**
>
> …
>
> (3) The court may direct that no matter relating to any person concerned in the proceedings shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as a person concerned in the proceedings.
>
> (4) The court or an appellate court may by direction ("an excepting direction") dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied that it is necessary in the interests of justice to do so.
>
> (5) The court or an appellate court may also by direction ("an excepting direction") dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied —
>
> (a) that their effect is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and

(b) that it is in the public interest to remove or relax that restriction;

but no excepting direction shall be given under this subsection by reason only of the fact that the proceedings have been determined in any way or have been abandoned.

(6) When deciding whether to make—

(a) a direction under subsection (3) in relation to a person, or

(b) an excepting direction under subsection (4) or (5) by virtue of which the restrictions imposed by a direction under subsection (3) would be dispensed with (to any extent) in relation to a person,

the court or (as the case may be) the appellate court shall have regard to the welfare of that person.

(7) For the purposes of subsection (3) any reference to a person concerned in the proceedings is to a person—

(a) against or in respect of whom the proceedings are taken, or

(b) who is a witness in the proceedings.

(8) The matters relating to a person in relation to which the restrictions imposed by a direction under subsection (3) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—

(a) his name,

(b) his address,

(c) the identity of any school or other educational establishment attended by him,

(d) the identity of any place of work, and

(e) any still or moving picture of him.

(9) A direction under subsection (3) may be revoked by the court or an appellate court.

(10) An excepting direction—

(a) may be given at the time the direction under subsection (3) is given or subsequently; and

(b) may be varied or revoked by the court or an appellate court.

…'

5. The principles applicable to applications for an excepting direction were summarised in *R v KL* [2021] EWCA Crim 200 ([66] and [67]), cited below:

'66. As to the legal principles, these were comprehensively considered in *Markham*[1] at para 73 to 90 and in *Aziz*[2] at para 30 to 40 and are now well-established. They have been developed taking full account of Convention

[1] *R v Markham* [2017] EWCA Crim 739; [2017] 2 Cr. App. R. (S.)

[2] *R v Aziz (Ayman)* [2019] EWCA Crim 1568

case law and other international law obligations of the United Kingdom. The international dimension relating to the protection of children is given significant weight in the domestic law balancing exercise and there is no need to recite the international law materials in every case where this issue arises: *Markham* at para 80.

67. Drawing upon those two decisions, the relevant principles may be summarised as follows:

    (1) The general approach to be taken is that reports of proceedings in open court should not be restricted unless there are reasons to do so which outweigh the legitimate interests of the public in receiving fair and accurate reports of criminal proceedings and in knowing the identity of those in the community who have been guilty of criminal conduct.

    (2) The fact that the person before the court is a child or young person will normally be a good reason for restricting reports of the proceedings in the way permitted by the legislation; and it will only be in rare cases that a direction under section 45(3) of the 1999 Act will not be given or, having been given, will be discharged.

    (3) The reason why removal of a restriction will be rare is the very great weight that the court must give to the welfare of a child or young person. In practical terms, this means that the power to dispense with anonymity must be exercised with "very great care, caution and circumspection". See the guidance given by Lord Bingham CJ in the context of the 1933 Act in *McKerry v. Teesdale and Wear Valley Justice* (2000) 164 JP 355; [2001] EMLR 5 at para 19.

    (4) However, the welfare of the child or young person will not always trump other considerations. Even in the Youth Court, where the regime requires that proceedings should be held in private, with the public excluded, the court has power to lift restrictions. When a juvenile is tried on indictment in the Crown Court there is a strong presumption that justice takes place in open court and the Press may report the proceedings.

    (5) The decision for the trial judge is a case specific and discretionary assessment where, guided by the above considerations, a balance falls to be struck between the interests of the child and the wider public interest in open justice and unrestricted reporting.

    (6) When considering a challenge to an excepting direction made by the Crown Court by way of judicial review, the Divisional Court will "respect the trial judge's assessment of the weight to be given to particular factors, interfering only where an error of principle is identified, or the decision is plainly wrong": see *Markham* at para 36.

    (7) To this standard public law approach must be added the conventional public law requirements that: (i) a fair process should be adopted by the judge in considering an application [to] remove a restriction; and (ii) the

> judge should give reasons sufficient to explain why the balance has come down in favour of removal of the restriction. This latter point is particularly important because the judge's reasons are the only indicator that the parties (and a reviewing court) will have to satisfy themselves that the judge has indeed performed a lawful balancing exercise.'

The applications

For the Press

6. I summarise, collectively, the submissions made for the Press.

7. It is observed that the court's decision on an application for an excepting direction is always fact-sensitive and that the case for naming Boy A is strong, given the grave and shocking nature of this case, involving the fatal stabbing of a young boy of the same age on school premises — an environment in which he ought to have been safe — and the concern which it, and teenage knife-crime in general, has generated, both locally and nationally. There is said to be a presumption in favour of open justice and of naming those convicted of serious crimes, absent compelling reasons to the contrary. The court must be satisfied that the welfare of the child outweighs the strong public interest in open justice. The onus is on a defendant to provide '*clear and cogent*' evidence, where he contends that the balance favours continued anonymity: *R (Marandi) v Westminster Magistrates Court* [2023] 2 Cr App R 15, Div Court, at [43(6)].

8. The Press submit that it has been shown, and recognised in earlier cases, that the identification of perpetrators aids deterrence and is in the public interest. It is said that the unrestricted reporting of cases of this type promotes public confidence that the criminal justice system is addressing issues of concern to the general public, and that it increases public awareness and understanding of the scourge of knife crime; affords a platform for debating its root causes; and can raise prominence of grassroots initiatives aimed at reducing such violence.

9. Media reports of proceedings in which defendants have anonymity are said to receive less publicity than do those involving named defendants, a matter which has been the subject of judicial comment at the highest level. It is noted that Harvey's parents have campaigned regarding knives in schools and are hopeful that the publicity generated by Boy A's trial and sentence will assist them in that connection. His anonymity will be lifted when he reaches the age of 18 and he will be detained until and considerably beyond

that time. His identity is understood already to be well-known in the community, in particular by anyone connected with the school, such that identifying him would be of limited local impact but would greatly enhance the reporting of this case further afield. It would also render inaccurate comment on these proceedings, or speculation, less likely. The continuation of the existing order is said to risk eroding the practical benefits of contemporaneous court reporting and to represent a substantial and unreasonable restriction on accurate and contemporaneous reporting, in particular as, so it is said, Boy A has been identified by others, elsewhere on social media.

10. For all such reasons, the Press submit that the public interest and their rights under Article 10 of the European Convention on Human Rights to receive and impart information outweigh Boy A's Article 8 rights.

Boy A's response

11. On behalf of Boy A, Mr Hussain KC and Mr Holland emphasise the great importance to be attached to the protection of a child's privacy and the very great weight to be given to his welfare. The court should identify the factors tending, respectively, for and against a restriction on publication. Where those factors are very evenly balanced, it should make an order restraining publication*: R (on the application of Y) v Aylesbury Crown Court and others* [2012] EWHC 1140 (Admin), DC [48]. When determining an application for an excepting direction, the court should give considerable weight to the age of the offender and to the potential damage caused by his public identification as a criminal before he has the burden or benefit of adulthood. Ignoring the defendant's interests simply to make a point about the seriousness of the offence is to be deprecated*: R v Inner London Crown Court ex parte Barnes The Times*, 7 August 1995. The weight to be attributed to the different factors may shift at different stages of the proceedings, and, in particular, after the defendant has been found, or has pleaded, guilty and is sentenced. It may then be appropriate to place greater weight on the interests of the public in knowing the identity of those who have committed crimes — particularly serious and detestable crimes: *R v Winchester Crown Court* [2000] 1 Cr App R 11, at [13], per Simon Brown LJ. '*Public interest also demands a good opportunity of rehabilitation, including the opportunity to be brought up in a secure way so as to facilitate … rehabilitation. Removal of anonymity will result in other youths in a young offenders' institution or secure unit knowing what the youth had done, which would inevitably be disseminated to the wider public. This could lead to youths being ostracised or harmed by others in the*

unit, in their location being disclosed to the media for payment, in the parents of other youths insisting that their children be removed from the units and in the units being subjected to anonymous threats.': *Venables and Thompson and News Group Papers Ltd and A Newspapers Ltd and MGM Ltd* [2001] EWHC QB 32. The authorities had been reviewed and the principles summarised in *KL*. The fact that a defendant's identity is already known to some people in the community is not necessarily a reason to allow wider publication: *Aylesbury Crown Court*.

12. Having regard to those principles, the Defence submits that it cannot be argued with force that the maintaining of the section 45 order has imposed a substantial and unreasonable restriction on the reporting of the proceedings; the evidence given at trial has been covered extensively and in detail, on a daily basis, including via live text reporting and a podcast. There has been considerable public discussion on social media. Without the excepting direction sought, there is likely to be similar extensive coverage, and, in the usual way for high profile cases, the Court is encouraged to publish its sentencing remarks, thereby further informing the public. All of that can be done without naming Boy A. This is said not to be a case in which it would be impossible to understand the context of Harvey's murder, thereby exacerbating the risk of uninformed, inaccurate comment, were he to retain anonymity. The difficulties in reporting asserted by one of the applicants are submitted to have been overstated. Boy A's race and ethnicity do not need to be identified in order that it may be reported that he was the subject of racist bullying. Other media outlets have reported that he was the subject of racism. If that is considered to be critical to a better understanding of the case, there would be no objection to the amending of the existing excepting direction so as to permit reporting of the Defendant's ethnicity and the fact that he was born in the UK and has lived here throughout his life. Similarly, the Defence would not object to an excepting direction permitting the media to report that Boy A was in the same year group as Harvey. Some media outlets had already done so, and it would arguably fall within the existing excepting direction. Reporting restrictions imposed in relation to other young people who feature in this case (which no application is made to lift) renders explanation of the full dynamics more difficult, but not impossible. None of these objections requires that Boy A be named.

13. As to the public interest, each case is fact-specific. There is limited value to decisions made in other cases, and, in any event, cases in which an excepting direction has been refused could equally be highlighted. Accepting that the asserted deterrent effect had

some support in the authorities, no evidence had been put forward by any of the applicants to the effect that naming teenage defendants actually has any deterrent effect. Certain academic literature in the context of mass shootings in the United States – the most notorious of which said to have taken place in schools – argues against the media naming the perpetrator because it can encourage imitation. In any event, deterrence is submitted not to be a principle of sentencing children and young people, in which the court's principal aim is to prevent offending or re-offending and in which it has a duty to have regard to the defendant's welfare.

14. It is submitted that, whilst Boy A will shortly turn 16, the length and significance for a young person of the further two-year period which will elapse before he reaches his eighteenth birthday, both chronologically and developmentally, cannot be overstated. The court is asked to note the reported view of the Sheffield Youth Justice Service that Boy A is *'…at a critical developmental stage. Public identification would likely stigmatize and label him, leading to profound negative consequences for his mental health, self-esteem and future prospects of rehabilitation…'* Attention is also drawn to the agreed psychiatric evidence submitted in the course of the trial regarding the effect on Boy A of significant adverse childhood experiences, including upon his emotional regulation, resilience and self-esteem. It is said that the ordinary vulnerability of a boy of his age is compounded by such matters and that the court might legitimately consider that further time in which to come to terms with his offending and engage with the support offered to him – before he can be named – would be of considerable benefit to him.

15. The fact that the Press has chosen to name Harvey, in circumstances in which Parliament has not prohibited the identification of a deceased child, and with the apparent blessing of his family, is not a reason to identify Boy A by name. In so far as reliance is placed upon the unfavourable aspects of Harvey's behaviour of which independent evidence was adduced at trial, such evidence and comment upon it had been of clear relevance to the issues in this case; sensitively handled and non-gratuitous. None of the authorities is supportive of the proposition that adducing relevant and admissible evidence relating to the deceased's behaviour is a relevant factor to consider when deciding whether to lift a section 45 order.

16. That Boy A's identity is well-known in his local community is said to be unsurprising, given the location of his crimes and the number of witnesses. It is submitted to be a feature of many cases. The acknowledged fact that he has been named on social

media by those outside the jurisdiction, and beyond the reach of enforcement action by the Police or courts in this one, is, likewise and unfortunately, not unusual. That is submitted to be an entirely different proposition from the reporting of his name in national media, with its considerably wider circulation, including to many having no prior personal or local knowledge of the case.

17. Finally, it is submitted, there are positive reasons for maintaining the existing order, being Boy A's rehabilitation; the impact on his welfare; and the impact on his two younger siblings (one of whom particularly vulnerable), all as referenced in the material submitted by the Youth Justice Service and in the Pre-Sentence Report. Boy A's rehabilitation is said to be in the wider public interest, as well as in his own. The specialist body charged with that responsibility has expressed its view — to which great weight ought to be attached — that lifting the section 45 order would have a direct and negative impact on that work. The Defence also emphasises the fact that social media posts to date have included racist abuse and threats of violence. It is said that such threats are likely to increase and become more specific and targeted, should Boy A be named, in circumstances in which he is less able to cope with stressful situations than might be a typical boy of his age. The Court is asked to weigh in the balance the inevitable further negative impact on Boy A's younger siblings, by association.

18. In short, it is said that it is neither in the interests of justice nor in the public interest to disclose Boy A's name, and that, in any event, his welfare and that of his family far outweighs the need for open justice.

For the Crown

19. Properly, on behalf of the Crown, Mr Thyne KC and Mr Stables adopt a neutral position in relation to the applications.

Discussion and conclusions

20. In considering the circumstances of this case, I have had regard to the principles summarised in *KL*; to the earlier caselaw and materials from which they in part derive; and to the principles in the European Convention on Human Rights which that caselaw reflects.

21. As at the date of sentence, Boy A is 15 years and 11 months old. As the Law requires, and as all parties recognise, for his offence of murder he will inevitably be sentenced to detention during His Majesty's pleasure, with a significant minimum term, extending into his adult life by some years.

22. Recognising the very great weight which must be given to the welfare of a child or young person and the very great care, caution and circumspection to be applied, I begin by considering the welfare of Boy A.

23. In its undated statement, uploaded to the Digital Case System on 24 September 2025, the Youth Justice Officer wrote: '*The impact if this child was to be named could have significant risks to the child and his wider family. Prohibiting publication of a child's name, in our experience, publication of names to the local community has previously resulted in the targeting of other family members and serves to give the child concerned a 'label' to live up to. It also reduces their ability to change their views and behaviours to a pro-social identity. The longer-term impact of publicising his identity could inhibit rehabilitation work and future opportunities.*' (sic, with emphasis added)

24. It is for the court to judge whether the making of an excepting direction is in the public interest. Informing that judgement is all available material relating to its prospective effect on Boy A's welfare, to which the Youth Justice Officer is able to speak. In this case, her views are expressed in speculative, and, as was observed to have been the case in *KL* [85], highly generalised, terms. As the existing order will lapse when Boy A turns 18, it is unclear how naming him now will preclude future opportunities which would not be precluded at that stage, in particular as those opportunities will only arise if and when he is released on licence. Absent an excepting direction, he will benefit from anonymity until November 2027 (a relevant consideration, per *Markham* [89]), but will have a further lengthy period in custody after that time. Even allowing for some fragility in his physical health and reduced resilience, it is not clear, and the submissions made on his behalf do not address, how his rehabilitation will be inhibited in those circumstances, other than in the most general of terms, or how it is that he will be denied '*a good opportunity of rehabilitation'* (as per *R v Winchester Crown Court*).

25. Boy A is said to be engaging productively with mental health services and to be making good progress with his rehabilitation whilst on remand and there is no clear and cogent evidence as to why that would be adversely affected by his identification at this stage,

at a time when he is in a secure environment, has access to professional support services, and has demonstrated a willingness to engage with them. Furthermore, and here again, there is no evidence, other than of a generic nature, that the reporting of Boy A's identity would adversely affect his rehabilitation.

26. I do not minimise the concern held by Boy A's parents in relation to their own safety, but it is not the purpose of section 45 to protect adult family members of a convicted defendant, and, in any event, the identities of his family members will be known in the wider community, and, realistically, will become known, at the latest, by the time that he reaches the age of 18 and the section 45 restrictions relating to him expire. At that stage, his siblings will themselves still be young people, and one of them vulnerable for additional reasons. Had Boy A been at, or closer to, the age of majority, his family would have been in the same position.

27. Against that background, I turn to consider whether there is sufficient reason to depart from the general approach to which reference is made at [67(1)] of *KL*, that is which outweighs the legitimate interest of the public in receiving fair and accurate reports of criminal proceedings and in knowing the identity of those in the community who have been guilty of criminal conduct. Rare as the lifting of a reporting restriction may be, I bear in mind the strong presumption, when a juvenile is tried on indictment in the Crown Court, that justice takes place in open court and that the Press may report the proceedings. I bear in mind that, following conviction, the need to preserve the integrity of the trial process falls away as a consideration and that Boy A has been found guilty of murder, whilst also bearing firmly in mind that an excepting direction granted under section 45(5) must not be granted by reason *only* of the fact that the proceedings have been determined in any way.

28. I accept that, to date, the Press has been able to report extensively on the trial without reference to the identity of Boy A, though I note that it is not necessary in every case to demonstrate as some form of condition of removal of anonymity that the public needs to know the defendant's identity in order to understand the case: *KL* [86]. Nevertheless, this was a serious crime carried out by one pupil against another, on school property, with a knife which he had brought into school, and which was witnessed to varying degrees by other pupils and teachers. Both Boy A and the deceased were 15 years old. The public will wish to know the identity of a person who commits such a serious offence, in seeking to understand how it is that a child of that age can do so. Knife crime

in general and the circumstances of this particular case are matters of substantial public interest. Whilst, as recognised by section 58 of the Sentencing Act 2020, the principal aim of the youth justice system is to prevent offending, or re-offending, by persons under the age of 18, that is not to say that the deterrent effect on others who would commit such offences of the identification of this young defendant is of no relevance, or value, a matter to which the caselaw has repeatedly made reference.

29. Standing back, I am satisfied that the balance between the important competing interests in this case tips in favour of granting an excepting direction in relation to Boy A, under both sub-section 45(4) and sub-section 45(5) of the 1999 Act. I am satisfied that it is in the interests of justice to do so; that the fact that he is young is not a good reason for restricting reports of the proceedings; and that the effect of the existing direction is to impose a substantial and unreasonable restriction on the reporting of the proceedings, which it is in the public interest to remove.

30. Accordingly, I shall grant an excepting direction lifting the order first made in February of this year, as varied on 30 June.

[Following discussion with Leading Counsel for the Defence, who stated that there would be no application for a stay, the following order was made:]

31. There being no objection to this course raised by the Defence, that order will take immediate effect.

22 October 2025