



[2025] EWCA Civ 1230

(1) The Chief Constable of Sussex Police  
(2) The Crown Prosecution Service

- v -

XYG

The Bar Council of England and Wales (Intervening)

**PRESS SUMMARY**

*This summary is provided for the benefit of the press and public. It does not form part of the judgment.  
References in square brackets are to numbered paragraphs of the judgment.*

1. The Court of Appeal (The Baroness Carr of Walton-on-the-Hill (Lady Chief Justice), Dame Victoria Sharp DBE (President of the King's Bench Division) and Lord Justice Coulson) today handed down judgment in this second appeal. It allowed the appeal on all grounds.
2. The appeal concerns the scope of advocates' immunity from civil suit for actions done and things said by an advocate while conducting a case in court, and extensions to that immunity.

**Factual and Procedural Background**

3. The factual background to the claims of the respondent (anonymised as XGY) is set out at [31] to [35]. XGY had made allegations of abuse against her former partner (anonymised as DYP), resulting in DYP's arrest. At a bail hearing for breach of bail conditions in April 2020, an advocate for the Crown Prosecution Service (CPS) revealed XGY's address while seeking a condition of bail aimed at protecting XGY from DYP. XGY's address had been provided to the CPS advocate without qualification in the file prepared by the police for the bail hearing. XGY subsequently made claims against the CPS and the police (the appellants) under the Human Rights Act 1998 (HRA) and the Data Protection Act 2018 (DPA), and for breach of confidence and misuse of private information.
4. At first instance, HHJ Brownhill (the CJ) struck out or entered reverse summary judgment on all of XGY's claims arising out of the April 2020 disclosure: see [42] to [45].
5. Ritchie J (the HCJ) allowed XGY's appeal against the order of the CJ on all grounds: see [2024] EWHC 1963 (KB). He considered that, as a matter of law, both the advocate's immunity (and any

claim to immunity by the police in consequence), had to be justified on the individual facts of each case. In this case, the claim for immunity was at least arguably not justified: see [46] to [51].

#### The proper approach to immunity

6. The court analysed the applicable law at [8] to [29], and summarised the relevant principles at [30]. This included confirmation that the core immunity continues to exist, although advocates and expert witnesses can now be liable to their clients in negligence. It also discussed the relevant context of a bail hearing at [61].
7. The court held that applications of the core immunity and its established extensions do not need to be justified on a case-by-case basis. Further, the core immunity applicable to advocates is not limited to evidential matters at trial but attaches to any statement (said or written) made in court and applies to bail hearings [65]. The court concluded that the HCJ's analysis had been based upon an incorrect interpretation of the relevant authorities, including *Taylor v Director of the Serious Fraud Office* [1999] 2 AC 177 and *Darker v Chief Constable of the West Midlands Police* [2001] 1 AC 435 [64]. His conclusion that the relevant facts arguably fell outside the core immunity and that any claim to immunity required separate justification was wrong.
8. The court further held that, by extension, immunity extended to the actions of the police. A finding that no immunity applied to the police activity would outflank the core immunity of the CPS advocate [68].
9. At [73] to [80], the court considered whether any of the claims for data misuse and breaches of the HRA and the DPA could survive the findings on advocate and police immunity. It concluded that they could not; and further, that there was nothing in the wording of the HRA to demonstrate any parliamentary intention to dilute or modify the core common law immunity.

#### The Section 7(7) HRA Criteria

10. The court found the CJ was entitled to conclude that XGY did not satisfy the criteria under section 7(7) HRA (claimant must be a 'victim'): see [85] to [88]; and that XGY had failed to discharge the burden of establishing that she satisfied the section 7(7) criteria: see [91]. There was no proper basis on which to interfere with that assessment, and the HCJ erred in substituting his own views to the contrary ([89] to [97]).

**Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision. The full judgment ([2025] EWCA Civ 1230 is the only authoritative document. The judgment is a public document and is available online at Judgments Archive - Courts and Tribunals/Judiciary: <https://caselaw.nationalarchives.gov.uk/>**

