

*Reporting Restriction Order*

**Case No: PROPOSED PROCEEDINGS**



**In the HIGH COURT OF JUSTICE  
Family Division  
Sitting at the Royal Courts of Justice**

**Before Mr Justice CHARLES**

**In Open Court**

**IN THE MATTER OF CHILD A (A GIRL D.O.B 24.8.2012)**

**IN THE MATTER OF THE ADMINISTRATION OF JUSTICE ACT 1960  
AND IN THE MATTER OF THE CHILDREN ACT 1989  
AND IN THE MATTER OF THE HUMAN RIGHTS ACT 1998  
AND IN THE MATTER OF THE INHERENT JURISDICTION OF THE HIGH COURT**

**After hearing** Mr A.Verdan QC who appeared on behalf of the local authority and Mr A. Wolanski who appeared on behalf of Associated Newspapers Limited;

**REPORTING RESTRICTION ORDER MADE BY MR JUSTICE CHARLES ON 4<sup>th</sup> DECEMBER 2013 SITTING IN OPEN COURT.**

**IMPORTANT WARNING: ANY PERSON OR BODY WHO KNOWS OF THIS ORDER AND DOES ANYTHING TO BREACH ITS TERMS MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**IF YOU ARE SERVED WITH THIS ORDER YOU SHOULD READ IT EXTREMELY CAREFULLY AND ARE ADVISED TO CONSULT A SOLICITOR AS SOON AS POSSIBLE. YOU HAVE THE RIGHT TO ASK THE COURT TO VARY OR DISCHARGE THE ORDER.**

**The parties**

1. The Applicant is Essex County Council ("The Local Authority").  
The First Respondent is B ("The Mother").  
The Second Respondent is C ("The Father").  
The Third Respondent is A ("The Child").
2. The lead solicitor employed by the Local Authority is Stacey Lane, whose direct telephone number is 01245 506794 and email address is Stacey.Lane@essex.gov.uk, and to whom all enquiries about the scope and effect of this order should be addressed.

## **Recitals**

3. On 4<sup>th</sup> December 2013 the Court considered an application for a reporting restriction order.
4. *(In the case of an order made without notice)*  
This order was made at a hearing without notice to the First and Second Respondents. The reason why the order was made without notice to the First Respondent was a risk that notice would lead to identification of the child. The reason why the order was made without notice to the Second Respondent was his address is unknown.
5. This order was made at a hearing with notice having been given to the Press Association.
6. The Judge read the following documents: the proposed application, a draft Order and a statement from a social worker employed by X Local Authority and was informed that the child had been placed for adoption.
7. Schedule 1 to this order is an explanatory note in plain English. It forms part of this order. The note must always be supplied to any person affected by this order.
8. **At present the address of the child and the names and address of her carers are not public knowledge. Those names and address are therefore not set out in this order. Those details must remain strictly confidential.**
9. Subject to the following paragraph, this order binds all persons and all companies or unincorporated bodies (whether acting by their directors, employees or in any other way) who know that the order has been made.

## **Territorial limitation**

10. In respect of persons outside England and Wales:
  - (i) Except as provided in sub-paragraph (ii) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this court.
  - (ii) The terms of this order will bind the following persons in a country, territory or state outside the jurisdiction of this court:-
    - (a) the first and second respondents or their agents;
    - (b) any person who is subject to the jurisdiction of this court;
    - (c) any person who has been given written notice of this order at his residence or place of business within the jurisdiction of this court; and
    - (d) any person who is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this order;
    - (e) any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

### **Undertakings to the court**

11. If the court later finds that this order has caused loss to a Respondent or to a third party and decides that such Respondent or third party should be compensated for that loss, the applicant shall comply with any order the court may make.
12. The applicant will not without permission of the Court seek to enforce this order in any country, state or territory outside England and Wales.

### **IT IS ORDERED THAT:-**

13. The applicant is granted permission pursuant to the Children Act 1989 s100 to apply for an order in the exercise of the Court's inherent jurisdiction.

### **Prohibited publications**

14. Subject to the **"territorial limitation"** above, this order prohibits the Respondents from facilitating or permitting the publishing or broadcasting in any newspaper, magazine, public computer network, internet website, social networking website, sound or television broadcast or cable or satellite program service any information that reveals the identity or name or address or whereabouts of the child, or the identity or name or address or whereabouts of her carers, or any pictures of the child or her carers **if, but only if**, such publication is likely, whether directly or indirectly, to lead to the identification of the child as being:-
  - (a) A child subject of proceedings under the Children Act 1989 or the Adoption and Children Act 2002; and/or
  - (b) A child who has been removed from the care of his parents; and/or
  - (c) A child whose contact with his or her parents has been prohibited or restricted.
- 15.. No publication of the text or summary of this order or the supporting documents (except as provided for below under **"service of this order"**) shall include any of the matters referred to in the preceding paragraph.

### **Permitted publications**

16. Nothing in this order shall prevent any person from:-
  - a) publishing information relating to any part of a hearing in a court in England and Wales (including a coroner's court) in which the court was sitting in public and did not itself make any order restricting publication;
  - b) seeking or publishing information which is not restricted by the section **"prohibited publications"** above;
  - c) enquiring whether a person or place falls within the section **"prohibited publications"** above;

- d) seeking information relating to the child(ren) while acting in a manner authorised by statute or by any court in England and Wales;
- e) seeking information from the lead solicitor acting for the local authority, whose details are set out under “**the parties**” above, or from any press officer employed by the local authority;
- f) seeking or receiving information from anyone who before making of this order had previously approached that person with the purpose of volunteering information (but this paragraph will not make lawful the provision or receipt of private information which would otherwise be unlawful).

#### **Duration of this order**

17. Subject to any different order made in the meantime, this order shall have effect until 4pm on 13<sup>th</sup> December 2013.

#### **The right to apply for variation or discharge of this order**

18. The parties and any person affected by any of the restrictions in the section “**prohibited publications**” above of this order may make application to vary or discharge it to a judge of the High Court on no less than two working hours’ notice to the Applicant and the Press Association and, if practicable, to the other parties. Any such application shall be supported by a witness statement endorsed with a statement of truth.

#### **Service of this order**

19. Without prejudice to the terms of the “**territorial limitation**” above, copies of this order (which is endorsed with the notice warning of the consequences of disobedience) shall be served by the applicant (and may be served by any other parties to the proceedings):
- a) by service on such newspaper and sound or television broadcasting or cable satellite or programme services as they see fit, by fax or first class post addressed to the editor (in the case of a newspaper) or senior news editor (in the case of a broadcasting, cable or satellite programme service) or website administrator (in the case of an internet website) and/or to their respective legal departments; and/or
  - b) on such other persons as the parties may think fit, by personal service.

#### **Costs**

There shall be no order as to costs.

Dated 4th December 2013

**JJ**