

**IN THE HIGH COURT OF JUSTICE**

**Claim No. QB-2020-000964**

**QUEEN'S BENCH DIVISION**

**B E T W E E N:-**

**ABC)**

**(BY HIS LITIGATION FRIEND DEF)**

**Claimants**

**- and -**

**(1) MR SCOTT HALLYBONE**

**(2) MOTOR INSURERS BUREAU**

**Defendants**

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**ORDER FOR ANONYMITY**

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**Before HHJ Gore QC (Sitting as a Judge of the High Court) sitting at the  
Royal Courts of Justice, Strand, London on 14<sup>th</sup> May 2021**

**UPON** hearing by video on the Microsoft Teams platform Counsel for the Claimant (Mr Shahram Sharghy) and Solicitor for the Second Defendant (Mr David Holt) and the First Defendant neither attending nor being represented.

**AND UPON:**

1. Consideration of the Article 8 rights of the Claimant, who is a Protected Party, to respect for private and family life, and the Article 10 right to freedom of expression.

2. It appearing that non-disclosure of the identity of the Claimant and his litigation friend is necessary in order to protect the interests of the Claimant and the litigation friend.
  
3. The First/Second Defendant indicating its neutrality to the making of the order and there being no representations from the press or any other interested party.

**AND PURSUANT** to section 11 of the Contempt of Court Act 1981, and CPR rules 5.4C, 5.4D and 39.2(4).

**IT IS ORDERED THAT:**

1. The identity of the Claimant and his litigation friend in these proceedings is protected and shall not be published. For this purpose:
  - i. 'Publication' includes any speech, writing, broadcast, or other communication in whatever form, which is addressed to the public at large or any section of the public.
  
  - ii. Publication of any name, address, picture, or other information that could lead to the identification of '**ABC**' as the Claimant, '**DEF**' as his litigation friend in these proceedings is prohibited.

2. Pursuant to CPR Rule 39.2(4), there shall not be disclosed in any report of these proceedings the name or address of the Claimant and his litigation friend, or any details that could lead to the identification of '**ABC**' as the Claimant and '**DEF**' as his litigation friend in these proceedings. The Claimant and his litigation friend shall be referred to as set out at paragraph 3 of this Order.
  
3. In any judgment or report of these proceedings, or other publication (by whatever medium) in relation thereto:
  - i. The Claimant shall be referred to as '**ABC**'.
  
  - ii. His litigation friend shall be referred to as '**DEF**'.
  
  - iii. Any other details liable to lead to the identification of any of the persons set out above (including any names of other family members or addresses) shall be redacted before publication.
  
4. Pursuant to CPR Rule 5.4C and 5.4D:
  - i. A person who is not a party to the proceedings may not obtain a copy of the statement of case, judgment or order from the Court records unless the statement of case, judgment or order has been anonymised in accordance with paragraph 3 above.

- ii. If a person who is not a party to the proceedings applies (pursuant to CPR Rule 5.4C(1B) or (2)) for permission to inspect or obtain a copy of any other document or communication, such application shall be on at least 7 days' notice to the Claimant's Solicitor.
  
5. The Court file shall be clearly marked with the words "*An Anonymity order was made in this case on 14<sup>th</sup> May 2021 and any application by a non-party to inspect or obtain a copy document from this file must be dealt with in accordance with the terms of this Order.*" Insofar as the Court file or any part of the file is in a digital format, the digit file shall be flagged to say "*subject to privacy restrictions*" and insofar as the software permits, there shall be a note inserted to "*An Anonymity order was made in this case on 14<sup>th</sup> May 2021 and any application by a non-party to inspect or obtain a copy document from this file must be dealt with in accordance with the terms of this Order.*"
  
6. Any interested party, whether or not a party to the proceedings, may apply to the Court to vary or discharge this Order, providing that any such application is made on notice to the Claimant's Solicitor, and that 7 days' prior notice of the intention to make such an application is given.
  
7. For the avoidance of doubt, paragraphs 1 to 4 above shall not apply to the following, which do not constitute publication within the meaning of

paragraph 1 (providing always that proper steps are taken to protect the confidentiality of information from being made public):-

- i. Communications between the Court Funds Office and the anonymised parties, litigation friend or trustee in relation to the payment of money into the Court Fund Office for the benefit of the Claimant or the investment or treatment of payment out of such money.
- ii. Communications between the Court Funds Office, the representative of the Claimant, or any financial institution concerned as to the receipt or investment of such money.
- iii. Records kept by the Court Funds Office, the representative of the Claimant, or any financial institution concerned as to the receipt or investment of the approved monies.
- iv. Retention by the parties and/or their representatives of their unredacted files for the purposes of their continuing functions and obligations in relation to the proceedings.
- v. Communications between the First and Second Defendants, their legal advisors and/or the Compensation Recovery Unit.

8. Pursuant to the 'Practice Guidance: Publication of Privacy and Anonymity Orders' issued by the Master of the Rolls on 17<sup>th</sup> April 2019 a copy of this Order shall be published on the Judicial Website of the High Court of Justice ([www.judiciary.uk](http://www.judiciary.uk)). For that purpose a court officer will send a copy of the Order by email to the Judicial Office at [judicialwebupdates@judiciary.uk](mailto:judicialwebupdates@judiciary.uk).
  
9. The costs of obtaining this Order be costs in the case.

DATED 14<sup>th</sup> May 2021