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Anonymity and Prohibition of Publication Order

AD-2020-000107

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IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

ADMIRALTY COURT (QUEEN'S BENCH DIVISION)

BEFORE THE HONOURABLE MR JUSTICE ANDREW BAKER

Between:

(1) RCX

(2) RLX

Claimants

-and-

(1) PMX (A CHILD BY HER LITIGATION FRIEND AMX)

(2) AMX

(3) LMX

(4) JMX

(5) CEGA Group Services Limited

Defendants

ORDER

BEFORE MR JUSTICE ANDREW BAKER

AND UPON HEARING leading counsel for the First and Second Claimants and leading counsel for the First, Second, Third and Fourth Defendants

AND UPON consideration of the First, Second, Third and Fourth Defendants Article 8 right to respect for private and family life and the Article 10 right to freedom of expression.

AND UPON IT APPEARING that non-disclosure of the identity of the First and Second Claimants, and the First, Second, Third and Fourth Defendants is necessary in order to protect the interests of the First Defendant.

AND PURSUANT to rule 39.2(4) of the Civil Procedure Rules and section II of the Contempt of Court Act 1981 and rules 5.4C and 5.4D of the Civil Procedure Rules.

IT IS ORDERED:-

1. That the identity of the First and Second Claimants, the name of the ship on which the accident occurred and of the First, Second, Third and Fourth Defendants be not disclosed.
2. That the First and Second Claimants and the name of the ship be described in all statements of case and other documents to be filed or served in the proceedings and in any judgment or order in the proceedings and in any report of the proceedings by the press or otherwise as "RCX" and "RLX" and "ABC" respectively.
3. That the First, Second, Third and Fourth Defendants be described in all statements of case and other documents to be filed or served in the proceedings and in any judgment or order in the proceedings and in any report of the proceedings by the press or otherwise as "PMX", "AMX", "LMX" and "JMX" respectively.
4. That the addresses of the First and Second Claimants be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the First and Second Claimants' solicitors.
5. That the addresses of the First, Second, Third and Fourth Defendants be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the First, Second, Third and Fourth Defendants' solicitors.
6. That in so far as necessary, any statement of case or other document disclosing the First and Second Claimants' names or addresses and/or the First, Second, Third and Fourth Defendants' names or addresses already filed in the proceedings be replaced by a document describing such name or address in anonymised form as above.
7. That the original of any such document disclosing the names or addresses of the First and Second Claimants, and/or the names or addresses of the First, Second, Third and Fourth Defendants' is to be placed on the Court file in a sealed envelope marked "not to be opened without the permission of a Judge, Master or District Judge of the Queen's Bench Division".
8. That a non-party may not inspect or obtain a copy of any document on or from the Court file (other than this order duly anonymised as directed) without the permission of a Master or District Judge. Any application for such permission must be made on notice to the First and Second

Claimants, and the First, Second, Third and Fourth Defendants and the Court will effect service. The file is to be retained by the Court and marked "Anonymised".

9. That reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the First and Second Claimants, and the First, Second, Third and Fourth Defendants. The publication of the names and addresses of the First and Second Claimants, and the First, Second, Third and Fourth Defendants or of any member of the First, Second, Third and Fourth Defendants' immediate family is prohibited.
10. The provisions of this Order shall not apply:-
 - (i) to communications between the Court Funds Office and the anonymised parties in relation to the payment of money into the Court Funds Office for the benefit of the First Defendant or the investment or treatment of payment out of such money;
 - (ii) to communications between the Court Funds Office and/or the anonymised parties and any financial institution concerned as to the receipt or investment of such money; or
 - (iii) to records kept by the Court Funds Office or the anonymised parties or any such financial institution in relation to such money.
 - (iv) to communications between the Department for Work and Pensions and the Claimants' solicitors/Insurer concerned with administering and discharging the outstanding recoverable benefits and NHS charges.
11. Nothing in paragraphs 1 to 8 above shall prohibit the Claimants or their insurers from disclosing the First to Fourth Defendants' names, addresses or any information tending to identify them to their reinsurers, legal and professional advisors or to HM Revenue and Customs or any other person required by law.
12. The First to Fourth Defendants must serve a copy of this Order upon the Fifth Defendants and their principals, Aviva Insurance Ltd, within 7 days of the date of this order.
13. There shall be permission to apply in respect of this Order.
14. That any non-party affected by this Order may apply on notice to all parties to have this Order set aside or varied.
15. There be no order as to costs.

Dated 16 February 2021

