

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Claim No:**

**MEDIA AND COMMUNICATIONS LIST**

**BEFORE THE HONOURABLE  
IN PRIVATE**

**Dated: 26 February 2020**

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

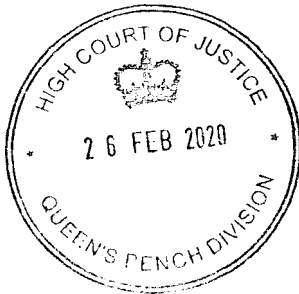
**HIW**

**Claimant**

**-and-**

**ZPT**

**Defendant**



**PENAL NOTICE**

**IF YOU THE DEFENDANT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**NOTICE TO ANYONE WHO KNOWS OF THIS ORDER**

**You should read the terms of the Order and the Practice Guidance on Interim Non-Disclosure Orders very carefully. You are advised to consult a solicitor as soon as possible. This Order prohibits you from doing the acts set out in paragraph 10 of the Order. You have the right to ask the Court to vary or discharge the Order. If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or fined or your assets may be seized.**

**THIS ORDER**

1. This is an Injunction, with other orders as set out below, made against the

Defendant on 26 February 2020 by the Judge identified above (“the Judge”) on the application (“the Application”) of the Claimant. The Judge:

- a) read the witness statement referred to in Confidential Schedule 1 at the end of this Order;
  - b) accepted the undertakings set out in Schedule A at the end of this Order;
  - c) considered the provisions of the Human Rights Act 1998 (“HRA”), section 12; and
  - d) heard from Counsel for the Claimant.
2. This Order was made at a hearing without-notice to those affected by it, the Court having considered section 12(2) HRA and being satisfied that there are compelling reasons for notice not being given. The Defendant (and anyone served with or notified of this Order) has a right to apply to the Court to vary or discharge the Order (or so much of it as affects them): see paragraph 21 below.
3. Further to CPR23.11(2) this order was made in the absence of the Defendant. The court was satisfied that in the circumstances there were compelling reasons to proceed in the Defendant's absence. A Return Date is fixed for 11 March 2020 and, further to paragraph 21 of this Order, the Defendant may apply to vary it or discharge this Order at any time.

#### **ANONYMITY**

4. Pursuant to section 6 Human Rights Act 1998 and/or CPR 39.2 the Judge, being satisfied that it is strictly necessary, ordered that:
- (a) the Claimant be permitted to issue these proceedings naming the Claimant as HIW and giving an address c/o the Claimant's solicitors;
  - (b) the Defendant be named as ZPT; and
  - (c) there be substituted for all purposes in these proceedings in place of references to the Claimant and the Defendant by name, and whether orally or in writing, references to the letters HIW and ZPT.

#### **ACCESS TO DOCUMENTS**

5. Upon the Judge being satisfied that it is strictly necessary:
- (a)
    - (i) no copies of the statements of case;
    - (ii) no copies of the Confidential Schedules to this order; and
    - (iii) no copies of the witness statements and the applications, will be provided to a non-party without further order of the Court.
  - (b) Any non-party other than a person notified or served with this Order seeking access to, or copies of the above mentioned documents, must make an application to the Court, proper notice of which must be given to the other parties.

The Claimant's and the Defendant's names are given in Confidential Schedule 2.

#### **ISSUE OF CLAIM FORM AND APPLICATION NOTICE**

6. Further to CPR3.1(2)(a), the Claimant is given permission to issue its application notice for this order ("the Application Notice") after the hearing of this application on condition that the Application Notice is issued by 4pm on 27 February 2020.
7. The Claimant's Claim Form is to be issued by 4pm on 27 February 2020.

### **SERVICE OF DOCUMENTS**

8. The Claimant must serve this order upon the Defendant as soon as reasonably practicable.
9. Upon the Court being satisfied that England and Wales is the proper place in which to bring this claim, the Claimant has, if required, permission to serve the Claim Form and other documents outside of the jurisdiction pursuant to CPR 6.37(3) and PD 6B(21).

### **INJUNCTION**

10. Until 11 March 2020 (the Return Date) or further Order of the Court, the Defendant must not:
  - a) use, publish or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings (the **Defendant's legal advisers**) for the purpose of obtaining legal advice in relation to these proceedings or (ii) for the purpose of carrying this Order into effect) all or any part of the information referred to in the Confidential Schedules to this Order (the **Information**);
  - b) publish any information which is liable to or might identify the Claimant or the Defendant as a party to the proceedings and/or the Claimant as the subject of the Information or which otherwise contains material which is liable to, or might lead to, the Claimant's or Defendant's identification in any such respect, provided that nothing in this Order shall prevent the publication, disclosure or communication of any information which is contained in this Order other than in the Confidential Schedules or in any public judgment of the Court.

### **PROTECTION OF HEARING PAPERS**

11. The Defendant must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied any witness statements and any exhibits thereto and information contained therein that are made, or may subsequently be made, in support of the Application (the **Hearing Papers**), provided that the Defendant shall be permitted to copy, disclose and deliver the Hearing Papers to the Defendant's legal advisers for the purpose of these proceedings.
12. The Hearing Papers must be preserved in a secure place by the Defendant's legal advisers on the Defendant's behalf.

13. The Defendant shall be permitted to use the Hearing Papers for the purpose of these proceedings provided that the Defendant's legal advisers shall first inform anyone, to whom the said documents are disclosed, of the terms of this Order and, so far as is practicable, obtain their written confirmation that they understand and accept that they are bound by the same.

#### **PROVISION OF DOCUMENTS AND INFORMATION TO THIRD PARTIES**

14. Where the Claimant notifies a third party of the existence of this order, it shall be permitted to identify itself to the third party and to provide a copy of the order and Confidential Schedule 2 to the third party. The Claimant shall also be permitted to describe the Information.
15. If the third party so requests, the Claimant will provide the legal advisers of any third party and, where unrepresented, the third party, promptly upon request and receipt of their written irrevocable undertaking to the Court to preserve the confidentiality of those documents and the information contained in them and only to use those documents and the information contained in those documents for the purpose of these proceedings, a copy of the Hearing Papers.

#### **HEARING IN PRIVATE**

16. The Judge considered that it was strictly necessary, pursuant to CPR 39.2(3)(a), (c), (e) and (g), to order that the hearing of the Application be in private and there shall be no reporting of the same.

#### **PUBLIC DOMAIN**

17. For the avoidance of doubt, nothing in this Order shall prevent the Defendant from publishing, communicating or disclosing such of the Information, or any part thereof, as was already in, or that thereafter comes into, the public domain in England and Wales as a result of publication in the national media (other than as a result of breach of this Order or a breach of confidence or privacy).

#### **DIRECTIONS**

18. If so advised, the Claimant must serve the Claim Form and Particulars of Claim by 8 April 2020.
19. If the Defendant does not serve a Defence, the Claimant must take such steps as it is advised to conclude the action, including but not limited to applying for default and/or summary judgment. Any such application is to be issued not less than 35 days after a Defence was due to be served.

#### **COSTS**

20. The costs of and occasioned by the Application are reserved.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

21. The parties or anyone affected by any of the restrictions in this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as

affects that person), but they must first give 7 days written notice to the Claimant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors 3 days in advance of the relevant hearing. The Defendant may agree with the Claimant's solicitors and any other person who is, or may be bound by this Order, that this Order should be varied or discharged, but any agreement must be in writing.

## **INTERPRETATION OF THIS ORDER**

22. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

## **PERSONS OUTSIDE ENGLAND AND WALES**

23.

- a) Except as provided in paragraph (b) below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this Court.
- b) The terms of this Order will affect the following persons in a country or state outside the jurisdiction of this Court –
  - (1) the Defendant or his officer or agent appointed by power of attorney;
  - (2) any person who –
    - i. is subject to the jurisdiction of this Court;
    - ii. has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court; and
    - iii. 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; and
  - (3) 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.

## **PARTIES OTHER THAN THE CLAIMANT AND THE DEFENDANT**

### **24. Effect of this Order**

It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be imprisoned, fined or have their assets seized.

## **NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES**

25. The Claimant's solicitors are: Himsworth Scott Limited of 5 Cheapside, London, EC2V 6AA

## **COMMUNICATIONS WITH THE COURT**

26. All communications to the Court about this Order should be sent to:

Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 020 7947 6010. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.