

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

Claim No.: QB-2018-000544

Before Master McCloud

20 November 2020

BETWEEN

AB (A Protected Party By His Litigation Friend CB)

- and -

ABC



QB-2018-000544

ORDER

BEFORE MASTER MCCLOUD, sitting remotely at the Royal Courts of Justice, Strand, London, WC2A 2LL, pursuant to the provisions of CPR PD 51Y on 20th November 2020

UPON HEARING Christopher Walker, Counsel on behalf of the Claimant and Arun Katyar on behalf of the Defendant

AND UPON consideration of the Claimant's Article 8 right to respect for private and family life and the Article 10 right to freedom of expression

AND UPON the Court being satisfied, pursuant to CPR 39.2 (4) that an order for non-disclosure of the identity of the Claimant and the Litigation Friend in the terms below is necessary in order to protect the interest of the Claimant and there is no sufficient countervailing public interest in disclosure

IT IS ORDERED, pursuant to Section 11 of the Contempt of Court Act 1981, Section 6 of the Human Rights Act 1998, CPR 5.4B to D and CPR 39.2, as follows:

1. There shall be no publication or other disclosure of any name, address, image or other information intending to identify the Claimant or the Litigation Friend. There

shall be no publication or other disclosure of the address of the Defendant.

2. The Claimant and his Litigation Friend shall 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 “AB” and “CD” respectively.
3. The address of the Claimant; the Litigation Friend and the Defendant shall be stated in all statements of case and other documents to be filed or served in the proceedings as the address of the Claimant's solicitors or the Defendant's solicitors as appropriate.
4. Insofar as is necessary, any statement of case or other document already filed in the proceedings disclosing the name or address of the Claimant or the Litigation Friend, or the address of the Defendant, is to be replaced by a document describing such name/address in anonymised form as above.
5. The original of any such document disclosing the name or address of the Claimant or the Litigation Friend, or the address of the Defendant, is to be placed in 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”. Any electronic file shall be marked “Confidential – not to be opened without the permission of a Judge, Master or District Judge of the Queen’s Bench Division”.
6. 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 shall be made on notice to the Claimant and the Defendant and the Court will effect service. The file is to be retained by the Court and marked “Anonymised”.
7. Reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the Claimant or the Litigation Friend, or the address of the Defendant. The publication of the name and/or address of the Claimant or of any member of the Claimant's immediate family or the name and/or address of the Litigation Friend or the address of the Defendant is prohibited.

8. The provisions of this Order shall not apply:
 - a. To communications between the Court Funds Office and the anonymised party or Litigation Friend in relation to the payment of money into the Court Funds Office for the benefit of the anonymised party or the investment or treatment of payment out of such money;
 - b. To communications between the Court Funds Office and/or the anonymised party or Litigation Friend and any financial institution concerned as to the receipt or investment of such money;
 - c. To records kept by the Court Funds Office or the anonymised party or Litigation Friend or any such financial institution in relation to such money.
9. The provisions of this Order shall not prohibit the Defendant, his insurers or its successors in title from disclosing the Claimant's name, address or any other information tending to identify him to their legal and professional advisers or to the Defendant's reinsurers or to HM Revenue & Customs (or its successor) or to the Compensation Recovery Unit or any other person required by law.
10. A copy of this order shall be published on the website of the judiciary of England & Wales (which may be found at www.judiciary.uk)
11. Any non-party affected by this Order may apply on notice to all parties to have the Order set aside or varied.

DATED this 20th day of November 2020.

SERVICE OF THE ORDER

The Court has sent sealed copies of this order to:

Irwin Mitchell LLP, Brunel House, 21 Brunswick Place, Southampton, SO15 2AQ
05270444/1

Keoghs LLP, White Building, 1-4 Cumberland Place, Southampton, SO15 2NP
MGR.T10122435