

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

DIVISIONAL COURT

THE RIGHT HONOURABLE LORD JUSTICE WARBY  
THE HONOURABLE MR JUSTICE NICKLIN  
7 May 2021

In the matter of



THE PERSONS FORMERLY KNOWN AS  
(1) CRAIG WINCH  
(2) DEBBIE WINCH  
(3) CAROL WINCH

QB-2021-001512

Claimants

And an application for an injunction *contra mundum*

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ORDER

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**PENAL NOTICE: IMPORTANT**

**TAKE NOTICE: IF YOU NEGLECT TO OBEY THIS ORDER YOU MAY BE HELD  
IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT, A FINE OR  
SEQUESTRATION OF YOUR ASSETS**

**UPON APPLICATION** by the Claimants (1) by Application Notice dated 22 April 2021 (“the Application”) for an interim injunction; and (2) by Application Notice dated 6 May 2021 for orders (a) pursuant to section 6 of the Human Rights Act, s.11 Contempt of Court Act 1981 and/or CPR 39.2(4) that the officer of a law enforcement agency who has given a witness statement in support of the Claimants’ Part 8 Claim and the Application be anonymised in these proceedings with associated reporting restrictions and (b) pursuant to CPR 6.16 for permission to dispense with service of the Claim Form in these proceedings

**AND UPON** the Application having been served on members of the national media via the PA Injunctions Application Alert Service (CopyDirect) on 22 April 2021

**AND UPON** an interim injunction having been granted by Order of Mr Justice Murray at a hearing on 24 April 2021 with a Return Date of 7 May 2021

**AND UPON** directions being ordered by Mr Justice Nicklin by Order of 27 April 2021

**AND UPON** the Court having read the witness statements of the Claimants and the witness statement of an officer of a law enforcement agency filed in support of the Part 8 Claim and the Application

**AND UPON** the Court having considered the provisions of s.12 Human Rights Act 1998

**AND UPON** hearing Counsel for the Claimants at a remote hearing conducted by MS Teams

**IT IS ORDERED AND DIRECTED THAT:**

**SERVICE OF PROCEEDINGS**

1. Service of the Claim Form be dispensed with.

**INJUNCTION**

2. Until final judgment on this Claim, or further Order of the Court, any person with notice of this Order must not:
  - a. publish or cause to be published in any newspaper or broadcast in any sound or television broadcast or by means of any cable or satellite programme service or publish or cause to be published by public computer network (including social media platforms) or website:
    - (1) any photograph, video footage, film or voice recording, depiction, or image in any form of, or which purports to be of, the Claimants or any of them, or any description of, or which purports to be of, their physical appearance, voices or accents;
    - (2) any information purporting to identify any person(s) as being the persons formerly known as the Claimants; and/or

- (3) any information likely to lead to the identification of, or purporting to describe, the past, present or future whereabouts (including alleged residential or work addresses and telephone numbers or social media profiles) of the Claimants or any of them since November 2016.
- b. solicit any information within paragraph 2(a)(1)-(3) above at any time from any person.

**PROVIDED THAT** nothing in this Order shall prevent any person:

- (1) publishing information relating to proceedings before any Court sitting in public, except any description which is, or purports to be of, the First Claimant's physical appearance, voice or accent or any information which is likely to identify him.
  - (2) soliciting information in the course of or for the purpose of the exercise by the person soliciting information of any duty or function authorised by statute or by any court of competent jurisdiction.
- 3. Paragraph 2 above shall apply subject to the following proviso in relation to any internet service provider ('ISP'), its employees and agents:
  - a. an ISP shall not be in breach of this injunction unless it, or any of its employees or agents:
    - (1) knew that the material had been placed on its servers or could be accessed via its service; or
    - (2) knew that the material was likely to be placed on its servers, or was likely to be accessed via its service; and in either case; and
    - (3) failed to take all reasonable steps to prevent the publication;
  - b. an employee or agent of an ISP shall not be in breach of the injunction unless he or it:
    - (1) knew that the material had been placed on its servers or could be accessed via its service; or
    - (2) knew that the material was likely to be placed on its servers, or was likely to be accessed via its service; and in either case
    - (3) failed to take all reasonable steps to prevent the publication and to induce the ISP to prevent the publication.
  - c. an ISP, employee or agent shall be considered to know anything which he or it would have known if he or it had taken reasonable steps to find out;

- d. "taking all reasonable steps to prevent the publication" includes the taking of all reasonable steps to remove the material from the ISP's servers or to block access to the material.
4. The above proviso to paragraph 2 of this Order shall not apply so as to permit the publication of material falling within paragraphs 2(a)(1)-(3) of this Order merely on the ground that such material has any time been published on the internet and/or outside England and Wales.

**ANONYMITY FOR OFFICER OF THE LAW ENFORCEMENT AGENCY**

5. The following details are withheld from proceedings in open court:
- a. the name of the officer who has provided a witness statement in support of the Claimants' claim ("the LEA Officer"); and
  - b. the contents of the Closed Witness Statement of the LEA Officer dated 22 April 2021 ("the Closed Statement").
6. Pursuant to section 6 Human Rights Act, s.11 Contempt of Court Act and/or CPR 39.2(4):
- a. the LEA Officer is to be referred to in these proceedings as "C";
  - b. there be substituted for all purposes in these proceedings in place of references to the LEA Officer by name, and whether orally or in writing, references to the letter "C"; and
  - c. it is prohibited to publish (i) any information which is liable to or might identify "C" as the LEA Officer; and (ii) any part of the Closed Statement.

**HEARING PAPERS AND THE COURT FILE**

7. The following documents are to be held in a sealed file in the Court office:
- a. the Closed Statement; and
  - b. any further statement filed by C pursuant to the permission granted to the Claimants in paragraph 13 below to file further evidence.
8. The Claimants are permitted not to serve the documents in paragraph 7 above upon anyone served in advance with the Application or a copy of this Order or the Part 8 Claim.

**DIRECTIONS**

9. The trial of this action is to take place on the first available date after 8 November 2021, with a time estimate of 1 day, at the Royal Courts of Justice.
10. By 4pm on 4 June 2021, the Claimants are to apply to the Queen's Bench Judges' Listing Office ("Listing") for a trial date.

11. The Claimants are to inform all third parties served with the Order of Mr Justice Murray of 23 April 2021 or this Order of the trial date.
12. The Claimants are to inform Listing not more than 21 days but at least 14 days prior to the trial date whether the time estimate remains appropriate or of any revised time estimate.
13. The Claimants have permission to file further evidence in support of their Part 8 Claim. Any further evidence must be filed by 4pm on 1 October 2021.
14. By 4pm on 15 October 2021, any person who wishes to serve evidence in response to the claim must file and serve any witness statement on which they wish to rely.
15. The Claimants are to file the trial bundle 7 days before the trial date.
16. The Claimants are to file a skeleton argument for trial 3 working days before the trial date and provide a copy to any person (a) who has filed evidence pursuant to Paragraph 14; or (b) who requests it.
17. Any third party wishing to be heard at the trial must file and serve a skeleton argument 3 working days before the trial date.
18. Permission to apply for further directions.

#### **FURTHER APPLICATIONS ABOUT THIS ORDER**

19. Any person affected by the injunctions in paragraph 2 and/or 5(c) above may make an application to vary or discharge it to a judge of the High Court on not less than 48 hours' notice to the Claimants.

#### **SERVICE OF THIS ORDER**

20. A copy of this order will be placed on the Judiciary website.
21. Copies of this Order endorsed with a penal notice may be served by the Claimants' solicitors as follows:
  - a. The Order must be served with the Explanatory Note and the contact details of the Claimants' legal representatives.
  - b. Service on any newspaper, sound or television broadcaster, cable or satellite programme services provider, news agency, or operator of a public computer network (which includes operators of social media platforms) or website may be effected by email or by first class post addressed to the Editor in the case of a newspaper, the Senior News Editor in the case of a broadcaster or cable or satellite programme service, a person responsible for any public computer network or website administrator (as appropriate) and/or the legal departments of those organisations.

## **TERRITORIAL LIMITATION**

22. In respect of persons outside England and Wales:

- a. Except as provided for in sub-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 bind the following persons in a country or state outside the jurisdiction of this court:
  - (1) any person who
    1. is subject to the jurisdiction of the court; and
    2. has been given written notice of this Order at his residence or place of business within the jurisdiction of this court; and
    3. 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
  - (2) 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.

## **INTERPRETATION OF THIS ORDER**

23. 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.
24. A Defendant which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way

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

25. 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 CLAIMANTS' LEGAL REPRESENTATIVES**

26. The Claimants' solicitors are:

Weightmans LLP,  
100 Old Hall Street  
Liverpool L3 9QJ  
Contact: Martin Forshaw  
Tel: 0345 073 9900  
[Martin.forshaw@weightmans.com](mailto:Martin.forshaw@weightmans.com)  
Solicitors' reference: 738632/77

## **COMMUNICATIONS WITH THE COURT**

27. 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 7772. The offices are open

between 10 a.m. and 4.30 p.m. Monday to Friday. The email address is [qbjudgeslistingoffice@justice.gov.uk](mailto:qbjudgeslistingoffice@justice.gov.uk).

**Dated the 7<sup>th</sup> day of May 2021**

## **ANNEX A: UNDERTAKINGS BY THE CLAIMANTS**

- (1) The Claimants will use all reasonable endeavours to keep all third parties that have been notified of the Order of Mr Justice Murray of 23 April 2014 and/or this Order informed of the progress of the action, including, but not limited to, advance notice of any applications, the outcome of which may affect the status of the Order.
- (2) If this Order ceases to have effect or is varied, the Claimants will immediately take all reasonable steps to inform in writing anyone to whom they have given notice of this Order, or whom they have reasonable grounds for supposing may act upon this Order, that it has ceased to have effect in this form.



## EXPLANATORY NOTE

The First Claimant gave evidence for the prosecution (or was due to do so) in the following criminal trials, namely (i) *R v Smart and Roberts*; (ii) *R v Belford, Forth, Laing and Bestford, R v Blake, Winter, Murphy, Murphy, Ramshaw, Harding, Owens & Blake*; (iii) *R v Trott, Ratcliffe, Barnett and Steabler*; (iv) *R v Anderson, McBride, Gooden, Johnson, Casey, Belford and Smart*; (v) *R v Freeman and Dobbing* (vi) *R v Gloyne, Nikolic, Sweeney, Cahill and Towers*.

The nature of the offences, the Crown Court which heard the cases, and the year of the above trials were as follows:

*R v Smart & oth.* – Arson with Intent to Endanger Life, Teesside Crown Court (2018)

*R v Belford & oths* – Possession of Firearms, Newcastle Crown Court (2018)

*R v Blake, & oths.* – Supply of Controlled Drugs, Teesside Crown Court (2018)

*R v Trott & oths* – Possession of Firearms / Supply of Class ‘A’ Drugs, Teesside Crown Court (2018)

*R v Anderson & oths* – Conspiracy to Supply of Class ‘A’ Drugs, Teesside Crown Court (2019)

*R v Freeman & oth.* – Wounding with Intent, Teesside Crown Court (2019)

*R v Gloyne & oths* – Conspiracy to Supply Class ‘A’ Controlled Drugs, Kidnap, False Imprisonment, Assault, Teesside Crown Court (2021)

As a result of the First Claimant having given information and assistance to the police and evidence for the prosecution in the above proceedings, a law enforcement agency, on the basis of information and intelligence, considers that there is a risk to the First Claimant’s life. All of the Claimants are using now using new names.

The purpose of the injunction and associated orders is to protect the lives of the Claimants, protect them from serious harm and to protect their rights to respect for private and family life, home and correspondence.