

Anonymity Order for Children and Protected Parties

NOTE: When seeking an anonymity order at an approval hearing, the Claimant should consider asking the court to list the approval hearing anonymously in accordance with the guidance given in PMC v. Cwm Taf Morgannwg University Health Board [2025] EWCA Civ 1126, at [99].

[HEADING]

[TBC]

(a child / protected party by his/her Litigation Friend, [TBC])

Claimant

and

[DEFENDANT]

Defendant

ANONYMITY ORDER

BEFORE [Judge / Master] sitting at [Court] on [date]

[UPON HEARING [Counsel / Solicitor/press]]

AND UPON [the application notice dated...]

[UPON CONSIDERING the protective nature of the approval jurisdiction pursuant to r.21.10 of the Civil Procedure Rules 1998]

AND UPON CONSIDERING the Article 8 rights of the [Claimant/other person] to respect for private and family life and the risk of harm that identification may cause to the [Claimant/other person]

AND UPON CONSIDERING the importance of open justice and the Article 10 right to freedom of expression

AND UPON THE COURT CONCLUDING that non-disclosure of the [Claimant's/other person's] identity is necessary to secure the proper administration of justice and in order to protect the [Claimant's/other person's] interests

AND UPON THE COURT FURTHER CONCLUDING that it is necessary to make a reporting restriction order

IT IS ORDERED that

1. The name[s] of the Claimant [and the Litigation Friend/ the Claimant's parent[s]/the Deceased/the dependants] [is/are] to be withheld in the statements of case, and in any judgments and orders in this claim, and for those purposes:
 - (i) The Claimant shall be referred to as [TBC];
 - (ii) [The Litigation Friend shall be referred to as [TBC];
 - (iii) The Claimant's parent(s) shall be referred to as [TBC]
 - (iv) The Deceased shall be referred to as [TBC];
 - (v) The Defendants shall be referred to as [TBC]]
2. The Claimant's address on the claim form shall be substituted by [the Claimant's solicitor's address/other address].
3. No report, whether oral or in writing, or other communication in whatever form (including internet or social media) addressed to the public at large or any section of the public, of or concerning this claim which is published from the date of this order may include:
 - (a) The name or address [or school /or workplace/ any other specific feature] of the Claimant;
 - (b) [The name or address of the Litigation Friend/Claimant's parent[s]/ Deceased /Defendants;
 - (c) Any particulars likely to lead to the identification of the Claimant [or Litigation Friend/ Litigation Friend/Claimant's parent[s]/Deceased/Defendants];
 - (d) Any image or likeness of the Claimant [or Litigation Friend/ Claimant's parents/Deceased/Defendants].

4. Any reports or other communications to the public which exist prior to the date of this order are not affected by this order.
5. Pursuant to CPR Rules 5.4C and 5.4D:
 - (i) A person who is not a party to the proceedings may not obtain a copy of a statement of case, judgment or order from the Court records unless the statement of case, judgment or order has been anonymised in accordance with subparagraphs 1 [and 2] above.
 - (ii) If a person who is not a party to the proceedings applies (pursuant to CPR r.5.4C(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, trustee or deputy unless the court orders otherwise.
6. The Claimant's solicitor shall file with the Court copies of any existing statements of case anonymised in accordance with paragraph 1 and 2 above by [date – 21 days from date of the order].
7. The Court file shall be clearly marked with the words "An anonymity order was made in this case on [date of this Order] 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 that Order."
8. Any interested party, whether or not a party to the proceedings, may apply to the Court to vary or set aside this Order, provided that any such application is made on 7 days' notice to the Claimant's solicitor, trustee or deputy.
9. This order shall lapse automatically on the death of the [Claimant/other person for whose benefit the order is made] and its provisions shall have no effect from that time.
10. Pursuant CPR 39.2(5) a copy of this Order shall be published on the website of the Judiciary of England and Wales (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.

NOTES:

1. These notes are for guidance and should not form part of the order.

2. This Form is designed for use in personal injury and clinical negligence cases in which the Claimant is a child or a protected party. It is designed for application made at any stage of proceedings,
3. Draft orders should be submitted using proposed three letter cyphers, not TBC. The cyphers should not be the same letter, nor consecutive letters: so avoid, e.g. XXX, WWW, ABC, PQR, etc.
4. This order should be adapted as appropriate to the particular circumstances of the case. Where the order contains square brackets, the appropriate option should be chosen or the appropriate detail inserted where relevant. For example, in paragraph 3 (a), the appropriate detail of school or workplace should be chosen if relevant and deleted if not, and if there is some specific unusual feature of the case which the claimant considers should be included, that feature should be clearly identified.
5. The order as drafted is a prospective order, it does not apply to reports and communications which have already been published. If, exceptionally, there is a need to make a reporting restriction order which is retrospective, specific provision will have to be made instead of the provision at paragraph 4. It must identify the specific reports or communications to which it relates and any such order should be based on the following draft:

“The following reports/communications to the public made prior to the date of this order must, by [date] either be made so that they can no longer be accessed by the public on the internet/other relevant place or amended to comply with the reporting restrictions imposed by this order.”
6. The parties are not required to amend or redact any documents other than the statements of case. For example, it is not necessary for medical records to be redacted so as to remove the name and address of the claimant unless a further order is made.
7. The order does not prohibit the following:
 - (i) Communication using the Claimant’s name between the parties’ appointed representatives and advisers, such as my solicitor, Litigation Friend, attorney, trustee or deputy, or any witnesses or instructed experts.
 - (ii) Communications between the Court Funds Office and the parties 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.

- (iii) Communications between the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of such money.
- (iv) Records kept by the Court or the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of the Claimant's money.
- (v) Retention by all parties to the claim, their representatives, and their advisers of their unredacted files for the purposes of their continuing functions and obligations in relation to the proceedings.
- (vi) Communications between the Defendant(s), their insurers, or their successors in title and their legal and professional advisers, reinsurers, HM Revenue and Customs (or its successor), the Compensation Recovery Unit or any other person required by law.
- (vii) Communications between the anonymised party's representatives and advisers in managing that party's affairs.
- (viii) Communications for the purpose of obtaining medical care, advice or treatment for the anonymised party.
- (ix) Communications by or on behalf of a paying party for the purposes of ascertaining whether the anonymised party is alive, so entitled to continuing periodical payments.