

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 23/05/2011

**Before :**

**THE HONOURABLE MR JUSTICE TUGENDHAT**

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**Between :**

**CTB**

**Claimant**

**- and -**

**(1) NEWS GROUP NEWSPAPERS LIMITED**

**(2) IMOGEN THOMAS**

**Defendants**

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**Hugh Tomlinson QC and Sara Mansoori** (instructed by **Schillings**) for the **Claimant**  
**Richard Spearman QC** (instructed by **Farrer & Co**) for the **First Defendant**  
**David Price QC** (of **David Price Solicitors & Advocates**) for the **Second Defendant**

Hearing date: 23 May 2011  
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**Judgment**

**Mr Justice Tugendhat :**

1. At about 1430 this afternoon Eady refused NGN's application to remove the anonymity he had granted to the claimant on 20 April. He said at para 23 ([2011] EWHC 1326 (QB)) that "It is important always to remember that the modern law of privacy is not concerned solely with secrets: it is also concerned importantly with intrusion". Intrusion in this sense includes harassment.
2. Very shortly afterwards a name was mentioned by Mr Hemming MP in the House of Commons in the course of a question which was interrupted by the Speaker. On that basis NGN asked me to hear a further application shortly after 5pm for the anonymity of the claimant to be removed. As the public now know, anyone who wanted to find out the name of the claimant could have learnt it many days ago. The reason is that it has been repeated thousands of times on the internet. NGN now want to join in.
3. It is obvious that if the purpose of this injunction were to preserve a secret, it would have failed in its purpose. But in so far as its purpose is to prevent intrusion or harassment, it has not failed. The fact that tens of thousands of people have named the claimant on the internet confirms that the claimant and his family need protection from intrusion into their private and family life. The fact that a question has been

asked in Parliament seems to me to increase, and not to diminish the strength of his case that he and his family need that protection. The order has not protected the claimant and his family from taunting on the internet. It is still effective to protect them from taunting and other intrusion and harassment in the print media.