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IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)

A Police Officer's Application (Leave Stage) [2012] NIQB 3

IN THE MATTER OF AN APPLICATION BY A POLICE OFFICER FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

McCLOSKEY J

[1] This judgment determines the question of whether the Applicant's identity should be protected by the grant of anonymity by the court. The context in which this issue falls to be determined is an application for leave to apply for judicial review which was heard as an urgent matter. Mr. McQuitty (of counsel) appeared on behalf of the Applicant, while Mrs. Chamberlain (of the Crown Solicitor's Office) represented the proposed Respondent, the Chief Constable of the Police Service for Northern Ireland. I ruled that the application failed to overcome the established threshold of arguability and, accordingly, leave to apply for judicial review was refused.

[2] The Applicant was at the material time a serving police officer. The application for leave to apply for judicial review proceeded on the eve of a misconduct hearing. The misconduct charge was based on the Applicant's refusal to submit to a so-called "*with cause intelligence led drugs test*" in the course of his employment. There is a parallel, though unrelated, process relating to the Applicant. This arises out of his arrest for suspected possession of cannabis resin approximately one month previously. This matter is currently the subject of consideration by the Public Prosecution Service. In pursuing his application for leave to apply for judicial review, the Applicant contended that if the misconduct hearing were to proceed it could conceivably prejudice the fairness of any future prosecution of him. His secondary contention, advanced somewhat diffidently, was that the misconduct hearing itself might be unfair. The Applicant sought relief accordingly. Having

considered decisions such as ***R –v- Panel on Takeovers and Mergers*** [1992] BCC 524, this court rejected both contentions and the application for leave to apply for judicial review was dismissed accordingly.

[3] The Applicant wishes these proceedings to be anonymised. At the hearing, there appeared to be something of an assumption on his behalf that this facility would be readily granted by the court. The issue was not addressed in the Applicant's affidavit and there was no supporting evidence of any kind. At the court's request, a further affidavit was filed subsequent to the hearing. The further affidavit of the Applicant followed two days later. This disclosed that on the morning of the disciplinary hearing (the previous day) he had resigned from the Police Service with the result that, on a consensual basis, the misconduct hearing did not proceed. The Applicant further averred that he had previously received threats from both loyalist and republican terrorists and considered himself to be at continuing risk from dissident republican terrorists. His affidavit continued:

> "*I am concerned that my safety will be compromised if I am identified by these proceedings …*
>
> *Although I can readily understand the public interest in alleged police misconduct and I appreciate the imperative of open justice I do not accept that those factors outweigh the risk – however slight – of compromising my safety and the safety of my family by providing details of this case that may, inadvertently, assist those who might seek to do me harm. It does not appear to be standard practice for police officers to be identified in the public domain, even if they are subsequently found guilty of misconduct …*".

These latter averments are, in my view, misconceived. If a police officer is a defendant in criminal proceedings or a litigant in civil proceedings or a party to fair employment or unfair dismissal or race discrimination tribunal proceedings, there will be a strong presumption against anonymity, evidenced by a long established practice to this effect firmly rooted in the principle of open justice.

[4] In my opinion, the anonymisation of any litigant in any judicial forum engages the principle of open justice. The leading authorities on this topic, ***Scott –v- Scott*** [1913] AC 417 and ***Attorney General –v- The Leveller Magazine*** [1979] AC 440, are well known. These authorities clearly establish a strong general rule that court proceedings should be conducted in public. In ***The Leveller***, Lord Scarman formulated the principle in these terms:

> "*In **Scott –v- Scott**… Your Lordships' House affirmed the general rule of the common law that justice must be administered in public. Certain exceptions were, however, recognised …*

> *The House was divided as to whether protection of the administration of justice from interference was an exception. A majority held that it was – though their respective formulations of the exception differed markedly in emphasis.*"

Lord Scarman considered it "*… plain that the basis of the modern law is as Viscount Haldane LC declared it was*". The Lord Chancellor had stated [at p. 439]:

> "*To justify an order for hearing in camera it must be shown that the paramount object of securing that justice is done would really be rendered doubtful of attainment if the order were not made*".

[Pp. 470-471]. Continuing, Lord Scarman observed that "*… there must be material (not necessarily formally adduced evidence) made known to the court on which it can reasonably reach its conclusion*". While the principle of open justice is properly described as one of cardinal importance, it is not formulated as an absolute rule. This is expressed with particular clarity by Lord Diplock in ***The Leveller:***

> "*However, since the purpose of the general rule is to serve the ends of justice it may be necessary to depart from it where the nature or circumstances of the particular proceedings are such that the application of the general rule in its entirety would frustrate or render impracticable the administration of justice or would damage some other public interest for whose protection Parliament has made some statutory derogation from the rule. Apart from statutory exceptions, however, where a court in the exercise of its inherent power to control the conduct of proceedings before it departs in any way from the general rule,* ***the departure is justified to the extent and to no more than the extent that the court reasonably believes it to be necessary in order to serve the ends of justice".***

[My emphasis].

In the more recent jurisprudence a resounding reaffirmation of the principle of open justice is found in ***R (Mohammed) –v- Secretary of State for Foreign and Commonwealth Affairs*** [2010] 3 WLR 554, at paragraphs [38] – [42], per Lord Judge CJ.

[5] The court's approach to resolving applications of the present kind may also be informed through the prism of Section 6(1) of the Human Rights Act 1998 and Article 6(1) ECHR. The latter provides, so far as material:

> "*In the determination of his civil rights and obligations … everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial … where the … protection of the private life of the parties so requires,* ***or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice***".

[My emphasis].

I would add that in ***Hakansson –v- Sweden*** [1990] 13 EHRR 1 the European Court held that a public hearing is not required where the litigants waive their right to such a hearing, provided that the waiver is unequivocal and there is no important public interest consideration rendering desirable the opportunity for the public to be present: see especially paragraph [66] of the judgment. More recently, in ***Pauger –v- Austria*** [1997] 25 EHRR 105, the Court stated:

> "*[58] The court recalls that the public character of court hearings constitutes a fundamental principle enshrined in Article 6(1), but that neither the letter nor the spirit of that provision prevents a person from waiving of his own free will, either expressly or tacitly, the entitlement to have his case heard in public. Any such waiver must be made in an unequivocal manner and must not run counter to any public interest*".

In a later decision, ***Diennet –v- France*** [1995] 21 EHRR 554, the European Court described the conduct of court hearings in public as "*a fundamental principle enshrined in Article 6*" and continued:

> "[33] *… This public character protects litigants against the administration of justice in secret with no public scrutiny; it is also one of the means whereby confidence in the courts can be maintained. By rendering the administration of justice transparent, publicity contributes to the achievement of the aim of Article 6(1), namely a fair trial, the guarantee of which is one of the fundamental principles of any democratic society*".

Statements of this kind form a constant thread in the jurisprudence of the European Court. If applying the Article 6 ECHR test, the question for the court, having regard to the terms of Article 6, will be whether the conferral of anonymity on the litigant concerned is strictly necessary in special circumstances where to publish the litigant's identity would prejudice the interests of justice. The close association

between the Article 6 test and its kindred common law principle is striking. Duly analysed, there is no discernible difference of substance between the two principles.

[6] Where applications of this kind are based on the need to protect fundamental human rights – such as those safeguarded by Articles 2 and 3 ECHR – it will be incumbent on the court to act in accordance with its duty under Section 6 of the Human Rights Act 1998. Furthermore, the application of the strict rules of evidence is unlikely to be necessary, as recognised by Lord Scarman in ***Scott***. This issue was considered in the decision of the House of Lords in ***Re Officer L*** [2007] UKHL 36, where the factual matrix was somewhat different. This case concerned the exercise of an inquiry panel's power to compel the attendance of certain witnesses at a public inquiry investigating a controversial and sensitive death. The witnesses in question were serving and retired police officers and, in response to the subpoenae served on them, they contended for the grant of protection by anonymity on the basis that, absent this measure, they would be exposed to an increased risk of terrorist attack. If one pauses at this juncture, some analogy, perhaps tenuous, with the present case emerges. In support of their claim, they asserted their rights under Article 2ECHR, together with the common law duty of fairness to witnesses. The unanimous decision of the House of Lords is contained in the opinion of Lord Carswell. Having noted that the appeal engaged the positive dimension of Article 2 ECHR, his Lordship rehearsed ***Osman –v- United Kingdom*** [1998] 5 BHRC 293, paragraphs 115-116, before formulating two basic principles, at paragraph [20]:

(a) The positive obligation arises only when the risk asserted is real and immediate: this denotes a risk that is objectively verified, present and continuing. To establish such a risk a high threshold must be overcome.

(b) Secondly, the principle of proportionality arises in this context. This involves "*… striking a fair balance between the general rights of the community and the personal rights of the individual, to be found in the degree of stringency imposed upon the state authorities in the level of precautions which they have to take to avoid being in breach of Article 2*": see paragraph [21]. This entails assessing the acts and omissions of the relevant state authorities by reference to the standard of reasonableness. Thus the undertaking of an unduly burdensome obligation is not demanded: see paragraph [21].

[7] In ***Re Officer L,*** the Appellants were in a position to establish that two separate duties were owed to them by the Tribunal. The first was the duty owed as a public authority under Section 6 of the Human Rights Act 1998, with Article 2 of the Convention engaged. The second was the Tribunal's Common law duty of fairness towards persons whom it proposed to call to give evidence. As regards the first of these duties, their Lordships endorsed the correctness of the Tribunal's approach, which had adopted as its starting point the premise that while there was

some pre-existing risk to the witnesses in question this was not sufficiently severe to reach the Article 2 level of a real and immediate risk to their lives, followed by posing the question whether in respect of any of the witnesses the risk to life would be materially increased by giving evidence without anonymity. The Tribunal had also been correct in applying the same test in the application of its common law duty. This exercise permitted the intrusion of a greater range of factors, including the witnesses' professed subjective fears. Having considered all the evidence, the Tribunal conducted a balancing exercise, concluding – unassailably – that the balance favoured the withholding of anonymity.

[8] Applications of the present kind, in which a litigant invokes Article 2 ECHR, should, in my view, be determined by reference to the decision in ***Officer L.*** Accordingly, the first question for the court is whether there exists an objectively verified, present and continuing risk to the life of the litigant concerned. If the court answers this question in the affirmative, it will then have to consider whether, in the particular circumstances, this gives rise to a positive obligation on the part of the court as a public authority under Section 6 of the 1998 Act. This exercise will, predictably, involve consideration of whether there is any nexus between the existence or possible escalation of the risk to the life of the litigant and his pursuit of the proceedings concerned without the protection of anonymity. If this test is determined in the litigant's favour, it will be incumbent on the court to apply the ***Osman*** reasonableness test. In ***Officer L***, the only protective measure requested of the Tribunal was the conferral of anonymity on the witnesses in question. Anonymity is not the only protective measure which could conceivably arise in a litigation context – others include hearings in chambers or in camera and reporting restrictions. Self-evidently, there is no resource element in acceding to an application to confer anonymity on a litigant. In this respect, there is a clear distinction between the court and other public authorities such as the Police Service (as the decision in ***Osman*** makes clear).

[9] A notable contribution to the jurisprudence belonging to this field, in a litigation context involving no Article 2 issues, is found in ***Revenue and Customs Commissioners –v- Banerjee*** [2009] EWHC 1229 (Ch), a decision of the Chancery Division in an appeal to the High Court by the Inland Revenue against a determination of the General Commissioners. While the appeal was heard in public, a question later arose as to whether the taxpayer's identity should be concealed by the conferral of anonymity. As appears particularly from the passages reproduced below, the rights invoked by the litigant under Article 8 ECHR featured prominently in this decision. The starting point adopted by Henderson J was the principle that "*… a person's financial and tax affairs are private and confidential in nature*", giving rise to a duty of confidence on the part of public authorities such as the Inland Revenue: see paragraph [13]. Under the regime of the Human Rights Act 1998, this may now be viewed through the prism of Article 8. His Lordship suggested that one distils from the jurisprudence of the European Court of Human Rights a principle that the

court is obliged to strike a fair balance between the interest of publicity of court proceedings and the interest of a party or third person in maintaining the confidentiality of personal data: see paragraph [15] and the decision in ***Z –v- Finland*** [1997] 25 EHRR 371. His Lordship noted with approval the test of whether publicity (or further publicity) of the confidential information concerned would cause harm: see paragraph [18]. He considered the main countervailing factor to be the general principle of English law that justice must be administered in public - see paragraph [21] - while noting the acknowledged principle that an exception can be justified only if necessary in the interests of the proper administration of justice: see, for example, ***R –v- Legal Aid Board, ex parte Kaim Todner*** [1999] QB 966, at p. 976 (per Lord Woolf MR). In a passage worth reproducing in full, Henderson J then addressed specifically the approach to be adopted by the court in cases where, invoking Article 8 ECHR, a litigant seeks the protection of anonymity:

> "*In determining whether it is necessary to hold a hearing in private, or to grant anonymity to a party, the court will consider whether, and if so to what extent, such an order is necessary to protect the privacy of confidential information relating to the party, or (in terms of art 8 of the convention) the extent to which the party's right to respect for his or her private life would be interfered with. The relevant test to be applied in deciding whether a person's art 8(1) rights would be interfered with in the first place, or in other words whether the article is engaged so as to require justification under art 8(2), is whether in respect of the disclosed facts the person in question had a reasonable expectation of privacy: see Campbell v Mirror Group Newspapers Ltd [2004] UKHL 22 at [21], [2004] 2 All ER 995 at [21], [2004] 2 AC 457 per Lord Nicholls of Birkenhead, and Murray v Express Newspapers plc [2008] EWCA Civ 446 at [24], [2008] 3 FCR 661 at [24], [2008] 3 WLR 1360 of the judgment of the court. If art 8(1) is engaged, the court will then need to conduct a balancing exercise on the facts, weighing the extent of the interference with the individual's privacy on the one hand against the general interest at issue on the other hand. In cases involving the media, the competing general interest will normally be the right of freedom of expression under art 10 of the convention. In cases of the present type, the competing interest is the general imperative for justice to be done in public, as confirmed by art 6(1) of the convention.*"

In ruling against the application for anonymisation of the taxpayer, Henderson J stated:

> "[35] *It is relevant to bear in mind, I think, that taxation always has been, and probably always will be, a subject of*

> *particular sensitivity both for the citizen and for the executive arm of government. It is an area where public and private interests intersect, if not collide; and for that reason there is nearly always a wider public interest potentially involved in even the most mundane seeming tax dispute. Nowhere is that more true, in my judgment, than in relation to the rules governing the deductibility of expenses for income tax. Those rules directly affect the vast majority of taxpayers, and any High Court judgment on the subject is likely to be of wide significance, quite possibly in ways which may not be immediately apparent when it is delivered. These considerations serve to reinforce the point that in tax cases the public interest generally requires the precise facts relevant to the decision to be a matter of public record, and not to be more or less heavily veiled by a process of redaction or anonymisation. The inevitable degree of intrusion into the taxpayer's privacy which this involves is, in all normal circumstances, the price which has to be paid for the resolution of tax disputes through a system of open justice rather than by administrative fiat."*

Finally, His Lordship concluded that there was nothing sufficiently exceptional about the particular case to warrant displacement of the principle of open justice. While a judgment at first instance, this contains valuable guidance on the approach to be adopted by a court in Article 8 based anonymisation applications by litigants.

[10] The context of the recent decision of the English Court of Appeal in ***JIH –v- News Group Newspapers*** [2011] EWCA Civ 42 was one involving a familiar collision between the assertion of Article 8 ECHR rights by a citizen and the invocation of Article 10 ECHR rights by a newspaper organisation. At first instance, the trial judge was disposed to approve a draft consent order whereby the Defendant submitted to an injunction preventing publication of any of the information contained in a confidential schedule, but rejected the agreement of the parties that, pending the substantive trial, the claimant should be granted anonymity. This decision was reversed on appeal. In thus deciding, the Court of Appeal formulated the following governing principles:

(1) The general rule is that the names of the parties to an action are included in orders and judgments of the court.

(2) There is no general exception for cases where private matters are in issue.

(3) An order for anonymity or any other order restraining the publication of the normally reportable details of a case is a derogation from the principle of open justice and an interference with the Article 10 rights of the public at large.

(4) Accordingly, where the court is asked to make any such order, it should only do so after closely scrutinising the application, and considering whether a degree of restraint on publication is necessary, and, if it is, whether there is any less restrictive or more acceptable alternative than that which is sought.

(5) Where the court is asked to restrain the publication of the names of the parties and/or the subject matter of the claim, on the ground that such restraint is necessary under Article 8, the question is whether there is sufficient general, public interest in publishing a report of the proceedings which identifies a party and/or the normally reportable details to justify any resulting curtailment of his right and his family's right to respect for their private and family life.

(6) On any such application, no special treatment should be accorded to public figures or celebrities: in principle, they are entitled to the same protection as others, no more and no less.

(7) An order for anonymity or for reporting restrictions should not be made simply because the parties consent: parties cannot waive the rights of the public.

(8) An anonymity order or any other order restraining publication made by a Judge at an interlocutory stage of an injunction application does not last for the duration of the proceedings but must be reviewed at the return date.

(9) Whether or not an anonymity order or an order restraining publication of normally reportable details is made, then, at least where a judgment is or would normally be given, a publicly available judgment should normally be given, and a copy of the consequential court order should also be publicly available, although some editing of the judgment or order may be necessary.

(10) Notice of any hearing should be given to the defendant unless there is a good reason not to do so, in which case the court should be told of the absence of notice and the reason for it, and should be satisfied that the reason is a good one.

The court emphasized that the judge must be satisfied that the facts and circumstances of the case are sufficiently strong to justify an encroachment on the principle of open justice: where thus satisfied, any approved restrictions on publication must be formulated so as to minimise the extent of the encroachment. While decisions of the English Court of Appeal are not binding on the courts in Northern Ireland, they are, by well established principle, accorded appropriate

deference: ***Re McKiernan's Application*** [1985] NI 385, p. 389C, per Lord Lowry, LCJ. Adopting this approach, there is no apparent reason why the comprehensive guidance promulgated in ***JIH*** should not be observed in this jurisdiction.

[11] In a recently delivered judgment in ***X –v- Mental Health Review Tribunal and Another*** [2012] NIQB 1, which concerned an application to the High Court by a patient seeking permission to bring proceedings, Stephens J granted anonymity to the Applicant. His approach was to balance the Article 8 rights of the Applicant and the Article 6 obligations imposed on the court. The Applicant was a detained mental health patient and this was considered the decisive factor in striking the balance in favour of anonymity. The learned judge noted that this court had adopted a similar approach in ***Re JR 45's Application*** [2011] NIQB 17, which also concerned a detained mental patient.

[12] It is instructive to consider the approach adopted when issues of this kind arise in proceedings before the European Court of Human Rights. Rule 33/1 of the Court's Rules provides that all documents deposited with the Court's Registry by the parties or any third party shall be accessible to the public. Rule 33/2 continues:

> "*Public access to a document or to any part of it may be restricted in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties or of any person concerned so require, or to the extent strictly necessary in the opinion of the President of the Chamber in special circumstances where publicity would prejudice the interests of justice*".

Per Rule 33/3, any request for confidentiality must "*… include reasons and specify whether it is requested that all or part of the documents be inaccessible to the public*".

Rule 47 requires that the information to be contained in every application made under Article 34 ECHR include the name, date of birth, nationality, sex, occupation and address of the Applicant. Rule 47/3 provides:

> "*Applicants who do not wish their identity to be disclosed to the public shall so indicate and shall submit a statement of the reasons justifying such a departure from the normal rule of public access to information in proceedings before the Court. The President of the Chamber may authorise anonymity or grant it of his or her own motion.*"

Rules 33 and 47 are supplemented by a specific Practice Direction. This, in terms, expresses the overarching principle of open justice. The basic procedural requirement is that any request for anonymity should be made when the application form is submitted "*or as soon as possible thereafter*", supported by reasons. While a comparable procedural regime does not exist in this jurisdiction, it becomes quickly

apparent from this *résumé* that the ECHR procedural regime does not differ in substance from the approach which I advocate in the immediately following paragraphs.

[13] Where applications for anonymity by a litigant, or witness, are based on human rights, the Convention rights most frequently invoked will be Articles 2 and 8. Article 3 could also conceivably arise in certain cases. The first question for the court will be whether a Convention right is truly engaged. If so, it will be incumbent on the court to act in accordance with its duty under Section 6 of the Human Rights Act. Thus the court, as a public authority, must not act incompatibly with the Convention right engaged. At this stage of the exercise, the court will have to decide whether due observance of this duty requires it to adopt a course or measure such as anonymity. This will involve a balancing exercise, in the performance whereof the court can, in my view, permissibly weigh as a material factor the Article 6 and common law principles of open justice. Where the Convention right at stake is that protected by Article 2 or Article 3 and the court is satisfied of a real and immediate risk to the litigant's life or, as the case may be, the infliction of treatment proscribed by Article 3, it is difficult to envisage the balancing exercise having an outcome in which the principle of open justice prevails fully. In contrast, the claims of a litigant whose quest for anonymity is based on Article 8 may, in principle, be weaker.

[14] While it may be foreseeable that Convention rights will progressively dominate in applications for anonymity of the present kind, the assertion of a Convention right is not a pre-requisite to the discretionary conferral by the court of this protective measure. In cases where a litigant seeks the protection of anonymity other than under the guise of one of the Convention rights, it is clear from the opinion of Lord Diplock in ***The Leveller*** that where the High Court permits any encroachment upon the principle of open justice it is drawing from the repository of powers belonging to its inherent jurisdiction to control the conduct of proceedings. Procedurally, I consider that in **all** cases of this kind, the permission of the court must be sought from the outset of the proceedings in question or, if later, at the earliest moment when grounds for seeking the suppression of a litigant's identity have arisen. In accordance with well established practice and standards, such applications should be founded on an affidavit sworn by the litigant or witness concerned. Affidavits in support of such applications should be proactive, timely and in full conformity with the requirement of candour. Where the application is delayed or where there is any perceived lack of candour, the prospects of a successful outcome may be diminished in consequence. Applications of this kind should normally proceed on notice to other parties. The court will be able to regulate and adjust its procedures to ensure that, in its determination of such applications, the interests sought to be protected are not irrevocably damaged. There is no suggestion in the ECHR jurisprudence – consonant with, coincidentally, the common law [per Lord Scarman in ***Scott*** – *supra*] – that the rules of evidence of the domestic legal system concerned must be strictly applied when it falls to the court to decide whether this exacting threshold has been overcome. Harmonious with this approach, I consider that the court would be in error to determine such

issues on the basis of burden and standard of proof. Where an issue of this kind falls to be determined, there is no true *lis inter-partes* and the court should approach the matter in the round, forming an evaluative judgment that is as fully informed as possible in the circumstances.

[15] In my opinion, the advent of Convention rights in domestic law during the past decade, through the vehicle of the Human Rights Act 1998, has served to place a sharper focus on issues relating to hearings in camera, hearings in chambers, protection of the identities of litigants and witnesses and the promulgation of judgments. I consider that if the court adopts as its starting point the principle of open justice and, having done so, then explores rigorously – without resort to burden or standard of proof – the question of whether sufficient justification for any encroachment on this principle has been demonstrated and, if so, in what manner and to what extent, the court is unlikely to fall into error. Adherence to this approach has the additional merit of minimising the risk of misuse of the court's process.

[16] In the present case, the affidavit sworn belatedly by the Applicant in support of his application for suppression of his identity advances grounds which raise certain questions. In particular, there is scant particularity in his assertions about previous terrorist threat. Furthermore, the nexus between fully open proceedings and any extant threat asserted by him is far from clear. While the Applicant's assertions potentially engage the court's duty under Section 6 of the Human Rights Act, the evidential picture is unsatisfactory and incomplete. On the basis of the present evidence – which, I acknowledge, could conceivably be augmented – the court could not be satisfied of the existence of an objectively verified, present and continuing risk to the Applicant's life. The high ***Osman*** threshold is not overcome. This raises the spectre of perpetuating these proceedings for the present purpose only, in circumstances where leave to apply for judicial review has been refused and the Applicant, evidently in consequence, has chosen to resign from the Police Service. Furthermore, there is no extant appeal against this court's substantive ruling. In these circumstances, I conclude that it would be inimical to the over-riding objective in Order 1, Rule 1A of the Rules of the Court of Judicature for the court to invest further time and resources in perpetuating these proceedings in pursuit of this discrete inquiry and for no other purpose.

[17] Accordingly, with some misgivings, I accede to the Applicant's quest for annonymisation and order that he be described in the terms set out in the title hereto.

[18] This ruling does not purport to speak to the subject of childrens' proceedings or certain types of criminal proceedings, in which special and particular questions arise.