

THURSDAY 21ST MAY 2009

IN THE COURT OF APPEAL 012146

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO86242005

BEFORE LORD JUSTICE LAWS
 LORD JUSTICE DYSON
And LORD COLLINS OF MAPESBURY

B E T W E E N

The Queen on the application of ANDREW WOOD
CLAIMANT/APPELLANT

- and -

THE COMMISSIONER OF POLICE FOR THE METROPOLIS
DEFENDANT/RESPONDENT

ON READING the Appellant's Notice sealed on the 20th June 2008 filed on behalf of the Claimant on appeal from the order of Mr Justice McCombe dated 22nd May 2008

AND ON HEARING Mr Martin Westgate Counsel on behalf of the Appellant and Mr Sam Grodzinski Counsel on behalf of the Respondent

IT IS ORDERED that

1. the Appellant's appeal is allowed to the following extent:
 - a. it is hereby declared that the Respondent acted incompatibly with the Appellant's rights under Article 8 of the ECHR in retaining photographs taken of him on 27 April 2005 after it had become clear to the Respondent that any photographs taken of him could not assist in detecting the perpetrators of any crime committed at or in the vicinity of the AGM of Reed Elsevier PLC held on that day
 - b. the Respondent shall destroy any photographs of the Appellant held by it and taken on 27 April 2005 by 21 June 2009
2. in the event that the Respondent applies to this Court for leave to appeal



Her Majesty's
Court of Appeal
20 MAY 2009

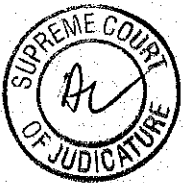
COURT 75
Appeal No.

C1/2008/1466
C1/2008/1466 (A)

against this Order or presents a Petition to the House of Lords for leave to appeal then the Order in paragraph 1(b) above shall be stayed until the application for leave to appeal or Petition is determined, and, if leave to appeal is granted, until the final determination of the appeal

3. the Respondent shall pay the Appellant's costs of the appeal and of the proceedings below to be subject to detailed assessment if not agreed
4. there shall be detailed assessment of the Appellant's publicly funded costs
5. any application by the Respondent for leave to appeal shall be filed and served by 4.00pm on 22 May 2009. The Appellant's submissions in response, if any, shall be filed and served by 4.00pm on 26 May 2009. Any such application for leave to appeal shall be determined without a hearing.

[The Court Sat from 10.39 to 13.00 and from 14.00 to 16.15 on 28 January 2009;
From 10.37 to 13.05 and from 14.00 to 16.30 on 29 January 2009]



By the Court

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THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
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THE QUEEN on the application of ANDREW WOOD

- and -

COMMISSIONER FOR THE METROPOLIS

ORDER

Copies to:

Queen's Bench Division - Administrative Court
Room C317
Royal Courts of Justice
The Strand
London WC2A 2LL

Liberty
21 Tabard Street
London
SE1 4LA
Ref: ALEX GASK

Directorate Of Legal Services
Dx 134700
Victoria 7
Ref: DXM

* This order was drawn by Ms A Lehane (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Ms A Lehane, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 6879