

IN THE HIGH COURT OF JUSTICE

C0/8624/2005

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:

THE QUEEN (on the application of ANDREW WOOD) Claimant

And

THE COMMISSIONER OF POLICE FOR THE METROPOLIS

Defendant

UPON HEARING Counsel for Andrew Wood (hereinafter called "the Claimant") and
Counsel for the Defendant

AND UPON READING written submissions of the parties on the handing down of
judgment herein on 22 May 2008

IT IS ORDERED that:

- (1) the claim for judicial review is dismissed
- (2) the Claimant shall pay to the Defendant (subject to the limitation imposed by section 11 of the Access to Justice Act 1990) his costs of the claim from the date of the decision of Lord Justice Sedley granting permission to apply for judicial review
- (3) save as provided in paragraph (2) above there shall be no order for costs
- (4) the Claimant has permission to appeal against paragraph (1) of this order to the Court of Appeal

(5) the Claimant's time for appealing, pursuant to the permission granted in (4) above, is extended to 14 days from the date of this order.

Reasons

1. I accept the Claimant's submissions as to costs 2) to 6) of the written submissions of his Counsel, undated but transmitted by fax on 21 May 2008

2. I grant permission to appeal, not because I consider that there are necessarily real prospects of success (but see *Erinford Properties Ltd. v Cheshire CC* [1974] Ch. 261 at 268A-B), but there seems to me to be a compelling reason why the appeal should be heard. I take this view because of the limited authorities dealing with the photography of private individuals in public by agencies of the state and the development of the case law in Europe, represented by the *Von Hannover* case which persuaded Lord Justice Sedley to grant permission to make the claim. The cases have principally been concerned with media publication of pictures of celebrities, e.g. *Campbell* and *Murray*, rather than with state activity such as that in issue here. The taking of such photographs by agencies of the state is a matter of some concern, for reasons that I endeavoured to explain in my judgment. In my view, it is right that the limits of such activity should be considered in the Court of Appeal.

3. I decline to grant any extension of time for appeal beyond that indicated. It seems to me that the issues are sufficiently clear, irrespective of any prospective decision of the ECtHR in *Marper*.

The Hon. Mr. Justice McCombe