IN THE HIGH COURT OF JUSTICE **Claim No. AC 2026-LON-002321**

KING'S BENCH DIVISION

ADMINISTRATIVE COURT

BEFORE THE HONOURABLE MR JUSTICE HILLIARD

B E T W E E N

THE KING (on the application of ANDREW MOUNTBATTEN-WINDSOR)

Claimant

-and-

(1) THE CENTRAL CRIMINAL COURT

(2) THE CHIEF CONSTABLE OF THAMES VALLEY POLICE

Defendants

ORDER

BEFORE Mr Justice Hilliard sitting at the Royal Courts of Justice, The Strand, London WC2A 2LL on 8 October 2026;

UPON the Claimant's claim for judicial review having been issued on 18 May 2026 ("the JR Proceedings");

AND UPON the Second Defendant accepting the warrants issued by the First Defendant were unlawful and the JR Proceedings being compromised by means of a consent order and statement of reasons;

AND UPON the Court having received a request from a journalist pursuant to CPR 5.4C for access to the statements of case and any orders or judgments on the court file ("the Request"; "the Material");

AND UPON the Second Defendant having previously applied to defer publication of the Material for 7 days, for the purpose of protecting the integrity of its criminal investigation into the

Claimant (the "Application") but accepting that the Material now falls to be disclosed on the terms set out below;

AND UPON hearing from James Stansfeld, Counsel for the Claimant, and from Alan Payne KC and John Goss, Leading and Junior Counsel for the Second Defendant, and from representatives of the media;

IT IS ORDERED THAT

1. The Court will provide the statements of case (namely, the Claimant's Statement of Facts and Grounds, the First and Second Defendants' Acknowledgement of Service and the Second Defendant's Summary Grounds of Response), the consent order and statement of reasons disposing of the JR Proceedings, and any other sealed court orders (the "Documents") from the court file for the JR Proceedings in response to the Request, and in response to any further request for the Documents under CPR 5.4C(1).

2. The Documents provided under paragraph 1 shall be redacted to remove the names and contact details (but not ranks) of the Second Defendant's officers and staff, and the details of any TVP internal legal representatives (the "Redactions").

3. Liberty to the parties and the to the press to make an application concerning the Redactions; any such application to be made within 14 days of the date of this order on no less than 48 hours' notice.

4. Pursuant to CPR 5.4D(2), any request under CPR 5.4C(1) or any application under CPR 5.4C(2) for any material on the court file other than the Documents shall be referred to Hilliard J, or in his absence to the Judge in Charge of the Administrative Court, and determined on no less than 72 hours' notice to the parties to enable the parties the opportunity to make submissions. The court file is to be marked to this effect.

5. Liberty to the parties and to the press to apply to vary or set aside this Order on 48 hours' notice.

6. The First Defendant having adopted a neutral stance in relation to the Application, the Second Defendant shall pay the Claimant's reasonable costs of responding to the Application, to be the subject of a detailed assessment if not agreed.

REASONS

Introduction

1. These proceedings concern an application by the Claimant, Andrew Mountbatten-Windsor, for judicial review to quash search warrants issued under s.8 of the Police and Criminal Evidence Act 1984 (PACE) by a judge at the Central Criminal Court. The Central Criminal Court is the First Defendant in the proceedings. The warrants were issued on 18 February 2026 and executed by the Second Defendant, Thames Valley Police (TVP), on 19 February 2026 at Wood Farm, Sandringham and Royal Lodge, Windsor. The investigation was in respect of alleged offences of misconduct in public office. TVP took possession of documentary material and electronic devices.
2. The Claimant applied for judicial review of the warrants on 5 grounds. It is only necessary to detail the first ground. It is a condition for the grant of a warrant under s.8(1)(d) of PACE that the judge is satisfied that there are reasonable grounds for believing that the material sought does not include items subject to legal privilege or which constitute what is called Special Procedure material. Special Procedure material includes material which is in the possession of a person who acquired or created it in the course of any trade, business, profession or other occupation or for the purpose of any paid or unpaid office and who holds it subject to an express or implied undertaking to hold it in confidence.
3. Shortly after the judicial review proceedings were issued, the Second Defendant conceded that the judge could not properly have been satisfied that there were reasonable grounds for believing that the material to be searched for did not consist of or include items subject to legal privilege or Special Procedure material. This is because the presence of material subject to legal privilege was expressly envisaged in the application for the search warrants and because it was inherent in the nature of the alleged offences under investigation, misconduct in public office, that the material was likely to be in the possession of a person,

namely Mr Mountbatten-Windsor, who had acquired or created it in circumstances which would make it Special Procedure material.

4. Such non-compliance with section 8(1)(d) of PACE is sufficient to make the warrants unlawful. It is agreed that a lawful warrant could only have been issued if the criteria under different provisions, s.9 of and Schedule 1 to PACE, had been met. No decision was made about that at the hearing of the application for search warrants because the judge thought that s.8 warrants were appropriate.

5. There were, as I have said, five grounds put forward for judicial review. The Second Defendant did not make any admissions in the proceedings as to the other four grounds, but it was not necessary for the Second Defendant to set out their case in respect of the other grounds because they had conceded that the first ground of challenge was made out and that was enough to render the warrants, the searches and the seizure of the material unlawful.

The current position

6. That is not, however, the end of the matter because the Second Defendant made an application on 4 June 2026 under s.59 of the Criminal Justice and Police Act 2001. In summary only, s.59 gives a judge the power to say that someone who is in possession of property as a result of an unlawful search warrant (here TVP) can still retain the property if it would be lawful to seize the property under some other provision once it was returned to the owner (here Mr Mountbatten-Windsor). There would be little point in handing property back if it could then simply be lawfully seized under some other provision. The Second Defendant has made an application under s.59. The Claimant opposes the application. I will have to decide whether the s.59 application should be granted or not. The fact that the search warrants were quashed does not bring the investigation to an end

or mean that the whole of the investigation is unlawful. TVP are continuing with their investigations, and the s.59 proceedings are ongoing and they will be heard in private.

7. That is the stage we have reached. It was anticipated until late yesterday that I would have to decide whether the usual access which is permitted to a non-party to certain court documents (which contain the information I have just explained about the judicial review proceedings and the s.59 application) should be made the subject of any restrictions, and whether publicity could be given to the result of the judicial review proceedings. There was never any application from anyone that the identities of the parties to the judicial review proceedings should be withheld and that never happened. But the case did not come into open court for a public hearing because agreement was reached between the Claimant and TVP that the search warrants were unlawful without the need for a hearing.

8. Where judicial review cases are resolved in the way that this one has been, they usually receive little or no publicity. However, paragraph 24.4.1 of the Judicial Review Guide 2026 provides as follows:

> "The open justice principle applies to a determination made on the papers and the court may have to give consideration to the question whether there should be public access to documents."

9. When TVP first informed the Court that it was likely that the application for judicial review would not be contested, Chamberlain J indicated that the Court would want to consider whether, and if so how, any final order disposing of the claim was to be made public. The parties were invited to consider the issue and to make submissions about it.

10. The case came before me on 22 July 2026. By that time, the parties had agreed that permission for judicial review should be granted and that the claim should be allowed. I approved that course although the order has not yet been sealed because there was one outstanding matter to resolve in accordance with the indication given by Chamberlain J. At the hearing, I raised with the parties the question of giving publicity to the result of the

case when considering the draft order and statement of reasons which they had prepared to conclude the judicial review proceedings.

11. TVP objected to any publicity being given to the result of the case and objected to a non-party being allowed to have access to particular documents in the case (under CPR 5.4C) which would reveal the outcome and said that the question should be deferred until the conclusion of the s.59 hearing so as to protect the integrity of their criminal investigation. It is now clear that the s.59 hearing will not be ready to take place until 2027.

12. Ms Montgomery KC for the Claimant was initially neutral on the point but argued subsequently that there was no force in the points made on behalf of TVP in support of their application for deferral.

13. On 22 July, I indicated that at that time, I could not see any justification for departing from the starting point of open justice. We were in the process of arranging a date for an oral hearing when notice was received of an application by a journalist for access to the case statements and any orders made in the judicial review proceedings pursuant to CPR 5.4C(1). Since I was aware of TVP's stance in relation to access to the case papers, I fixed a hearing to decide whether there should be an order restricting such access pursuant to CPR 5.4C(4), indicating that the hearing would begin in private pursuant to CPR 39.2(3)(a) because otherwise publicity would automatically defeat TVP's purpose in asking for a hearing. If, after hearing the parties, I was minded to restrict access to documents, I said that the media or a representative would be able to make submissions before I reached any final decision.

14. TVP modified their position that publicity and access to documents should be deferred until the conclusion of the s.59 proceedings. Instead, their application was that no publicity should be given to the quashing of the warrants or access given to the documents until 15 October 2026 for the purpose of protecting the integrity of their criminal investigation.

15. I made an interim order prohibiting access to the documents until today's hearing so as to preserve the position until TVP could advance their arguments. And that is how matters stood until yesterday.

Legal principles

16. There are many judicial statements in caselaw about the importance of open justice. It is convenient in the present context to set out what was said by Lady Hale, giving the judgment of the Supreme Court in *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38, a case which concerned access to case papers by a non-party to the proceedings, either under CPR 5.4C(2) or at common law. At [42], Lady Hale said that,

> "The principal purposes of the open justice principle are two-fold and there may well be others. The first is to enable public scrutiny of the way in which courts decide cases, to hold the judges to account for the decisions they make and to enable the public to have confidence that they are doing their job properly… [43] But the second goes beyond the policing of individual courts and judges. It is to enable the public to understand how the justice system works and why decisions are taken."

17. The importance of open justice is not unqualified. In the context of access to documents, Lady Hale went on to say at [46]:

> "There may be very good reasons for denying access. The most obvious ones are national security, the protection of the interests of children or mentally disabled adults, the protection of privacy interests more generally, and the protection of trade secrets and commercial confidentiality."

18. It is also clear that prejudice to a criminal investigation or to court proceedings could also justify a departure from open justice in certain circumstances.

Outcome

19. In the event, I have not been required to make final decisions myself about access to court documents and publicity for the outcome of the judicial review proceedings because the Second Defendant indicated yesterday that they no longer pursued their applications for restrictions, save in respect of some editing of documents which I will come to in a moment.

20. However, in an effort to assist with understanding of the issues, the Press Office at the Royal Courts of Justice had previously issued the following statement on my instructions. After giving the name of the case, it continues:

> "There is to be a hearing in the above case on Thursday 8 October at 2pm. The case concerns an application by Andrew Mountbatten-Windsor for a judicial review to quash search warrants issued by a Judge at the Central Criminal Court on 18 February 2026. Mr Justice Hilliard (who did not grant the search warrants), will hear an application by TVP to restrict access to court documents pursuant to CPR 5.4C(4). The hearing will begin in private, pursuant to CPR 39.2(3)(a) because publicity would defeat the purpose of the hearing. However, if after hearing the parties the Judge were minded to restrict access to the papers, then he would provide an opportunity for representations to be made by or on behalf of the media before making a final decision."

21. Against that background, it seems to me that if I do not give an explanation of the kind that I have just given for the different course that events have actually taken, it would inevitably lead to speculation and guesswork which are inimical to the interests of justice. What I have given is a summary only. In the midst of an ongoing investigation, there are limits on what can properly be said in fairness to all concerned. It will always be very tempting for others to try and fill in the gaps. But guesswork does not help anyone. Uninformed speculation can be wide of the mark and risks unfairness in one or more directions. The basic facts are straightforward. A significant error was made in the

application for and grant of the search warrants under s.8. Acknowledging that error is important. There is a judicial review procedure that can be used to set unlawful warrants aside and it was used appropriately in this case. When warrants are quashed, Parliament has provided a procedure whereby the police may be able to retain the material if there is a legitimate basis for doing so. I will decide that question in due course. Those are the facts. I hope that setting them out and explaining them will be of some assistance.

22. There is one final issue which requires consideration and that is the possible editing of documents to which a non-party is entitled as of right or which a non-party is entitled to apply for. TVP ask that before any documents are released, the names and contact details of police officers and staff working on the investigation are redacted, and also the name of one legal representative.

23. My view at this stage is that there is no public interest in identifying police officers and staff who are working on a current high-profile investigation. Identifying them would not be of any assistance in understanding the proceedings and there is a potential risk to operational effectiveness, and therefore to the administration of justice, if they are linked publicly to this investigation. I suppose it is just possible that things might change once the investigation is completed. But I suspect that is quite a way off. My view at this stage is that the names of officers and staff and their contact details and the lawyer's name and contact details should be redacted at the present time to secure the proper administration of justice and to protect the interests of the relevant individuals pursuant to CPR 39.2(4).

24. However, I have already indicated that if I was minded to impose any restrictions, I would give the media or legal representatives an opportunity to make submissions or representations to me. Accordingly, the documents identified under "1" in the Order of today's date will be provided in response to the request but redacted so as to remove the names and contact details (but not ranks) of officers and staff and the details of the legal representative. However, as set out under "3" in the Order, there is liberty to the parties

and to the press to make an application concerning the redactions in the timescales set out in the Order. The Order also makes provision for how any further requests or applications for documents will be dealt with. There is also an agreed Order as to costs.

BY THE COURT

8th October 2026