

Law Reports:

Court of Appeal: [2025] EWCA Civ 1230; [2026] 2 W.L.R. 621; [2025] 10 WLUK 87; [2025] H.R.L.R. 17 ; [2026] P.N.L.R. 8

High Court: [2024] EWHC 1963 (KB); [2024] 7 WLUK 633; [2024] P.I.Q.R. P16

Time occupied in each Court below:

Court of Appeal: 2 days

High Court: 1.5 days

County Court: 2 days

Court of Appeal Case No: CA-2024-002167 and CA-2024-002118

Neutral Citation of Judgment Appealed against: [2025] EWCA Civ 1230

IN THE SUPREME COURT OF THE UNITED KINGDOM

Case No. UKSC/2025/0194

ON APPEAL FROM THE COURT OF APPEAL (CIVIL DIVISION)

[2025] EWCA CIV 1230

Carr LCJ, Sharp P and Coulson LJ

B E T W E E N:

XGY

Appellant

-and-

THE CHIEF CONSTABLE OF SUSSEX POLICE

First Respondent

THE CROWN PROSECUTION SERVICE

Second Respondent

STATEMENT OF FACTS AND ISSUES

Reporting restrictions apply. This document must not be published in any form which identifies the Appellant, her ex-partner, or any member of the Appellant's immediate family.

*References in the form [CA §**] are to paragraph number of the judgment of the Court of Appeal, [HC §**] to the High Court judgment, and [CC §**] to the County Court judgment.*

INTRODUCTION

1. This appeal concerns whether an advocate employed by the CPS is immune from suit in respect of the disclosure to XGY's abusive former partner in the course of a Magistrates' Court bail hearing on 16 April 2020 of the name of the road on which XGY lived. It then raises the question of the application of such immunity to the police, who had included the address as part of the file provided to the CPS for the bail hearing.

THE FACTS

2. The facts are set out at CA §§31-35, HC §§5-9 and CC §§4-25.
3. XGY was in a relationship with DYP which ended on or around 5 November 2019, when XGY was 20 years old. XGY left her home in Chichester and went to her grandparents' home from where she reported DYP to Sussex Police on 6 November 2019. She alleged that DYP had physically and mentally assaulted her, threatened to kill and to seriously injure her and her family, including a threat to throw acid in her and her grandparents' faces. In light of those threats, XGY left her grandparents' home and went to live with a relative in Epsom. The close relative's location in Epsom was also known to DYP, but he did not know that XGY had relocated there. XGY provided her location in Epsom to Sussex Police.
4. On 7 November 2019, DYP was arrested. He was known to the police and had convictions for drugs and offences of violence, gang associations, a history of domestic violence in previous relationships, and associations with firearms. It was identified that he was subject to court-imposed bail conditions in proceedings unrelated to XGY and that he was in breach of those conditions. Sussex Police assessed XGY as being at "*high risk*" of serious harm from DYP. DYP was interviewed in relation to XGY and released on police bail but with conditions which included not to enter the towns of Chichester or Epsom. XGY considered that this bail condition may have alerted DYP to her location in Epsom as he knew her relative's address. Several days later, XGY's grandparents stated to the police

that they were aware that DYP had threatened to burn their house down. Around this time, she relocated again, on this occasion to a women's refuge. The imposition of the bail condition referencing the location of Epsom has been referred to in these proceedings as the "*Epsom disclosure*" but is not the subject of this appeal (and was not the subject of the appeals to the High Court [HC §9] or Court of Appeal [CA §32]).

5. On 8 February 2020, XGY told police that DYP had raped her during the course of their relationship.
6. On 26 February 2020, a supervising officer from Sussex Police undertook an "Investigation Quality Assurance Review". She recorded onto the Occurrence Enquiry Log that the disclosable documents did not include "*sensitive or personal information, (addresses/DoBs/Intel etc)*".
7. XGY, with the intervention of Sussex Police, obtained a secure tenancy in local authority accommodation on 'The Mead', which is a road in Liphook, in Hampshire. On 12 March 2020 she gave this address to Sussex Police. In doing so she emphasised to Sussex Police that the information should not be shared with DYP, from whom she was still hiding.
8. On 15 April 2020, DYP was arrested and interviewed in respect of the allegation of rape of XGY. Sussex Police admitted DYP to police bail on conditions that were intended to and did ensure that XGY's location in Hampshire remained confidential.
9. However, DYP remained in police detention pending an appearance before Brighton and Hove Magistrates' Court in respect of the allegation that DYP was in breach of court-imposed bail conditions, unrelated to XGY. Sussex Police prepared a file for the CPS in respect of that matter. That file included a "*contact card*" onto which XGY's new address in Hampshire had been entered, but without any indication that this was a confidential address that ought not to be revealed to DYP. Separately, a Domestic Abuse Checklist was also included within this file which, on the Chief Constable's pleaded case (Defence, §17(iii)), stated that XGY's addresses were not known to DYP, and that the only bail condition should be a non-contact provision for XGY and other members of her family. It did not identify XGY's new address in Hampshire.

10. On 16 April 2020, DYP appeared before Brighton and Hove Magistrates' Court and was admitted to bail. The prosecution advocate, an employee of the CPS, applied for and secured bail conditions which included a condition that DYP ought not to approach the road where XGY's new address in Hampshire was located, thereby disclosing it to DYP. The Sussex Police log of the same day recorded that the *"CPS have probably put this condition on thinking that they were doing the right thing but clearly this is not right"*. Sussex Police advised XGY not to return to the address and the incident was described in the police log as a *"major muck up' at court"*. These events are referred to in these proceedings as *"the Hampshire disclosure."*
11. The claim brought by XGY alleges that, in consequence of the revelation of her confidential address to DYP, she was unable to return to that address, resided with her mother until August 2020, and suffered psychiatric injury, lost earnings and other loss. XGY does not claim that he caused her any harm as a result of the Hampshire disclosure and she has no knowledge as to whether DYP went to the address.
12. DYP was convicted in December 2020 of six counts of common assault on XGY and was sentenced to six months' imprisonment. The rape investigation was closed on 12 May 2021 with no further action to be taken.
13. On 16 April 2020, XGY made a formal complaint to the CPS. On 1 May 2020, the District Crown Prosecutor replied stating that the CPS advocate had dealt with XGY's case *"unexpectedly"* when DYP had appeared at court on the other matter. It was explained that when the CPS advocate looked at the file he realised that XGY did not have the protection of bail conditions which he would usually expect for a victim of domestic abuse and the CPS advocate therefore applied to the court for two conditions: first, that DYP should not contact XGY; and secondly, that he should not go to the road on which she lived. The District Crown Prosecutor continued:
"Very regrettably, there was no information that was easily accessible to the advocate when he was in court that your address was not known to the defendant and should not be revealed. As such, when he made the application he believed he was acting in [XGY's] best interests."

14. The District Crown Prosecutor further explained that there were “no warning markers on the case papers” flagging that XGY’s address was unknown to DYP and that:

“On all domestic abuse cases the CPS are provided with a document known as a DA Checklist. Although it stated on that document that you were either staying at a refuge or with your mother and neither address was known to the defendant, the DA Checklist ... cannot be opened on our case file system (this is a known and ongoing technical issue that Sussex Police are trying to resolve) and as such, the advocate at Court was unable to check that document. There was no warning that your address should not be revealed.”

PROCEEDINGS IN THE COURTS BELOW

15. On 4 February 2022, XGY commenced civil proceedings against the Respondents. In relevant part, XGY’s case was that by the Hampshire disclosure, the CPS and Chief Constable revealed XGY’s likely whereabouts to DYP which: violated her rights protected by Articles 2, 3 and 8 of schedule 1 to the Human Rights Act 1998; breached Part 3 of the Data Protection Act 2018 as a processing of personal data inconsistent with the first, second, third and sixth data protection principles; was a misuse of private information; and was a breach of confidence. She brought claims:
- a. against the Chief Constable in respect of the alleged failure to convey privacy/confidentiality of the Hampshire address to the CPS;
 - b. against the CPS in respect of its alleged failure to check whether the Hampshire address was private information and having sought the bail condition without having done so.
16. The Chief Constable filed a Defence. Both the Chief Constable and the CPS applied to strike out the Hampshire disclosure claims contending they were barred by immunity from suit for things said and done in court. They also applied in the alternative for summary judgment of the Human Rights Act claims in relation to XGY’s lack of victim status (and permission to appeal on XGY’s ground of appeal concerning that issue has been refused by the Supreme Court).

17. HHJ Brownhill heard the Respondents' applications at Winchester County Court on 22–23 August 2023. By an unreported judgment dated 21 September 2023 and sealed order dated 25 September 2023 she struck out the claims against the CPS and the Chief Constable relating to the Hampshire disclosure. She found, in summary, that the CPS advocate's conduct fell within a core advocates' immunity [CC §§67, 75] and that the Chief Constable was also protected by an extension of that immunity [CC §89]. She further found that there should be reverse summary judgment in respect of the Hampshire disclosure claims on the basis that XGY had no real prospect of demonstrating that she was a 'victim' for the purposes of the Human Rights Act 1998 [CC, §122]. She dismissed the Chief Constable's application in respect of the Epsom disclosure, on all grounds [CC, §148]. HHJ Brownhill refused permission to appeal sought by XGY.
18. Mr Justice Ritchie heard XGY's rolled-up application for permission to appeal on 10–11 July 2024. The appeal concerned the strike out and reverse summary judgment of the claims in respect of the Hampshire disclosure. No appeal was pursued by the Chief Constable of the dismissal of its application for strike out/reverse summary judgment of claims regarding the Epsom disclosure.
19. By a judgment of 29 July 2024 (as amended under the slip rule on 27 August 2024), and order of 29 July 2024, Ritchie J allowed XGY's appeal in respect of the strike out applications (on the immunity issue) [HC §§118, 128-133] and reverse summary judgment (on the 'victim' status issue) [HC, §§125-126, 135-136]. He set aside HHJ Brownhill's order and restored the claims: *XGY v Chief Constable of Sussex Police and Crown Prosecution Service* [2024] EWHC 1963 (KB).
20. The Chief Constable and the CPS appealed to the Court of Appeal on both issues of strike out and reverse summary judgment in respect of the Hampshire disclosure. William Davis LJ granted permission to appeal on 16 October 2024. The Bar Council was given permission to intervene.
21. Lady Carr, Lady Chief Justice, Dame Victoria Sharp, President, and Lord Justice Coulson heard the appeal on 24–25 June 2025. By judgment dated 8 October 2025 and order

dated 9 October 2025. The Court of Appeal allowed the Respondents' appeals on both issues, set aside Ritchie J's order, and reinstated the relevant provisions of HHJ Brownhill's order: *Chief Constable of Sussex Police and another v XGY* [2025] EWCA Civ 1230. The Court of Appeal held, in summary, that the CPS advocate's words were protected by a core common law immunity [CA §62-§67] and that the Chief Constable's preparation and provision of the file were protected by an extension of that immunity. [CA, §§62-72] The Court of Appeal further held that XGY had no real prospect of establishing that she was a victim for the purposes of the Human Rights Act 1998. [CA, §§81-98] The Court of Appeal refused permission to appeal to the Supreme Court. [CA §§68-72].

22. On 2 February 2026, the Supreme Court (Lord Lloyd-Jones, Lord Leggatt and Lord Stephens) granted permission in part, limited to Grounds 1 and 2 concerning the immunity issue in respect of both the CPS and Chief Constable. Permission was refused for XGY's further grounds of appeal, in respect of whether this common law immunity bars claims made under the Human Rights Act 1998 and Data Protection Act 2018 (ground 3) and whether the Court of Appeal erred in reinstating, in the alternative, the summary disposal of XGY's Human Rights Act claims (ground 4).

THE ISSUES FOR THE SUPREME COURT ON APPEAL

23. **Issue 1 — The CPS and immunity:** whether the Court of Appeal erred in concluding that advocates have the benefit of an absolute common law immunity in respect of anything said or done in the ordinary course of court proceedings, such that the CPS is immune from suit in respect of the disclosure by its advocate of the road on which XGY was living to DYP during the bail hearing on 16 April 2020.
24. **Issue 2 — The Chief Constable and extended immunity:** whether the Court of Appeal erred in concluding that the Chief Constable, by extension of the absolute common law immunity, is immune from suit in respect of the inclusion of the road on which XGY was living in the file prepared for and provided to the CPS for a bail hearing.

Dated: 5 June 2026

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Samuel Jacobs
Frederick Powell
Doughty Street Chambers
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ANNEX 1
CHRONOLOGY

This chronology incorporates the key factual dates and the procedural chronology filed in the proceedings below.

A. Factual chronology

Date	Event
5 November 2019	XGY ended her relationship with DYP and left the home in Chichester where she had been living.
6 November 2019	XGY reported DYP to Sussex Police, describing allegations he had physically and mentally assaulted her, threatened to kill her family and to throw acid on her and/or her grandmother's faces. She disclosed her temporary address in Epsom.
7 November 2019	DYP was arrested and later released on police bail, including a condition not to enter Epsom.
February 2020	Police records noted that bail conditions should not reveal XGY's current whereabouts because doing so would increase, rather than reduce, the risk to her.
16 March 2020	After a period in a women's refuge, XGY was moved to a council home in Hampshire, assisted by Sussex Police. She gave the address to Sussex Police on the basis that it would remain confidential.
8 February–15 April 2020	XGY reported a rape allegation. DYP was arrested and interviewed in respect of that allegation on 15 April 2020.
15 April 2020	DYP was admitted to police bail in relation to the rape allegation but remained detained pending a Magistrates' Court appearance for breach of bail in other proceedings. Sussex Police prepared a file for the CPS which contained XGY's Hampshire address.

Date	Event
16 April 2020	At the bail hearing, the CPS advocate sought a condition restricting DYP from going to XGY's road in Hampshire thereby disclosing it to DYP. XGY's case is that the disclosure prevented her from returning to the address.
April–August 2020	XGY remained without the Hampshire accommodation, residing with her mother. She alleges psychiatric injury, loss of earnings, and consequential loss from the Hampshire disclosure.
December 2020	DYP was convicted of six counts of common assault on XGY and sentenced to six months' imprisonment.
12 May 2021	The rape investigation was closed.

B. Procedural chronology

Date	Event
13 October 2021	Initial Letters of Claim sent to both Respondents.
25 November 2021	First Respondent's Letter of Response.
19 January 2022	Second Respondent's Letter of Response.
22 February 2022	Claim Form issued.
27 February 2022	Further letter from XGY to the Second Respondent.
22 March 2022	Second Letter of Response from the Second Respondent.
30 May 2022	Updated Letters of Claim sent to both Respondents.
29 September 2022	Amended Claim Form and Particulars of Claim served on the Respondents.
16 November 2022	Second Respondent's application for strike out and/or summary judgment.
16 March 2023	First Respondent's Defence and application for strike out and/or summary judgment.
11 April 2023	Interim anonymity order.
22–23 August 2023	Hearing of the strike-out and summary judgment applications before HHJ Brownhill.

Date	Event
21 September 2023	Judgment and order of HHJ Brownhill striking out the claim against the CPS and the claim against the Chief Constable relating to the Hampshire disclosure; permission to appeal refused.
25 September 2023	Sealed order of HHJ Brownhill.
19 October 2023	XGY filed and served her Appellant's Notice.
10–11 July 2024	Rolled-up appeal hearing before Ritchie J.
29 July 2024	Order and judgment of Ritchie J: permission to appeal granted; appeal allowed on all seven grounds; order and judgment of HHJ Brownhill set aside.
27 August 2024	Judgment of Ritchie J amended under the slip rule.
19 September 2024	First Respondent's Notice filed.
20 September 2024	Second Respondent's Notice filed.
16 October 2024	William Davis LJ granted permission to appeal to both Respondents and made an anonymity order.
11 June 2025	Application by the Bar Council to intervene in the Court of Appeal.
16 June 2025	Permission granted for the Bar Council to intervene and serve witness evidence.
24–25 June 2025	Court of Appeal hearing before Carr LCJ, Sharp P and Coulson LJ.
8 October 2025	Court of Appeal judgment handed down; the Respondents' appeals were allowed.
9 October 2025	Court of Appeal order setting aside the order of Ritchie J, reinstating the relevant provisions of HHJ Brownhill's order, and refusing permission to appeal to the Supreme Court.
4 December 2025	Application for permission to appeal issued in the Supreme Court.
2 February 2026	Supreme Court granted permission to appeal in part, limited to Grounds 1 and 2.

Date	Event
21–22 October 2026	Supreme Court hearing listed.