

**IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION**

BEFORE The Honourable Mr. Justice Baker sitting at the Royal Courts of Justice, Strand, London WC2A 2LL on 2<sup>nd</sup> September 2014 in open court

**IN THE MATTER OF THE SENIOR COURTS ACT 1981**

**AND IN THE MATTER OF AYSHA KING (A CHILD) (born 5 July 2009)**

**BETWEEN:**

**PORTSMOUTH CITY COUNCIL**

Applicant

**-and-**

**NAGHMEH KING (1)**

**BRETT KING (2)**

**SOUTHAMPTON HOSPITAL TRUST (3)**

**ASHYA KING (by his children's guardian, John Mellor) (4)**

Respondents

**UPON** hearing Counsel for the Applicant, Southampton Hospital Trust ("the Trust"), the Crown Prosecution Service ("CPS"), and solicitor for the child, there being no attendance by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents who had not been served with the proceedings before the start of the hearing;

**AND UPON** reading the notice of application, medical reports attached thereto, a medical report dated 2<sup>nd</sup> September 2014 and emails setting out attempts to serve the 1<sup>st</sup> and 2<sup>nd</sup> Respondents;

**AND UPON** the Court stating, and all other parties agreeing, that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents should have an opportunity to participate in these proceedings and be represented at all future hearings;

**AND UPON** the Court expressing the view that it is in the interests of Ashya to be reunited with the 1<sup>st</sup> and 2<sup>nd</sup> Respondents as soon as possible;

**AND UPON** the CPS indicating that it intends to apply for the discharge of the European Arrest Warrants issued in respect of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents as soon as possible.

**IT IS ORDERED that:**

- (1) Ashya King (born 5 July 2009) shall remain a ward of court until further order;
- (2) All restrictions on reporting of these proceedings are lifted;
- (3) The Trust is joined as 3<sup>rd</sup> Respondent to these proceedings;
- (4) The child Ashya King is joined as 4<sup>th</sup> Respondent to these proceedings;
- (5) John Mellor is appointed as children's guardian for Ashya, being represented by CAFCASS Legal;
- (6) The matter is adjourned and listed before The Honourable Mr Justice Baker at the Royal Courts of Justice, Strand, London WC2A 2LL on **8<sup>th</sup> September 2014** at 10.30 am (the parties to attend one hour before the hearing), **time estimate half a day**, subject to confirmation with the Clerk of the Rules;
- (7) The parents shall attend the said hearing either in person or by video link and in the event that they wish to appear by video link they shall notify the local authority forthwith whereupon the local authority shall take steps to ensure that a video link is available;
- (8) The local authority shall have permission if so advised to file an updating statement by 4pm on 4<sup>th</sup> September 2014;
- (9) The parents shall as soon as possible but in any event by 2 pm on 5<sup>th</sup> September 2014 file with the court and serve on the other parties a statement setting out:
  - (a) their treatment proposals and plan for Ashya;
  - (b) the timescales for the treatment;
  - (c) how such treatment is to be provided; and
  - (d) any supporting documentation in support of their proposals.
- (10) the Trust shall by 9.30 am on 8<sup>th</sup> September 2014 file and serve their evidence in response to the parents' treatment proposals and plan;
- (11) the guardian shall by 9.30 am on 8<sup>th</sup> September 2014 file and serve a position statement if so advised;
- (12) the Applicant local authority shall by 9.30 am on 8<sup>th</sup> September 2014 file and serve a position statement if so advised;
- (13) the CPS shall attend the said hearing unless the European Arrest Warrant in respect of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents has been discharged and they are at liberty, in which case the attendance of the CPS at the hearing is excused;
- (14) the local authority shall have permission to serve the application herein and the court orders herein on adult members of Ashya's family;

- (15) there be a **transcript of the hearing today** prepared at the expense of the local authority.

Dated 2<sup>nd</sup> September 2014



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Please address all communications for the Court to The Family Division of the High Court, 1<sup>st</sup> Mezzanine, Queen's Building, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number in the top right hand corner of this form. The Court Office is open between 10.00 a.m. and 4.30 p.m. on Mondays to Fridays.