

B/ 1005/99

DATED the 25th day of May 1999

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MR JUSTICE SCOTT BAKER

1998 P No865
1998 P No874
1998 P No863
1998 P No832

BETWEEN:

THOSE CLAIMANTS LISTED ON THE REGISTER

Claimants

-and-

(1) FLINTSHIRE COUNTY COUNCIL

(The former Clwyd County Council)

(2) GWYNEDD COUNCIL

(The former Gwynedd County Council)

(3) BRYN ALYN COMMUNITY (HOLDINGS) LIMITED

(4) ROYAL AND SUN ALLIANCE PLC

(Second Defendant to those claims against Bryn Alyn Community (Holdings) Ltd)

(5) CLWYD AREA HEALTH AUTHORITY

(Now North Wales Health Authority)

(6) CLWYD ALYN HOUSING ASSOCIATION LIMITED

Defendants

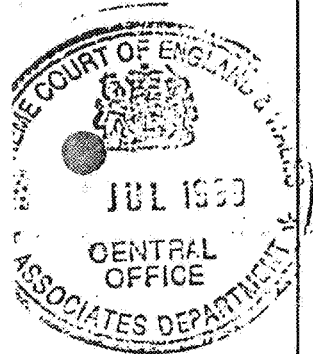
UPON HEARING Mr R. Owen one of Her Majesty's Counsel on behalf of the Claimant and Mr S. Maskrey one of Her Majesty's Counsel on behalf of the First and Second Defendants and Mr E. Faulks one of Her Majesty's Counsel on behalf of the Fourth Defendant and Mr R. Allfrey of Counsel on behalf of A. K. Savio

AND UPON READING the documents filed on behalf of the parties

IT IS ORDERED that:-

1. APPLICATION

These proposed directions are to apply to all claims brought by Claimants claiming damages for personal injury arising out of alleged abuse maltreatment and assaults perpetrated against them whilst they were in the care of various children's homes owned and operated by:-



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- a) Flintshire County Council (formerly the Clwyd County Council)
- b) Gwynedd Council (formerly the Gwynedd County Council)
- c) the Bryn Alyn Community (Holdings) Ltd
- d) Clwyd Area Health Authority (now North Wales Health Authority)
- e) Clwyd Alyn Housing Association Ltd

2. ALLOCATION

The Civil Procedure Rules shall apply to these actions which shall be allocated to the Multi-Track

3. DEFINITIONS

3.1 "Lead Solicitors" shall be Messrs Nelsons of Pennine House 8 Stanford Street Nottingham NG1 7BQ (Ref: 7/BSU/VXT/N1100005) who are also the co-ordinating Solicitors within the meaning of these Directions and who shall maintain a register as hereinafter defined of all known claims in accordance with these Directions and shall have the conduct of all common investigations proceedings preparation for and trial of common issues on behalf of the group

3.2 "The North Wales Childrens' Homes Litigation" shall mean all actions proceeding against the Defendants as hereinafter defined pursuant to the said practice direction (as amended) conducted out of the Central Office of the Royal Courts of Justice and concerning former residents of the said Defendants' community childrens' homes insofar as allegations of maltreatment and abuse are concerned

3.3 "The Register" shall be kept by Lead Solicitors and relate to all Claimants to whom these directions shall apply and shall include the full name and address of each Claimant his/her date of birth representative capacity details of legal aid national insurance number the Defendant and case number together with the Tranche to which each Claimant has been allocated and reference number



3.4 "The North Wales Childrens' Homes Litigation Solicitors Group" ("the Solicitors group") shall mean those firms of Solicitors representing Claimants as hereinafter defined whose names are set out in the register together with all such further firms as may hereinafter join the Solicitors group in accordance with the terms hereinafter set out

3.5 "The Group" shall mean all individuals listed at the register and any further Claimants who may join in accordance with the provisions hereof and who shall submit to the directions herein and who may collectively be referred to as the North Wales Childrens' Homes Litigation Group

3.6 "The Claimants" shall mean all persons whose names appear at the register together with all such further Claimants as may hereinafter join the North Wales Childrens' Homes actions in accordance with the provisions hereof

3.7 "The Defendants" shall mean:-

- a) Flintshire County Council (the former Clwyd County Council)
- b) Gwynedd Council (the former Gwynedd County Council)
- c) Bryn Alyn Community (Holdings) Limited and their insurers
- d) North Wales Area Health Authority
- e) Clwyd Alyn Housing Association Limited

3.8 "Period of Account" in the first instance shall be a period expiring on the 31st day of July 1999 and thereafter successive periods of three months ending on the last day of October January and April each year

3.9 "The Tranche" shall be respectively those claims against Clwyd County Council arising in whole or in part between 1974 and 1996 ("the Clwyd Tranche") those claims against Gwynedd County Council ("the Gwynedd Tranche") and the remainder of the claims on the register ("the third Tranche") The Lead Solicitors shall be responsible for the allocation of all Claimants on the register to a particular Tranche and shall serve all parties with their proposed allocation by no later than the 20th day of July 1999 Any