

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

**THE RIGHT HONOURABLE CHARLES EDWARD
MAURICE (NINTH) EARL SPENCER**

Claimant

-and-

ASSOCIATED NEWSPAPERS LIMITED

Defendant

STATEMENT IN OPEN COURT

My Lord/Lady, in this libel action I appear on behalf of the Claimant, The Right Honourable Charles Edward Maurice (Ninth) Earl Spencer. My friend Susan Aslan appears on behalf of Associated Newspapers Limited. The Claimant is a bestselling historian and writer. He is also the brother of the late Diana, Princess of Wales. The Earl Spencer lives on the Althorp estate in Northamptonshire.

The Defendant is the publisher of the Daily Mail, and of Mail Online.

In an article in the column entitled 'Platell's People' published in the edition of the Daily Mail on Saturday 14 January 2017, the Defendant caused to be published an article entitled "*Is Diana's brother helping her charity – or himself?*". The same article was published in Mail Online on the same date. The article was concerned with certain aspects of the relationship between the Claimant and the late Diana, Princess of Wales.

The article falsely alleged that the Claimant had refused Diana any accommodation on his estate when she wanted to escape from the unhappiness she associated with Kensington Palace after her marriage had collapsed. In particular, the article referred to a request that had been made of the Claimant by Diana immediately following her separation from HRH The Prince of Wales in 1992 (inaccurately stated to have been upon the collapse of the marriage in 1993) that she might have the use of a cottage on the Althorp estate, known as The Garden House which was in the immediate walled grounds of Althorp House where her brother and his family lived.

The article correctly stated that the Claimant had refused Diana's request, but made no reference to the fact that the Claimant had in place of The Garden House offered Diana the use of other

properties which were on the wider Althorp estate. These included a property known as 'Wormleighton Manor', a substantial property situated further away on the Althorp estate. In correspondence with Diana in withdrawing the offer of The Garden House, the Claimant had referred to "the inevitable police and press interference" that would ensue should Diana take up residence in The Garden House and stated that it was needed for an employee instead. In the event Diana declined the use of Wormleighton Manor and the other available properties which had been offered to her.

The central allegation of the article accordingly was that *the Claimant acted in an unbrotherly, heartless and callous way towards his sister, the late Princess of Wales, by refusing her any accommodation on his estate when she wanted to escape from the unhappiness she associated with Kensington Palace after her marriage had collapsed*. This was, as the Defendant accepts, defamatory and untrue in light of the fact that he had in fact offered Diana the use of Wormleighton Manor, and other properties on the wider estate. Its publication has caused serious harm to the Claimant's reputation and caused him distress and embarrassment.

The Claimant's feelings of distress and embarrassment were only intensified because The Daily Mail had published a similar allegation in 2011, which was the subject of libel proceedings brought by the Claimant against the Defendant commenced in that year. Associated Newspapers are here today by their solicitor to apologise for the publication of this untrue and defamatory allegation. They have agreed and confirm to the court that they have agreed that the same or any similar allegations will not be repeated. They have also agreed to publish an apology and correction, and to pay to the Claimant reasonable damages and to meet his legal costs.

Response by Associated Newspapers

My Lord/Lady, on behalf of the Defendant I accept what my learned friend has said. Associated Newspapers Ltd is here today through me to offer its unreserved apologies to the Claimant for the damage and distress caused to him by the publication of the false and defamatory allegation referred to. The Defendant has agreed that it will not republish this allegation and has agreed to pay the Claimant damages and to meet his legal costs.

Response by Claimant

In view of what the Defendant by its solicitor has said and the apologies that have been offered, the Claimant is content to let the matter rest. I ask leave to withdraw the record.