



Neutral Citation Number: [2016] EWHC 1927 (QB)

Case No: C90LV030

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
LIVERPOOL DISTRICT REGISTRY

Manchester Civil Justice Centre

Date: 28/07/2016

Before :

Mr Justice Soole

Between :

CAMILLE RICHARDSON
- and -
(1) TRINITY MIRROR MERSEYSIDE LTD
(2) NEIL DOCKING

Claimant

Defendants

Ms Camille Richardson (acting in person)
Mr Adam Wolanski (instructed by Foot Anstey LLP) for the Defendants

Hearing date: 18 July 2016

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

Mr Justice Soole :

1. This is the hearing of cross-applications by the Claimant Camille Richardson and the Defendants for summary judgment in respect of Ms Richardson's claims in this action; and of Ms Richardson's application for injunctive relief and an anonymity order. The First Defendant ('Trinity Mirror') is publisher of the Liverpool Echo. The Second Defendant Mr Docking is a court reporter for that newspaper.
2. Ms Richardson's claim arises from the online and hard copy reports in the Liverpool Echo of the hearing in the Liverpool Crown Court on 20.5.16 when she was sentenced for an offence of theft to a suspended prison sentence and an order for compensation. Ms Richardson had previously been found guilty of the offence at a trial, in her absence, in December 2015.
3. On 20.5.16, following the hearing that day, the online version of the Liverpool Echo published an article under Mr Docking's name, under the headline "*Woman stole £1000 from Syrian refugee and blew it on "selfish" shopping spree at Liverpool ONE*". The story was accompanied by photographs of her leaving the Crown Court. With certain revisions, to which I shall refer, that publication has continued to the present day. On Sunday 22.5.16 the hardcopy edition published a shorter account, again accompanied by a photograph, under the heading "*'Nice of you to turn up' – judge reprimands stay-away crook.*"
4. On 25.5.16 Ms Richardson issued the Claim Form in this action together with Particulars of Claim. These allege causes of action in libel, misuse of confidential/private information, harassment and negligence. On the same date she issued an application for an injunction to restrain further publication and for an anonymity order under CPR 39.2 (4). The proceedings and application were served on the Defendants on 7.6.16. The Defendants' application was issued on 30.6.16 supported by a witness statement of that date from their solicitor (Mr Anthony Jaffa). Ms Richardson responded with a witness statement dated 7.7.16.
5. Ms Richardson acts in person. The Defendants have been represented by Counsel Mr Adam Wolanski.
6. At the outset of the hearing I heard Ms Richardson's application for an anonymity order (CPR 39.2(4)) and her additional application that the Court should sit in private (39.2(3)(c)(g)). I concluded that such orders were not justified.

The online report

7. I turn to the first online version of the report. This was published on 20.5.16, with the headline as set out above and three photographs of Ms Richardson leaving the Court. Whilst Ms Richardson's challenge is to the entire allegation that she was guilty of theft, I think it sufficient and appropriate to focus my account of the report on the parts to which Ms Richardson takes particular exception together with other matters necessary for context.

8. After the headline, the report begins : *“Convicted fraudster Camille Richardson failed to attend the trial and spun web of lies to avoid justice.*

A fraudster stole nearly £1000 from a vulnerable Syrian refugee and blew it on a “selfish” shopping spree at Liverpool ONE.

Camille Richardson befriended Samar Al Ameen when they were staying at a women’s hostel in Edge Hill in November 2014.

Ms Al Ameen did not have a bank account and asked if her brother in Saudi Arabia could transfer £985 to Richardson.

.....

The 26-year-old was found guilty in her absence of theft after failing to attend the trial at Liverpool Crown Court in December.

The brazen crook, formerly of Botanic Grove, Edge Hill, send an email saying she would not be present because she had moved to Ireland. Judge Andrew Menary, QC, today greeted Richardson, who represented herself, by saying ‘Nice of you to turn up’.

He demanded to know why she went on the ‘shopping spree’ and left her victim relying on charity.

Richardson claimed Ms Al Ameen damaged her Apple laptop and said the money was transferred to her account to pay for its repair.

But the judge said she would be sentenced on the jury’s findings and Ms Al Ameen’s ‘credible evidence’.

He said: ‘You have engaged in a protracted exercise, deploying delaying tactics, obfuscation and excuses, one after another.’

Kate Morley, prosecuting, said Sayed Al Ameen sent the money to Richardson’s account – which was overdrawn by nearly £2000 – on November 10.

After spending the cash, Richardson left the hostel, repeatedly ignored her victim, then pretended her bank account had been frozen.

Her previous convictions included dishonestly making false representations for gain in 2011, when she tried to claim wages for uncompleted temp agency work.

....

Richardson has now gained an administration job at St James’s Place Wealth Management in Leeds.

When asked about paying compensation, she said she also needed furniture for her new home in Yorkshire.

....

And [the Judge] told her: 'Ms Al Ameen was left in a terrible position financially. This was an unpleasant and nasty offence taking advantage of someone who was vulnerable, someone who had been relying on, and saw you as a friend.

You came up with a story about a laptop. I reject that excuse completely. It is something invented by you to try and justify your behaviour.'

The report concluded with details of the sentence.

Defendants' application

9. It was agreed that the logical starting point for the cross-applications was the Defendant's application to strike out. This is made under CPR 3.4 (2)(a) and (b) on the basis that the Particulars of Claim disclose no reasonable grounds for bringing the claim and/or are an abuse of process; and under CPR 24 on the grounds that the claims have no real prospects of success and there is no other compelling reason why the case should go to trial.
10. The essence of the Defendants' application is that the articles were fair and accurate reports of proceedings in the Crown Court, enjoying absolute or qualified privilege; that the action is an abuse of process instigated for the purpose of a collateral attack on the decision of the Crown Court; and that the other alleged causes of action are a legally unfounded attempt to circumvent the law which protects fair and accurate reports of court proceedings.
11. Ms Richardson disputes all this and also contends that parts of the report (in particular as to where she lived and worked at the time of the hearing) were included in the reports contrary to express assurances given to her by the Defendants in the knowledge that she feared for her safety from an abusive ex-partner. The Defendants deny that any such assurances were given and in any event submit that these could be of no legal effect.
12. The Defendant's application under CPR 3.4 is based on analysis of the particulars of claim and submissions of law. For the purposes of the application under CPR 3.4 the Court has to proceed on the assumption that the pleaded factual matters are true. To the extent that the rival witness statements contain evidence (as opposed to argument) this is admissible only for the application under CPR 24. On a summary application I am evidently not able to decide the factual dispute as to whether assurances were given.

The pleaded case

13. I turn first to a summary of the claim as set out in the verified Particulars of Claim.
14. Ms Richardson says that she was the victim of a serious sexual assault in 2013 which she reported to the Hertfordshire Police. In 2014 she abandoned her law studies and left London because of fear of reprisals from her ex-partner and others. She fled first to Southampton and then to a women's hostel in Liverpool where she resided in September and October 2014.

15. In November 2014 she was accused by a woman who had resided at the hostel of stealing £985 from her. She says that she was paying that sum as recompense for damage to her laptop. Criminal proceedings were instituted against her.
16. In November 2015 her trial on this charge of theft took place at Liverpool Crown Court in her absence. By this time she was living in Dublin. She submitted a witness statement to the Crown Court but did not attend the trial. She was found guilty. She learned of this (and a warrant for her arrest) in April 2016 and then prepared and lodged with the Court of Appeal application for permission to appeal the conviction on various grounds and for an extension of time to do so. That application is pending.
17. Following her contact with the Crown Court she attended the sentencing hearing which was arranged for 20.5.16. Mr Docking was present in court during the hearing and making notes but was not wearing any identification as a journalist. Upon being informed who he was she approached him. He told her that he would be writing an article on her for the Liverpool Echo and that it would feature her name, date of birth and address. He did not say that he would disclose her present whereabouts and the name and location of her present employer in Leeds.
18. Ms Richardson told Mr Docking of her history of domestic violence and asked that the article should not include information which might alert her ex-partner to her present whereabouts. Mr Docking refused.
19. Pausing there, the Particulars of Claim not deal directly with what was said at the sentencing hearing but there is no dispute that the reports relate to that hearing.
20. Returning to Ms Richardson's account, on the same day (20.5.16) and following the hearing she telephoned the Liverpool Echo and spoke to a Mr Steve Hanrahan in the editorial department. She again raised her concerns about her personal safety. Mr Hanrahan assured her that the article would only disclose her old Liverpool address, name and age. He did not say that the article would include a photograph taken of her without her permission, her present location or the name and location of her employer. She alerted the Liverpool Echo that on the previous day (Thursday 19.5.16, pleaded as 20.5.16) the police had been called to her address in Yorkshire due to concerns that she might harm herself.
21. Ms Richardson then says that Mr Chris Walker called her from the Liverpool Echo at 6 p.m. that same day (20.5.16) to assure her that the only personal information to be published was her name age and former address in Liverpool where the alleged crime took place. Mr Walker assured her that the article would not disclose any distinguishable details that would compromise her personal safety. She was not told of the photographs taken of her earlier that day.
22. The first report in the online Liverpool Echo appeared that evening. As appears from the extract above, it included her name, age and former address in Liverpool, stated that her home was in Yorkshire and named her employer in Leeds. The article also referred to a previous conviction which became spent under the Rehabilitation of Offenders Act 1974 in 2012.
23. Ms Richardson says that, again on the evening of 20.5.16, she resigned from her Leeds employment because of fear for her safety and that she intends to relocate by

the end of the month, (i.e. the end of May 2016) to another region of the UK, for her safety. This she has done.

24. I interpose from the undisputed evidence that, as a result of her continuing representations, the Echo on 21.5.16 removed the identification of her employer in Leeds, leaving the words *'Richardson has now gained an administration job in Leeds.'* This was without admission of any liability to do so.
25. On Sunday 22.5.16 the Liverpool Echo published a shortened version of the report in its hard copy edition. It was headed in the terms mentioned above and included a photograph of Ms Richardson, but made no reference to her employer or her home in Yorkshire.
26. I interpose again that on 24.5.16 the Echo agreed to amend the continuing online version a second time by correction of the sum in the headline (£1000 to £985), removal of all reference to her employment in Leeds and by removal of the words 'in Yorkshire' in the words 'her new home in Yorkshire'. Again this was done without admission of any liability to do so.
27. The Particulars of Claim makes various complaints about her trial and refer to her appeal to the Court of Appeal. Ms Richardson claims that by reason of the contents of the articles (and particularly the online version which continues to this day) the Defendants have acted unlawfully and caused her both psychiatric harm and consequential loss.
28. First, that they have misused her private and/or confidential information, in particular her age, name, location of employer, home location, photographs, conviction for theft, previous conviction and previous residence in a hostel in Liverpool. She says that this information was imparted to the court in circumstances imposing an obligation of confidence. She also refers to the assurances that she alleges were given to her by Mr Hanrahan and Mr Walker.
29. Secondly, that the publication of the articles constituted harassment within the meaning of the Protection from Harassment Act 1997. She refers to the Defendants' assurances given in their knowledge of her history as a victim of domestic violence and the risk to her safety. *"In this case the cumulative effect of the Defendant's individual acts (i.e. lying repeatedly in relation to what information would be disclosed in the article, covertly taking the Claimant's photograph and revealing information that they knew would put the claimant in fear of violence) amounts to harassment within the meaning of section 1 of this Act."* (para. 80). She claims damages for loss, injury to feelings, alarm, anxiety and distress (para. 84).
30. Thirdly, she alleges that the articles are defamatory. The article in its ordinary and natural meaning is stating that she is *'...a repeat criminal offender, a thief, pathological liar, an opportunist and an evader of justice.'* (para. 86).
31. As to the previous spent conviction : *'The reporting of this spent conviction amounted to an untruth as it had been wiped out by the law.'* (para.29). In any event the details of the offence are false and were published with malice : *'The Defendant's motive in publishing details of the spent conviction was not to discharge the relevant journalistic duty but rather to injure the Claimant and misuse the occasion in order to*

portray the Claimant as an unrepentant career criminal.' (para. 93). Ms Richardson says that the Defendants were aware of her good testimonials and cites examples of her employment history since the previous conviction.

32. She says that the report is defamatory in saying that she stole £1000 from a Syrian refugee; is a brazen crook, thief and convicted fraudster; spun a web of lies; was overdrawn by £2000 on her NatWest account; that her fraud conviction relates to falsifying a timesheet to claim for hours that were never worked; and that she deliberately evaded justice. (para.39 (F)).

The Defendants' evidence

33. The witness statement from Mr Jaffa on behalf of the Defendants gives evidence of what he has been told by Mr Docking; by Mr Walker, who is the Managing Editor of Trinity Mirror North West and North Wales and whose remit includes the Liverpool Echo; and by Mr Steve Graves who is its 'Audience Engagement Editor'.
34. He says that the Claimant has confused Steve Hanrahan with Steve Graves. Mr Docking was the reporter at the sentencing hearing. The case was in open court without reporting restrictions. Nothing was said in open court about domestic violence or sexual assault. He says that as he left the hearing Mr Docking was told by a member of probation staff that Ms Richardson wished to speak to him. He went over to her and confirmed his name and title and that he worked for the Echo. Ms Richardson told him that she had in the past been the victim of sexual assault and asked him not to include her full name or address in any report. He said he would be publishing her name and address as well as age since they were part of her identity. He did not discuss other details of the case with her nor did he discuss whether or not photographs would be taken or used. He had no further conversations with the Claimant about the article. She emailed him subsequently, asking him not to publish any article about the case but he did not respond.
35. Mr Jaffa exhibits Mr Docking's shorthand and transcribed notes of the hearing; and reports his account that her move to Yorkshire and the identity of her employer were referred to in open court. He obtained her last known address in Liverpool from the Court.
36. Mr Jaffa then exhibits a number of emails which were sent by Ms Richardson to various employees of Trinity Mirror. He draws attention to the amendment on 24.5.16 to the online report which was made without admission of liability to do so. His statement does not refer to the first revision on 21.5.16 which has subsequently been established by its production by Ms Richardson.
37. Ms Richardson's witness statement in reply insists that she did speak to Mr Hanrahan or someone giving that name, gives further details and exhibits email sent or copied to Mr Hanrahan – albeit there are no replies from him – and reasserts that assurances were given by him and by Mr Walker.

The Defendants' submissions

38. On defamation/libel, Mr Wolanski first distinguishes the law on contemporaneous and non-contemporaneous reports of Court proceedings.
39. As to contemporaneous reports, s.14(1) of the Defamation Act 1996 provides that '*A fair and accurate report of proceedings in public before a court to which this section applies, if published contemporaneously with the proceedings, is absolutely privileged.*'
40. As to non-contemporaneous reports, s.15(1) and Schedule 1 Part 1 para. 2 provide that such a report enjoys qualified privilege; and thus can be defeated by a plea of malice.
41. As to contemporaneous reports, this would certainly include the first online report of 20.5.16 and probably the print copy of 22.5.16: see Gatley on Libel and Slander (12th ed.) para. 13.37. The third and continuing online version is evidently not contemporaneous.
42. As to fairness and accuracy, the report needs to give a '*correct and just impression of what took place in court*': Gatley para. 13.38. As to accuracy, the requirement is that the report should be substantially accurate. Slight inaccuracies in the report do not defeat the defence : para. 13.39.
43. He submits, by reference to Mr Docking's transcribed notes of the hearing, that the only inaccuracies in the report were the references :
 - (1) in the online (first/second version) headline, to £1000 rather than £985 (although in each case the text made clear the actual figure);
 - (2) to the Claimant's bank account as overdrawn by £2000, rather than £1000.The statement that the victim had no bank account reflects the note of what was said by prosecuting counsel. The note records that Ms Richardson then told the court that Ms Al Ameen did have a bank account, namely a post office account and a Barclays account; and that the Judge in his sentencing remarks said that she did not have a bank account that was capable of receiving funds, but had a post office account which could not receive funds from overseas.
44. Mr Wolanski submits that these were very slight inaccuracies and that it is unarguable that the overall report was not substantially accurate.
45. As to malice, this requires the claimant to establish a 'dominant and improper motive' for the publication : see Gatley paragraph 17.3; also Horrocks v. Lowe [1975] AC 135. The assertion of malice in the particulars of claim provides no arguable evidential basis for such a plea and is mere assertion.
46. Insofar as the claim attacks Ms Richardson's conviction and sentence for theft there are two further and independent legal bars. First, it constitutes a collateral attack in civil proceedings on the decision of the criminal court and is thus an abuse of process: see Hunter v. Chief Constable of W. Midlands Police [1982] AC 528 per Lord Diplock at p.541B; also Hall v. Simons [2002] 1 AC 615. Secondly, s. 13 of the Civil

Evidence Act 1968 provides that the conviction is conclusive evidence of the commission of the offence and admissible accordingly.

47. As to the Rehabilitation of Offenders Act 1974, s.8(3) provides that nothing in the principal section (4(1)) ‘... *shall prevent the defendant in an action to which this section applies from relying on any defence of...absolute or qualified privilege which is available to him, or restrict the matters he may establish in support of any such defence.*’ The sentencing judge made reference to this previous conviction in the course of his sentencing remarks, when considering her antecedents. Accordingly the defence of absolute and/or qualified privilege is preserved and there is no basis for complaint.
48. As to the claim for misuse of private information, Ms Richardson must first establish that she had a reasonable expectation of privacy in respect of the information. This involves an objective assessment. There can be no such expectation in respect of information that came from a hearing of a criminal case conducted in public: see generally Tugendhat and Christie, the Law of Privacy and the Media (3rd edition) paras. 5.15, 5.136.
49. All the matters of which she complains, including her employer’s name and location in Leeds and her home in Yorkshire were raised in open court. The notes of Mr Docking do not record the new home as ‘in Yorkshire’ but evidently her job in Leeds and her new home were discussed; and the inference from her wish to keep that information from being reported must mean that it was referred to.
50. As to the disputed evidence of assurances allegedly given about her current whereabouts and employer, even if true that could not give rise to a reasonable expectation that such information given in public was to be treated as private. Thus any journalist could now obtain a transcript and report the hearing in full.
51. As to breach or misuse of confidential information, for essentially the same reasons this was not an arguable basis of claim. The information was given in public, not in confidence.
52. As to negligence, he submits that the law of defamation with its specific defences is crafted to provide a balance between freedom of expression and protection of reputation and should not be by-passed, save in the most exceptional circumstances, by other causes of action: see Gately para. 23.6. Even on the (disputed) basis that assurances were given as alleged, that could not arguably give rise to a legal relationship and duty of care to the effect that the Defendants could not publish matters disclosed in open Court.
53. As to harassment, s.1(1) of the 1997 Act provides that ‘*A person must not pursue a course of conduct – (a) which amounts to harassment of another, and (b) which he knows or ought to know amounts to harassment of the other.*’

Section 1(2) provides that “... *The person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.*”

Section 1(3)(c) provides that s.1(1) does not apply to a course of conduct if the person who pursues it shows “...*that in the particular circumstances the pursuit of the course of conduct was reasonable.*”

Section 7(2) provides that harassing a person include alarming the person or causing the person distress.

54. Mr Wolanski cites Thomas v. Newsgroup Newspapers [2001] EWCA Civ 1233 per Lord Phillips MR for the propositions that harassment ‘... *describes conduct targeted at an individual which is calculated to produce the consequences described in section 7 of the Act and which is oppressive and unreasonable*’ [para.30]; that ‘... *the test [under section 1(3)(c)] requires the publisher to consider whether a proposed series of articles, which is likely to cause distress to an individual, will constitute an abuse of the freedom of press which the pressing social needs of a democratic society require should be curbed*’ [50]; and that “...*before press publications are capable of constituting harassment, they must be attended by some exceptional circumstance which justifies sanctions and the restriction on the freedom of expression that they involve. It is also common ground that such circumstances will be rare.*” [35]: see also Gatley paras. 23.12-23.13.
55. He submits that there is no arguable basis for contending that the reports of the criminal proceedings were oppressive and unreasonable nor an abuse of the freedom of the press nor attended by any exceptional circumstance.

Ms Richardson’s submissions

56. Building on the case developed in her Particulars of Claim, Ms Richardson first submitted that the Defendants’ publications constituted harassment under the 1997 Act. She emphasised that she had told them that she had fled from her ex-partner and that the police had been called to her address on the day before because of fear of self-harm and other concerns for her safety. She relied on Lord Phillips’ description of harassment in Thomas at para.30 (see above : and as cited again in Iqbal v. Dean Manson Solicitors [2011] EWCA Civ 123 at para.[25]). She submitted that the Defendants knew that their conduct would amount to harassment and give rise to a significant risk to her mental and physical integrity. Such conduct also amounted to an abuse of press freedom: see Thomas. The risk of harm was magnified by the fact that the information had then been copied to other websites.
57. As to misuse of private information/breach of confidence, she produced a letter from Ms Dawn Parry of the Court Service at Liverpool Crown Court which confirmed that, prior to the sentencing hearing, Ms Richardson had made a request to have the hearing in private; that this had been emailed to the Judge before the hearing; and that there was no record of the decision. Ms Richardson said that she had understood the hearing to have been in private and had now submitted a request for a retrospective decision to that effect. She had therefore had a reasonable expectation of privacy and confidence, and expected some reporting restrictions to be put in place.
58. Following the hearing Ms Richardson has supplied a further e-mail (20.7.16) from Ms Parry which, in answer to her enquiry as to whether another journalist could obtain a transcript of the Crown Court hearing, replied that a definitive answer could not be given and that it would depend on the reasons given for the particular request.

59. In support of her case on privacy Ms Richardson also cited the cases of Venables v. News Group Newspapers [2001] EWHC QB 32; A v. B plc [2003] QB 195, Campbell v. MGN Ltd [2004] 2 AC 457 and ES v. Slovakia [2009] ECHR Application no. 8227/04 concerning the balancing exercise between articles 8 and 10 (in Venables case also Article 2 and the right to life) and submitted that there was a properly arguable case that her Article 8 and 2 rights should prevail in the circumstances when the Defendants had given assurances in the knowledge of her background of abuse and domestic violence and her fears for her safety.
60. As to negligence she submitted that a duty of care arose the moment she informed the defendants of her situation. From that knowledge and/or their assurances they owed her a duty of care and/or assumed a responsibility for her safety which they then breached. She had been assured that nothing would be published which would compromise her safety. They breached that duty by publishing information which identified her whereabouts 'in Yorkshire' and by the identity of her employer in Leeds, as well as the other matters of complaint.
61. As to the libel claims the report was not accurate as to (i) theft of £1000, rather than £985 (ii) the victim not having a bank account (iii) her own account being overdrawn by £2000. Mr Docking's notes record the stated overdraft as £1000. Ms Richardson adds that she in fact had a second bank account which was in £700 credit.
62. Accordingly and overall the report was neither fair nor accurate, with the consequence that the protection of ss.13 and 15 of the Defamation Act 1996 was lost. As to the non-contemporaneous report in the continued online publication, any protection of qualified privilege (s.15) was defeated by the Defendants' malice.
63. As to the Rehabilitation of Offenders Act, the protection of s.8(3) was likewise defeated by the Defendants' malicious motive and mission to paint her as a career criminal.
64. Ms Richardson submitted that the case boiled down to whether journalists could report the name and address of a victim of domestic violence. The Defendants had placed her life at risk and knew what they were doing.

Conclusions

65. In my judgment, for the reasons essentially advanced by the Defendants, Ms Richardson's claims and causes of action have no prospects of success.
66. As to libel, I conclude that :
- (1) Fair and accurate : There is no basis to challenge the fairness and substantial accuracy of the Defendants' reports of the Court hearing;
 - (2) Malice : The case to the effect that the Defendants had a dominant improper motive for publishing their reports of the Court hearing is no more than assertion;
 - (3) s.8(3) of the Rehabilitation of Offenders Act is a complete answer to the objection to the report of that part of the hearing ;

- (4) the challenge to the report of her offence and conviction is in any event defeated by s.13 of the Civil Evidence Act 1968 and the law on collateral attack and abuse of process.
67. As to breach of confidence and/or misuse of private information there is no basis for the case that any of the published information was private or obtained in confidence. On the contrary this was given in open court and there could be no reasonable expectation of privacy. I reach this conclusion regardless of whether or not another journalist would be able to obtain a copy of the transcript.
68. The alleged assurances could not convert that public information into the category of privacy or confidence. The various authorities relied on by Ms Richardson have no bearing on the public and open nature of information and the protection provided to those who make fair and accurate reports of Court proceedings and (where not contemporaneous) who do so without malice in its true legal meaning. Whatever the circumstances of the claimant's request for a private hearing in the Crown Court, it was in public. The case of Venables takes matters no further. That was a decision to order that reporting restrictions imposed during the defendants' childhood should continue into adulthood.
69. As to harassment, I see no arguable basis for the proposition that the Defendants' reporting was oppressive, unreasonable, an abuse of the freedom of the press, gave rise to exceptional circumstances or otherwise constituted harassment within the meaning of the 1997 Act.
70. As to negligence, I see no arguable basis for the claim that the facts and matters alleged by Ms Richardson (and taken at their highest) could give rise to a legally recognised duty of care to the effect the Defendants would not publish matters which had been disclosed in open court.
71. For these reasons my conclusion is that the claim must be struck out and dismissed under CPR 3.4 and 24. In consequence Ms Richardson's applications for summary judgment and injunctive relief must also fail.
72. I will hear the parties as necessary on all consequential matters.