



## ANTHONY HUDSON KC

### MAIN AREAS OF PRACTICE:

Election Law  
Media and Information Law

Called to the Bar 1996  
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### NOTABLE CASES

#### Privacy/misuse of private information

*Various Claimants v (1) NGN Ltd (2) Glenn Mulcaire (2012)*: Acting for NGN in the Mobile Telephone Voicemail Interception Litigation ("MTVIL").

*ETK v NGN Ltd [2011] 1 WLR 1827*: A judge had erred in refusing to grant an interim injunction preventing a newspaper from publishing details of an affair between the applicant, who worked in the entertainment industry, and a colleague and from reporting that the colleague's employment was subsequently terminated.

*Andrew Gray v (1) NGN Ltd (2) Glenn Mulcaire : Stephen Coogan v. NGN Ltd [2011] 2 WLR 1401*: It was likely that the claimants' voicemail boxes, which they alleged the defendants had intercepted, contained confidential commercial information that could be protected by action. Therefore the second defendant was prevented by the Senior Courts Act 1981 s.72 from relying on the privilege against self-incrimination in the claims made against him.

*MGN Ltd v United Kingdom (2011) 53 E.H.R.R. 5*: Represented MGN in application to ECHR arising out of the privacy claim brought by Naomi Campbell. Application concerned interference with freedom of expression of CFAs and success fees.

*Max Mosley v NGN Ltd [2008] EMLR 20*: Represented NGN in defence of Max Mosley's claim for misuse of private information. The court held that the exposure by a national newspaper of sado-masochistic and some sexual activities and role play between the claimant and other consenting adult participants could not be justified on grounds of public interest and had been in breach of confidence and the claimant's rights under the European Convention on Human Rights 1950 art.8

*Leeds City Council v. Channel 4 Television Corp [2007] Fam. Law 24*: represented claimants in application for interim injunction in relation to a documentary which showed the conditions in state schools.

*A v. United Kingdom (2003) 36 E.H.R.R. 51*: represented applicant in ECHR application concerned with privacy and parliamentary privilege.

*R v PCC, ex p Anna Ford [2002] EMLR 5*: represented claimant in judicial review of decision of Press Complaints Commission relating to privacy.

*ADT v. United Kingdom (2001) 31 E.H.R.R. 33*: represented applicant before ECHR in case concerning privacy, homosexuality, and video recordings.

#### Harassment

Esther Thomas v. NGN Ltd [2002] EMLR 4: acted for the claimant in the first case brought against the media under the Protection from Harassment Act 1997.

#### Breach of confidence

(1) Commissioner of Police of the Metropolis (2) Serious Organised Crime Agency v. (1) Times Newspaper Ltd; (2) Michael Gillard (2011) QBD: acted for Times Newspapers Ltd in case in which court held that a newspaper's rights under art.10 would be infringed if it were not permitted to use, leaked confidential documents from law enforcement agencies in its defence of a libel action brought by an alleged leader of an organised crime group.

(1) Michael Napier (2) Irwin Mitchell v Pressdram Ltd [2010] 1 WLR 934: acted for Private Eye in successfully resisting application for an injunction preventing a publisher of a magazine from publishing information about the outcome of a complaint made to the Law Society against a solicitor and about a report regarding the Law Society's handling of the complaint.

Assistant Deputy Coroner for Inner West London v Channel 4 Television [2008] 1 WLR 945: acted for C4 in application for a witness summons for the production of documents with respect to a television programme that went to the heart of a coroner's inquiry into the deaths of the Princess of Wales and Dodi Al Fayed.

Mersey Care NHS Trust v Robin Ackroyd [2008] EMLR 1; [2006] EMLR 12; [2003] EMLR 36: acting for journalist in successfully resisting application for an disclosure of a journalist's source.

#### Defamation

David Hunt v. Times Newspapers Ltd (2013) (QBD (Simon J) 04/07/2013): acting for TNL in successful defence of defamation claim in relation to allegations it had made that a businessman was the head of an organised crime network involved in murder, drug trafficking and fraud.

Glen Johnson v MGN Ltd (2009) (QBD (Eady J) 24/06/2009): acting for MGN in an application by a newspaper publisher for a ruling that words in an article it had published about a professional footballer were not capable of bearing either the natural and ordinary, or the meanings by innuendo.

Sir Elton John v Guardian News & Media Ltd (2008) (QBD (Tugendhat J) 12/12/2008): acting for GNML in successful application for summary judgment.

Marjorie Tierney v. NGN Ltd [2006] 4 Costs LR 606: acting for NGN. Court held that it was appropriate to make a costscapping order where the claimant's likely costs in an action for defamation were substantial compared to her likely recovery on success and where there were no complex issues of law or fact.

Steel and Morris v. United Kingdom (68416/01) (2005) 41 EHRR 22: acting for applicants to ECHR following McLibel trial.

Dow Jones & Co Inc v Yousef Jameel [2005] QB 946: acting for Dow Jones, in case where Court of Appeal held that a libel action in respect of material on the internet was an abuse of process where the publications that took place in England did not amount to a real and substantial tort and the cost of the libel action would be out of all proportion to both the damage and vindication that would result from a judgment in the claimant's favour.

Reuben v. Time Inc (2003) 147 SJLB 116: acting for Time Inc.

#### Reporting Restrictions/Open Justice

Z & Ors v NGN Ltd & Ors [2013] Fam. Law 1132: acting for CPS. A reporting restriction order made to protect children during their mother's trial for benefit fraud would be varied in the event of her conviction. If the mother was convicted, the rights of the press under the European Convention on Human Rights 1950 art.10 to publish her name as a convicted person would prevail over the family's art.8 rights.

(1) Jon Venables (2) Robert Thompsom v NGN Ltd & Ors (2010) (QBD (Bean J) 30/07/2010): acting for various media organisations in relation to application to amend an injunction so as to prohibit permanently the publication of information which would lead to the identification of one of the murderers of James Bulger, despite it arising from proceedings in open court following his conviction for child pornography charges.

R (on the application of (1) Harper (2) Johncox v Aldershot Magistrates' Court (2010) 174 J.P. 410: acting for the CPS in case in which court held that there was no adverse impact to the administration of justice by publishing the addresses of the claimant senior police officers who had been charged with offences of misconduct in a public office.

In the matter of Guardian News & Media Ltd & Ors [2010] 2 AC 697: acting for the media in first case challenging reporting restrictions to be heard by the Supreme Court.

Re A-G's Reference (No.3 of 1999) [2010] 1 AC 145: acting for BBC in successful application to discharge an anonymity order imposed in relation to an Attorney General's reference concerning a defendant acquitted of rape.

Times Newspapers Ltd & Ors v Soldier A & Ors [2009] 1 WLR 1015: acting for the media in case in which the Courts Martial Appeal Court made an order under the Contempt of Court Act 1981 s.11 granting anonymity to five soldiers in proceedings against them for conspiracy to defraud, as there was a real and immediate risk to the lives of two of the soldiers if any one of the five was identified.

Crawford v. CPS (2008) 172 J.P. 273: acting for the media successfully challenging orders made under the Children and Young Persons Act 1933 s.39 by a magistrates' court and the Crown Court prohibiting the reporting of criminal proceedings against a barrister.

R (on the application of Trinity Mirror Plc & ors v Croydon Crown Court [2008] QB 770: acting for Trinity Mirror in cases in which enlarged Court of Appeal held that the Crown Court had no jurisdiction to make an order restraining the identification of an individual convicted of child pornography offences in order to protect his children.

R v Times Newspapers Ltd & Ors [2008] 1 WLR 234: acting for TNL. Court of Appeal held that a judge had been entitled to make an order under the Contempt of Court Act 1981 s.11 to prohibit the publication of an exchange that took place in the public part of a trial when it should have formed part of the evidence given in camera.

Re Ward (a child) sub nom BBC v CAFCASS Legal & 8 Ors [2007] Fam. Law 704: acting for the BBC.

Re Brandon Webster (a child) [2007] Fam. Law 399: acting for the parents in a case in which an order restricting access by the media to an interim hearing within care proceedings was found to be too wide and to interfere disproportionately with the freedom of expression of the parents whose child was the subject of the proceedings.

R v B [2007] EMLR 5: acting for the media in successful application to discharge order under s.4(2) Contempt of Court Act 1981.

R v D (Acquitted Person: Retrial) [2006] 1 WLR 1998: acting for media in first application under the Criminal Justice Act 2003 s.76(1) for the quashing of an acquittal and the ordering of a retrial.

R (ota Gazette Media Co Ltd & Ors) v. Teesside Crown Court [2005] EMLR 34: acting for media in the Court of Appeal successfully challenging an order made under s.39 of the Children and Young Persons Act 1933.

Re X & Y (Children) [2004] EMLR 29: acting for media.

Re S (a child) [2005] 1 AC 593: acting for the media in case in which the House of Lords held that no injunction should be made restraining the publication by newspapers of the identity of the defendant in a murder trial in order to protect the privacy of her child who was not involved in the criminal proceedings because the freedom of the press to report the progress of a criminal trial without any restraint under the European Convention on Human Rights 1950 Art.10 outweighed the child's rights under Art.8.

Independent Publishing Co Ltd v. AG of Trinidad & Tobago [2005] 1 AC 190: acting for media appellant in the Privy Council. The PC held that the trial judge in criminal proceedings in Trinidad and Tobago had no inherent jurisdiction to order postponement of press reporting of the open court proceedings.

T v DPP [2005] Crim LR 739: acting for media on judicial review. Court held that the youth court had been correct to lift reporting restrictions upon the conviction of the appellant in respect of proceedings that had commenced prior to the appellant attaining the age of 18 years but that were completed after he had attained the age of 18 years.

#### Contempt

AG v. (1) MGN; (2) NGN Ltd [2012] 1 Cr. App. 1: acting for NGN in case in which the Court held that newspaper articles vilifying a suspect in a murder investigation had created a substantial risk of prejudice and impediment to the course of justice and constituted contempt of court in breach of the Contempt of Court Act 1981 s.2(2).

AG v. v (1) Associated Newspapers Ltd (2) NGN Ltd [2011] 1 WLR 2097 and [2012] EMLR 7: acting for NGN in case in which two newspapers were ordered to pay £15,000 each in damages for the publication of an incriminating photograph in their online papers that had not been cropped or sufficiently cropped.

Seckerson; Times Newspapers Ltd v. UK (2012) 54 E.H.R.R. SE19: acting for TNL in application to ECHR arising out of a finding of contempt.

AG v (1) Seckerson (2) Times Newspapers Ltd [2009] EMLR 20: acting for TNL in case involving publication of a jury foreman's views on the jury's deliberations.

#### Freedom of Information

Robert Brown v (1) Executors of the estate of HM Queen Elizabeth the Queen Mother & Ors [2008] 1 WLR 2327: acting for appellant. A substantive hearing was ordered to consider a claim for an order to unseal and inspect the wills of the late Queen Mother and Princess Margaret in circumstances where the issues raised by the claim were of public importance.

Chan U Seek v. (1) Alvis Vehicles Ltd (2) Guardian Newspapers Ltd [2005] 1 WLR 2965: acting for GNL. The court held that it had jurisdiction under CPR r.5.4(5) to grant permission for a non-party newspaper to be supplied with documents from the court file following settlement of the proceedings.

R (ota of HTV) v. Bristol City Council [2004] 1 WLR 2717: acting for HTV on judicial review. Held that the claimant was, as a non-domestic ratepayer, an

interested party under the Audit Commission Act 1998 and had a right to inspect the defendant local authority's accounts. The claimant's motive for inspecting the defendant's accounts was irrelevant.

R v. Ipswich Crown Court, ex p NTL Group Ltd [2003] QB 131: acting for NTL on application for production order involving s.1 Regulation of Investigatory Powers Act 2000.

#### **Freedom of Assembly**

DPP v (1) Jones (2) Lloyd [1999] 2 AC 240: acting for defendants in case on peaceful assembly, public's rights of access to the highway, and trespassory assembly.

#### **Contract**

Ebden v News International Ltd (2011): acting for News International in contract dispute in relation to payment for a story concerning the involvement of a Premiership footballer in a fight.

#### **Negligent Misstatement**

Commissioner of Police of the Metropolis v Lennon [2004] 1 WLR 2594: acting for police officer in case in which Court of Appeal held that it was well-established that liability in tort for pure economic loss could arise from the negligent performance of a task undertaken pursuant to an express voluntary assumption of responsibility on which reliance had been placed.

#### **Election Law**

R (on the application of Woolas v Parliamentary Election Court [2012] QB 1: acting for Labour MP, Phil Woolas. Held that the actions of a Parliamentary election court were amenable to judicial review by the High Court on the basis that the election court was an inferior tribunal constituted to act as final arbiter of fact and, to a limited degree, law within the limited provisions of the Representation of the People Act 1983.

Watkins v Woolas (2010) 107(45) LSG 20: acting for Labour MP, Phil Woolas in application under the Representation of the People Act 1983 s.106.