

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

LL.B.

LL.B. Part II: Media Law (Privacy) – half option

COURSE CODE : LAWSII37

DATE : 06-MAY-05

TIME : 14.30

TIME ALLOWED : 2 Hours 30 Minutes

MEDIA LAW (PRIVACY)

Answer **THREE** questions, including at least one question from **PART B**.

PART A

1. 'Since the purpose of the law of defamation is to protect the dignity of the individual and reputation is strongly protected, privacy which also rests on human dignity should be equally strongly protected in English law.'

Discuss.

2. Does English libel law unduly restrict the freedom of the media to investigate, and report on, events of political importance?
3. '...in an action for defamation a court will not impose a prior restraint on publication unless it is clear that no defence will succeed at the trial' (Brooke LJ in *Greene v Associated Newspapers*).

What are the reasons for this position? How does it compare to the courts' approach to the grant of interim injunctions in breach of confidence and privacy cases?

4. What are the implications for English law of the decisions of the European Human Rights Court in *Peck v UK* and in *Von Hannover v Germany*?

TURN OVER

PART B

5. Andrews is a Labour MP. While attending a dinner at a country house, Beaver, a journalist for the *Daily Chronicle*, sees a diary belonging to a Conservative MP's assistant which indicates that Andrews has been having frequent meetings with the Conservative Chief Whip. One entry suggests that he is contemplating joining the Conservative Party. Other guests at the dinner gossip that Andrews might be changing political allegiance, while a Conservative MP, Carruthers, tells Beaver he is sure that Andrews has already taken this decision.

When Beaver attempts to contact Andrews to check the story, he is told that the MP has gone away for a week and cannot be contacted until his return. Beaver writes an article for the *Daily Chronicle* the following day under the headline: 'ANDREWS JOINS TORIES'. It says: 'It is now clear that Andrews is about to cross the floor of the House of Commons; this story was widely gossiped about at a dinner party I attended recently, and indeed confirmed that evening by a prominent Conservative MP.'

Andrews is horrified to read the story, which, he says, is totally false. He asks the *Daily Chronicle* for an apology, but it refuses, considering it has good evidence for the report. Indeed, it repeats the story the day after it has refused to apologise.

Advise Andrews whether he should take legal proceedings, and what damages he might claim.

6. A New York website, dramataalk.com, contains a link to a discussion group called entertainment.gossip, to which contributions are sent by e mail. One anonymous contribution transmitted by a New York ISP alleges that Fanny Feathers, a leading Hollywood actress, 'has slept her way to the top of her profession. She might get an Oscar for her performance between the sheets, but she does not deserve any for her so-called acting'. In fact, Fanny has been happily married for ten years, and has not engaged in any extra-marital affairs.

The allegations are transmitted by a range of servers, such as AOL and Compuserve, and read by contributors to the discussion group in England; others surfers in England pick them up after visiting dramataalk.com, which records several thousand hits since the allegations were made. Fanny keeps an apartment in London and is well-known in England for her leading role in some successful films. She lives for most of the year in Los Angeles.

The allegations are repeated by a guest on *Film Review*, a live discussion programme on Channel Six (a UK channel); subsequently Channel Six edits the remarks out of a repeat showing of the programme.

Advise Fanny whether she can take legal proceedings in England and against whom.

CONTINUED

7. Georgina is a former model and now a well-known television personality. She has recently embarked on a relationship with Henry, a Premier League footballer, who is still married. There have been rumours that she has had drink problems in the past, but she has always denied them. Indeed, she has appeared in advertisements for Ito, a non-alcoholic drink, praising its contribution to a healthy life-style.

While Georgina and Henry are on holiday in Ibiza, they are photographed by long-lens camera, making love on a public, but totally secluded, beach. A video film is surreptitiously taken of them dining in a garden restaurant; it is apparent from her manner that Georgina has had too much to drink. The *Jupiter*, an English tabloid newspaper, publishes the photo of the couple making love and a still shot from the video. Georgina admits that she had a lot to drink on the evening the video was taken, but says that this had never happened before.

Advise Georgina and Henry whether they have any redress against the *Jupiter*.

END OF PAPER