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**Supreme Court of the United  
Kingdom refuses permission  
for a final appeal in phone  
hacking litigation**

*MGN Limited v Gulati* UKSC 2016/0016

**Article by David Bowden**

# ***MGN Limited v Gulati* UKSC 2016/0016**

Supreme Court of the United Kingdom refuses permission for a final appeal in phone hacking litigation

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The Supreme Court of the United Kingdom has refused permission for a final appeal in the phone hacking litigation.

MGN Limited sought permission for a final appeal in a case relating to the assessment of damages for breaches of privacy resulting from phone hacking and related activities.

Eight claimants brought proceedings for breach of their privacy rights as a result of:

- phone hacking,
- the activities of private investigators, and
- the publication of information obtained by these means in newspapers published by the appellant.

The publisher admitted liability and substantial awards of damages were made by the judge. There were several components to the awards:

- damages for injury to feelings,
- damages for the loss of control over private information, and
- damages in respect of each article published containing the wrongfully obtained private information.

The Supreme Court has on 23 March 2016 declined to grant permission for a final appeal. The Court of Appeal judgment therefore stands. A panel of 3 Supreme Court justices ruled that:

*‘The Court ordered that permission to appeal be refused because the application does not raise an arguable point of law.’*

Please see our previous piece on ‘**Damages awards after Gulati**’ published by Lexis PSL on 8 January 2016 which is re-published [here](#). The Court of Appeal held that the judge had been correct to conclude that the power of the court to grant general damages was not limited to distress and could be exercised to compensate the claimants also for the misuse of their private information.

Lady Justice Arden in the Court of Appeal was quite scathing about the conduct of MGN. She said that as far as she was concerned ‘*there were no mitigating circumstances at all*’. She said that those employed by MGN:

*‘repeatedly engaged in disgraceful actions and ransacked the respondents’  
voice mail to produce in many cases demeaning articles about wholly innocent  
members of the public in order to create stories for MGN’s newspapers’.*

As to the MGN journalists, Arden LJ said they were *‘totally uncaring about the real distress and damage to relationships caused by their callous actions’* and *‘the disclosures were strikingly distressing to the respondents involved’*.

Our piece on the first instance ruling made by Mann J entitled **‘Determining damages for phone hacking victims’** published on 12 June 2016 is [here](#). Following a 13 day hearing in March 2015, Mr Justice Mann handed down his reserved judgment. In it he decides on the appropriate amount of damages to be awarded to 8 people who claimed that their telephones had been hacked by the Mirror Group Newspapers (MGN) who publish the Daily Mirror, the Sunday Mirror and The People newspapers.

Many of these claimants were well known public figures who included Sadie Frost, Paul Gascoigne and Alan Yentob. The newspapers had initially denied liability, then made a series of non-admissions and denied that there had been any systematic phone hacking. The judge ruled against the newspaper and determined the appropriate amounts of compensation for breach of privacy.

The publisher had framed its settlement offers by reference to the *Vento* bands. It had therefore offered the various claimants compensation varying in amount from £10,000 to £40,000. The Claimants had claimed far more on the basis of the various aggravating factors. The claims varied in amount from £125k to £529½k. The judge found that *Vento* was not the correct comparator for these sort of breach of privacy cases. The judge award compensation varying in amount from £72½k to £260,250.

**23<sup>rd</sup> March 2016**