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What is the latest judicial thinking on harassment claims in cases involving privacy and reputational issues? Does the Protection from Harassment Act 1997 add anything to such claims?

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Protection from Harassment Act 1997

- (1) 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

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‘Mother of all injunctions’

PHA 1997 s.7 (4)

“Conduct” includes speech

“To cross the border from the regrettable to the objectionable, the gravity of the misconduct must be of an order which would sustain criminal liability”

Hayden v Dickinson [2020] EWHC 3291 (QB)

Is there a 'course of conduct'?

R v Hills [2001] 1 FLR 580, two domestic assaults six months apart were held not to be a course of conduct.

AVB v TDD [2014] EWHC 1442 (QB) events, including emails and messages, nearly a year apart did not form part of a course of conduct but communications within a two-week period did

Sube v News Group [2020] EWHC 1125 (QB) (at [99]) separate articles published '*many weeks later, prompted, on their face, by new events and new information*' with '*different content*' did not constitute a single '*course of conduct*'

“Most publications to the world at large are not targeted at another person, even if they are about another person.”

McNally v Saunders [2022] EMLR 3

“The PHA is not concerned with the protection of reputation”

Gatley at 25-020

Siddiqui v Aidiniantz [2019] EWHC 1321 (QB) Warby J

The Court must guard against the use of harassment as a way of getting round the principles that apply in defamation.

“the focus of the harassment claim must be on the cumulatively oppressive quality of the statements rather than individually defamatory quality”

Corinna Zu Sayn-Wittgenstein-Sayn v His Majesty Juan Carlos Alfonso Victor Maria De Borbón Y Borbón [2023] EWHC 2478 (KB)

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Spanish king's teenage grandson shoots himself in foot



Brussels Recast Convention 2012

Article 7

A person domiciled in a Member State may be sued in another Member State:

....

(2) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur

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“bizarre and exquisite”

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“well dressed, clean cut and of a Mediterranean appearance”

“The grouping of a series of defamation claims into an alleged course of conduct does not enable a claimant simply to sidestep all the requirements and limits of defamation law but claim general and special damages for reputational harm caused by publication anyway”

Corinna Zu Sayn-Wittgenstein-Sayn v His Majesty Juan Carlos Alfonso Victor Maria De Borbón Y Borbón [2023] EWHC 2478 (KB) Paragraph [298]

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