



Neutral Citation Number: [2011] EWHC 2995 (QB)

Case No: HQ11XO4235

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18/11/2011

Before :

THE HONOURABLE MR JUSTICE TUGENDHAT

Between :

(1)TING LAN HONG
(2) CHILD "KLM"
(acting through the First Intended Claimant as her
litigation friend)

Claimants

- and -

XYZ and others
(PERSON OR PERSONS RESPONSIBLE FOR
TAKING PHOTOGRAPHS OF THE CLAIMANTS
OUTSIDE THEIR HOME AND IN THE STREET
DURING NOVEMBER 2011)

Defendants

Mr Sherborne (instructed by Atkins Thomson) for the Claimants
The Defendants did not appear and were not represented.

Hearing dates: 11 November 2011

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.

.....
THE HONOURABLE MR JUSTICE TUGENDHAT

Mr Justice Tugendhat :

1. On 11 November 2011 I heard an application made without notice to the intended defendants and granted an injunction against them prohibiting harassment of the Claimants. The order is made pursuant to the Protection from Harassment Act 1997 Section 1 (1) (a).
2. The 1997 Act, so far as material, provides:
 - “(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...
 - (2) The person whose course of conduct is in question ought to know that it amounts to ... harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to ... harassment of the other.
 - (3) Subsection (1) ...does not apply to a course of conduct if the person who pursued it shows – (c) that in the particular circumstances the pursuit of the course of conduct was reasonable. ...

3 (1) An actual or apprehended breach of Section 1 (1) may be the subject of a claim in civil proceedings ...

 - (3) Where – (a) in such proceedings the High Court ... grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and (b) the plaintiff considers that the defendant has done anything which he is prohibited from doing by the injunction, the plaintiff may apply for the issue of a warrant for the arrest of the defendant.
...
 - 7(2) References to harassing a person include alarming the person or causing the person distress
 - (3) A ‘course of conduct’ must involve – (a) in the case of conduct in relation to a single person (c) Section 1 (1)) conduct on at least two occasions in relation to that person...”.
3. The Claimants undertook to issue and serve the claim form and to sign a witness statement substantially in the form of the draft which was before me. The proceedings were not heard in private and the use of initials in the title of the action to refer to the child and to the defendant is not for the purpose of keeping their identity private. In the case of the Second Claimant it is because she has not yet been formally named, in the case of the intended defendants it is because their identities are unknown.

4. The Second Claimant is the daughter of the First Claimant and of the actor Hugh Grant. While Hugh Grant is very well known, the First Claimant has never sought any publicity or been known to the public for any reason. She and Hugh Grant did their best to keep private the fact that the Second Claimant was their child and do not know how the information reached the public domain. The First Claimant states that since the birth of her child her life has become unbearable. She cannot leave her home without being followed and there are constantly photographers waiting outside her home.
5. In the issue of the News of the World dated 8 April 2011 there was published on the front page an article entitled "Hugh's Secret Girl". It was illustrated by photographs which the First Claimant recognised as having been taken as long ago as January 2011. At that time she had no idea that she was being followed and being photographed without her knowledge. It is also illustrated by another photograph taken in April 2011 on an occasion when she was aware that she was being photographed, but to which she had not consented. The article speculated on whether she was pregnant, as in fact she was albeit in the very early stages.
6. In July 2011 Hugh Grant appeared on the programme Question Time. He talked about the phone hacking scandal. That evening the First Claimant started to receive telephone calls on her mobile and land lines from callers who withheld their numbers. After first ignoring such calls she did answer one. The person calling said "Tell Hugh Grant to shut the fuck up". The First Claimant was terrified she had no idea how anyone had had her telephone number. At that time she was seven months pregnant living at home with just her mother. She has since changed her mobile phone number because of calls and text messages she has received from journalists.
7. Since April 2011 she has been followed regularly and photographed without her consent. She has found this distressing at a time when she was pregnant. Some pictures have been published others have not.
8. On more than one occasion she has been followed by a tall bald man in his thirties who drives a black Audi car. The number of the registration plate starts with the letters LV05. On one occasion while she was being followed it so distracted her that she collided with the car in front which had stopped suddenly. About two weeks ago the driver of the car followed a friend of the First Claimant. He spoke to the friend and said "tell Tinglan that she is being followed by a black Audi". She found this distressing. Since then the pursuit of her has become much worse and her life has become, she says, unbearable.
9. In the issue of the Daily Mail dated 2 and 3 November there were published stories about Hugh Grant and the First Claimant having had a daughter together. She has had lots of calls from journalists and she has had voicemail messages and text messages from journalists. There have been photographers outside her home every day. At the beginning they would hide themselves, sitting in cars behind newspapers. Since then, they have become more and more over confident and do not seem to care about being seen or about intimidating her.
10. On one occasion she went to the supermarket. On her return there were four or five men behind her car with big cameras. She was scared to get out of the car. When finally she did get out of the car two women who were also waiting there called her

by name whilst the photographers took photographs. She was frightened of the experience.

11. On some afternoons in the last few days there have been ten or more people outside her house. On some evenings they have not left, but stayed all night, including when it was raining. She and her neighbours have been kept up by the flashing of cameras.
12. The photographers have also spoken to her neighbour and have tried to persuade her neighbour to telephone the First Claimant to speak about the baby. The neighbour has warned her of this. The First Claimant has not been able to meet with friends because the photographers follow her wherever she goes, and when she meets someone the photographers follow that person to try to get information about her.
13. The First Claimant has not been able to take her daughter outside. On 10 November she did take her daughter out to the doctor. She had to cover the child with a blanket. On their way back visiting the doctor they were followed. She had to call her mother for assistance in returning to the house.
14. The First Claimant's mother then went back out of the house in order to try to take photographs of the photographers who were harassing and following the First Claimant. She saw one man in a car with photographic equipment. She turned in order to prepare her camera. He started the engine of his car and drove down the road towards her so that she had to run. The man followed her down the road shouting. He appeared to be swearing at her and he was taking photographs. At the end of the road he turned back in a u-turn. The First Claimant's mother was really frightened. However, she managed to take two photographs of the man in the car and of the registration number of the car.
15. On 10 November three photographers were outside the First Claimant's house. One was wearing a yellow jumper. He said "Hello Tinglan" and then proceeded to take photographs. She found his behaviour intimidating. Her parents who are staying with her are prevented from leaving the house.
16. The First Claimant is unable to look after her daughter in a normal way. She has had to cancel appointments, including ones for her child. She is frightened to drive with her child because the distraction makes it unsafe.
17. On 3 November 2011 through her solicitor the First Claimant has complained to the Press Complaints Commission for breaches of clause 4 (harassment) of the Code, and expressing concern that the editors may be using material obtained in contravention of the code.
18. The solicitor Mr Thomson has made a witness statement. He is also instructed by Hugh Grant. Mr Thomson states that on Friday 22 April he attended a meeting with Hugh Grant and two police officers from Operation Wheating. The police showed evidence that Hugh Grant's telephone messages had been intercepted by persons acting on behalf of the News of the World between 2004 and 2006.
19. On Sunday 24 April the News of the World published the front page article already referred to. Hugh Grant is working abroad. When he attended at the home of the First Claimant on 3 November, as he has informed Mr Thomson, he asked the

photographers if there was anything he could do or say to make them leave a new and frightened young mother in peace. They said “show us the baby”. He refused. He asked if they thought it was acceptable for grown men to be harassing and frightening a mother and baby for commercial profit. They shrugged and took more pictures.

20. Following the complaint to the Press Complaints Commission, the PCC circulated a warning to editors on the same day. While Mr Thomson understands that some journalists and photographers stopped attending at the property, a number of them persisted and have acted as described by the First Defendant.
21. It is on the basis of this evidence that I was satisfied that it was necessary and proportionate to grant the injunction sought.