

CLAIM NO: []

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

(1) PAUL WYLIE
(2) CLARE WYLIE

Claimants

-and-

(1) CHANNEL 5 BROADCASTING LIMITED

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimants

1. My Lord, in this action for misuse of private information, I appear on behalf of the Claimants, Mr Paul Wylie and Mrs Clare Wylie. My learned friend, Robbie Stern, appears on behalf of the Defendant to the claim, Channel 5 Broadcasting Limited.
2. The Claimants are private individuals.
3. The Defendant is a national television broadcaster which broadcasts Channel 5, 5HD, 5 + 1, 5Star, 5SELECT, Paramount Network and 5USA. It also owns and operates My5, a free video on-demand internet service via which it makes selected programmes available to view.

4. In May 2022, the Claimants notified the Defendant of a claim they wished to raise against it. The claim was for the misuse of the Claimants' private information in respect of the filming, making and multiple broadcasts from 5 April 2017 of an episode of the television programme *'Can't Pay? We'll Take it Away!'* on television channels owned by the Defendant as well as its My5 platform. The programme showed the Claimants and their children in their home. The Claimants asked the Defendant for an undertaking that the episode complained of would not be broadcast further, for a payment of damages to be made and for a Statement in Open Court to be agreed upon.
5. The relevant background to the dispute is as follows. Paul Wylie had incurred a debt to his former employer. The company obtained a Writ of Control from the High Court against Mr Wylie to seize goods unless he paid the sum of money owed with which the Writ of Control was concerned.
6. In October 2016, two High Court Enforcement Agents ("**HCEAs**") attended Mr and Mrs Wylie's home to enforce the Writ of Control against Paul Wylie. A film crew was in attendance with the HCEAs. Mr Wylie was not present at the beginning of the enforcement and arrived later. The Defendant's film crew, together with the HCEAs, walked on to the Claimants' home's drive and up to the front door at approximately 8:30am when Mrs Wylie was at home alone with her two daughters. The HCEAs, who were both male, knocked and then entered the Claimants' home via an unlocked front door. Mrs Wylie was filmed in her nightclothes in a state of significant distress. Mr and Mrs Wylie's children were also filmed. The HCEAs spoke to Mrs Wylie, who informed the film crew that she did not want to be filmed. The film crew as a result withdrew from the property to the public highway.
7. However, the HCEAs wore bodycams and radio microphones. They were recording video footage and audio of what was taking place in the Claimants' home. The video and audio recordings obtained in this way were then edited and incorporated into an episode of *Can't Pay* (Series 5 Episode 3), which also included film obtained by the film crew. The episode which depicted the Claimants was first broadcast by Channel 5 on 5 April 2017.
8. The Defendant has confirmed that the programme was broadcast to over 5 million people in a form in which both the Claimants' faces were shown, and subsequently to a further 5.8 million people in a form in which both Claimants' faces were blurred, albeit the Claimants contend they would still be recognisable.
9. The broadcast of the programme has caused the Claimants considerable upset and distress. The Claimants' case is that the programme wrongly revealed matters that were private to them which took place in their home. It is the Claimants' case that the filming of them within their home and

subsequent publication of the private information obtained in that way to over 10 million people amounted to a grave misuse of their private information.

10. The Defendant denies liability for the Claimants' case but I am pleased to report that the parties have been able to resolve their dispute by agreement. The Claimants have accepted an offer made by the Defendant to resolve their claims on terms which involve the payment of substantial damages to them as well as to pay their reasonable legal costs of raising the claim. The Defendant has also undertaken not to broadcast the programme again, or to make it available via the internet. The Defendant has also agreed to join in this statement to apologise to the Claimants publicly for the distress caused to them by the programme.

Counsel for the Defendant

11. My Lord, it is the Defendant's case that it has at all times believed that this programme forms part of a series of real public interest, where each of the stories involves a careful balancing exercise between matters of public interest and the right to respect for privacy. It is prepared to accept, however, that on this occasion, in relation to the Claimants, it may well have got that balance wrong and for that reason it is prepared to settle their claims and also apologise to them for the distress caused to them by the broadcast of the episode in question.

Solicitor for the Claimants

12. My Lord, in light of the order that has been made, and this public statement, the Claimants consider that the matter is now concluded.