

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

BEFORE THE HONORABLE MR JUSTICE NICKLIN

B E T W E E N:

1) DAVID FOH-AMOANING
2) MATILDA FOH-AMOANING

Claimants

-and-

CHANNEL 5 BROADCASTING LIMITED

Defendant

STATEMENT IN OPEN COURT

William Bennett KC for the Claimants

1. My Lord, in this action for misuse of private information, I appear on behalf of the Claimants, Mr David Foh-Amoaning and Mrs Matilda Foh-Amoaning. My learned friend, Mr 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 August 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 26 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 episode continued to be broadcast until 16 October 2017, after which it remained available on

video on-demand until 14 June 2018. The programme showed the Claimants in their business premises and in a considerable state of distress. 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. Mr Foh-Amoaning is a pastor and bishop who, at the relevant time, led the In His Presence Worship Ministry ("**the Ministry**") in Luton. The Ministry operated as a charitable organisation providing a church for the local community. Mrs Foh-Amoaning was also active in the Ministry. The landlord claimed that the Ministry had fallen into rent arrears, specifically that the Ministry had failed to meet the landlord's demands that rent be paid quarterly in advance. The landlord, via an Authority to Enforce, authorised bailiffs to exercise Commercial Rent Arrears Recovery against the Ministry to seize goods without providing any notice unless the sum the landlord said was owing was paid.
6. In November 2016, two High Court Enforcement Agents ("**HCEAs**") attended the Ministry to exercise Commercial Rent Arrears Recovery in accordance with the Authority to Enforce. The HCEAs spoke to Mrs Foh-Amoaning and to Mr Foh-Amoaning who arrived later. No congregation were present at the time.
7. A film crew was in attendance with the HCEAs albeit remained at the back of the Ministry during the enforcement. It is the Claimants' case that they made it clear that they did not want to be filmed. However, the HCEAs wore bodycams and radio microphones. They were recording video footage and audio of what was taking place in the Ministry, including in the back office, which was not generally accessible to the congregation and where private conversations took place regarding confidential business matters. The video and audio recordings obtained in this way were then edited and incorporated into an episode of *Can't Pay* (Series 5 Episode 6), which also included film obtained by the film crew. The episode which depicted the Claimants was first broadcast by Channel 5 on 26 April 2017.
8. The Defendant has confirmed that programme was broadcast to over 4 million people in a form in which both of the Claimants' faces were shown, and subsequently to a further 2.7 million people in a form in which both Claimants were anonymised.
9. The broadcast of the programme has caused the Claimants upset, embarrassment and distress.

The Claimants' case is that the programme wrongly revealed matters that were private. It is the Claimants' case that the filming of them within the Ministry and subsequent publication of the private information obtained in that way to over 6 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 claim on terms that 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.

Robbie Stern 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.

William Bennett KC 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.