

26 May 2023

[embargoed until 10.00 am on 26 May 2023]

BETWEEN:

HUGH GRANT

- and -

NEWS GROUP NEWSPAPERS LIMITED

JUDGMENT SUMMARY

Important note for press and public: this summary forms no part of the court's decision. It is provided so as to assist the press and the public to understand what the court decided.

This judgment is given on News Group Newspapers Limited's application to strike out Mr Grant's claim or, in the alternative, for summary judgment on its defence of the whole of the claim.

Mr Grant's claim is for damages and other relief against News Group in respect of six categories of unlawful conduct alleged to have been carried on by The Sun newspaper: interception of voicemails on his and his associates' mobile phones ("phone hacking"), tapping of his landlines, bugging of his home and car, burglary of his home and office, blagging of confidential information from third parties, and instructing private investigators to do the above unlawful acts or other unlawful acts ("the alleged Unlawful Acts").

A trial of Mr Grant's and others' claims against News Group is scheduled to start in January 2024.

The application was made by News Group solely on the ground that Mr Grant's claim in relation to The Sun was brought too late, as all the matters complained of occurred before 2012 and the claim was only issued on 9 March 2022. There is a six-year limitation period for such claims.

The application raises a question about whether the six-year period for bringing these claims only started to run in 2021, when Mr Grant says that he saw evidence that News Group had done the Unlawful Acts. Section 32(1) of the Limitation Act 1980 provides that where relevant facts have been deliberately concealed from a claimant by the defendant, time does not start to run until the claimant knew or could with reasonable diligence have discovered the relevant facts.

It was not disputed by News Group for the purposes of this application that it had deliberately concealed relevant facts from Mr Grant.

For News Group to succeed on its application, it had to persuade the court that there was no realistic chance of Mr Grant proving at trial that he did not know, and could not with reasonable diligence have discovered, by 9 March 2016 enough to believe that he had worthwhile claims against News Group in respect of the alleged Unlawful Acts.

Mr Grant's case was that he had long suspected that News Group had caused his and his associates' phones to be hacked, but that he did not bring a claim against News Group previously in relation to phone hacking because he believed the denials of phone hacking at The Sun that News Group issued publicly, in particular on oath to the Leveson Inquiry and to the House of Commons Home Affairs Select Committee.

The decision of the court in the application is that, by January 2016 at the latest, Mr Grant knew enough relevant facts about phone hacking at The Sun, or could easily have discovered them by asking his lawyers, to believe that he had a worthwhile claim for phone hacking. He was aware that his lawyers had evidence from people involved in phone hacking that appeared to show that News Group's denials in relation to The Sun were false, and that claims against News Group were being brought on that basis. That was sufficient to start time running no later than January 2016 for his phone hacking claim. Time therefore expired before Mr Grant issued his claim.

In relation to the other Unlawful Acts, however, the decision is that Mr Grant will have a realistically arguable case at trial that he did not know enough by 9 March 2016 about landline interception, bugging, burglaries, blagging and the commissioning of private investigators to do these matters, to believe that he had a worthwhile claim for them. There is a clear distinction between the state of Mr Grant's knowledge of facts relating to phone hacking activities and his knowledge of facts in relation to the other Unlawful Acts in respect of which claims are brought.

Whether Mr Grant issued his claim for these other Unlawful Acts too late is one of the many issues in the claim that will have to be decided at trial in 2024. I am not deciding that Mr Grant's claim in respect of them was issued in time: I am only deciding that it is not sufficiently clear at this stage that it was issued too late.

For these reasons, I will grant News Group summary judgment on its defence of the claim in respect only of occasions of phone hacking that are alleged to have happened during the period 1995-2011 for which Mr Grant claims. In respect of all other allegations of Unlawful Acts during that period as identified in the claim, I dismiss the application for summary judgment.

The outcome of the applications is therefore that MGN has succeeded on only part of its application and failed on the rest. Mr Grant's claim on all other allegations will proceed to a trial.

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