

B E T W E E N:-

MARK LEWIS

Claimant

-v-

COMMISSIONER FOR THE METROPOLITAN POLICE

First Defendant

BARONESS BUSCOMBE

Second Defendant

PRESS COMPLAINTS COMMISSION

Third Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant (James Heath, Taylor Hampton Solicitors LLP): May it please your Ladyship, in this libel action I appear on behalf of the Claimant, Mark Lewis. My friend appears on behalf of the second and third Defendants.

Mr Lewis has brought this action against the Second and Third Defendants, Baroness Buscombe and the Press Complaints Commission, in relation to a statement made by Baroness Buscombe, as chairman of the Commission, to the Society of Editors Annual Conference on 15 November 2009. The statement included the following words:

"I would like to use this opportunity to say something on a subject that I know has been of great interest to some in the media and politics.

Last week, the PCC published a report following allegations we were misled by the News of the World during an inquiry we conducted in 2007 into how the phone message hacking situation involving Glenn Mulcaire and Clive Goodman could have arisen.

Having reviewing all of the information available, we concluded that we were not materially misled.

While most people seemed to understand our reasons, one or two were less sure. I have chosen not to debate those matters in public, because our report speaks for itself.

But new evidence has come to light.

Those of you who are familiar with the case will recall the significance that was attached to the apparent evidence of a then Detective Sergeant from the Metropolitan Police called Mark Maberly. It was he who was alleged to have said that around 6,000 people had had their phone messages hacked or intercepted.

This allegation was made in oral evidence to the Select Committee on Culture, Media and Sport, and has also been published in the press. It was repeated just last Monday in some coverage questioning our report.

Since the publication of our report last Monday, the PCC has heard from Detective Inspector (as he now is) Maberly through lawyers for the Metropolitan Police.

This letter says that Mr Maberly has in fact been wrongly quoted on the 6,000 figure. The reliable evidence, we were told in an e-mail confirming the contents of the letter, is that given by Assistant Commissioner John Yates to the Select Committee, who referred to only a 'handful' of people being potential victims.

In light of this, I am doing two things.

First, I am of course putting this new evidence to my colleagues on the Press Complaints Commission, because they will want to update our report to take account of this development.

Second, I have just spoken to the Chairman of the Select Committee on Culture, Media and Sport, John Whittingdale, to draw this to his attention. Any suggestion that a Parliamentary Inquiry has been misled is of course an extremely serious matter”.

Following publication of the statement, Mr Lewis expressed concern that Baroness Buscombe's words would be understood to mean that he had lied to the Parliamentary Select Committee about what he had been told by Detective Inspector Maberly and that the statement was, therefore, defamatory of him. In light of Mr Lewis' concern, the Press Complaints Commission clarified that the statement did not accuse him of any wrongdoing in a statement made by the Director which was subsequently published in *The Guardian*. In addition, in its response to the report of the Parliamentary Select Committee, the Commission included the following paragraph:

“Finally on this subject, the Commission wishes to take this opportunity to correct the record. Your report says that the Chairman of the PCC issued a statement in November 2009 which may have suggested that Gordon Taylor's lawyer, Mr Lewis, misled the Committee. This is not the case, as the PCC made publicly clear at the time. Baroness Buscombe has never suggested – and does not believe – that Mr Lewis misled the Select Committee and her statement, which made no reference to Mr Lewis, was not intended as a criticism of him or the evidence which he gave to the Select Committee. Baroness Buscombe regrets that her statement may have been misunderstood and that this has been of concern to Mr Lewis. Baroness Buscombe and the Commission therefore wish to make the position entirely clear”.

The paragraph was also appended to Baroness Buscombe's statement on the Commission's website.

Despite these measures, Mr Lewis has remained concerned that the clarification provided by the Commission has not reached a sufficiently wide audience.

The second and third Defendants appear before you today to confirm that the statement was not intended as a criticism of Mr Lewis or the evidence which he gave to the Select Committee.

Solicitor for the second and third Defendants (Keith Ashby, Sheridans Solicitors): My Lady, on behalf of the second and third Defendants I can confirm all that my friend has said. The Commission and Baroness Buscombe regret that the statement may have been misunderstood and that this has caused concern to Mr Lewis. They make this statement in Open Court to ensure that the position is entirely clear.

Solicitor for the Claimant: In the circumstances, it merely remains for me to ask your Ladyship's permission to withdraw the record against the second and third Defendants.

CLAIM NO: HQ10X02332

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ROYAL COURTS OF JUSTICE

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STATEMENT IN OPEN COURT

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