

Being in the media spotlight: where should it end?

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Family courts and the press

Ryan Giggs, the footballing superstar, entered the legal stage in 2011 when his super injunction preventing the media from reporting an extra-marital affair was 'outed' by MP John Hemming under parliamentary privilege.

Mr Giggs is now back in the legal news in the context of his divorce and the litigation relating to the untangling of the couples' finances. Given the history, it can hardly be surprising that as the proceedings start, Mr Giggs' made applications to prevent the media from being able to attend or report on his case. The applications came before Mr Justice Cobb and are reported [here](#) and provide an excellent summary of the law relating to privacy in the particular arena of financial remedy proceedings.

Mr Giggs made two applications (1) for the press to be excluded from attending hearings concerning their finances and (2) to prevent reporting of any financial information relating to those proceedings.

SHOULD THE PRESS BE ALLOWED TO ATTEND THE PROCEEDINGS?

The rules governing media attendance at family proceedings make it clear that the ordinary expectation is for accredited representatives of media organisations to be allowed to attend. This ordinary expectation can be displaced in the interests of justice, or in the interests of a child, the safety or protection of a party or the orderly conduct of the proceedings. However Justice Cobb reminded Mr Giggs that the burden is on him as applicant to demonstrate the reasons why an exclusion should be in place.

In this case Mr Giggs' acknowledged that none of these scenarios existed at this time and withdrew his application. This does not mean that the application will not be renewed should circumstances change as the proceedings progress, and Justice Cobb acknowledged that this could arise 'if information is being considered about the parties' finances which includes price sensitive information'.

SHOULD THERE BE RESTRICTIONS ON WHAT THE MEDIA MAY REPORT IN FINANCIAL REMEDY PROCEEDINGS?

In general, parties to legal proceedings (and their children) have rights (albeit qualified) under Article 8 ECHR to respect of their private and family life and this is balanced against the right of freedom of expression.

Financial remedy proceedings are specifically private proceedings within the strict definition of the rules and also because they concern and focus on inherently private matters. In addition, financial remedy proceedings demand full and frank disclosure of personal information and an implied undertaking applies to prevent that information from being used for purposes other than the proceedings themselves.

Justice Cobb found that whilst this couple are known both nationally and internationally there is not sufficient public interest in laying bare for inspection in the press the parties' financial circumstances or the plans for their financial futures. In so far as there is such a public interest, it is significantly outweighed by the rights which the parties and their children, possess to privacy in these circumstances.

The story does not finish there. Whilst the media are accordingly prevented from reporting the financial detail, Mr Giggs continues to court controversy in the family law arena with news that he intends to argue 'special contribution' i.e. that his unique contribution to the marriage should be represented by an unequal division of the matrimonial pot in his favour. The law in relation to Special Contributions is a hot topic and has recently been considered by the Court of Appeal in the case of *Gray v Work*; you can read our article about this [here](#).

We'll continue to watch this closely as the case develops.

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