[GB] When is an action alleging privacy against a broadcaster relevant?

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The Barclay brothers, publishers of The European, sought to challenge the interpretation of Section 143 of the Broadcasting Act 1990, which refers to the power of the Broadcasting Complaints Commission to adjudicate on complaints alleging infringement of privacy arising out of programmes which had been broadcast. The question was: would it be competent to seek an adjudication in respect of material which had not yet been broadcast? What was the scope, in other words, of the adjudicative power of the BCC? The judge, who commented that in England and Wales there are no general constraints on the invasion of privacy as such, held that an allegation of unwarranted infringement of privacy could only be considered in respect of the programme in question being broadcast.

Regina v Broadcasting Complaints Commission, Ex parte Barclay and another, Queens Bench Division, 4 October 1996.

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