

Mrs Ann Gloag v Perthshire Advertiser

Clauses noted: 9

Mrs Ann Gloag complained to the Press Complaints Commission through Levy & McRae solicitors that an article headlined "Gloag son-in-law denies assault", published in the Perthshire Advertiser on 22nd May 2007, identified her as the relative of someone accused of crime in breach of Clause 9 (Reporting of crime) of the Code.

The complaint was not upheld.

The article reported that the complainant's son-in-law Eddie Gray had been arrested for assaulting his wife – the complainant's daughter – and that his bail conditions included a ban on him going to the complainant's home, Kinfauns Castle.

The complainant's solicitors said she was not in any way involved in the assault, and had been out of the country when it took place. She was not named during the court proceedings, was not 'genuinely relevant to the story' and should not, therefore, have been identified.

The newspaper argued that there was a definite link between the court case and the complainant, as the bail conditions stated that Mr Gray should not enter the grounds of Kinfauns Castle. This demonstrated the genuine relevance of the complainant to the story. Kinfauns Castle has had a high profile as the home of Ann Gloag, due to a court case about the right-to-roam issue. Additionally, a national newspaper had previously published an article, relating to Mr Gray working in a burger van, which linked the complainant and her son-in-law.

Adjudication

The Commission has already considered a similar complaint against the Scottish Sun. It found no breach of the Code, and the decision is set out below.

The issue for the Commission was whether the complainant was genuinely relevant to the story. In concluding that she was, it could not fail to have regard to the fact that the complainant's home was specifically named in court papers as a location from which Mr Gray was prohibited. Regardless of whether the complainant was related to the recipient of the court order, this would have been sufficient to justify her inclusion in the story on this occasion. Being related to the accused did not give her rights to anonymity that would otherwise not exist. That is not the purpose of Clause 9 of the Code. Nor was the fact that the complainant's status may have afforded the story greater prominence in the newspaper than might otherwise have been the case something that fell for consideration under the Code.

In short, the relevance of the complainant to the story had been established by virtue of her ownership of a property from which Mr Gray had been banned by a court. The Commission was satisfied that she was genuinely relevant to the story and found no breach of Clause 9. It would in fact have been perverse for the article not to have referred to the complainant in circumstances where the newspaper was entitled to publish details of the court order – including the name of Kinfauns Castle – and where the complainant's ownership of the castle had previously been well established in the public domain. The complaint was not upheld.

Adjudication issued 14/06/2007