

‘Privacy and Ryan Giggs’

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The right to privacy which our courts are bound to enforce under the Human Rights Act 1998 consists of one brief sentence: ‘Everyone has the right to respect for his private life, his home and his correspondence’. This has been construed by the courts to empower them to impose strict censorship. Moreover the courts have assumed power to punish breaches of this censorship (by use of contempt proceedings) with imprisonment.

That is where the protection of privacy has gone wrong. Except in cases of breach of national security, it is disproportionate to imprison people for revealing a fact which is true. This particularly applies when what was revealed was a seriously immoral act such as adultery.

The courts clearly have no power to discipline an MP who infringes this judicial censorship. Article 9 of the Bill of Rights 1689 says that ‘the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament’. In 1999 the Joint Committee on Parliamentary Privilege said that this ‘protects MPs from being subjected to any penalty, civil or criminal, in any court or tribunal for what they have said in the course of proceedings in Parliament’.

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References

None