

Mr Victor Shields v Sunday Mail

Clauses noted: 1

Mr Victor Shields of Glasgow complained to the Press Complaints Commission that an article published in the Sunday Mail on 14 November 2004 headlined "Cannon Fired" contained inaccuracies in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was upheld in part.

The article reported the suspension of a lawyer, who was alleged to have worked for Scotland's "top gangland figures". The complainant was said to be one of the lawyer's clients and was referred to in the article as a "career criminal" who had "amassed a fortune by pimping women and men" and making pornography. He denied that he had any connections with the lawyer mentioned in the piece. He also disputed the broader allegations.

Regarding the alleged connection between the complainant and the lawyer, the newspaper provided an anonymous statement from a former police officer who said that he believed that the lawyer's firm had acted for the complainant in the 1980s by drafting lease agreements for saunas. The complainant provided a letter from the lawyer – to whom the newspaper had published an apology for any insinuation that he had laundered money for 'gangland figures' - which stated that he had never acted for the complainant 'in any way whatsoever'.

Adjudication

An allegation had been made that the complainant had been represented by the lawyer who was the focus of the article. The complainant denied this. In these circumstances, it was incumbent on the newspaper either to produce on the record evidence that this was the case, or to correct it. In its defence, the newspaper had relied on an anonymous statement, apparently from a former policeman. There was no other corroborative material – and no offer to correct the matter. There was therefore a breach of Clause 1 and the complaint was upheld on this point. The Commission was also concerned that the newspaper had taken so long to deal with what should have been a straightforward matter of accuracy. This did not comply with the terms of the preamble to the Code, something for which the Commission also censured the editor.

The complainant also complained about the manner in which he had been characterised as a 'career criminal' who was a 'multi-millionaire vice king'. The article made numerous allegations about his alleged criminal behaviour. He asserted that the article was incorrect on these points, and that his income was entirely legitimate.

The newspaper made a detailed submission to defend its position that the complainant was involved in illegal activities.

Finding

The Commission is precluded from dealing with matters that are more appropriately dealt with by the courts. Complaints about allegations of criminal behaviour normally fit into this category. This is for two principal reasons:

- If an allegation that somebody has committed a criminal offence is untrue, the complainant would clearly have recourse to complain under the laws of libel. The Commission's Articles of Association make clear that the Commission shall only consider such cases if it is appropriate in the particular circumstances. The Commission did not consider that this was such a case;

- The Commission does not have legal powers of discovery, cross-examination or subpoena which would be necessary to test the various allegations about criminal behaviour, and the defences to them.

For these reasons, it was not possible for the Commission to pursue an investigation into this part of the complaint.

Relevant rulings

Clarke MP v The Times, 2002

A man v Burton Mail, 2004

Adjudication issued 2006