



PALACE SPLIT

Harry and Meghan open fresh battle with paparazzi after Canada pictures

Valentine Low | David Brown, Chief News Correspondent

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The Duke and Duchess of Sussex are taking legal action to prevent unauthorised photographs being taken of them in Canada and say that they are being harassed by dangerous paparazzi.

The couple could invoke British Columbian privacy laws after [Meghan](#) was pictured carrying their son Archie in a park on Vancouver Island while accompanied by officers from Scotland Yard and the Royal Canadian Mounted Police. On Monday night [Prince Harry](#) was photographed getting off a BA flight to [Vancouver](#) with two other British officers, before flying to the island on a smaller plane. Which country should pay their estimated £3 million annual security bill has been a key issue in their move to Canada.

Their lawyers say that the duchess has been harassed and that the photos were taken without her consent by a photographer hiding in bushes. The couple say that paparazzi are camped outside their mansion and driving dangerously during pursuits. Photographs of Meghan in Horth Hill park were distributed by Splash, a US picture agency. It says that they were taken while Meghan was on a public path and she did not appear harassed or uncomfortable

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Privacy can also be violated by “surveillance”.

Mark Stephens, a media lawyer with Howard Kennedy in London, said that the pictures of the duchess were “obviously a private moment” and added that it could be hard to take legal action against the photographer because of the difficulty in identifying them. Paparazzi are often freelance and sell pictures through agencies.

“You may be able to stop them appearing in the UK, you may be able to stop them in France, but that does not stop the Australian or South African media running them if they want to, because the laws are different and they probably will be able to get away with it,” he said. “Is there any purpose in playing Whac-A-Mole over a set of images like that?”

David Fraser, of McInnes Cooper, a Canadian privacy lawyer, said that the duchess may not be protected by the 1996 act as she was in a public park.

She “could not have much expectation of privacy” in the park and there was a “constitutionally enshrined right to freedom of expression and the press”, he said. “The fact that the duke and duchess are setting up home in Canada is certainly newsworthy I say, but it is a judgment call. If they are constantly followed, photographed and constantly being watched that could amount to surveillance.”

Damages for breach of privacy can rise to about C\$20,000 (£11,800), far less than a photographer could earn from global syndication of the photographs.

Mr Fraser said that the Sussexes could seek an injunction to prevent the media from coming within a set distance or make a complaint of criminal harassment. “We do not have huge celebrity or paparazzi culture in Canada,” he said. “Many Hollywood productions are filmed in Vancouver and Toronto and I have not heard of problems.”

Amber Melville-Brown, head of media and reputation at Withersworldwide, said: “Privacy laws in Canada are more protective than they are in the US but less developed than the more protective laws of England and Wales.”

[← PREVIOUS ARTICLE](#)

[NEXT ARTICLE >](#)

systems would seek to protect the “vulnerable”, she said.

“If the British Columbia courts are faced with persistent paparazzi pursuit of the couple and their child on Canadian soil, Archie could be the couple’s secret weapon to garner some degree of privacy protection,” she added.

Meghan is already suing *The Mail on Sunday* claiming it misused private information by publishing details of a letter to her father. The newspaper cited “huge and legitimate” public interest.

New neighbours take a dim view of footing security bill

About 80,000 Canadians have signed a petition to demand that the Sussexes pay their own way just as Prince Harry arrived in Vancouver after surrendering his royal titles (Charlie Mitchell writes).

A petition started by the Canadian Taxpayers Federation demanded that there be “no taxpayer support” for the couple. Aaron Wudrick, the group’s director, said: “The duke and duchess are welcome but Canadians feel they must pay their own way. The fact that over ten thousand Canadians per day felt compelled to sign this petition suggests the sentiment is very strong.”

Canadians have become increasingly angry that they may be required to pay the couple’s [security bill](#), estimated at £3 million a year. According to polling by the Angus Reid Institute, 73 per cent think Canada should not pay if the couple settle there permanently. The issue threatens to sour the [warm reception](#) Harry and Meghan have received.

The couple have agreed to [surrender their titles](#) and forgo public funds, paving the way for commercial contracts and merchandising. However, British or Canadian taxpayers may still cover their security bill. Canada traditionally protects visiting royals, but a long-term arrangement for former royals is largely without precedent. At present the couple are guarded by Metropolitan Police officers, who do not have jurisdiction on Canadian soil.

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