

**STRICTLY PRIVATE AND CONFIDENTIAL
NOT FOR PUBLICATION**

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Our Ref: TGY/CDY/00186983/8

Date: 19 March 2021

By post and email: editor@countryquiremagazine.co.uk

LETTER OF CLAIM

Dear Mr Wightman,

Re: Country Squire Magazine's campaign against Mr Chris Packham

We represent Mr Chris Packham CBE who as you know is a naturalist, nature photographer, television presenter and author. He is the President of the Bat Conservation Trust, the Hampshire Ornithological Society, and the Southampton Natural History Society; a Vice President of the Royal Society for the Protection of Birds, Butterfly Conservation, the Wildfowl and Wetland Trust and the Royal Society for the Prevention of Cruelty to Animals; a patron of AfriCat, the World Land Trust, Population Matters, Compassion in World Farming, the Humane Research Trust, the Nature Watch Foundation, Raptor Rescue, the Fleet Pond Society, Birding for All, the Seahorse Trust and the Fox Project; as well as a trustee of the Wildheart Trust, a charity which runs the Isle of Wight Zoo. Mr Packham is a presenter of BBC's Bafta Award-winning Springwatch, Autumnwatch and Winterwatch series, and many other natural history titles.

We write to you because you are responsible, individually and collectively, for the publication of four articles on the Country Squire Magazine website (**Country Squire**) between 4 April and 23 December 2020. This letter is written pursuant to the Pre-action Protocol for Media and Communications Claims (**the Protocol**), the text of which is available online¹, and to which you are referred.

¹ https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_def

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The publications complained of

The four articles in question (“the Articles”) are as follows:

The First Article: *Packham’s Paper Tigers*, 4 April 2020

(<https://countrysquire.co.uk/2020/04/04/packhams-paper-tigers>)

The Second Article: *Heat Turns Up on Chris Packham*, 28 November 2020

(<https://countrysquire.co.uk/2020/11/28/heat-turns-up-on-chris-packham>)

The Third Article: *FRAUD? Fundraising Regulator Probes Wildheart & Chris Packham*, 12 December 2020

(<https://countrysquire.co.uk/2020/12/12/fundraising-regulator-probes-wildheart-packham>)

The Fourth Article: *Damning Video Footage Nails Packham*, 23 December 2020

(<https://countrysquire.co.uk/2020/12/23/damning-video-footage-nails-packham>)

A copy of each of the Articles is appended to this Letter of Claim.

Responsibility for publication

Mr Bean is credited as the author of the First Article and Mr Read is credited as the First Article’s editor. Mr Bean and Mr Read are credited as the authors of each of the Second, Third and Fourth Articles. Mr Wightman is listed as the editor of Country Squire itself. It is for those reasons that our client holds you responsible for the publication of the Articles.

Publication

Country Squire purports to be a serious online publication, albeit one with a clear political agenda, targeted at a particular section of the British public. Country Squire is extensively promoted through various social media channels including by its many contributors. Each of the Articles has at one time or another been promoted on Country Squire’s home page, and through the “Most Read” list, which appears in a bar to the right of any article on the website. We infer that Country Squire is published to a substantial number of readers in England and

Wales, and beyond. We further infer that the Articles themselves have been published to a substantial number of readers in this and other jurisdictions.

You will be in possession or control of precise traffic data relating to the Articles and associated media and social media activity and we urge you to obtain and preserve such data now. You are reminded of the responsibility upon a party to preserve such material that may become disclosable: see [84] of the judgment of Mr Justice Warby (as he then was) in *Monroe v Hopkins* [2017] EWHC 433 (QB)².

Defamatory meanings

The defamatory meanings conveyed by the Articles are as follows:

The First Article

Mr Packham has defrauded the public into donating money to The Wildheart Trust by falsely claiming that the organisation had rescued six emotionally and physically broken tigers from European circuses, when he knew that the tigers had received excellent care from the circuses and that five in Spain had been voluntarily donated to a rehoming centre and one in Germany had been wrongly seized by the authorities.

The Second Article

Mr Packham has defrauded the public into donating money to The Wildheart Trust by falsely claiming that the organisation had rescued six emotionally and physically broken tigers from European circuses, when he knew that the tigers had received excellent care from the circuses and that those from Spain had in fact been donated to a rehoming centre by their former owners.

The Third Article

Mr Packham has repeatedly deceived the public into donating to The Wildheart Trust by pushing out via the UK media the false story that the organisation had rescued tigers that had been mistreated and abused by circuses, when he knew that:

- i. *The tigers said to have been rescued from Spain were handed over by the circus to a holding centre in excellent condition;*

² Available at: <https://www.bailii.org/ew/cases/EWHC/QB/2017/433.html>

- ii. *Those tigers were not rescued but were donated to a sanctuary; and*
- iii. *The tiger said to have been rescued from Germany was in fact removed from the circus illegally by the authorities, and veterinarians who inspected the tigers removed raised no welfare concerns about them.*

The Fourth Article

Mr Packham has lied to the public to dupe people into donating to The Wildheart Trust, by claiming that five tigers and two lions in the organisation's care were rescued from unimaginable neglect and cruelty at the hands of circuses in Spain and Germany, when he knew that the Spanish tigers were in fact well cared for by the circus and housed at an animal centre, from which they were removed without the knowledge of their former owners.

Factual inaccuracies

The above imputations are false in that none of the public claims made by Mr Packham about the provenance or previous treatment of any of the relevant animals was false, and nor did Mr Packham believe or have any reason to believe that any was false. We are of course aware that you (in particular Mr Bean) have contended in various fora (including to the Fundraising Regulator) that the allegations are true, that your allegations have been roundly rebutted by Mr Packham, and that a body of material has accrued relevant to the determination of that issue. In these circumstances it is neither necessary nor proportionate to repeat that evidence here. Suffice it to say that Mr Packham is confident that you lack any forensic basis to support the allegations, and it is hoped that you now recognise that continuing to assert their truth is fruitless. Indeed, your continuing unwillingness to accept that your position is untenable is a seriously aggravating feature of your conduct in this case.

Serious harm

The meanings are grave. You have repeatedly and insistently accused Mr Packham of serious and cynical fraudulent conduct. The precise extent of the dissemination of the Articles will be a matter known only to you but our client's understanding is that it has been significant. Our client will invite the court to infer that the Articles have caused and are likely to continue to cause serious harm to his reputation.

Damages

Mr Packham is entitled to substantial damages, to include general damages for the serious injury to his reputation, and an element to compensate him for the distress and anxiety of having been made the subject of your vindictive and totally unjustifiable campaign. In support of his claim for damages, including aggravated damages, Mr Packham will point to the high volume of social media activity surrounding the Articles, much of it directly engendered by your own use of social media to promote the Articles, as well as third-party activity prompted by the Articles and/or your own social media activity, that repeats and augments the stings of the Articles, propelling the imputations yet further afield. This effect is the entirely predictable consequence of your having published the Articles, for which our client will make you liable in any proceedings.

Remedies

Our client is entitled to and seeks from you the following remedies:

1. Substantial damages in a sum to be agreed, with the amount to be fixed according to the extent of your cooperation with the balance of the demands in this letter;
2. The removal by you of the Articles from Country Squire;
3. An apology and retraction in terms to be agreed, to be published with sufficient prominence on Country Squire and via Twitter and Facebook (and the terms of such publication to be agreed);
4. An undertaking not to repeat the statements complained of or any statements similarly defamatory of Mr Packham; and
5. The payment to Mr Packham of his legal costs in full.

The Protocol suggests that a response to a letter of claim be expected within 14 days. We see no reason in this case why you should need to take advantage of such a period, given that you have sought and failed to make good your allegations elsewhere. There is nothing further for you to investigate. In those circumstances we invite you to respond within seven days, and unless your response includes an acceptance that you will be providing our client with the remedies set out above, we are instructed to settle and issue proceedings immediately at the end of that period.

You may wish to take independent legal advice on the contents of this letter.

Yours sincerely,



Leigh Day