

Claimant
Sir Cliff Richard
First
29 November 2017

Claim no. HC-2016-002849

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

B E T W E E N:

SIR CLIFF RICHARD, OBE

Claimant

-and-

(1) THE BRITISH BROADCASTING CORPORATION

(2) THE CHIEF CONSTABLE OF SOUTH YORKSHIRE POLICE

Defendants

WITNESS STATEMENT OF SIR CLIFF RICHARD, OBE

I, SIR CLIFF RICHARD, OBE of [REDACTED] WILL SAY as follows:-

1. I am the Claimant in these proceedings for misuse of private information and breach of my rights under the Data Protection Act 1998.
2. I make this statement from matters within my own knowledge or on the basis of information provided to me as indicated in this statement. In so far as the matters set out in this statement derive from my own knowledge, they are true. Where matters are not within my personal knowledge they are true to the best of my information and belief.
3. I am a professional singer and recording artist. I have also acted on stage and screen. My first hit record was in 1958 and I have enjoyed considerable commercial success ever since,

particularly in music, for which I am very grateful. In consequence, my name is well known around the world.

Life and career

4. I was born in Lucknow, India in 1940, which makes me 77 years of age at the time of writing this statement. In 1948, my family, like many British families following Indian independence, moved to the UK. We then lived, and I attended school, in Cheshunt, Hertfordshire.
5. As a teenager, I became increasingly interested in music, and began to sing publicly. I was always the lead singer, but sang with a backing band that was initially known as The Drifters but which – with some changes of personnel – evolved into the band that became better known as The Shadows.
6. In those very early days in the mid-1950s, I was playing in pubs and village halls. But within a short period of time my band and I began to be invited to play larger venues such as ballrooms. By July 1958, when I was still 17, I found myself in the EMI recording studios in Abbey Road to cut our first single. This was 'Schoolboy Crush', a cover of a song which had already been recorded in the US by Bobby Helms, and an original track for the B-side called 'Move It'.
7. Not long after recording the record, we were asked on to television to perform 'Move It'. It proved very popular and the decision was taken to flip the single, so that 'Move It' was on the A-side. The song became a huge success, reaching No.2 in the UK singles charts, on my 18th birthday as it happened, which to me at the time felt unbelievable.
8. I should perhaps provide some insight into the British popular music scene as it stood in 1958. In America, performers such as Elvis Presley, Little Richard, Chuck Berry and others were revolutionising popular music by taking elements of country music and combining them with elements of gospel and rhythm & blues to form a new type of music which became known as rock 'n' roll. It was a style of music that was becoming enormously popular there and which, as it turned out, would shape American and British culture for years to come. But in the late 1950s there was no British rock 'n' roll scene to speak of, and to the extent that British artists were performing rock 'n' roll music, they did not seem to be having much

commercial success with it. Meanwhile, the press of the time tended to be quite hostile to the 'new sound'.

9. Nevertheless, it was a style of music that I loved, and still do, and which influenced me and my band enormously. Following the success of 'Move It', I found myself at the forefront of the fledgling rock 'n' roll scene in this country. I was promoted by my record company as a 'rebellious' young man, which certainly did no harm to my career. I was often described at the time as 'the British Elvis', and 'Move It' regularly referred to as one of the very first authentic rock 'n' roll songs to be produced outside the United States. Indeed, John Lennon of The Beatles once said that *"before Cliff and the Shadows, there had been nothing worth listening to in British music"*.
10. I couldn't possibly agree with that assessment, however kind. But I was very lucky to be embarking on my career just at the time that the British public had developed an appetite for rock 'n' roll. We were very much in the right place at the right time. It wasn't as if either I or The Shadows set out to be pioneers, but I suppose it is true to say that at that time, in the late 1950s and early 1960s, we were the most prominent and successful proponents of the rock 'n' roll musical style in Britain. It is also possibly true to say that we helped create a bridge between the American performers that came before us and the British artists that followed such as The Beatles and The Rolling Stones, without necessarily having a direct influence on their sound. In this sense, I think that The Shadows and I represented the transition from the 'old' to the 'new' in popular music, and in this way played a part in the social and cultural change that was occurring at that time.
11. Eventually, by as early as the mid-1960s, my image had become much less 'rebellious', and more mainstream. In 1964 I became an active Christian. Initially, I thought I ought to quit the music business altogether, but my friends urged me to continue. Standing up publicly as a Christian affected my career in several ways. For a time I performed with Christian groups and recorded Christian material. I still recorded secular songs with The Shadows, but devoted a lot of my time to Christian work, including making appearances on the Billy Graham crusades. As time progressed, I learned to balance my faith and my work in a way that enabled me to continue with my popular music career whilst also being, and being well known to be, a dedicated Christian.

12. I think my active Christianity grew out of the way I was brought up. I was raised in a loving but highly disciplined, God-fearing household, with a very strict Victorian father. His values became my values. He believed in hard work, good manners and honesty. I have tried at all times to live my life in accordance with these values. Although for this reason I haven't always been seen as the most fashionable or trendy of 'pop' musicians or public figures (with the exception of my 'rebellious' phase in the late 1950s), it has meant I have had a work ethic that has allowed me to continue in the music industry for almost 60 years, recording over 100 albums, and meanwhile avoiding the excesses that have been the downfall of all too many rock 'n' roll performers. My values, my work and my faith have always been the important thing.
13. During the course of my career I have enjoyed significant commercial success. Although I find it embarrassing to have to spell things out in this way, I understand from my solicitors that it might be helpful to the Court to provide a few details. To the best of my belief, over 250 million of my records have been sold worldwide, and I am also aware that according to official figures I am the third highest-selling artist in UK Singles Chart history, behind only The Beatles and Elvis Presley¹. My recordings have entered the Top 20 of the UK Singles Chart on 130 occasions, which I believe is more times than any other artist, living or dead. I am also the only recording artist to have had a No.1 single in the UK in five consecutive decades: the 1950s through to the 1990s. Earlier in my career, I also had a leading role in a number of films ('Summer Holiday' is probably the best known), and in the 1990s I played the lead character in the musical 'Heathcliff', which was my own adaption of Emily Bronte's 'Wuthering Heights', with lyrics by Sir Tim Rice.
14. In 1980 I was awarded an OBE for services to music and charity, and in 1995 I was knighted by Her Majesty The Queen. I believe I was the first British 'pop' musician to be honoured in this way. In 2012 I sang at The Queen's Diamond Jubilee concert, a career highlight.

¹ I have even heard it said that because the start of my career preceded the official recording and compilation of sales figures, it is possible that I am the highest-selling artist in UK Singles Chart history.

15. There is no question that my greatest success has been in Britain, but the people of other countries have also been very good to me. I have even had eight Top 40 singles in the United States, two of which sold more than a million copies each. I have also been fortunate to find a receptive audience in Canada, Australia, New Zealand, South Africa, Asia and most countries in Europe.
16. Had I wanted to, I suspect that I could have retired comfortably many years ago. However, retirement has never particularly appealed to me, as I love recording music, and I love to tour and engage with the fans. As I have grown older, I have not needed nor wanted to work constantly, but rather to work regularly and to focus on what I enjoy doing. In the decade prior to 2014, for example, I released seven albums.
17. I should say that I am greatly supported in my day-to-day life by Malcolm Smith, with whom I have worked for 40 years. He has been my business manager since 1987 (and prior to that, from 1977 onwards, he was my Accountant). Tania Hogan, who has been my personal assistant since February 2003, also has an important role. Between them, they assist me with all aspects of my business and many aspects of my personal life, including with the management of my musical career and the vineyard I own in Portugal. In particular, Malcolm helps me with all money-related matters including my personal finances. He holds a power of attorney for me which he can use when I am unavailable. He also comes up with ideas for new projects, and helps me with the organisation and management of these projects when they take shape. He has my full authority.

Charitable work

18. I feel blessed that I have had a very exciting and rewarding career, so I consider it important to give something back. Again, I feel embarrassed by having to talk about this but my solicitors have asked me to provide a little detail because it is an important part of who I am and how I spend my life.

19. Back in 1966 I decided to adopt the practice of regularly donating (tithing) part of my income to charity. Year on year, the exact figure varied, but the figure has been approximately 10% of all my UK performance income for a very long time. On top of this, I occasionally went on 'gospel tours' and held one-off concerts, the proceeds of which I gave in their entirety to charity. When this became public knowledge (not long after I started doing it), I came in for some criticism, with people saying it was some kind of publicity stunt or at most a passing fad. This wasn't the case.
20. Furthermore, for more than 40 years I have been an active supporter and promoter of Tearfund, a Christian charity that aims to alleviate and ultimately end global poverty. I have travelled the world for Tearfund to draw attention to the many valuable projects they are involved in. It has often been a humbling experience. I have always known that my skills are better suited to the stage, but it has been very rewarding to use my profile to play some small part in raising awareness of what's going on around the world and raising funds for vital relief work.
21. I have also supported numerous UK-based charities over the years through The Sir Cliff Richard Charitable Trust ("the Trust"), both by making donations and by visiting churches, hospitals, schools and homes for the elderly, the sick and special needs children. The Trust gives grants on a roughly annual basis, with about 50 different UK-registered charities benefiting each time. The Trust mainly donates to charities working with children and the elderly and for people with disabilities.
22. In 1991, my passion for tennis led me to establish the Cliff Richard Tennis Foundation ("the Foundation"). I'm pleased to say that over the years this charity has encouraged thousands of primary schools in the UK to take up the sport, with over 200,000 children taking part in tennis lessons which the Foundation has run around the country. The Foundation has since become part of the charitable wing of the Lawn Tennis Association.

The events of 14 August 2014

23. I have found it difficult to recall the detail of what happened on Thursday 14 August 2014, and the precise sequence of events, but I have done my best. I have been helped to some extent in this task by the diary I created on my iPad broadly speaking at the time the events in question occurred (I understand from my solicitors that the relevant entries have been disclosed to the Defendants for the purpose of this litigation), and also by an interview I gave to the Daily Mail newspaper following the Crown Prosecution Service's announcement that I was not to be charged with any offence arising out of the allegations which surfaced on 14 August 2014 (or any that were made subsequently), which was published in the newspaper on 21 June 2016.
24. In the years leading up to 2014, the time that I had when I wasn't working was most commonly spent living at my homes in Barbados and Portugal, and my apartment in Sunningdale, Berkshire.
25. On Thursday 14 August 2014, I was at my home in Portugal. I had travelled there to have a holiday not long after attending Wimbledon in July. A couple of weeks before 14 August, I had arranged with my sister Joan that we would go and see a friend of mine, David Baverstock. David works for my winery as a consultant and is a winemaker himself. We were going to drive up to the Alentejo region of Portugal and have lunch with him at the Esporão vineyard, where he is head winemaker. The plan was that after lunch we would leave David, and go on to a little town called Evora, and stay there for the night in a hotel. Evora is close to the border between Portugal and Spain. It is known for being a particularly beautiful place, and I had never been there before. We had intended to have dinner there, stay the night and see the sights the following day before heading home again. I was looking forward to the trip. Joan and I were to be accompanied on the trip by Joan's partner, Martyn, and my friend John McElynn.

26. On the morning of 14 August, Joan, Martyn, John and I were all loading up the car together in readiness for the trip. We had planned to set off at about 10.15 am², anticipating that we would reach the Esporão vineyard at around 12.45 pm.
27. At around 10.00 am that morning, I received a call from Surinder Arora. Surinder was the head of the management group which developed and managed the apartment complex in Sunningdale which contained my apartment. He told me that the police were at the front desk of the apartment complex, with a warrant to search my apartment. I was a little bit shaken. All that I could think to say was that if the police had a warrant then they should be let in. As I recall, I didn't know anything about why they were there, only that they had a warrant, and I remember thinking that if they weren't let in then they might smash the door down, and I didn't want that to happen. As soon as I got off the phone with Surinder, I phoned Malcolm Smith to let him know what was going on. Malcolm said to me that he planned immediately to call my English solicitors Simkins LLP to let them know. (Simkins LLP had been my English solicitors for many years previously.)
28. Although I was a bit shaken by knowing that the police were at my apartment, I also knew – whatever the reason was for them being there – that I had not done anything wrong, so really I had nothing to worry about. On that basis, the four of us decided not to change our plans, and to go on our trip anyway. So we got in the car and set off to see David more or less at the time that we had expected to.
29. During the journey there, we talked about what Surinder had said on the phone, but none of us really knew what to say about it, given that we had no idea what it was all about. We were due have lunch with David at 1 pm, and to the best of my recollection it was approximately 12.50 pm when we arrived.
30. As we were entering the vineyard, Malcolm called John. John then told me what Malcolm had said. I don't recall the precise details of what John told me, but he said that a criminal allegation had been made against me. It was said to be an allegation dating back to 1985, which had supposedly taken place in Sheffield, and had involved a male who was under 16 at the time. This was absolutely shocking for me to hear, especially because it was entirely

² Incidentally, there is no time difference between Portugal and the UK.

untrue. But we had reached our destination, and David was there to greet us, so I thought we should sit down for lunch as planned.

31. Not long after sitting down – I think it must have been around 1.10 pm - John's mobile phone began to ring repeatedly with calls. I remember this as he had to get up and leave the table because it was ringing so much. People were also calling Joan on her phone. Essentially it was people calling them to say that they had heard what was going on in Sunningdale. This was how I learned that the allegation about me had become public.
32. I don't recall precisely what I said to David, but I recall telling him that something bad had happened in the UK, and that was the reason why our lunch was being disturbed. We tried to make the best of it, but nobody seemed to want to eat very much. Once lunch was over, Joan, Martyn, John and I said goodbye to David and set off for Evora as planned.
33. While we were in the car there – I think it was probably around 3 pm – John received a call from a friend of ours called Judy Halewood. Judy told John that the BBC were showing footage of the search of my apartment on the television, and that there was even a helicopter which was filming what the police were doing inside the apartment, through the windows of my apartment. I was horrified to hear this.
34. Pretty much as soon as we had arrived at the hotel in Evora where we were staying, the four of us went into a room with a television and put on the TV news. This was probably around 4.30 to 5.00 pm. I don't recall exactly which channel it was, but I could see the police going through the drawers in one of the rooms of my apartment. I think it was an English rather than Portuguese channel. I felt confused; disturbed and very upset. It was like I was watching burglars in my apartment, going through my personal belongings.
35. We didn't watch for long. Fairly promptly we decided to turn the television off and go for a walk near the hotel. However, I felt very self-conscious walking around in public given what we had seen on TV and we soon decided to go back to the hotel. We all got ready for dinner and went to a local restaurant in Evora, which seemed quiet. We also didn't want to go too far from the hotel. We didn't stay out long. Again, no one really felt like eating. It is possible that I watched a little more of the news that evening before going to bed – I can't quite recall –

but given how upset I had been watching the broadcast earlier in the day, I didn't really feel like seeing any more.

The days immediately after

36. The following day, Friday 15 August 2014, the four of us met for breakfast and talked about what we were going to do. No one felt like going to see the sights as we had planned, and we decided that it was probably better to head back home as soon as possible. I personally felt very uncomfortable, emotionally and physically, with a tight knot in my stomach, and I couldn't really wait to get back. There wasn't much talking that morning. We all felt shaken up.
37. We made our way back and on the way, John called the villa and spoke to Carlos, the gardener. There are three gates at the villa leading to public roads, and Carlos said there were reporters, photographers and people with cameras at all of them. From this I knew there would be a gauntlet to run just to get back into my own home. It was not a prospect I relished.
38. When we got fairly near to the villa, we could see that Carlos was right. There were lots of people outside and it was going to be difficult to get back in. We made a decision to drive to the home of Nigel Birch, my partner in the vineyard, to work out what we were going to do. Nigel's house isn't too far away from mine, and we got there in the late morning, around lunchtime. But once there we concluded that we didn't have much choice but to drive through the crowd. So this is what we did. It wasn't a pleasant experience. I felt besieged.
39. Not long after arriving back at the villa, I also began to feel trapped. I realised that I was going to have to run the gauntlet through a media scrum each time I wanted to leave home. It felt that my old life, which for many years had been so calm and peaceful, was over.
40. It was then that things really hit home. Joan and Martyn had left some time earlier on in the afternoon. It was only John and I there. I literally lost the power to stand. I collapsed in the kitchen. Nothing like it had ever happened to me before. I was just in despair, and felt hopeless and helpless. I felt as though I was in a hole, with no means of getting out, and I was on my knees in the kitchen, sobbing. At that moment I couldn't see how I could face the future, my friends, or my family. Although I knew that I had not done anything wrong, it felt

like the whole world – everyone who knew me, everywhere I had been – must believe that I had, or at least was talking about whether I had done it or not.

41. John helped me up and told me to hold my head high, as I had done absolutely nothing wrong. I listened to him, and did my best to do what he asked. Not long afterwards I received a phone call from my friend, Gloria Hunniford. It was good to hear from her, and I immediately felt slightly comforted. She said to me that I mustn't say a word or interrupt her. She said that she had seen the BBC's broadcasts and had spoken to some mutual friends of ours, and that they knew of a fantastic lawyer specialising in this sort of thing, called Ian Burton, and that Ian Burton was going to call me. Ian did call me shortly after I finished my call with Gloria. He was really comforting, and John told me that my body language began to change in a positive way during the twenty minutes or so that we spoke to one another. As it happened, Ian was the senior partner of BCL Burton Copeland, the firm of criminal solicitors whose lawyers, Paul Morris and Omar Khan, had been instructed to attend on my behalf at the Sunningdale apartment while the police search was going on, although I did not realise that at the time.
42. On Saturday 16 August, two days after the police search, some friends came to see me and I thought that a game of tennis might help to take my mind off things. However, when I arrived at the court, I felt that I couldn't play because there was a photographer on my property looking over the wall of the tennis court and trying to take photographs of me.
43. On Monday 18 August, I decided to try again to play tennis on the court at home, this time with a coach I work with when I am in Portugal. I play very regularly and usually I really enjoy playing. On this occasion, there was no photographer there that I could see, so I was able to get on the court. But however hard I tried, I could hardly manage to get the ball over the net, and found it difficult to move my arms and legs. My whole body seemed to be exhausted. It was strange because I often play in the middle of the day, and usually find it very easy to run around in the heat for an hour, but this day I came off the court feeling that it had done me no good whatsoever. It seemed that the emotional upheaval I was being put through was affecting my body as well as my brain.
44. During the rest of this week, there continued to be reporters and photographers stationed outside my property. The kitchen in my house can be seen from the gardener's gate, and

there were always a number of cameras pointing in that direction. I had to keep the blinds down all week to avoid the photographers taking pictures of me inside my own home.

45. By Friday 22 August, some of the reporters and photographers had left, but there were still several hanging around. I was reluctant to leave while they were there, as I didn't want to have the experience of 'running the gauntlet' again. (I hadn't left the premises all week after arriving back the previous Friday afternoon.) However, this created another problem as I had agreed earlier in the week to be interviewed by the police in the UK on a voluntary basis the following day, Saturday 23 August. I wanted to co-operate with the police, but I didn't want the fact that I was returning to England to attend a police interview being turned into a 'story' and plastered all over the media again.

46. To avoid the risk of this happening so far as I could, I chartered a private plane to take me to the airport nearest to Sheffield, where I was going to be interviewed. I usually travel with commercial airlines, but on this occasion I felt I couldn't because of the risk of harassment from the press and other forms of unwanted attention. For similar reasons, when I left the villa on the evening of 22 February in preparation to fly back to England, I departed in the back of Nigel Birch's car, lying down and covering myself with a blanket to avoid being photographed. I spent the night at Nigel's home before flying early the next day.

47. In the meantime, I should add, I was finding it very difficult to sleep and resorted to using sleeping pills, something I rarely had had to do before.

Impact of broadcast

48. It is very difficult for me to describe how I felt on 14 August 2014 when I saw the footage of the police searching my apartment. As I have said, it was shocking and upsetting. I also remember being conscious at the time that people all around the world, people who knew me, would have been watching too, and being led to believe that I was, or at least might be, a serious criminal. It felt as though everything I had worked for during my life – trying to live as honestly and honourably as I could – was being torn apart. I felt that the publicity stemming from the BBC's broadcast had taken away from me what I was, and what I was known as, before: a confident and respected artist, and a good ambassador for this country. I felt forever tainted. I still do.

49. In particular, during the 22 month period that followed 14 August 2014, I never felt right at all. That is to say, until the day in June 2016 I learned that the Crown Prosecution Service were not going to be taking any further action against me.
50. My health suffered, both mentally and physically.
51. During the day, there was the ever-present knot in the stomach. At night, if I managed to get to sleep at all, I'd wake up in the middle of the night, going over things in my head again and again. I really didn't have a proper night's sleep in 22 months. I thought I was going crazy, because I often found I was talking to myself. At one point, feeling particularly sleep-deprived and tormented, I actually thought I was going to have a heart attack or a stroke. I also lost a considerable amount of weight during this period, even though I had little to shed. Sometimes I looked in the mirror, and it felt like someone else – a much older version of myself – was looking back at me.
52. Meanwhile, I suffered from a cough for about 11 months during this period which I believe must have been related to the stress. It just went on and on; I couldn't shake it off. I also contracted shingles, an extremely painful condition, which I also put down to the stress.
53. In the meantime, another consequence of the BBC's broadcast was that I felt unable to return to my apartment in Sunningdale. I never went back except to pack up my belongings. In my mind, it had become contaminated. I didn't feel I could be comfortable there any longer. I have in fact been burgled before, and this for me was an even worse experience.
54. Finally, I think it is important that people realise that my family and those close to me were also badly affected. I know that they underwent many painful and embarrassing moments. I found this very upsetting. I felt it was my fault. It also caused them to be concerned for my welfare, constantly getting in touch and asking if I was ok. While I was grateful to them for this – it gave me strength – I wish that they hadn't been forced to endure this experience.

Disruption

55. The televised police search and the subsequent publicity surrounding the investigation not only seriously disrupted my personal life, but also my charitable work and my plans for my professional work. As I have already said, in the years leading up to August 2014 I had been

working regularly, releasing a new album every 18 months or so, and generally playing a number of concerts, if not a full tour, every year.

56. In 2014 I had intended to record an album in the second half of the year, to be released in 2015. An agreement in principle had been reached with Sony that they would release the album worldwide. It was to be an album of rock 'n' roll standards or 'classics', which I would sing with a backing band. A period of time had been set aside for recording sessions in Nashville, Tennessee with the musicians and producer. I was eagerly looking forward to the recording sessions as American rock 'n' roll is the music that I have loved for so many years, which inspired me to get started in music in the first place, and I thought it would make a really good album. I was particularly excited because I was going to record a 'virtual duet' with Elvis Presley on the track 'Blue Suede Shoes' (whereby a pre-existing recording of Elvis singing the song would be mixed with a version of the track that I had just completed with the band, as though we were singing live together in the studio).

57. As a result of the publicity surrounding the police investigation, Sony's preferred course of action became to wait until the investigation was concluded before committing to the album. This was understandable, but it left me in effect in creative limbo for two years as there was no way that I was going to be able to get anything released, with Sony or any other record company. Furthermore, my intention had been that the album of 'rock 'n' roll classics' would be released to coincide with my 75th birthday tour in October 2015, the dates for which had been booked for some time, and promoted and marketed accordingly. This was a missed opportunity I will never get back.

58. In the end, despite Sony's decision to 'sit on the fence', I resolved to go ahead with the sessions in Nashville anyway, but financing them myself, in the knowledge that there was no guarantee of having the results released as a record (or my investment recouped, though that was not my primary concern). But beyond that I felt there was little point in recording any more material. It seemed that it would just cost money and might never see the light of day. I can't say that I was feeling particularly inspired generally. In particular, I had planned to record an album of Christmas songs in late 2015 or early 2016 for release in late 2016, but decided to put it on hold. I should say that the 'rock 'n' roll classics' album was eventually recorded and released with the title 'Just... Fabulous Rock 'n' Roll' in November 2016, but the Christmas album never went ahead.

59. Meanwhile, I was forced to shelve the production and publication of an updated edition of my book "My Life, My Way", last published in paperback in 2009. The idea was that this new, revised version of the book, featuring some new content and photographs covering recent times, would be written in late 2014 or early 2015 to come out at the same time as my 75th birthday tour in October 2015. The negotiations with the publishers were in their final stages and a substantial advance had been agreed. Then the search of my apartment and the BBC's broadcasts and coverage happened. I am informed by Malcolm Smith that following an enquiry made of him, via my literary agents (WME), by the publishers in November 2014 as to whether the position had changed following the publicity given to the police investigation, Malcolm replied to the literary agents that while he remained enthusiastic as to the viability of the deal, he did not think the timing was right. He asked the agents to pursue the matter by (in his words) 'keeping it simmering on the front of the stove'.
60. While at the time the negotiations for the new book were going on I was happy to take on the considerable commitment that would have been involved in producing the new chapter and also the promotional and press work that its publication would have entailed, it would have been a completely different proposition had I been expected to go through with the book and the associated promotional activities in the circumstances that came to pass in August 2014. Malcolm was quite right to say that for as long as I remained under police investigation the timing of this project did not work. I don't recall having a specific conversation with Malcolm about whether to go ahead with the book in the wake of the events of August 2014, but if I did I would have agreed with his opinion that I should not. Re-living these recent events at this time while I remained publicly under suspicion would have been a very painful process for me; I simply would not have been able to face it. And anyway, I don't think it would have been right for me to talk about these events until after I was no longer under investigation, something which unfortunately did not happen until June 2016. By this time, we had missed the boat for my 75th birthday celebrations. Since then I have not felt like reviving the project, and I gather from Malcolm that the publishers are no longer interested in it anyway.
61. Otherwise, not long before August 2014, talks had begun for me to take part in 'Sinatra 100', a series of high-profile shows at the London Palladium in the early part of 2015 that would be a celebration of the music of Frank Sinatra on the 100th anniversary of his birth. The organisers of the event (which included Lord Andrew Lloyd Webber) were talking about me

headlining either two or three nights to open the series of concerts, and also at the same time being accorded the honour of being inducted into the London Palladium Hall of Fame.

62. After what happened in August, the event organisers were very kind and supportive to me, but I felt that I couldn't commit to the project while it was so public that I remained under investigation and had no idea how long it would take for it to be over, or (despite knowing I was innocent) what was going to happen next.
63. Similarly, I had been due to perform at a fundraising concert at Canterbury Cathedral on 26 September 2014. The concert was part of a series of events being held to celebrate the 40th anniversary of the Canterbury Cathedral Trust, a charity which raises money to support the Cathedral's conservation. Somewhat ironically, I had agreed that the BBC could record the concert for DVD and television. However, due to the adverse publicity generated by the BBC in August, I felt I had no choice but to pull out of the event, as I didn't want to risk it being speculation about me or the allegations against me, or anything similar.
64. I had also been planning to attend the US Open tennis tournament in New York in early September 2014 as I often do, but again I felt I couldn't go in case it created any unpleasantness or problems for the tournament's organisers. It was embarrassing for me to inform J. Howard Frazer, a former United States Tennis Association President, and a Life Trustee at International Tennis Hall of Fame, that I felt I couldn't attend even though I had done nothing wrong. These feelings of embarrassment and shame were only made worse when I became aware that there were false rumours doing the rounds that the 'real reason' why I wasn't going was that I had been banned from attending the tournament or that there was some legal obstacle to my being permitted to enter the United States.
65. In the meantime, for many years there has been made available annually in the shops a Cliff Richard Official Calendar. It is produced by a company called Danilo which I have worked with for a long time, and over the years it seems to have become hugely popular and successful, often being one of the best-selling calendars in the UK. I have heard it said that it is something of an 'institution'.
66. Anyway, my calendar is clearly appreciated by some of my fans and seems to mean quite a lot to them. It is also important to me commercially, not just in terms of the income it generates in itself but also in that it raises my profile once a year and keeps me in the public

eye. The calendar is usually launched by PR people for Danilo in August each year, accompanied by some newspaper coverage, before it goes on sale on about 1 September. Unfortunately, in 2014, it turned out that some of the largest retailers who normally stocked the calendar refused to put it on their shelves owing to the BBC's adverse publicity. I don't blame them for their decision as they had to do what they felt was best for their own business, but it is yet another example of my business affairs suffering serious disruption, and one I felt particularly hurt about.

67. Then, in April 2015, with the investigation still unresolved and still being featured in the media as someone under police suspicion, I took the decision not to attend Wimbledon in June that year. It would be the first time that I had missed it in 20 years or so. As had been the case with the US Open tournament the previous autumn, while matters remained as they did, I did not want my attendance to create difficulties or cause problems for the organisers in any way. I communicated my decision to Philip Brook, Chairman of the All England Lawn Tennis Club. Again, I felt ashamed at having to do so, and it aggrieved me that I could not attend.

68. The August 2014 broadcasts also affected sales of the wine grown in my vineyard, with various retailers and restaurants apparently deciding not to order more from us.

69. Even after the announcement by the Crown Prosecution Service that no further action would be taken against me, it seemed that the publicity which had been given to allegations against me still had the potential to disrupt my charitable work. For 25 years or so prior to September 2016, I had been a patron of the charity Dreamflight, which is a UK charity that takes children with a serious illness or disability on 'the holiday of a lifetime' to Orlando, Florida. In a letter from Sally Wrampling, one of the directors of Dreamflight dated 30 September 2016 I was asked not to appear, as I had previously done for countless years, at the 'send-off' of the flight. I was told that a number of Team GB Paralympians were coming to wave the team off, and that my presence might detract from this. I found this to be embarrassing and really hurtful. I felt obliged to resign as patron.

70. Otherwise, throughout the period from August 2014 and June 2016 the BBC's broadcasts provoked all manner of further problems and challenges to be attended to, not least persistent media speculation and enquiries about where things were with the police investigation and how I was coping. There were times, particularly in the immediate aftermath of the

broadcasts, when this speculation was especially intense. There were also matters on which I needed legal advice and representation, as I shall describe. Even if we had wanted to, there is simply no way that Malcolm, Tania or I, together or individually, could have dealt with the range or volume of the matters that arose, either in terms of our capacity (including in my case emotionally) or in many cases having regard the specialised nature of the work that needed to be done.

71. Malcolm and Tania did their best to shield me from much of what was going on during this period as they knew I found it so upsetting, but they still kept me up to date with the main things that were happening. In particular, I knew that my solicitors Simkins LLP, with whom I had worked for many years and whom I had instructed through Malcolm on a general retainer basis to attend to matters which required specialist media law input, were required regularly to write to people who were publishing or broadcasting incorrect and sometimes damaging information about me. Following the events of 14 August 2014, I felt I also had to instruct my PR agents, PHA Media, who likewise had done some work for me previously, to help me with this 'firefighting' exercise, trying to undo the damage done by the BBC's broadcasts and to deal with further problems as they arose. It was Malcolm that put the specific arrangements with Simkins and PHA Media in hand on my behalf, both financially and otherwise.

72. Some of the main tasks which Simkins and PHA Media were required to attend in the aftermath of the BBC's broadcast, so far as I am aware, were as follows:

72.1 Monitoring postings concerning me on Facebook and Twitter and elsewhere on the internet, and endeavouring where possible and appropriate to have any libellous or otherwise damaging or offensive material taken down. I have learned that this can be a more difficult and time-consuming task than one might expect.

72.2 Considering, advising me about, and responding to enquiries from the mainstream press and broadcasters about the allegations against me and the status of the police's investigation. In all probability, had it not been for the BBC's coverage, this interest would never have existed.

72.3 In one particular instance, an individual attempted to blackmail me by saying that unless I paid him money, he would peddle further (false) allegations about me to the press. In the circumstances that I was in – already facing police investigation – I had to take his threats seriously. I refused (on legal advice) to give into his demands, and instead my criminal lawyers (BCL Burton Copeland) made a formal complaint to the police regarding the conduct of the relevant individual. Apparently not daunted, the individual in question then decided to publish his allegations online, copying news organisations to Tweets in an attempt to interest them. He succeeded with the *Sunday Mirror*, who had to be persuaded not to publish. All of these publicity-related issues required advice and representation from Simkins.

72.4 Another aspect of things was that the House of Commons' Home Affairs Select Committee ("HASC") was prompted by the BBC's broadcasts to launch an inquiry into 'The Police, the media, and high-profile criminal investigations', examining in particular the relationship between the South Yorkshire Police and the BBC and how BBC journalists had come to know of the police investigation into me and the search of my apartment before me. Again, I felt that it was right and necessary to instruct my lawyers Simkins to represent my interests in relation to this inquiry, and to attend to its requests for information.

72.5 As I have already mentioned, I have a home in Barbados. Travelling there often involves passing through the United States. US Border Control is notoriously strict. In September 2014, I felt that I needed some legal advice about whether the fact I was under police investigation – as had become widely known as a result of the coverage – might affect my ability to travel unhindered into and out of the US, and whether I might need to contact US immigration before travelling there again. I initially sought advice from Simkins, who offered me a preliminary view, but they said I should take some advice from a different firm of solicitors that specialised in US immigration issues. This I did, and a letter was written on my behalf to show to the US authorities clarifying my position. (Contrary to the false rumours to which I have referred in paragraph 64 above, there turned out to be no problem in this regard.)

73. Finally, it probably goes without saying, that all of this disruption caused me an unbelievable amount of hurt and pain. It felt like torture, sustained over a period of almost 2 years. It felt as though everything I had done, everything I had built and worked to achieve, was being torn down; like life itself was coming to an end. And at the same time it all seemed so unfair. I know that life can be unfair – and until August 2014 it had been fairer to me than most – but I had to draw deeply on my faith to try to make any sense of what was happening to me, knowing as I did that I was innocent of the accusations against me, to which the BBC had decided to give maximum publicity. Similarly, when it came to an end by and large in June 2016, when the Crown Prosecution Service announced I would not be charged, I cannot convey the sense of relief I felt.

The BBC

74. I think it is worth mentioning that of all the people that might have done this to me, I would never have dreamed that it would be the BBC. It would never have crossed my mind. I have always had a great deal of respect for the BBC. They helped me with my career when I got started, and they have helped with it since. I think even now that a lot of what the BBC do is really great, and that they make excellent programmes. And obviously the vast majority of people who work at the BBC had nothing to do with the decision to go ahead with the broadcasts at issue in this case. It is an institution, respected around the world. I suppose it is for this reason that I thought the BBC would absolutely play by the rules. I had always thought that a police search of a property was supposed to be a matter for the police and the police alone, and yet on the morning of the search of my property, the BBC were seemingly there with cameras before even the police had arrived.

75. At one time, I would have been reluctant to bring these proceedings. It is not in my nature to be a 'vengeful' person. It was tempting to just try to forget the entire episode and put it behind me. Yet at the same time I believe that I am in a very privileged position, in that through bringing this claim, at this stage in my life when I have the financial resources to do it, I may perhaps make it less likely that anyone else ever has to go through the same thing that I did at the hands of the BBC between 2014 and 2016. Even though I recognise there is a risk that

I will not succeed in this endeavour, I feel that it is my duty to try, or nothing good will have come out of it.

76. I should also say that my feelings have been hurt again repeatedly by the way in which the BBC have behaved since August 2014. They have continually refused to accept or acknowledge that they did anything wrong or to apologise properly for what they did, saying, for example, in a statement in June 2016 (i.e. soon after it was announced by the Crown Prosecution Service that they would be taking no action against me) that they were sorry that I had "suffered distress", but that they stood by the decision to report the investigation and the search. In other words, as I see it, no apology at all; just a rather sorry attempt to save face publicly whilst at the same time, so far as I was concerned, adding insult to injury. A similar statement was publicised by the BBC in May 2017, around the time that I settled my dispute with the South Yorkshire Police, in May 2017, which seemed to me designed to take the sheen off my settlement with them, and to undermine the police's unambiguous apology to me.

77. Another aspect of the BBC's behaviour in this regard was their decision, in January 2015, to submit their coverage of the police search of my home for a major journalism award – the Royal Television Society's award for 'Scoop of the Year'. At my request, my solicitors Simkins wrote to the BBC, politely asking them to reconsider their decision, but the BBC refused. I was nothing less than flabbergasted by their decision to seek to garner industry awards in respect of a broadcast in which they had treated me with such contempt.

Conclusion

78. When all is said and done, I am left with the overwhelming feeling that what the BBC did to me was very wrong. I was portrayed as a sex offender around the world before I had even been questioned by the police. I had to watch on TV my home being searched by the police. I watched them going through my drawers and my private possessions, powerless to do anything about it, wondering what everyone else watching might be making of it. Later, they refused to apologise to me, refused to recognise that they had done anything wrong at all, and even boasted that it was the scoop of the year.

79. I try not to dwell too much on how one day I may be remembered. After all, I have lived a life that most people can only dream of, and I know how fortunate I am to have had such a life even though it has of course involved a lot of hard work along the way. However, I had always thought that what people would remember about me, would be the music and the other positive things that I have done during the course of my life. I now fear that at least one of the things with which people will associate me after I have gone is these dreadful, false accusations, which would probably have never come out or gained any traction if it hadn't been for the BBC's decision to put them on television in the way that they did. Unfortunately, I fear that to some extent my standing and my self-esteem have been damaged forever.

80. However, if the Court finds in my favour in this case, as I hope it will, and declares publicly that what the BBC did was wrong and should never have happened, it will afford me some solace and go some way to ensure that what happened to me never happens to anyone else ever again. This I would regard as a truly valuable legacy.

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed

Sir Cliff Richard

Dated: 29.11.17

Claimant
Sir Cliff Richard
First
29 November 2017

Claim no. HC-2016-002849

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

B E T W E E N:

SIR CLIFF RICHARD, OBE

Claimant

and

(1) THE BRITISH BROADCASTING
CORPORATION

(2) THE CHIEF CONSTABLE OF
SOUTH YORKSHIRE POLICE

Defendants

WITNESS STATEMENT OF
SIR CLIFF RICHARD

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