



JUDICIARY OF  
ENGLAND AND WALES

Press Summary of judgment by Mr Justice Stuart-Smith

Michael Ciaran Parker -v- Chief Constable of Essex Police

On 14 June 2007 Mr Parker (who is better known as Mr Michael Barrymore) was arrested in London on suspicion of the rape and murder of Mr Stuart Lubbock. Mr Lubbock had died after being found in the swimming pool at Mr Parker's home in Essex on 31 March 2001.

In September 2007 Mr Parker was released without charge. Neither he nor anyone else has been charged with any offence against Mr Lubbock.

In these proceedings Mr Parker sues the Chief Constable of Essex Police alleging that his arrest in June 2007 was unlawful and that he has suffered loss and damage as a result. He claims substantial damages.

The Defendant now admits and accepts that the arrest of Mr Parker was unlawful, because the arresting officer did not have the necessary grounds for suspecting that Mr Parker had committed the offences for which he was arrested. But the Defendant has asserted that Mr Parker is not entitled to anything more than nominal damages because the Defendant says that he could and would have been arrested lawfully if he had not been arrested unlawfully. So the Defendant says that the unlawfulness of the actual arrest made no difference.

After a trial in May 2017 of the issue whether or not Mr Parker is entitled to recover more than nominal damages, I have ruled that:

- (i) There was information available to the police that could have provided an arresting officer with reasonable grounds for a lawful arrest; but
- (ii) There was only one designated Arresting Officer who had sufficient information and had been sufficiently briefed to enable her to arrest Mr Parker lawfully. She was not present at the time of the unlawful arrest; and
- (iii) If Mr Parker had not been unlawfully arrested as and when he was, he would have been unlawfully arrested by one of a number of other police officers who were at the scene. That arrest would also have been unlawful because none of the police officers at the scene had sufficient information or had been sufficiently briefed to enable them to arrest Mr Parker lawfully; accordingly
- (iv) The Defendant has failed to prove that, if not arrested unlawfully as he was, Mr Parker could and would have been arrested lawfully;
- (v) Mr Parker is entitled to recover more than nominal damages.

The judgment will be published on the judicial website ([www.judiciary.gov.uk](http://www.judiciary.gov.uk)) and on [www.bailii.org](http://www.bailii.org)

**NOTE: This summary is issued to assist understanding of the Court's decision handed down on Friday 18 August 2017. It does not form part of the reasons for that decision. The full judgment of the Court is the only authoritative document.**