



Neutral Citation Number: [2024] EWHC 956 (KB)

Case No: KB-2021-001248

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA & COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 25/04/2024

Before :

THE HONOURABLE MRS JUSTICE COLLINS RICE

Between :

Mr SIMON BLAKE

Mr COLIN SEYMOUR

Claimants

- and -

Mr LAURENCE FOX

Defendant

Miss Lorna Skinner KC (instructed by Patron Law) for the **Claimants**
Mr Patrick Green KC, Ms Alexandra Marzec & Mr Greg Callus (instructed by Gateley
Legal) for the **Defendant**

Hearing date: 22nd March 2024

Approved Judgment

This judgment was handed down remotely at 2pm on 25th April 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MRS JUSTICE COLLINS RICE

Mrs Justice Collins Rice :**Introduction**

1. The background to this case appears in full in the liability judgment *Blake & Seymour v Fox* [2024] EWHC 146 (KB). Mr Fox had, at an early stage in these proceedings, been held to have made factual allegations in two tweets that Mr Blake and Mr Seymour, respectively, ‘*was a paedophile, someone who had a sexual interest in children and who had or was likely to have engaged in sexual acts with or involving children, such acts amounting to serious criminal offences*’. That has now been determined to have been a baseless and indefensible libel in each case, and judgment has been entered for Mr Blake and Mr Seymour in their defamation claims against Mr Fox.
2. The liability judgment (see [166]) itself ‘*stands as the beginning of the legal vindication to which Mr Blake and Mr Seymour are entitled, as successful defamation claimants*’. This judgment now deals with the further remedies they seek.
3. They each ask for (a) an award of a sum of money in damages; (b) an injunction to restrain Mr Fox from publishing the same or similar defamatory statements; and (c) an order compelling Mr Fox to publish a summary of the judgment in these proceedings on his X (Twitter) account.

Legal framework**(a) Libel damages**

4. There is no material dispute between the parties as to the correct legal approach to assessing quantum of damages. It may be shortly stated by way of general framework.
5. Defamation (libel) is a tort or civil wrong. The starting point for any award of damages in tort is that the court should award the sum of money which will, as nearly as possible, restore the injured party to the same position he would have been in had the tort never been committed. There is of course no penal element to an award of libel damages; the exercise is purely restorative.
6. But the nature and history of libel, and its focus on reputational harm and the restorative vindication of reputation, has resulted in the evolution of a distinctive approach to assessing damages for defamation. As Nicklin J observed in *Monir v Wood* [2018] EWHC 3525 QB at [228], ‘*Damages for libel cannot be calculated on any mathematical basis. By definition, they seek to provide compensation for harm that it is almost impossible to quantify in monetary terms*’. The exercise is necessarily therefore a broad and holistic one.
7. That is further underlined by Nicklin J in his observations *Lachaux v Independent Print* [2021] EWHC 1797 (QB) at [227] about claims for *aggravated* damages in defamation (of which this is one):

In my judgment, separating out a specific award for aggravated damages is unnecessary and, I consider, generally unwise. The

Court's task is to assess the proper level of compensation, taking into account all the relevant factors, which include any elements of aggravation. If, as the authorities recognise, the assessment of libel damages can never be mechanical or scientific, attributing a specific figure to something as nebulous as aggravation has an unconvincing foundation. Worse, as it would represent the imposition of a clearly identified additional sum of money, it risks the appearance of being directly attributed to the conduct of the defendant. That comes perilously close to looking like a penalty. For these reasons, I consider the better course is to fix a single award which, faithful to the principles by which damages in defamation are assessed, is solely to compensate the Claimant. The award can properly reflect any additional hurt and distress caused to the Claimant by the conduct of the Defendants. ...

8. As well as being broad and holistic, the exercise is also, as Mr Green KC, Leading Counsel for Mr Fox, put it, undertaken, within a framework of principle, on an '*intensely fact-specific*' basis. That framework of principle does include maintaining broad comparability within the tort and between torts. So regard may be had to other awards in defamation cases of a comparable nature, although the authorities are at pains to emphasise that no two defamation cases are ever really the same. Here, the parties have drawn my attention to a range of example awards for comparative purposes, and I have borne them in mind by way of guideline. But the gulf between the conclusions they urge on me as a result rather underlines the selectivity inherent in the exercise of finding points of similarity to and difference from past decisions. Regard may also be had to the (very differently assessed) awards in personal injury cases to ensure that damages for defamation are, and are seen to be, proportionate and realistic. But these comparative exercises are by way of guidance only, and the focus must remain, intensely, on the circumstances of the individual case.
9. The relevant legal principles particularly applicable to the tort of defamation were set out clearly by Warby J (as he then was) in *Sloutsker v Romanova* [2015] EWHC 2053 at [74]-[82] and in *Barron v Vines* [2016] EWHC 1226 at [20]-[21], and I have directed myself in full to those passages. Broadly, the purpose of an award of damages in defamation proceedings is to compensate for injury to reputation and to feelings, and in particular to vindicate claimants, so far as money can do that. Vindication and compensation are not to be thought of in compartmentalised terms: the overall purpose of the award remains to restore a claimant, to the extent money can do so, to the position as if the libel had not occurred. But in defamation cases that means not only redressing the balance in terms of quantifiable losses, but unequivocally albeit proportionately restoring a claimant's standing to its previous state. (In the present case, I have already described the Claimants' previous standing as 'pristine'.) As the authorities put it, the sum awarded must be an outward and visible sign of vindication, sending a message restoring a claimant's good name '*sufficient to convince a bystander of the baselessness of the charge*'. If an award fails to achieve vindication, it fails properly to compensate and restore the *status quo ante*.
10. In assessing damages, the court takes account of all the relevant facts, and in particular the gravity of the defamation, the extent of its publication (including its republication

by onward ‘percolation’), and evidence of the harm it has done. Fact sensitivity remains the hallmark of the exercise, and facts must be established in the usual way by evidence. But the authorities’ acknowledgment of the essential intangibility and imprecision of the harms and redresses at the heart of the exercise fairly and inevitably read across to the nature of the relevant evidential and fact-finding processes involved.

(b) *Injunctive relief*

11. Injunctive relief is regularly afforded to successful defamation claimants, to restrain the publication of the same or similar libel. Final injunctive relief, restraining publication post-judgment, is distinctively different from pre-trial interim relief, since the implication of the judgment is necessarily that the published libel is not a species of free speech protected by Article 10 of the European Convention on Human Rights. Nicklin J’s observation about permanent, post-judgment, injunction in *Lachaux* at [239] was that ‘*it is the natural remedy that flows from the Court’s decision*’, and, in the absence of satisfactory undertakings, it may be necessary to injunct further publication to give full effect to that decision.
12. But, importantly, it is a discretionary remedy. It is not available as of right. In considering whether to exercise its discretion, and if so how, a court will have regard to all the circumstances of a case, including the conduct of the parties, and will focus in particular on assessing the risk of repetition of the defamation should injunctive relief not be granted.

(c) *Order for publication of judgment summary*

13. Section 12 of the Defamation Act 2013 provides as follows:

Power of court to order a summary of its judgment to be published

(1) Where a court gives judgment for the claimant in an action for defamation the court may order the defendant to publish a summary of the judgment.

(2) The wording of any summary and the time, manner, form and place of its publication are to be for the parties to agree.

(3) If the parties cannot agree on the wording, the wording is to be settled by the court.

(4) If the parties cannot agree on the time, manner, form or place of publication, the court may give such directions as to those matters as it considers reasonable and practicable in the circumstances.

(5)...

14. The power to order publication of a judgment summary is itself a distinct incursion into a defendant’s rights to freedom of expression, protected by Article 10 of the ECHR, and must be exercised mindfully of that. The incursion involved must be justified by

reference to the legitimate aim of protecting reputation, and necessary and proportionate to that aim.

Consideration

(a) *Quantum of damages*

15. I hold in mind the guidance of the authorities, and the imperative to focus on the key facts and evidence. So I begin with the evidential and factual analysis of the serious (general) prejudice caused to Mr Blake's and Mr Seymour's reputations by Mr Fox's libel, as set out at [62]-[103] of the liability judgment. As the judgment acknowledges in terms, and as Mr Green KC reminded me, the process I am embarking on now is the distinctively different one of calibrating quantum rather than assessing whether the statutory threshold test is passed. But the factual findings I have already made are at least a relevant starting point.
16. The inherent gravity of the libel is a relevant consideration in the first place. The liability judgment deals with that at [66]-[68]. As explained there, a factual allegation of being a paedophile – of having, or being likely to have, engaged in sexual acts involving children, such acts amounting to serious crimes – is, intrinsically, an exceptionally grave and cruel allegation. That is because of the exceptional repugnance with which paedophiles are regarded in our society, and because of the exceptionally adhesive and 'non-incredible' quality of this particular allegation. It is a particularly powerful reputational pollutant.
17. The extent of publication is a relevant consideration in the second place. The liability judgment deals with that at [69]-[73]. This was a mass publication case, not just because of Mr Fox's large Twitter following and the evidence of substantial percolation on social media, but because the paedophile allegations were picked up and discussed in the national edited media. The Claimants did republish the libels as part of what they apparently considered to be a damage limitation exercise, but that did not, on the evidence, in my judgment materially add to or detract from the *impact* by scale of publication in the circumstances.
18. The liability judgment next considers the Claimants' particular reputational situation at [74]-[78]. Their vulnerability to reputational harm by this libel was exacerbated by their national profile on LGBTQ+ issues, and the safeguarding matters engaged by their respective livelihoods. The Claimants' evidence, which I accepted, was that they experienced the libel and its consequences as distinctively homophobic. (Their immediate responses to Mr Fox's tweet are relevant: Mr Blake's '*here we go*' indicating in context recognition of a well-worn trope, and Mr Seymour's '*now adding homophobic, boring and lazy to your list of adjectives*'.)
19. These are all factors relevant to the calibration of quantum of damages. Relevant also, since quantum reflects not only reputational harm in the minds of third parties but personal distress to claimants, is the evidence of how they subjectively experienced all of this. The gravity of the libel, the extent of publication and the prominence of the public controversy it unleashed themselves lay an evidential groundwork for a ready factual inference that Mr Fox's libels subjected the Claimants to a shocking and humiliating public ordeal. Out of nowhere, and literally overnight, they were catapulted into the glare of a national news story and national media commentary of an

exceptionally vehement, exposing and polarised nature. Mr Fox, well-known actor, emergent national commentator, controversialist and politician, and practised wielder of the public megaphone to advertise serious and challenging propositions, had, out of the blue, attached one of the stickiest and most toxic of words in the English language to them. He attests himself to the power of language. The Claimants faced what was, in the modern era, the entirely inevitable terrors of blaring public and publicised controversy up to and including vicious hate speech, and the subjective terror of fearing what the country in general, and people who mattered to them in particular, might be thinking. They faced the nightmare of having to counter the libel by proving that most elusive of negatives: that they were not paedophiles.

20. All these matters of general evidence and inference go to an irreducible minimum impact on Mr Blake and Mr Seymour's reputations, and their personal experience, caused by the detonation of Mr Fox's libels, and largely speak for themselves. I also accept as clearly credible their *specific* evidence of the bewilderment, fear and distress they (and their immediate family and friends) experienced in the immediate aftermath. Both Claimants were undoubtedly fortunate in the unqualified support they were given at home and at work. That does not mean they were anything otherwise than acutely needful of, reliant on, and grateful for that support, both then and since.
21. I reject Mr Green KC's contention to the contrary, including that the evidence supports a conclusion that Mr Blake and Mr Seymour brushed off, or even relished and capitalised on, the experience personally and professionally, or that the claims they brought against Mr Fox were the product of a blasé, cynical, self-serving or politically motivated project to harm him or enhance their own profiles and prospects. I do not agree that the balance of the evidence indicates that. To the extent that their reactions disclose a measure of possible bravado or gallows humour I consider that entirely consistent, on the evidence, with the range of normal human reactions to a traumatic experience, and with the evidence of each Claimant's reaction genuinely being one of shock and humiliation. I accept that their bewilderment, fear and distress turned to anger; that too is a natural enough human process. Each was a capable, articulate and resolute individual with, as it turned out, effective support networks. I accept they did what they could to protect and defend themselves, including by bringing these proceedings (having to make themselves vulnerable to enhanced and acute further scrutiny thereby). The proceedings themselves were highly adversarial and hard fought, including by way of Mr Fox's counterclaims. None of that is inconsistent with accepting their accounts that being a libel victim was a personally excruciating, and wholly unlooked for, ordeal for both Claimants, the substantial scale and impact of which were straightforwardly apparent to me from their oral evidence and the evidence of the abuse they were subjected to, then and since.
22. I also reject, including for the reasons already set out in the liability judgment, Mr Green KC's contention that the Claimants brought this ordeal upon themselves in any material way capable of sounding in damages by 'provoking' Mr Fox's libel. Engaging in a lively – even rude or offensive – online debate about a provocative call to boycott Sainsbury's did not on any fair analysis invite the response Mr Fox visited upon them. Mr Blake and Mr Seymour were absolutely entitled not to have Mr Fox publicly call them paedophiles. I have explained why I do not accept that their calling him a racist in the context of that online controversy, begun by Mr Fox in immoderate linguistic terms and without clear explanation on its face, about Sainsbury's diversity and

inclusion policies, engages any proper causative or mitigating considerations based on ‘equivalence’ (see liability judgment [90]-[96]). There was no relevant equivalence. Mr Fox’s libels were an escalatory and retaliatory quantum jump which placed the Claimants in a wholly new and unimaginable public position, and catalysed the ordeal they then faced.

23. This is of course a claim for general damages only. No special losses are pleaded. It is not said, for example, that the Claimants have sustained quantifiable losses of earnings. The evidence does not point to quantifiable career damage. I accept that the level of support the Claimants secured, including the workplace support given to Mr Blake and the media support given in some quarters to Mr Seymour, meant that their worst fears about the *direct* consequences of the libel for their professional prospects were not realised. The jeopardy and the incumbency of mitigation action they faced remains a material factor, but the apparent success with which that particular risk was in the event managed is a material factor also.
24. I also accept that care is needed in Mr Seymour’s case over the fact that, as noted in the liability judgment, he subsequently became embroiled in a degree of continuing public controversy about the suitability of drag entertainment for children – both in general and in relation to a particular performance of his own. This controversy was not ignited by Mr Fox (although he has since engaged in it, including in the context of the present litigation) nor limited to Mr Seymour – it touches on drag performance, social norms and ‘family values’ much more generally. But it certainly included Mr Seymour, and he had gone on record with his views about it and faced the consequences. Mr Seymour fully accepted in his evidence that Mr Fox’s libel of him cannot be said to have *caused* this controversy or all of its adverse effects on himself in any ‘straight line’ way – plainly, it did not. And there is obviously a difference between criticising a drag performer for their judgment as to what is child-appropriate, and calling them an actual or potential child sex offender (considered further below). The most that can be said is that the libel *first* exposed Mr Seymour to public association with a criminal sexual interest in children and thus enhanced his vulnerability to reputational harm of that nature in the context of subsequent controversies of this sort. That much however *can* be said, and that enhanced vulnerability is in my view capable of sounding in quantum of damages, without making the mistake of over-attributing subsequent events causally to the original libel.
25. Then there is the issue of such steps as Mr Fox took subsequent to the publication of the libels which are capable of sounding in assessment of quantum. As the liability judgment records ([38]-[41]), within 24 hours he had (a) deleted the offending tweets, (b) referred on Twitter to having participated in a ‘game’ of throwing ‘baseless insults and accusations’ about and (c) spoken in similar terms, and with a degree of regret about the wisdom of his behaviour, on Talk TV. A few days later, in an interview on LBC, he maintained a similar stance, following it up with a tweet in which he said ‘*I would like to apologise for the way I reacted last week*’. The liability judgment notes that all of this was in the context of a principal focus on his own grievance at having been called a racist repeatedly and over a long period (that is, by many others as well as the Claimants); that it did not amount to a retraction of the libel in terms approaching those on which it was unqualifiedly made; and that it did not amount to an apology directed specifically to the Claimants for the experience and harm it had inflicted on

them. Nevertheless, Mr Fox took down and did not repeat the libel, and went at least some way to distancing himself from it. I take that into account in his favour.

26. The evidence as a whole falls short of establishing that the calumny itself was widely accepted as true fact. That is not to detract in any way from what I have already said about the pernicious effects of unleashing the beast of paedophile rumour (liability judgment at [83] and [101]). Something a long way short of absolute conviction in the minds of third parties is entirely capable of creating deep reputational stain and acute personal distress as to what others might be believing, conjecturing, entertaining or simply enjoying speculation about. All of that is capable of sounding in damages. But this is not a case in which damages fall to be assessed on the basis of the extent or reinforcement of others' belief in the historical truth of a lie. The impact here was by way of pollution, not necessarily deception.
27. Mr Fox himself has not actively maintained or positively advocated personal belief in the truth of the allegations. He did not run a truth defence in the present proceedings, although he did seek to justify the libel by reference to its rhetorical intention and to its being a fair reply to attack, and indeed continues to do so. On day 5 of the liability trial, in the course of giving his oral evidence under cross-examination, Mr Fox was asked whether, having listened to their evidence, he continued to maintain the Claimants had not really been caused distress by the libel. He answered:

Distress. They both said they were distressed by it and I can only take their words for it, and I'm not virtue signalling myself here, but I heard both the claimants ask for an apology, a direct apology, which I'd like to offer at this point. I am sorry to both of you individually for that but, having said that, I was saying it was extremely rhetorical. There was no inference at any point that I thought they were a paedophile.

...

I was diminishing their ridiculousness of calling me a racist when I was making specifically not anti-racist but I was surprised by the fact that I was tweeting at Sainsbury's asking them not to make what I saw to be racist gestures as advocated by the fact that they removed the wording from their own website shortly after.

28. Mr Fox has had a great deal to say publicly about this litigation, including by maintaining a relentless focus on the grievances aired in his counterclaims, by kicking up a certain amount of dust and disinformation as to the content and effect of the liability judgment, and by continuing to attach blame and discredit to the Claimants and hold them and their conduct of this litigation responsible for a range of his own life's adversities. He has wielded his megaphone and exercised his rights of free speech with enthusiasm and effect. But he has not advertised, nor, so far as I have been made aware, made any public reference to, this apology from the witness box. As it stands, it would have to be described, as the authorities put it, as something less than 'generous spirited'.

Like his contemporaneous expressions of regret in October 2020, it is principally concerned with amplifying his own grievances and justifying his own conduct.

29. In this respect, I remind myself of such parallels as may be drawn with the situation on which Nicklin J commented in *Monir v Wood* (at [233]-[235]). The evidence here does not show that Mr Fox has provided Mr Blake and Mr Seymour with an unequivocal statement that the allegation of paedophilia was factitious, false and should never have been published. Notwithstanding the vindication provided by the liability judgment, and bearing in mind the sum total of what might be called Mr Fox's own contribution to the vindication to which Mr Blake and Mr Seymour are entitled, it is plain that there remains a vindicatory and restorative purpose yet to be fulfilled by an award of damages.
30. So in the first place, it needs to be stated clearly in this remedies judgment: Mr Blake and Mr Seymour have been seriously libelled and they are entitled to a complete vindication, the undoing of the reputational impact of the libels, and the resumption of public and private life without any trace on their characters of the long and dark shadow cast by even the most casual public bandying about of allegations of criminal paedophilia. They have been forced to fight a libel claim all the way through to trial with every single conceivable point being taken against them *and* being forced to deal with counterclaims of precisely the kind that Parliament intended, in passing section 1 of the Defamation Act 2013, to deter. They have done so under the sustained hailstorm of Mr Fox's exercise of his rights of amplified free speech, and if they (or at any rate Mr Seymour) have sometimes tried to make their own voices heard above the din and exercise their own rights to free speech, that has been an occasion of further hailstones. Free speech, it needs to be repeated, is not necessarily consequence-free: '*language is powerful*'. Where vindication is not volunteered, and all the more where any vindication is heavily overqualified and collaterally undermined, it must be completed by way of damages. That is particularly so where such vindication as is provided by a liability judgment in its own right has been placed by a defendant at risk of being less resonant than it might otherwise have been.
31. In the event, it has taken well over three years for Mr Blake and Mr Seymour to establish their right to vindication, and vindication delayed is itself vindication denied. Defamation defendants (and counterclaimants) are fully entitled to fight their corner vigorously and by whatever means are properly available, but again their choices are not necessarily risk or consequence-free. Mr Fox maintains with some vehemence that he knows what it is like to endure the effects of public opprobrium (and worse) as a result of unfair name-calling. The *effects* of his own conduct fall to be taken into account in the global exercise of assessment of quantum.
32. I consider in all these circumstances a substantial award of damages inevitable to achieve the purpose of publicly vindicating Mr Blake's and Mr Seymour's reputational standing, compensating them for their subjective experience of being libelled, and compensating them for the objective harm to their reputation of having been publicly associated with paedophilia. I repeat that in doing so there is no element of punishment involved. It is an exercise exclusively restorative in nature.
33. To an extent, Mr Fox was after all fortunate in his victims. Mr Blake and Mr Seymour were subjected to an unwarranted ordeal. But they have not had their lives and their prospects ruined by it, as they might have done. They have had powerful support

publicly and privately, and have shown themselves to be self-possessed, articulate, resourceful and resilient individuals. Had it been otherwise, the award of damages could well have been a multiple of the figure I have decided upon. As it is, my conclusion is that they are each entitled to an award reflecting (a) compensation for the *substantial* victimisation and natural consequent distress wrongfully inflicted upon them by Mr Fox's libels; (b) recompense for the *general* reputational jeopardy and harm actually sustained as a result of those libels, including as evidenced in the abuse they have received; and (c) a *completion* of the vindication process sufficient to convince a fair-minded bystander of the utter baselessness of these libels and enable and entitle the Claimants, as free citizens, to put this unpleasant incident and its consequences behind them.

34. My decision on quantum is necessarily intensely fact sensitive. None of the comparator cases cited to me presents quite the same combination of factors as this one. But I have reflected on the broad pattern of awards they reveal. And I have noted the analysis and conclusions of Steyn J in the very recent case of *Schofield v Politicalite* [2024] EWHC 543 (KB). I assess the global damages payable to each of Mr Blake and Mr Seymour, as being necessary and sufficient to supply the balance of the full reputational vindication to which they are entitled, and to compensate them for the damage and distress of the experience Mr Fox unlawfully inflicted upon them – and as being broadly in line with the pattern of awards in defamation cases – in the sum of £90,000 each.

(b) Injunction

35. Mr Blake and Mr Seymour are *legally entitled* not to have Mr Fox repeat the same or similar allegations as the one he made – namely, that they are paedophiles. He had and has no right to do that; this is not a species of freedom of expression which is recognised in domestic law or by Art.10 ECHR (on the contrary, the nature and gravity of these libels is a serious enough interference to engage the Claimants' Art.8 human rights). But the question I am asked to resolve is whether it is appropriate to exercise my discretion to injunct him, and place him under the penalty of contempt of court, to ensure that he does not. And in considering that, I need to assess the evidence going to the issue of the risk that otherwise he will.
36. Mr Fox has not volunteered, whether formally by offering undertakings or informally, that he will not repeat the libel. Mr Green KC warns me against a false 'bootstraps' logic in this respect: if Mr Fox cannot properly be expected to volunteer restraint in the first place, his declining to do so cannot be regarded as a basis for injunction. Mr Green KC reminds me that Mr Fox has not in fact repeated the libel, and puts it to me that Mr Fox has evinced no intention to do so: quite the opposite. So, he says, there is no necessity or justification for an injunction.
37. Mr Fox *can* properly be expected to volunteer restraint in the face of an adverse defamation liability judgment. But I agree his failure to do so is not a matter to be considered in isolation. There are two sets of general contextual evidence in which it falls to be considered.
38. The first is the established pattern, set out in a degree of detail in the liability judgment (see for example at [17]-[31] and [151]-[157]), of Mr Fox *generally* exercising his rights of public free speech in two distinctive ways.

39. The first of these is characterised by impulsiveness, theatricality, a disregard for or uninterest in impact on others, and an unfastidiousness about objective factuality as a potential restraint on his commentary and claims (as to the latter, see for example the controversy of his commentary on the casting of the Sikh actor in the film *1917* discussed at [21]-[23] of the liability judgment, and the comments he made, including in oral evidence, about a dance school dropping ballet teaching as ‘*too white*’ when in plain and obvious fact what it was doing was not that at all, but dropping ballet as a compulsory pre-entrance requirement to enhance access; the factuality was a second-order consideration to the impulse and rhetoric in each of these cases).
40. The second relevant feature of Mr Fox’s public utterances might be recognised as a more systematic programme for experimenting with the extreme boundaries of free speech or what he called ‘free speech absolutism’. He has acknowledged as much in his own evidence, and has accepted mistakes or transgressions in this respect (see for example his withdrawal of his advocacy of liberty to incite violence discussed at [155] of the liability judgment, and his regret at posting pictures of his children in blackface).
41. Together, these two characteristics of Mr Fox’s exercise of free speech present a clear risk in relying on Mr Fox’s own intentions, awareness and judgment for the safeguarding of the Claimants’ entitlements established in this litigation.
42. The second general contextual factor is the clear and sustained animus Mr Fox has exhibited, up to and including the present (and notwithstanding the obvious way in which his own interests as a party to this litigation are engaged by his own continuing conduct) against all the original Claimants, even though his only material connection with them is his own random libelling of them and their commencement of these proceedings in response. Specifically, that animus is exhibited against Mr Seymour in particular, and most of all against the former Defendant to his counterclaims, Ms Thorp, who is now no longer a party to these proceedings and in respect of whom no present prospect of legal restraint of Mr Fox is live. He has since, among other things, labelled her a racist and defied her to sue him (again). He has subjected both of them to a degree of further humiliating commentary. He has exercised his rights to free speech, and wielded his megaphone, to denigrate publicly the Claimants and their efforts to achieve justice and vindication in these proceedings. He continues to prosecute by these means his grievance at being labelled a racist, but that does not exhaust his public commentary on the Claimants.
43. One specific development since the liability trial occupied a certain amount of attention at the remedies hearing in this connection. On 31st January 2024, Mr Fox quote-tweeted a Daily Mail headline from July 2023, above two pictures of Mr Seymour performing as Crystal. The headline read ‘*EXCLUSIVE Family theme park apologises for drag queen act that left parents ‘horrificed’: Boss confirms it will not take part in any future Pride celebrations after RuPaul’s Drag Race UK Star used angle grinder on crotch during show*’. The act had been billed as ‘family friendly’ and had involved Crystal using an angle grinder to make sparks fly from a metal plate incorporated into her costume. Above this quotation, Mr Fox had tweeted ‘*Angle grinder on cock in front of kids. Totally normal. Hero to many. Babysitter to (hopefully) none.*’ I regard this, a couple of days after hand-down of an adverse libel judgment on his having branded Mr Seymour a paedophile and with a remedies hearing hanging over him, as material evidence of the risk Mr Fox continues to pose to the Claimants’ rights established in

these proceedings unless the reciprocal *legal* limits on his own rights are explicitly reinforced by court order.

44. To be very clear, I am saying nothing here about restraining Mr Fox's exercise of free speech in *any* respect or for *any* purpose other than to evaluate the risk that he will, unless enjoined, repeat the paedophile libel against Mr Blake and Mr Seymour. That is the beginning and end of my function. But to evaluate that risk I have to look at the evidence of his behaviour as a whole. That persuades me that the future risk with which I am concerned is a real one.
45. Mr Green KC specifically impressed on me the importance of Mr Fox's freedom to engage in public comment on a matter of general public controversy and debate, such as the suitability of drag entertainments for family viewing. I entirely agree with him about that. He also suggested that Mr Fox *could* not properly be made subject to the injunction Mr Blake and Mr Seymour seek because it would interfere with that freedom, or risk doing so. I do not agree with him about that. Mr Fox is eminently able to engage to the full in public debate about drag performance, and about individual drag artists including Mr Seymour, without needing to allege that which he has no right to do, namely that Mr Seymour is a paedophile. It may be that in doing so he needs to be more mindful than comes naturally to him to moderate what he wants to say to accommodate others' *rights*. I consider, in all the circumstances, there to be enough evidence of risk in that prospect to make it necessary and proportionate to assist him to do so by way of injunction. I am satisfied, in other words, of the risk to Mr Blake's and Mr Seymour's rights otherwise, and that it is just and proportionate to reinforce by injunction the reciprocal limits at which Mr Fox's freedoms *must* give precedence to *their* freedoms.
46. I do not agree with Mr Green KC that it would be 'mad' to reach that conclusion in circumstances in which, as it appeared at the remedies hearing, Mr Blake had retained evidence of Mr Fox's libel on his own social media. I do agree that that was unwise and unhelpful to his own interests. But I bear in mind the evidence that the existence of the libel was clear common knowledge, had been widely shared and circulated, and was of course a matter of acute public prominence during the lifetime of this litigation. There is no evidence or proper inference in its persistence on Mr Blake's account of any concession that *Mr Fox* need not or could not properly be restrained from repeating and refreshing the libel after the conclusion of the litigation. Mr Blake assured me through Counsel that he had now removed all record of the libel from his own social media.

(c) ***Enforced publication of summary of judgment***

47. Compulsory publication is in itself an interference with the *right* to freedom of expression and will not be ordered unless it is necessary and proportionate to do so. Its principal purpose is to ensure so far as possible that the vindictory impact of a judgment reaches the same audience as the original libel, and hence to contribute to the restorative purpose of defamation remedies. It is emphatically not its purpose to exact punishment of the publisher.
48. I do not consider it necessary or proportionate to visit compulsory publication on Mr Fox for the following reasons.

49. First, there is no doubt that the bald fact of Mr Blake and Mr Seymour having succeeded in their libel actions against Mr Fox is widely known and has received extensive public coverage. There is no reason to think that publication of a summary would reach any wider audience for that fact than has already been reached by other means.
50. Second, there is every reason to believe that the bald fact of the quantum of damages awarded in their favour will also receive extensive public coverage. It is not clear what further cumulative vindication can be achieved by compulsory publication by him of further details.
51. Third, there is, on the evidence canvassed in this judgment, reason to apprehend a substantial risk that any vindication capable of being achieved by compulsory publication would risk being undermined by the occasion being taken to subject the Claimants to further public humiliation and inaccurate or counterproductive commentary. That is not in their interests.
52. Fourth, although Mr Fox has to some extent occluded the potential vindicatory effect of the liability judgment with a certain amount of public disinformation, the disinformation has largely been centred on the subject matter of Mr Fox's own counterclaims, and the power to enforce compulsory publication is not a general power to correct inaccurate reporting of a judgment.
53. And fifth, the summary at the end of this judgment is capable of standing as a public headline which should leave no room for ambiguity in the mind of anyone not resolute in seeking to conform the real world to their own world-view rather than the other way around. The enforced publication of a summary can be expected to have limited impact on the latter such, in any event.

Summary and decision

54. By calling Mr Blake and Mr Seymour paedophiles, Mr Fox subjected them to a wholly undeserved public ordeal. It was a gross, groundless and indefensible libel, with distressing and harmful real-world consequences for them. They are entitled by law to an award of money, to compensate them for those damaging effects, and to ensure that they can put this matter behind them, vindicated and confident that no-one can sensibly doubt their blamelessness of that disgusting slur and that they were seriously wronged by it.
55. I am ordering Mr Fox to pay £90,000 to each of them. There is no element of punishing Mr Fox in that; it is a purely compensatory award to redress the damage done and restore the equilibrium that his libels violated, and which he has not taken the opportunity to restore more fully himself. Mr Blake and Mr Seymour have been successful in fighting for their legal rights and are entitled to the law's effective vindication. They have also been resilient and resourceful in trying to get on with the rest of their lives, and have had strong support at home, in the workplace and in some quarters of the public and media to help them do so. Had that not been so, and Mr Fox's random selection of victims turned out to be less self-sufficient and well-supported individuals, this award would have had to have been considerably higher.
56. I am also ordering Mr Fox not to repeat the same or similar allegations about Mr Blake and Mr Seymour, on pain of being found guilty of contempt of court. He has no right

whatever to do so, and his track record of public utterances persuades me that this discipline is necessary and proportionate in order to ensure Mr Blake's and Mr Seymour's vindicated legal rights are fully respected for the foreseeable future.