



Courts and Tribunals Judiciary

SUMMARY

NOEL ANTHONY CLARKE v GUARDIAN NEWS & MEDIA LTD

QB-2022-001397

[2025] EWHC [2193] (KB): Mrs Justice Steyn DBE

[References in square brackets are to paragraphs in the judgment of the Court. The judgment has an index to assist identification of the various issues.]

1. The Court has handed down judgment in this libel claim today, following the 6-week trial from 5 March to 11 April 2025. The libel claim has been dismissed. The defendant (the Guardian) succeeded in establishing the truth defence and the defence of publication in the public interest.
2. The Court has adjourned consideration of any arguments as to any orders to be made consequent on the judgment to a further hearing on 23 September 2025.

Noel Clarke's claim

3. The claim for libel arose from an article first published by the Guardian on 29 April 2021 (online, in the app, and in the print edition), “Sexual predator’: actor Noel Clarke accused of groping, harassment and bullying by 20 women” (the first article), together with six further articles and a podcast (the second to eighth articles): [1], [3], [6]-[7].
4. Mr Clarke had pleaded a data protection claim but agreed to withdraw it on the grounds that it did not add anything to the libel claim: [22]-[24].

Determination of preliminary issue as to meaning

5. The meaning of the Articles was determined as a preliminary issue by Johnson J, following a meaning trial on 1 November 2023: *Clarke v Guardian News & Media Ltd* [2023] EWHC 2734 (KB). The meanings of each of the Articles are set out at [8]. The meaning of the first article is:

“There are strong grounds to believe that the claimant is a serial abuser of women, that he has, over 15 years, used his power to prey on and harass and sometimes bully female colleagues, that he has engaged in unwanted sexual contact, kissing, touching or groping, sexually inappropriate behaviour and comments, and professional misconduct, taking and sharing explicit pictures and videos without consent, including secretly filming a young actor’s naked audition.”

Issues for determination at trial

6. The Guardian accepted that the condition in s.1 of the Defamation Act 2013, that the “publication has caused or is likely to cause serious harm to the reputation of the claimant”, was met in respect of the first article: [102]. However, there was an issue as to whether the serious harm requirement was met in respect of the second to eighth articles: [102].
7. The Guardian relied on two statutory defences in respect of the Articles. The focus was primarily on the first article. In respect of the defence of truth (s.2 of the Defamation Act 2013), the issue was whether the defendant had proved that the meaning of the Articles was substantially true. In respect of the public interest defence (s.4 of the Defamation Act 2013), the issues were whether the Guardian had shown that each of the Articles was on a matter of public interest, that the Guardian’s editor(s) honestly believed publication was in the public interest, and that belief was reasonable. [4]

Witness evidence at the trial

8. The Court heard oral evidence from Mr Clarke and eight witnesses called on his behalf: David Wade, Iris Clarke, Louise Urwin, Andrew Loveday, Joshua Myers, Philip Dore, Jared Schwartz and Cedric St Clair [60-62]. In addition, the claimant adduced written statements from six further witnesses: Arnold Oceng, Nabil Elouahabi, Enrico Tessarin, Junior Quartey, Shanika Warren-Markland and Stephanie Tripp [68-69].
9. The Court heard oral evidence in support of the truth defence from 26 witnesses called by the Guardian: Joanne Hayes, ‘Penelope’, Anna Kaiser, ‘Mila’, Charles Cattrall, Samuel Phillips, Thalia Hambi-Fisher, Naome Morris, ‘Ivy’, Davie Fairbanks, Marc Small, Leanne Coldwell, Hugh Sherlock, Johannah Whyte, Laura Pugh, ‘Imogen’, Gina Powell, Gary Moore, Synne Seltveit, Helen Atherton, Philippa Crabb, Jonathan Finn, Judy Counihan, Lisa Graham, Hollie Ibson, Jing Lusi [87-89]. In addition, the Guardian adduced written statements from three further witnesses: ‘Sophia’, ‘Maya’ and Stuart Wright [91].
10. The Court heard oral evidence in support of the public interest defence from six witnesses called by the Guardian: Katharine Viner (the Editor-in-Chief), Owen Gibson (Deputy Editor), Paul Lewis (Head of Investigations), Nicole Jackson (Executive Producer of the Podcast/fifth article), and Lucy Osborne and Sirin Kale (the main reporters) [95].

Serious harm

11. The Guardian conceded that the first article caused or is likely to cause serious harm to Mr Clarke’s reputation: [102].
12. The Guardian contended that there was no properly pleaded case on serious harm in respect of the second to eighth articles because the claimant had impermissibly rolled up the alleged effects of all the articles: [102]. The claimant submitted that there is no requirement to prove that each individual publication caused serious harm: [103].

13. The Court held that the law requires assessment of whether the serious harm test is met in respect of each statement - here, each Article – individually, not cumulatively: [108] (and [104]-[109]).
14. As the claimant had not properly pleaded the facts and matters relied on to satisfy s.1(1) of the Defamation Act 2013 in respect of the second to eighth articles, nor adduced evidence in respect of the harm attributable to those articles, the claim in respect of those articles failed for failure to satisfy the serious harm requirement: [110].

The Truth Defence

15. The Court considered the evidence and determined the facts in relation to pleaded allegations relating to 22 women at [118]-[854].
16. The Court considered that, overall, Mr Clarke was not a credible or reliable witness [128]. The Court found for the Guardian in relation to each of these allegations, save to the limited extent that (a) the allegation in respect of Louise Urwin was rejected [371-381]; (b) a few aspects of the allegations in respect of others were not established by the Guardian ([183], [227], [261-262], [322], [331-333], [398], [716], [734-736], [807], [848]; and (c) the Court considered that Mr Clarke was not in a position of power vis-à-vis Ms Morris ([327]) and Ms Lusi ([857]) such that his established conduct was not an abuse of power or professional misconduct.
17. The Court concluded that instances of each of the behaviours identified in the meaning of the first article were established, and the findings were more than sufficient to show that the meaning of the first article was substantially true [855-857]. The discrete behaviour described in the fourth article was also established [858].
18. The meanings of all eight Articles were found to be substantially true. The Guardian established that the truth defence applied and so the libel claim fell to be dismissed. [857-859]

The Public Interest Defence

19. The Court focused on the first Article because it was effectively conceded that if the defence succeeded in respect of the first article, it should succeed on the subsequent articles too, and because the libel claim in respect of the second to eighth articles had already been dismissed on two bases (serious and defence of truth) [869].
20. The Court held that the first article was on the matters of public interest identified by the Guardian [882].
21. The Court found that Ms Viner made the decision to publish ([874], [883], [887]) and she honestly believed publication was in the public interest. If it were necessary to look beyond her belief, the other editors and the reporters all believed publication was in the public interest, too [889-892].
22. The Court addressed the question whether the belief that publication was in the public interest was reasonable at [893]-[1021], having regard to matters such as the steps taken to verify the matters published, the extent of the opportunity given to Mr

Clarke to comment, and the tone and presentation of the article, each of the challenges raised by the claimant [893]. The Court concluded that the belief was reasonable.

23. The Guardian succeeded in establishing the public interest defence, and so on that basis also the libel claim fell to be dismissed [1022].

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk and <http://caselaw.nationalarchives.gov.uk/>

22 August 2025