



Friday 17 October 2025

S U M M A R Y

Blake v Fox

[2025] EWCA Civ 1321

Lord Justice Dingemans, Senior President of Tribunals, Lady Justice Elisabeth Laing & Lord Justice Warby

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:

<https://caselaw.nationalarchives.gov.uk/>

Introduction

- 1.** This was an appeal by Laurence Fox against the outcome of a libel trial. The High Court judge found in favour of the two claimants, Simon Blake and Colin Seymour, against Mr Fox. He was ordered to pay them damages of £90,000 each. The judge dismissed Mr Fox's counterclaims against Mr Blake, Mr Seymour and a third individual, Nicola Thorp.
- 2.** Mr Fox's appeal raised issues about how the court should decide whether a published statement caused serious harm to reputation as required by section 1 of the Defamation Act 2013; and if so how to assess the appropriate damages.
- 3.** The Court of Appeal finds that the judge took a legally mistaken approach to those issues. She was wrong to dismiss Mr Fox's claims. She was right to uphold the claims of Mr Blake and Mr Seymour, but her awards of damages were excessive. The court directs a retrial of the remaining issues in Mr Fox's claims and reduces the damages awards to £45,000 each.
- 4.** The lead judgment is given by Lord Justice Warby with whom the other members of the court agree. Lord Justice Dingemans gives a concurring judgment.

Background to the appeal

- 5.** In October 2020 Mr Blake, Mr Seymour and Ms Thorp each posted a tweet expressing the opinion that Mr Fox was a racist. He responded with tweets calling each of them a paedophile. They sued him for that. He counterclaimed for the allegation of racism.

Ms Thorp's claim was dismissed before trial. At the trial the main issues in the two remaining claims were whether the "paedophile" tweets had caused serious harm to reputation and if so whether it was a defence that Mr Fox was replying to an attack on him. The main issues in the counterclaims were whether the "racist" tweets had caused serious harm to the reputation of Mr Fox and if so whether the defences of honest opinion or truth should be upheld.

6. The judge held that Mr Fox's "paedophile" tweets did cause serious harm to the reputations of Mr Blake and Mr Seymour, that he had no defence, and that damages of £90,000 each were necessary to compensate for the reputational harm and distress they had sustained and to vindicate their reputations. The judge held that she did not need to decide whether the "racist" tweets were expressions of honest opinion or true because Mr Fox had failed to prove that those tweets had caused serious harm to his reputation.

The court's judgment

7. The court introduces the appeal [1]-[7], sets out the factual background in more detail at [8]-[22], and identifies the legal principles as to reputational harm [23]-[35]. The principles include a rule against using evidence of other publications making the same allegation as the statement complained of to prove a pre-existing bad reputation (the so-called "rule in *Dingle*") and a rule against reliance on evidence of particular acts of misconduct by the claimant: [28]. The court then turns to the appeal in respect of Mr Fox's claims, the tweets of which he complained being the first in time.

Mr Fox's claims

8. The court sets out the way the parties put their cases on serious reputational harm in the High Court [36]-[45] and summarises the way the judge dealt with that issue in her liability judgment [46]-[58]. At [59]-[66] the two grounds of appeal and the supporting arguments are summarised.
9. The first ground of appeal was that the judge's approach to serious harm was wrong in law as she (a) wrongly treated the tweets as inherently less likely to harm reputation because they were expressions of opinion; (b) failed to apply the law on proving bad reputation and (c) in particular failed to apply the rule in *Dingle*. The second ground of appeal was that it was not open to the judge to find that the racist tweets were *not* causative of serious harm to Mr Fox's reputation.
10. The court rejects ground of appeal 1(a) but allows the appeal on grounds 1(b) and (c) and ground 2. Its reasons are summarised at [68] where Warby LJ says this:

The judge inferred from third-party publications and specific incidents that Mr Fox had acquired a bad reputation for being a racist. That was contrary to long-established common law principles, which apply equally when assessing serious harm. In addition it was in part unsound for procedural and evidential reasons ... the evidence compelled a finding that each of the claimants' tweets caused serious harm to Mr Fox's general reputation. The judge's

findings that the tweets did not cause harm to his agency relationship or career are vitiated by legal error: the judge applied, in material parts, the wrong legal test on causation.

11. Those conclusions are explained in the paragraphs that follow, at **[73]-[87]** (grounds 1(b) and (c)) and **[88]-[96]** (Ground 2).

The claims of Mr Blake and Mr Seymour

12. The court summarises the High Court judgments on liability **[97]-[99]** and remedies **[100]-[106]**. The grounds of appeal and supporting arguments are then summarised **[107]-[111]**.
13. Mr Fox's first ground of appeal against the findings that his tweets caused serious reputational harm was that the judge took a legally mistaken approach. She should have required the claimants to prove as a fact that readers understood Mr Fox's tweets to be saying that the claimants were paedophiles and believed that to be true. The second ground of appeal was that the judge's conclusion on serious harm was plainly wrong or the product of serious irregularities. The alleged irregularities included failing properly to assess the scale of publication and failing to account for Mr Fox's mitigating conduct and apology. The single ground of appeal on damages was that the judge's assessment was perverse. A range of criticisms was advanced, overlapping substantially with Mr Fox's criticisms of the judge's approach to serious harm.

14. The court's conclusions are summarised at **[112]** where Warby LJ says this:

Many of Mr Fox's criticisms of the judge's approach are ill-founded. But three of them have merit. Those three criticisms are not sufficient to undermine the judge's overall conclusion on the threshold issue of serious harm, which I think was correct. But they do have resonance and weight when it comes to the judge's assessment of the extent of the reputational harm that was caused and the scale of her award. Her judgment on damages was careful and thorough, but in my view it was flawed. And although this court is slow to interfere with assessments of damages in this field, the awards in this case go beyond the range properly available to the trial judge.

15. These conclusions are then explained. The three criticisms with which the court agreed are identified at **[119]-[121]**: the judge was wrong "effectively to discount" all the mitigating steps taken by Mr Fox after publication; to treat mainstream media reporting as evidence of additional reputational harm, when it should have been treated as mitigation; and she was wrong to treat a statement from the Stonewall organisation as evidence of reputational harm. The court finds that those criticisms have "a direct and obviously material impact" on the extent of the reputational harm for which the claimants are entitled to compensation **[123]**. It concludes that the awards of £90,000 were "considerably in excess of what was necessary in this case" and that awards of £45,000 each would be "sufficient to achieve proper compensation and show the world that there was nothing in the allegations" **[125]**.

- 16.** Lord Justice Dingemans' concurring judgment is at [127]-[133]. At [131] he says this:

What can be said for the *Dingle* rule is that it means that a claimant about whom a defamatory statement has been published will not be prevented from vindicating their reputation because earlier defamatory statements to the same effect had been made. It is apparent that the judge's approach to the issue of causation of serious harm failed to respect this rule ...