



Neutral Citation Number: [2026] EWHC 961 (KB)

Case No: KB-2025-002704

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/04/2026

Before :

MR JUSTICE CHAMBERLAIN

Between :

JUDITH ALLISON PEARSON

Claimant

- and -

(1) CHIEF CONSTABLE OF ESSEX POLICE

(2) ROGER HIRST

Defendants

Lorna Skinner KC and Beth Grossman (instructed by **Patron Law**) for the **Claimant**
Richard Munden (instructed by **Weightmans LLP**) for the **First Defendant**
Godwin Busuttil (instructed by **Capsticks LLP**) for the **Second Defendant**

Hearing date: 24th March 2026

Approved Judgment

This judgment was handed down remotely at 10am on 24 April 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

Mr Justice Chamberlain:

Introduction

1. The claimant, Ms Allison Pearson, is a journalist, author and columnist for the Telegraph Media Group. She brings a claim relying on a number of causes of action, including libel, against the Chief Constable of Essex Police (“the Chief Constable”) and Roger Hirst, the Police, Fire and Crime Commissioner for Essex.
2. The libel claim against the Chief Constable is founded on versions of a press statement published on the Essex Police website on 13, 16 and 21 November 2024. The libel claim against Mr Hirst is founded on words spoken in a radio programme first broadcast on 17 November 2024 and an article first published on the Conservative Home website and on the website of the Police, Fire and Crime Commissioner for Essex on 18 November 2024.
3. The claim was issued on 22 July 2025. On 1 October 2025, Collins Rice J ordered the determination of preliminary issues relating to the libel claim, namely:
 - (a) the natural and ordinary meaning of the words complained of in their proper context; and
 - (b) whether those words are defamatory at common law.
4. In accordance with the established practice, I reviewed each of the publications complained of with the aim of capturing my initial reaction before reading the parties’ submissions and hearing oral argument. In the case of the radio broadcast, at the invitation of the parties, I did so by watching a video of the interview, which had been uploaded to YouTube.
5. The preliminary issues do not include whether the statements made by Essex Police, which did not name the claimant, would be understood to refer to her. That issue is likely to require evidence not currently before me. It will have to be determined at trial.

The legal principles

6. The principles to be applied when determining the meaning of words alleged to be defamatory are well-established. They were recently and pithily summarised by Steyn J in *Berg v Jones* [2026] EWHC 564 (KB):

“8. The court’s task is to determine the natural and ordinary meaning of the words complained of, which is the single meaning the words would convey to the hypothetical ordinary reasonable reader. The legal principles are well-established and uncontroversial.

9. The meaning is to be determined objectively, by reference to the words themselves, in the context of the article read as a whole. No other evidence is admissible. The author's intention is irrelevant.

10. The governing principle is reasonableness. The hypothetical reader is one who is neither avid for scandal nor naïve. Judges should have regard to the impression the words make upon them, avoiding a too literal approach or over-elaborate analysis."

7. There is a more elaborate distillation of the principles by Nicklin J in *Koutsogiannis v Random House Group Ltd* [2019] EWHC 48 (QB), [2020] 4 WLR 25, at [12], which I also bear in mind.

8. Three gradations of defamatory meaning were identified in *Chase v News Group Newspapers Ltd* [2002] EWCA Civ 1772; [2003] EMLR 11, at [45]:

"The sting of a libel may be capable of meaning that a claimant has in fact committed some serious act, such as murder [Chase Level 1]. Alternatively it may be suggested that the words mean that there are reasonable grounds to suspect that he/she has committed such an act [Chase Level 2]. A third possibility is that they may mean that there are grounds for investigating whether he/she has been responsible for such an act [Chase Level 3]."

9. These gradations are not, however, to be applied like a straitjacket; intermediate or alternative meanings are possible: *Brown v Bower* [2017] EWHC 2637 (QB), [2017] 4 WLR 197, [17] (Nicklin J).

10. The test for whether a meaning is defamatory at common law was explained in *Corbyn v Millett* [2021] EWCA Civ 567, [2021] EMLR 19 at [9]:

"At common law, a meaning is defamatory and therefore actionable if it satisfies two requirements. The first, known as 'the consensus requirement', is that the meaning must be one that 'tends to lower the claimant in the estimation of right-thinking people generally.' The Judge has to determine 'whether the behaviour or views that the offending statement attributes to a claimant are contrary to common, shared values of our society': *Monroe v Hopkins* [2017] EWHC 433 (QB), [2017] 4 WLR 68 [51]. The second requirement is known as the 'threshold of seriousness'. To be defamatory, the imputation must be one that would tend to have a 'substantially adverse effect' on the way that people would treat the claimant: *Thornton v Telegraph Media Group Ltd* [2010] EWHC 1414 (QB), [2011] 1 WLR 1985 [98] (Tugendhat J)."

Background facts

11. The following background is taken from the claimant's Particulars of Claim. They provide some context to what happened next. They are not, however, to be taken as agreed and they are not relevant to the meaning of the statements I

have to consider. I have not had regard to them in reaching my conclusions on the issues for determination.

12. Ms Pearson co-founded British Friends of Israel after the Hamas attacks on Israeli civilians on 7 October 2023. On 11 November 2023, there was a pro-Palestinian march in London. Ms Pearson participated in a static counter-demonstration at which she says Metropolitan Police officers declined to be photographed with her group. On 12 November 2023, at another pro-Palestinian demonstration, police posed for a photograph with a child wearing a red keffiyeh obscuring his face and carrying a mock-up of a Palestinian flag. Ms Pearson wrote articles and posted on X criticising what she perceived to be an inconsistent approach on the part of the police.
13. On 16 November 2023, Ms Pearson quote-tweeted a post originally published by another account. The post contained a video of two male supporters of the political party Pakistan Tehreek-e-Insaf, flanked by police officers and included the caption “The Police have certainly picked a side Disgraceful”. In her quote-tweet, Ms Pearson added the comment: “How dare they. @metpoliceuk Invited to pose for a photo with lovely peaceful British Friends of Israel on Saturday police refused Look at this lot smiling with the Jew haters. @toadmeister”. A few weeks later, she deleted the post.
14. Nearly a year later, on 10 November 2024, Ms Pearson was visited at home by officers from Essex Police who told her that they were investigating a complaint about a social media post she had made.
15. On 12 November 2024, Ms Pearson published a column in The Daily Telegraph in which she described the visit by the police officers. She said that she had been informed by the officers that she had been accused of a “non-crime hate incident”. She accused the police of “two-tier policing” and criticised them for not investigating more serious incidents such as shoplifting, burglaries, stabbings and violent crime.
16. From 13 November 2024 onwards, the police visit to Ms Pearson was widely reported by other newspapers, magazines and broadcasters, including by high-profile commentators, many of whom criticised the practice of investigating and recording non-crime hate incidents.

The publications by Essex Police

17. On 13 November 2024, Essex Police published on their website an item headed “Update relating to ongoing investigation”. It said this:

“Officers attended an address in Essex and invited a woman to come to a voluntary interview.

They said it related to an investigation into an alleged offence of inciting racial hatred, linked to a post on social media.

We police without fear or favour and that's why we respond to alleged offences which are reported to us by members of the public.

For clarity: a complaint of a possible criminal offence was made to the police and this is why we called; to arrange an interview.

Everyone was polite and professional throughout the brief conversation.

As this was a call to set up an interview, no extra details were given. That's because we have to follow the law and make sure that everyone's rights and entitlements, in particular to seek legal advice, were respected.

This is the right way to do things – it's the correct procedure as set out by the Police And Criminal Evidence Act 1984 (PACE).

Fuller details of an alleged offence are always provided prior to the commencement of a voluntary interview, under caution. That allows those present to seek appropriate legal advice and representation if they wish to.

As part of our investigation, we're liaising with the Crown Prosecution Service regarding an alleged offence which was reported to us by a member of the public. This is an investigative stage review – nothing more.

Essex Police cuts crime. There were over 9,000 fewer reported offences in the last year and 20,000 fewer than five years ago.

Our officers and staff, some of which are military veterans, work 24 hours a day, seven days a week to keep the public safe and investigate crime.

We police without fear or favour and when a crime is reported, we investigate.

That's what we do and that's what the people of Essex expect.

There has been a large amount of false reporting about an ongoing investigation and the force has registered complaints with the Independent Press Standards Organisation (IPSO)."

18. At 10.30am on 16 November 2024, the following "update" was added to the above text:

"Essex Police complained to the Independent Press Standards Organisation (IPSO) on a matter of factual accuracy.

The force has been asked to provide further factual information.

This morning, the following verbatim lines were passed to IPSO.

These lines are as spoken by an officer who attended an address in Essex on Sunday 10 November and were clearly captured on body worn video.

Officer: *“It’s gone down as an incident or offence of potentially inciting racial hatred online. That would be the offence.”*

Officer: *“Because of what’s been alleged and the evidence that we’ve got, I need to ask you some questions.”*

Officer: *“It’s what’s been alleged and if there’s an offence we need to ask questions then we need to do that.”*

Essex Police supports free speech.

It does not support inaccuracy. If an alleged crime is reported it is investigated. There is no public interest in falsehood.

Further note: (The verbatim statements above have been provided in this format as opposed to Body Worn Video footage as it would be wrong to give any information in relation to any address visited).”

19. At 5pm on 21 November 2024, the following further update was added to the above text:

“Essex Police has reviewed this case, having sought advice from the Crown Prosecution Service. They have advised that no charges should be brought. We have concluded therefore that there will be no further action. Everyone has been updated and the investigation is closed.

The Chief Constable of Essex Police, BJ Harrington, has asked the NPCC Hate Crime Lead Chief Constable Hobrough, to conduct an independent review of the force’s handling of this matter and he has agreed.

An Essex Police spokesperson said:

‘We investigate crimes reported to us without fear or favour.

‘We’re sometimes faced with allegations of crime where people have strong opposing views.

‘That’s why we work so hard to remain impartial and to investigate allegations regardless of where they might lead.’”

The meanings of the publications by Essex Police

Submissions for Ms Pearson

20. Lorna Skinner KC submitted that each of the three publications has the following two defamatory meanings:
 - (a) The Police had assessed the claimant's conduct and properly concluded that there were grounds to suspect that she had committed a crime of stirring up racial hatred ("the first meaning").
 - (b) The claimant had intentionally provided a false account of the police visit to her home to the public and had thereby caused false reporting about the criminal investigation into her, such as to warrant a complaint to the Independent Press Standards Organisation ("the second meaning").
21. Updates were added to the existing text, so the meaning was cumulative. Thus, all three publications (on 13, 16 and 21 November 2024) bear both meanings.
22. The ordinary reasonable reader knows that not every report of an offence results in a home visit or interview. References to an interview under caution, the right to legal representation and liaising with the CPS signal that the matter was far progressed from an initial investigation. The ordinary reasonable reader would also note that the complaint was about a social media post, which the police must have read and assessed, and would infer that the police had assessed that there were grounds to suspect Ms Pearson of a crime.
23. Since the issue of reference is not among those to be determined at this stage, the court must assume that the ordinary reasonable reader would know that the publication referred to Ms Pearson, a journalist who has published in relation to the incident and infer that the reporting referred to was hers. The use of the word "false" (rather than, say, "inaccurate") in ordinary parlance implies intentionally false.
24. The 16 November 2024 update amplifies both meanings as the ordinary reasonable reader would consider there was a degree of certainty about the evidence, given the quotations from body worn footage, the references to "free speech" and the statement that there is "no public interest in falsehood". The ordinary reasonable reader would also infer that the false reporting was that of Ms Pearson.
25. The 21 November update does not amount to an antidote, nor does it extinguish the prior defamatory imputation. It was not made clear that the police agreed with the CPS advice. The ordinary reasonable reader would know that not everyone suspected of an offence is charged.

Submissions for the Chief Constable

26. Mr Richard Munden for the Chief Constable submitted that the publications of 13 and 16 November 2024 meant only that there were grounds to investigate a woman at an address in Essex for an alleged offence of inciting racial hatred, linked to a post on social media. He conceded that this was defamatory of the unnamed woman at common law, but the meaning is at Chase Level 3, as the statements refer to the early stages of an investigation.
27. The 21 November 2024 publication meant that an investigation into a woman at an address in Essex, in respect of an alleged crime reported to the police on which people have strong opposing views, had concluded with no charges being brought and no further action being taken. The Chief Constable denies that this publication is defamatory at common law.
28. The court cannot assume that the reasonable reader of the press statement will have prior knowledge of the wider story, nor take this into account.
29. The 13 November 2024 statement was that there was an ongoing investigation into whether an offence has been committed. It made clear that this was at “an investigative review stage – nothing more.” The ordinary reasonable reader would know that it is the police’s role to investigate complaints and that a decision to investigate is not the same as a decision to arrest or charge. As to the first meaning advanced by the claimant, references to what Essex Police “assessed” or “concluded” are impermissible because they offend the repetition rule. The second meaning, alleging dishonesty, is not borne by the words.
30. As to the 16 November 2024 update, the wording suggests that the police is merely investigating an allegation. The second meaning remains untenable as there is no suggestion of dishonesty.
31. As to the 21 November 2024 update, given the statement that there is to be no further action, the publication read as a whole no longer suggests grounds for investigation. It provides a complete antidote to the bane of the (low level) implication of possible wrongdoing in the earlier statements.

Discussion

32. The “repetition rule” is primarily relied upon by claimants to prevent a defendant from contending that “simply because it is a report of what someone else said, it carries a lesser meaning than the original allegation”: see *Berg v Jones*, at [12] (Steyn J). But the rule reflects a structural feature of procedural law in defamation cases—a pleaded meaning “must identify the act(s), condition(s) or attribute(s) of the claimant which it is alleged is/are defamatory of him/her, not reports of them from others”: *Peck v Williams Trade Supplies Ltd* [2020] EWHC 966 (QB), [28] (Nicklin J).
33. Applying these principles, there is a difficulty with any pleaded meaning to the effect that “the Police had assessed” something about someone. As Warby LJ noted in *Hemming v Poulton* [2025] EWCA Civ 1494, [2026] EMLR 4, at [9],

one purpose of a meaning determination is “to identify the target for any defence of truth”. (It will also be relevant to any public interest defence, to issues of malice and to remedies.) The Chief Constable could not establish a defence of truth by proving that the police had indeed made the relevant assessment; he would have to establish the truth of what they had assessed: see also *Miah v BBC* [2018] EWHC 1054, [35]-[38] (Warby J) and *Hewson v Times Newspapers Ltd* [2019] EWHC 650 (QB), [12] (Nicklin J). In this case, my task is to identify what was being said about the objective strength of the allegation that the woman referred to had incited racial hatred.

34. As to Miss Skinner’s first meaning, although the word “grounds” is used in preference to “reasonable grounds”, the use of “properly concluded that” connotes the same thing. The police could not “properly” conclude that there were grounds to suspect her unless the grounds were reasonable. In essence, therefore, Miss Skinner is advancing a Chase Level 2 meaning.
35. In my judgment, the statements do not convey this meaning. The statements of 13 and 16 November both convey the meaning identified by the Chief Constable: that there were grounds to investigate a woman at an address in Essex for an alleged offence of inciting racial hatred, linked to a post on social media. This is a Chase Level 3 meaning.
36. My reasons are these:
 - (a) The ordinary reasonable reader lacks specialist legal knowledge. Even so, he or she knows that people make complaints to the police about conduct which they allege to be criminal; and that the police investigate these, sometimes by speaking to or interviewing the subject of the complaint, before deciding whether to proceed to take any further action, such as arresting or charging someone.
 - (b) The substance conveyed is encapsulated in the fourth paragraph of the press statement: “a complaint of a possible criminal offence was made to the police and this is why we called”.
 - (c) The statement does not say, and does not suggest, that the woman referred to was arrested or charged with any offence. Indeed, it goes out of its way to make clear that “[t]his is an investigative stage review – nothing more”. These words, and the impression conveyed by the statement as a whole, is that the investigation is at an early stage and has been prompted primarily by the complaint that a criminal offence had been committed.
 - (d) The reference to a voluntary interview under caution, legal advice and representation, the Police and Criminal Evidence Act and liaison with the Crown Prosecution Service are not inconsistent with this. The ordinary reasonable reader would see all these things as part and parcel of proper police procedure when investigating a complaint alleging the commission of a criminal offence, not as indicative of the existence of reasonable or proper grounds for suspecting that the woman was guilty of the offence.

- (e) The ordinary reasonable reader would infer from the fact that the complaint was about a social media post that the police had read the post before deciding to come to the woman's home. However, such a reader would infer simply that, in the light of the post and the complaint about it, there were grounds to investigate further, not that there were grounds to suspect her of having committed an offence.
37. In my judgment, the statement of 21 November 2024, taken as a whole, meant that there had been grounds to investigate a woman at an address in Essex for an alleged offence of inciting racial hatred, linked to a post on social media, but, in the light of the investigation, there was no basis for further action.
38. I agree with Mr Munden that the ordinary reasonable reader would understand that neither the police nor the prosecuting authorities declare persons subject to investigation to be innocent. Rather they focus on whether the investigation discloses a basis for bringing criminal proceedings. In that context, the statement that "no further action" was to be taken (carrying the implication that no such action was warranted) was a complete antidote to the imputation in the earlier statements that there were grounds to investigate the woman. At common law, the statement of 21 November 2024 was therefore not defamatory of the woman referred to.
39. Miss Skinner's suggestion was that the statement expresses the view of the CPS, but says nothing about the view of the police, and so leaves intact the imputation contained in the previous two iterations of the statement. But that seems to me to involve precisely the kind of "over-elaborate analysis" which the authorities eschew. The ordinary reasonable reader would understand that it is the role of the CPS to give advice to the police and would infer from the fact that no further action was taken that, in the light of the investigation, there was no basis for any such action. Only a reader "avid for scandal" would read the statement as indicating some difference of view between the police and CPS.
40. As to Miss Skinner's second proposed meaning, in my judgment, the ordinary reasonable reader would:
- (a) understand the press statement to mean that previous press reports of the interaction between police and the woman were false; and
 - (b) infer from the fact that the only persons said to have been present during that interaction were the woman and the police officers that the woman had provided an account of the interaction that was false; but
 - (c) not infer that the woman's account was intentionally false.
41. That being so, each of the iterations of the press statement meant simply that the woman had provided an account of her interaction with the police which was false.

42. My reasons are these:
- (a) As a matter of ordinary English, “false” just means “not true”. To say that a person has said something false is not to say anything about the state of her mind when she said it. It is not necessary to be a lawyer to understand that “false” and “intentionally false” are distinct concepts.
 - (b) The ordinary reasonable reader would also know that an interaction between the police and an individual may well be stressful for the individual and that the individual is not likely to have any means to record it. It is therefore not unlikely that the individual’s account of the interaction will be unintentionally inaccurate.
 - (c) In the present context, there is no difference in meaning or impression between saying that the woman’s description of the police visit is false and saying that it is inaccurate.
43. In many circumstances it would not be defamatory to say that someone’s account is false, without saying that the account is intentionally false. But, as Nicklin J observed in *Burleigh v Telegraph Media Group Ltd* [2020] EWHC 2359 (QB), at [21], “there are dangers in laying down broad propositions, such as ‘it is not defamatory to say that a person got his facts wrong, or what he said was not true or unfounded’”.
44. In my judgment, the question whether the second meaning is defamatory is better left for determination at trial. It will depend on the precise findings the court makes on the evidence about the extent to which the readers (or a substantial proportion of them) would know (i) that the woman referred to was Ms Pearson and (ii) that she was a journalist and columnist. Depending on the findings on these points, the court might decide that the statement did lower Ms Pearson in the estimation of right-thinking people and would tend to have a substantially adverse effect on the way that people would treat her, because, even though the statement did not say that the account was intentionally false, it suggested (at least) a lack of the care that would be expected of a journalist and columnist when reporting something newsworthy: see in this respect the discussion in *Burleigh* at [11] and [18]-[21].

Mr Hirst’s interview on LBC

45. On 17 November 2024, Mr Hirst gave an interview to Lewis Goodall on the LBC radio station.
46. The interview started with Mr Goodall introducing a “story” which had “set... centre right or right-wing online circles... aflame”. He continued:
- “Essex police defending their decision to investigate the Telegraph columnist Allison Pearson over a social media post saying she is accused of inciting racial hatred not of committing a non-crime hate incident as she had claimed.”

47. Mr Goodall then played Mr Hirst a clip of comments made by the Conservative politician Iain Duncan Smith on the same show half an hour earlier, in which he described the investigation into Ms Pearson as entering “kind of thought police territory”.
48. The agreed transcript of the interview reads as follows (with the words complained of by the claimant in bold):

“LEWIS GOODALL: Well, you heard it there Roger um uh ‘thought Police’ is what Iain Duncan Smith had said. What's your response to that?

ROGER HIRST: Well certainly, we don't want thought police in this country. This is absolutely um about having a free country isn't it really? And there's a tension here between freedom of speech and rule of law. Both of those are absolutely core pillars of our democracy.

I just think it's perhaps worth bearing in mind though you know in my police and crime plan, we don't talk about hate crime. We talk about antisocial behaviour, we talk about drug-driven crime, we talk about uh violence against women and girls, we talk about neighbourhood crimes.

But nevertheless we can't go around ignoring crimes just because um it's politically sensitive, and we perhaps need to just think about how our black and Asian communities are hearing this debate.

After all the 1986 Public Order Act defines this as a crime and the maximum sentence - you know the normal measure of crime severity is on the maximum sentence.

The maximum sentence is seven years. That puts it up there well ahead of shoplifting and actually ahead of most car crimes as well.

LEWIS GOODALL: That is inciting racial hatred to be specific.

ROGER HIRST: **Exactly that.**

Yes yeah now I'm not saying, I'm making no comment at all about this particular case because it is under investigation um by the force which I have responsibility um and I have no view whatsoever on the issue of guilt, but it is my job to make sure that the police act even-handedly and we will have no two-tier policing in Essex. Everyone's equal under the law and if there is a complaint made then the police are duty bound to investigate it.

I have to say you know it's fairly evident isn't it really that it's not been treated as a high priority, it's taken a year to actually go and knock on the door but um nevertheless this this is something which has to be dealt with by due process.

LEWIS GOODALL: Do you think that it is helpful for the leader of the opposition to be commenting on live police inquiries in this way?

ROGER HIRST: I think. I'm not sure that commenting on a live police inquiry is the thing but this is clearly a hot topic.

Um it's something that we do need to clear up. There is – there is a very real debate here around particularly I think the non-crime hate incidents, um and are they taking police time actually not directly relevant to the case in hand um.

But quite a big issue. In Essex last year - the police looked at over 700 non-crime hate incidents. Is that necessarily a good use of time?

I think there's a there's a good debate that needs to be had around are is the current regime of obliging the police to be data monitors and record all of this stuff actually having a positive impact on race relations, community relations in this country. You go back to the 1986 act, clearly it came in after the 1970s and '80s – I'm a little bit older than you probably Lewis - um where we had quite a lot of race riots.

LEWIS GOODALL: Yeah

ROGER HIRST: They calmed down a lot after the Act came in.

The non-crime hate incidents came in in 2000 and actually since then we've seen a deterioration rather than an improvement not least seen in this summer.

I think we actually need to think about what is it which improves relationships between our communities in this country. My own view is that that is actually around the police building relationships with all of the communities whether they be um Muslim, whether they be Jewish, Pro Palestine, pro Gaza whatever it may be or many many more than that that.

We have that in Essex. That's the focus - not on recording uh incidents which may or may not be trivial, uh and I think there's something there about the fact that we didn't actually have any of those riots in the summer in our county.

LEWIS GOODALL: So what would you say to uh Boris Johnson who has written this weekend that what has happened in the force for

which you are the commissioner is redolent to the Soviet Union at its worst?

ROGER HIRST: Yeah, I'm afraid having read that article, I mean Boris was also talking about the police trawling the internet for these things.

That's not what we do. I think there's a little bit of a gap between his understanding of what's going on here and what the police actually do.

This this is a response to a specific complaint about a particular um incident.

LEWIS GOODALL: And Liz Truss suggesting that this is bullying, that your force is bullying Allison Pearson.

ROGER HIRST: Well again you're asking me to comment on the particular incident. I probably ought not do that, um it's probably for others to judge. It will go through due process. I think the next stages it will go to the Crown Prosecution Service uh for their assessments.

LEWIS GOODALL: But I assume you would say, just as a matter of record and policy, that that your force does not bully anyone.

ROGER HIRST: Ah, it is part of my job to make sure our force does not bully anyone yes."

The meaning of Mr Hirst's interview on LBC

Submissions for Ms Pearson

49. Miss Skinner advanced the following meaning for the LBC Interview: "The police had properly concluded that there were grounds for suspecting that the claimant had committed the serious criminal offence of inciting racial hatred for which the maximum sentence is seven years' imprisonment." This is a Chase Level 2 meaning.
50. In support of this meaning, Miss Skinner submitted that the interview contained references to crimes and sentences without any exculpatory information, antidote or tentativeness as to the conclusion reached. A reasonable reader could not draw from this anything less than a Chase Level 2 meaning.

Submissions for Mr Hirst

51. Mr Busuttil denied any meaning defamatory of Ms Pearson. The references to crimes were part of a general discussion of the police's approach. Only an unreasonable listener, or one avid for scandal, could think otherwise. Mr Hirst was at pains to emphasise he was not discussing Ms Pearson's case.

52. Mr Busuttill's primary submission was that the words spoken are not defamatory. Alternatively, the reference to the police concluding that there were grounds for suspecting the claimant of committing a criminal offence is objectionable as it offends against the repetition rule. On any view, Mr Hirst's words are not reasonably capable of bearing any meaning higher than Chase Level 3. Nothing is implied about whether there are grounds for suspecting the claimant of having committed any offence.

Discussion

53. The overall impression left by Mr Hirst's contribution to the interview was of his pushing back against the suggestion that Essex Police had acted improperly by explaining that they are obliged to investigate a report alleging the commission of an offence and that the offence alleged here (inciting racial hatred) was in principle a serious one which had to be investigated.

54. The words relied upon by Miss Skinner to support her proposed Chase Level 2 meaning are, in my judgment, clearly references to the offence of which Ms Pearson had been accused (inciting racial hatred), rather than to any conduct or alleged conduct of Ms Pearson's. The point being made was that the offence is as a matter of principle a serious one (as shown by the sentence it attracts) and that, when a report alleging commission of such an offence is made, the police have to investigate.

55. The point was reinforced by the words immediately following those complained of:

“I'm making no comment at all about this particular case because it is under investigation um by the force which I have responsibility um and I have no view whatsoever on the issue of guilt, but it is my job to make sure that the police act even-handedly and we will have no two-tier policing in Essex. Everyone's equal under the law and if there is a complaint made then the police are duty bound to investigate it.”

56. No-one hearing those words could think Mr Hirst was saying anything about whether there were grounds for suspecting that Ms Pearson had committed the offence. This impression is reinforced by Mr Hirst's refusal to comment on Liz Truss's reported view that Essex Police had been bullying Ms Pearson:

“Well again you're asking me to comment on the particular incident. I probably ought not do that, um it's probably for others to judge. It will go through due process. I think the next stages it will go to the Crown Prosecution Service uh for their assessments.”

57. These words made clear that Mr Hirst was saying nothing about the strength or otherwise of the case against Ms Pearson. However, in my judgment, Mr Hirst's words did bear the meaning that, in the light of the complaint and the post itself, there were reasonable grounds to investigate Ms Pearson for the offence of inciting racial hatred. This was defamatory at Chase Level 3.

58. My reasons for reaching the latter conclusion are these:

- (a) Since Lewis Goodall introduced the interview by telling listeners that Essex Police had been “defending their decision to investigate the Telegraph columnist Allison Pearson over a social media post”, the ordinary reasonable listener would infer that the police had considered both the complaint and the post itself before deciding to investigate.
- (b) By saying in this context “if there is a complaint made then the police are duty bound to investigate it”, Mr Hirst was saying that the Essex Police had acted properly by investigating the complaint against Ms Pearson.
- (c) Essex Police could only have acted properly in investigating that complaint if, in the light of the complaint and the post itself, there were grounds for investigating whether Ms Pearson had committed the offence of inciting racial hatred.

The Conservative Home article

59. The article on the Conservative Home website on 18 November 2024 appeared under the headline “Roger Hirst: Don’t blame Essex Police for upholding the law – even if the alleged perpetrator is a powerful journalist”. The byline identified Mr Hirst as the Police, Fire and Crime Commissioner for Essex. The text was as follows:

“There has been much debate about the impact of Essex Police’s investigation of Ms Allison Pearson, a leading journalist on the Daily Telegraph, on the exercise of free speech. Without free speech, our democracy is in peril. But the same goes for the rule of law. Core to my role as the Police, Fire and Crime Commissioner for Essex is ensuring that the police exercise their powers effectively and without fear or favour. That means being able to investigate allegations of crime even if the alleged perpetrator is a powerful journalist. To be clear: this controversy is not about a non-crime incident, the alleged offence has been assessed as passing the threshold for criminal investigation.

While Essex Police are responsible for assessing whether an incident should be investigated as a crime, they do so against the law of our great country. This is fundamental to the democratic system in which we live and which so many have laid down their lives to protect. Law is passed by parliament, voted on by the MPs that we as citizens in our democratic country vote to represent us. It is their role to debate and decide on the laws that govern our country. It is my role to ensure that Essex Police apply that law effectively and maintain order in our country. That means being able to investigate allegations of crime whoever they relate to.

In our country, we are fortunate to have policing by consent. This works and has been copied around the world because we all participate, through our democratic system, in setting the laws that govern our land and that the police must apply. We may not all like all the laws in force but it is the Police's job to apply them fairly and mine to ensure that they do so efficiently and effectively. I welcome the debate on what should and should not be a crime. I have pushed hard for stronger legislation on domestic abuse, the possession of knives, on unauthorised encampments, assaults on shop workers and those who assault our emergency services. They are important to me and I am glad that parliament has passed laws that allow us to tackle this behaviour.

If the law is felt to be a constraint on free speech, then that is for parliament to debate and hopefully change. I have a view on what should and shouldn't be a law. The law on Non-Crime Hate Incidents, in my view, infringes too far on the core principle of freedom of speech. And it ties up police time which would be better used preventing violence against women and girls, reducing drug crime and dealing with neighbourhood crimes such as burglary and car theft. But it is the law, and fundamental to my role is ensuring that the law of the land is enforced whatever that may be. My concern is that the law as it stands is exercised effectively and impartially in the county of Essex.

Law and order, the rule of law and policing without fear or favour is important. It underpins our democracy, it goes to the heart of our society and is key to maintaining the fair and law based society that we enjoy. I will not compromise this principle however difficult the situation is, law and order must come first.

We must police for everybody and, in Essex, we do. Independent research show that three quarters of the people of Essex have high levels of confidence in Essex Police.

Our police have developed strong relationships with communities across the county, whatever their race or religion. During the summer while riots happened in other areas of the country there was no unrest in Essex. Over the last few years our county has been challenged, from COVID to the tragic murder of 39 people from Vietnam, and every time our communities have come together, showed solidarity and worked closely with the police to keep our counties safe.

I am proud to represent the people of Essex and in my manifesto I clearly set out my priorities:

- To deliver more local, visible accessible policing,
- Drive down antisocial behaviour and crime,
- Beat knife crime and drug gangs and protect young people,

- Tackle violence against women and girls and domestic abuse,
- Ensure vulnerable people are protected,
- Improve road safety and reduce road deaths in Essex to zero.

We are focused on delivering these priorities for our community. ASB has been falling for eight years and is down by nearly three quarters. Crime is down by over ten per cent from its peak, we are reducing the incidence of domestic abuse, and we have protected more young people with fewer being drawn into drug gangs. Drug-related knife crime is down over 20 per cent. I am proud of the work we have done in Essex, the fact we have the biggest strongest police force we have ever had, and that we are tough on crime, on gangs and work hard to protect the vulnerable.”

The meaning of the Conservative Home article

Submissions for Ms Pearson

60. Miss Skinner proposed the following meaning: “Essex Police had assessed the claimant’s conduct and properly concluded that there were grounds to investigate whether she had committed a hate speech crime.”
61. In support of this, she submitted that the article signals that the matter has proceeded past initial assessment by stating that the incident has been “assessed as passing the threshold for criminal investigation”. The word “alleged” does little; no antidote or suggestion that it may not be a crime is given. The piece provides endorsement of both Essex Police and the relevant legislation.

Submissions for Mr Hirst

62. Mr Busuttil accepted that the words “the alleged offence has been assessed as passing the threshold for criminal investigation” bear the meaning: “There were grounds to investigate whether the claimant had committed a hate speech offence.” It was conceded that this is defamatory, at Chase Level 3.
63. Mr Busuttil submitted that the references in the claimant’s proposed meaning to an “assessment” and “conclusions” are objectionable in law as they offend against the repetition rule and are superfluous. Alternatively, the claimant’s reference to the Essex Police’s decision to investigate being “properly” arrived at is objectionable for the additional reason that it has no basis in the article.

Discussion

64. There is very little between the parties as to the meaning of the article. However, I consider that Mr Busuttil’s formulation is to be preferred. This is a Chase Level 3 meaning.
65. The formulations “Essex Police had assessed... and properly concluded...” are objectionable for the reasons explained in [31]-[32] above. Once these references are excised, the only difference between the parties is whether the

article referred to a hate speech “offence” or “crime”. I doubt that there is any material difference between these, but I accept Mr Busuttill’s submission that “offence” is to be preferred because it more directly reflects the words of the article.

Conclusion

66. For these reasons, I conclude and determine as follows:

- (a) The press statements by Essex Police dated 13 and 16 November 2024 meant that there were grounds to investigate a woman at an address in Essex for an alleged offence of inciting racial hatred, linked to a post on social media. At common law, these statements were defamatory of the woman referred to at Chase Level 3.
- (b) The press statement dated 21 November 2024 meant that there had been grounds to investigate a woman at an address in Essex for an alleged offence of inciting racial hatred, linked to a post on social media, but, in the light of the investigation, there was no basis for further action. At common law this was not defamatory of the woman referred to.
- (c) Each of the iterations of the press statement also meant that the woman had provided an account of her interaction with the police which was false. It is not possible to determine at this stage and in the abstract whether the second meaning is defamatory at common law. That will have to be determined at trial.
- (d) The words spoken by Mr Hirst in his interview with LBC on 17 November 2024 meant that, in the light of the complaint and the post itself, there were reasonable grounds to investigate Ms Pearson for the offence of inciting racial hatred. At common law, this was defamatory of Ms Pearson at Chase Level 3.
- (e) Mr Hirst’s article in Conservative Home on 18 November 2024 meant that there were grounds to investigate whether Ms Pearson had committed a hate speech offence. At common law, this was defamatory of Ms Pearson at Chase Level 3.