



1 July 2026

S U M M A R Y

Vince v Tice

[2026] EWCA Civ 844

Lord Justices Lewison, Coulson and 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. Paragraph numbers are references to the judgment. Judgments are public documents and are available at:

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

1. The court gives judgment on an appeal by Dale Vince against decisions made by Mr Justice Pepperall (the Judge) after a trial of preliminary issues (TPI) in Mr Vince’s libel action against Richard Tice over a Tweet (The Tice Tweet). The leading judgment is given by Lord Justice Warby, with whom Lord Justices Coulson and Lewison agree.

The facts

2. On 9 October 2023, Mr Vince was interviewed on Times Radio about the attack on Israel which Hamas had launched two days earlier. In one exchange (the Exchange) he said, “I think one man’s freedom fighter is another man’s terrorist.” On 13 March 2024 the website Guido Fawkes published an article (the Fawkes Article) which incorporated and made observations about the Exchange. On the same day, Mr Tice posted the Tice Tweet. This quote-tweeted the Fawkes Article and added this statement of Mr Tice’s own (the Tice Statement): “So major Labour donor is pro the murderous antisemitic Hamas ... Mmmm”.

The claim

3. Mr Vince’s Particulars of Claim alleged that the Tice Tweet meant that he (a) supports antisemitism and is therefore antisemitic; (b) supports the racist murder of Jews because

they are Jews; and (c) supports Hamas, an antisemitic proscribed/outlawed terrorist organisation which murders Jews because they are Jews.

The Judge's decision

4. At the TPI the judge determined that the statement complained of meant that Mr Vince “supports the murderous and antisemitic terrorist organisation Hamas”, that it was a statement of opinion rather than a statement of fact, and that it indicated the basis for the opinion.

The appeal

5. Mr Vince's first ground of appeal was that the Judge was wrong to find that the statement was one of opinion; the Judge should have found that the meaning he identified was a statement of fact. The second ground of appeal challenged the Judge's ruling on meaning; Mr Vince argued that if the statement contained any element of opinion, the Judge should have found that it also contained defamatory factual imputations about him.

The Court of Appeal's decision

6. The court dismisses the appeal. It holds that the key to the appeal lies in gaining a full understanding of the way the case was presented to, and understood by, the Judge at the TPI [5].
7. The court states that the essential starting point for consideration of the first ground of appeal was a recognition that the issue decided by the Judge was not whether the Tice Tweet as a whole was a statement of fact or opinion; rather, the issue the Judge decided was whether the Tice Statement, read in its context within the Tice Tweet, was one of fact or opinion. This important point was clear from careful scrutiny of the Judge's reasoning coupled with the language of his order. It was reflected in the way Mr Vince's legal team formulated his original grounds of appeal [45-46].
8. The Judge was right, or at least entitled, to approach the matter on the basis that he did. The written skeleton argument and the oral submissions for Mr Vince at the TPI showed that this is how the case was argued [47]. Once this key point was recognised the appeal on this ground could be seen to lack merit. The judge had identified the important

principles in the authorities, applied them to the statement complained of, and reached a conclusion that was clearly legitimate in the light of the arguments advanced to him **[48]**.

9. At **[50]-[52]** the court explains that the second ground of appeal relied on the so-called “repetition rule”, that a statement which repeats someone else’s defamatory statement about a person will, other things being equal, convey the same meaning as the original statement. This rule was a firmly established element of the interpretative toolkit. The submission based upon it was straightforward. Guido Fawkes had made two “discrete defamatory allegations of fact” about Mr Vince: (a) that he had stated that Hamas were “freedom fighters” and (2) that he believed Hamas should have the right to defend themselves. In the Tice Tweet, Mr Tice had repeated those allegations without qualification. He thereby became responsible for conveying those same defamatory factual allegations to his own readers. He could not escape responsibility for defaming Mr Vince in this way, even if the Tice Statement was a statement of opinion.
10. But, the court says, this was not how Mr Vince’s case was argued before the Judge. It was a new case advanced for the first time on appeal. More than this, it was positively inconsistent with the position adopted before the Judge **[53]**. This ground of appeal was at odds with, or at best went beyond, Mr Vince’s case as stated in the Particulars of Claim **[54]**. The new argument also raised implicit challenges to other aspects of the Judge’s decision which were not the subject of an appeal, or invited the court to uphold an as-yet unpleaded defamatory factual meaning on a provisional or hypothetical basis **[55]**.
11. Assuming that this was something the court had jurisdiction to allow, it was not something which, a matter of discretion, it should permit. It would not be just to do so. The new case advanced in the Court of Appeal involved a substantial and significant change of position, inherently prejudicial to Mr Tice. It was a case that could easily have been raised before the court of first instance. It had not been formulated in writing with precision. There was no formal application for permission to amend. No evidence had been filed to explain the change of position. Nor had any satisfactory explanation been provided in another way. The court inferred that a deliberate and considered decision had been taken to advance the claim in the way it was pleaded and argued in the High Court. The outcomes of two related claims afforded Mr Vince a degree of vindication in respect of the imputation that he had described Hamas as “freedom fighters” **[56]-[65]**.