



Neutral Citation Number: [2026] EWHC 1743 (KB)

Case No: KB-2025-001497

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10/07/2026

Before :

MR JUSTICE LINDEN

Between :

NARINDER KAUR

Claimant

- and -

LAURENCE FOX

Defendant

David Mitchell & Beth Grossman (instructed by **Cloude Law**) for the **Claimant**
Greg Callus & Hector Penny (instructed by **DL Law LLP**) for the **Defendant**

Hearing dates: 8th and 9th June 2026

Approved Judgment

This judgment was handed down remotely at 10.30am on 10 July 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE LINDEN

Mr Justice Linden :

Introduction

1. On 4 December 2025, Steyn J ordered a trial of preliminary issues in relation to the Claimant's claims in libel based on 18 publications by the Defendant. The issues identified for determination were:
 - i) The natural and ordinary meaning of the words complained of;
 - ii) Whether any of the meanings so determined is defamatory of the Claimant at common law;
 - iii) Whether, and the extent to which, each meaning so determined is or contains statements of fact or opinion under section 3(2) of the Defamation Act 2013;
 - iv) Whether any statements of opinion indicate in general or specific terms the basis of the opinion for the purposes of section 3(3) of the 2013 Act.
2. Steyn J also ordered that the following applications be heard at the same time:
 - i) The Defendant's application, dated 24 September 2025, to strike out the Claimant's claims of misuse of private information and breach of the data protection legislation, pursuant to CPR Rules 3.4(2)(a) and/or (c) ("the strike out application");
 - ii) The Claimant's application for delivery up dated 28 November 2025 ("the application for delivery up").

Overview of the Claimant's pleaded case

3. The Claimant pleads that she is a broadcaster, social commentator and author. The Defendant is a former actor and the leader of a political party called Reclaim. According to the Claimant, he has in the order of 621,500 followers of his X.com account, @LozzaFoz, and 15,900 followers of his @media_reclaim account. He also has a YouTube channel called "Reclaim the Media".
4. Proceedings were issued on 29 April 2025. The Claim Form claims damages and injunctive and other relief for "libel, misuse of private information, breach of UK GDPR/Data Protection Act 2018 and harassment contrary to the Protection from Harassment Act 1997". The course of conduct which is alleged to amount to harassment took place between 28 April 2024 and 30 April 2025 and it comprised 40 pleaded tweets and YouTube videos or broadcasts, of which 18 are alleged to be libellous.
5. As far as the libel claims are concerned, the publications are set out in chronological order and numbered in the Particulars of Claim ("POC") dated 26 August 2025, but they were given letters for the purposes of the trial of preliminary issues. The words complained of are pleaded for each publication in turn, and the POC then pleads the alleged meaning of each and sets out particulars of the Claimant's case on "serious harm" for each for the purposes of section 1 of the 2013 Act. Her case as to meaning is pleaded solely on the basis of the natural and ordinary meaning. There is no innuendo meaning pleaded, nor any facts to support such a meaning. Indeed, with one exception,

nor is it pleaded that there is any context which is relevant to meaning. That exception is Publication D, where it is pleaded that this tweet “was read in the context of the tweet at Publication [C]” ([105] POC).

6. Although the Claimant is not named in five of the publications complained of (D, H, L, M, N), the POC does not specifically address this. There is no specific pleading that any attributes of the Claimant would reasonably lead those who were acquainted with her to believe that she is the person referred to. Nor is any innuendo reference pleaded, nor any facts which might support such a plea.
7. A key feature of the pleaded case is Publication 2 which forms part of the harassment, misuse of private information and breach of data protection claims but is not said to be libellous. This is a tweet by the Defendant on 30 April 2024, which included a photograph of the Claimant who appears to be getting out of a car. It is apparent that she was not wearing underpants. This is referred to in the POC as “an intimate photograph of the Claimant after she had been upskirted” and I will refer to it as “the Photograph”.
8. The text of the tweet stated:

“I for one applaud the celebration of modesty which Narinder highlighted in her criticism of @LeilaniDowding for getting her baps out. We need standards in public life”
9. The Claimant pleads that she did not know of the existence of the Photograph until it was published to the world at large by the Defendant ([10] POC) and that he is currently being prosecuted under section 66A of the Sexual Offences Act 2003 on two counts of sharing indecent images ([2] POC). Her evidence is that the trial is due to take place in December 2027. It is also pleaded that the Claimant has waived her right to anonymity under section 1 of the Sexual Offences (Amendment) Act 1992 ([2] POC).
10. The Photograph is the subject of the Claimant’s application for delivery up. Publication 2 and the reaction to it, including the Claimant’s reaction and the prosecution of the Defendant, are also alluded to in the majority of the publications complained of in libel although, of course, it does not follow from this that the hypothetical reasonable reader would have appreciated that this was so.

The hearing

11. At the beginning of the hearing I indicated that it would be helpful if, having exchanged skeleton arguments, the parties would take a realistic approach to the strike out application and the application for delivery up. I would therefore give them an opportunity to reflect and take instructions by hearing the competing submissions on the preliminary issues first. It was estimated that this would take at least a day, and so it proved.
12. The Defendant had filed a “Defendant’s Statement of Case” on the preliminary issues to be tried (“DSoC”), which is dated 13 January 2026. For the purposes of the hearing, counsel also agreed the admissible context for the 14 tweets complained of (save for the issue in relation to Publications C and D), and each tweet was set out, in that context, on a single page which was placed in the bundle.

13. In advance of the hearing, in accordance with standard practice, I then read these documents and watched what the parties indicated were the relevant parts of the videos complained of, before considering the pleaded cases of the parties and their skeleton arguments as to the preliminary issues: see e.g. *Millett v Corbyn* [2021] EWCA (Civ) 567, [2021] EMLR 19 at [8].
14. At the hearing I was then taken through each of the publications complained of and the relevant parts of the videos were played in open court. There were transcripts of the videos but I was told that these were not agreed. I therefore informed the parties that I would rely on the words complained of pleaded in the POC as being accurate unless specific inaccuracies were pointed out to me. In the event, however, I have made minor corrections to the pleaded words complained of where I did not consider that these accurately reflected what was said or by whom.
15. When submissions on the preliminary issues had been completed, Mr Callus informed me that his client was willing to be pragmatic. It would be necessary for the POC to be amended in the light of my ruling on the preliminary issues in any event and, indeed, Mr Mitchell had indicated in the course of his oral reply that he may wish to apply to amend to add a plea of innuendo reference. In his skeleton argument Mr Callus had pointed out what he said were the deficiencies in the Claimant's pleaded case on misuse of private information and breach of the data protection provisions. When Mr Mitchell drafted his amendments in relation to meaning etc it would be open to him to apply to make amendments which addressed Mr Callus' criticisms. Mr Callus was therefore willing to reserve his position and to adjourn his strike out application pending receipt of the draft amended Particulars of Claim in the light of my judgment. This was a helpful and constructive approach, and therefore welcome.
16. There was no objection to this from Mr Mitchell. However, his position was that his client wished to pursue the delivery up application "in full". I deal with this application below.

Legal framework in relation to the preliminary issues

Meaning

17. I have reminded myself of the helpful summary of the law given by Nicklin J in *Koutsogiannis v The Random House Group* [2020] 4 WLR 25 at [11]-[17]. The governing principle is that:

“11. The court's task is to determine the single natural and ordinary meaning of the words complained of, which is the meaning that the hypothetical reasonable reader would understand the words bear.....”
18. This principle is explained further at [12], from which the following principles are particularly relevant in the present case:

“(i) The governing principle is reasonableness.

(ii) The intention of the publisher is irrelevant.

(iii) The hypothetical reasonable reader is not naïve but he is not unduly suspicious. He can read between the lines. He can read in an implication more readily than a lawyer and may indulge in a certain amount of loose thinking but he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available. A reader who always adopts a bad meaning where a less serious or non-defamatory meaning is available is not reasonable: s/he is avid for scandal. But always to adopt the less derogatory meaning would also be unreasonable: it would be naïve.

.....

(viii) The publication must be read as a whole, and any “bane and antidote” taken together. Sometimes, the context will clothe the words in a more serious defamatory meaning.... In other cases, the context will weakenthe defamatory meaning that the words would bear if they were read in isolation.....

(ix) In order to determine the natural and ordinary meaning of the statement of which the claimant complains, it is necessary to take into account the context in which it appeared and the mode of publication.

(x) No evidence, beyond publication complained of, is admissible in determining the natural and ordinary meaning.

(xi) The hypothetical reader is taken to be representative of those who would read the publication in question. The court can take judicial notice of facts which are common knowledge, but should beware of reliance on impressionistic assessments of the characteristics of a publication’s readership.

(xii) Judges should have regard to the impression the article has made upon them themselves in considering what impact it would have made on the hypothetical reasonable reader...

(xiii) ... the court is free to choose the correct meaning; it is not bound by the meanings advanced by the parties (save that it cannot find a meaning that is more injurious than the claimant’s pleaded meaning).”

19. In the present context the hypothetical reader must be taken to be a reasonable representative of users of X who follow the Defendant: *McAlpine v Bercow* [2013] EWHC 1342 (QB) at [58]. The guidance in the judgment of Lord Kerr JSC in *Stocker v Stocker* [2019] UKSC 17, [2020] AC 393 at [41]-[46] is also important. This emphasises the nature of social media and the way in which it is read or consumed. Lord Kerr agreed with [35] of the judgment in *Monroe v Hopkins* [2017] EWHC 433 (QB); [2017] 4 W.L.R. 68 where Warby J (as he then was) said that “this is a conversational medium” and that therefore an impressionistic approach is more appropriate. At [43] Lord Kerr said:

“I agree with that, particularly the observation that it is wrong to engage in elaborate analysis of a tweet; it is likewise unwise to parse a Facebook posting for its theoretically or logically deducible meaning. The imperative is to ascertain how a typical (i.e. an ordinary reasonable) reader would interpret the message. That search should reflect the circumstance that this is a casual medium; it is in the

nature of conversation rather than carefully chosen expression; and that it is pre-eminently one in which the reader reads and passes on.”

20. At [44] Lord Kerr added that readers and consumers of what was then Twitter “do not pause and reflect. They do not ponder on what meaning the statement might possibly bear. Their reaction to the post is impressionistic and fleeting.”
21. In *Monir v Wood* [2018] EWHC (QB) 3525 at [90], Nicklin J observed that “Twitter is a fast moving medium. People will tend to scroll through messages relatively quickly.” He went on to say “ ... Largely, the meaning that an ordinary reasonable reader will receive from a Tweet is likely to be more impressionistic than, say, from a newspaper article which, simply in terms of the amount of time that it takes to read, allows for at least some element of reflection and consideration. The essential message that is being conveyed by a Tweet is likely to be absorbed quickly by the reader”.
22. Similarly, in relation to broadcasts, in *Bond v BBC* [2009] EWHC 539 (QB), at [9], Eady J said that the question is how the reasonable viewer would interpret the broadcast. Assessing the meaning of the aspects complained of is to a large extent a matter of impression. The judge can take into account their subjective reaction as part of the process but:

“Beyond that, one must not be over-analytical, in the sense of subjecting the text to a leisurely or legalistic breakdown: ordinary viewers will not have had that opportunity. The overall flavour of a programme may contribute to an interpretation which would not necessarily be found when subjecting the text to piecemeal analysis. There is a risk that such an exercise will focus on the trees and miss the wood.”

Context

23. As for the issue about the context for Publication D, in *Riley v Murray* [2020] EWHC 977 (QB), [2020] EMLR 20 at [15], a case about the interpretation of tweets, Nicklin J cited *Monroe v Hopkins* (supra) at [37]-[40] and underlined certain passages from the judgment of Warby J. At [16], Nicklin J said:

“The underlined passages establish that the following material can be taken into account when assessing the natural and ordinary meaning of a publication:

“i) **matters of common knowledge**: facts so well known that, for practical purposes, everybody knows them;

ii) **matters that are to be treated as part of the publication**: although not set out in the publication itself, material that the ordinary reasonable reader would have read (for example, a second article in a newspaper to which express reference is made in the first or hyperlinks); and

iii) **matters of directly available context to a publication**: this has a particular application where the statement complained of appears as part of a series of publications—e.g. postings on social media, which may appear alongside other postings, principally in the context of discussions.”
(emboldened lines in the original)

24. At [17] he went on to say:

“The fundamental principle is that it is impermissible to seek to rely on material, as “context”, which could not reasonably be expected to be known (or read) by all the publishees. To do so is to “erode the rather important and principled distinction between natural and ordinary meanings and innuendos”: *Monroe v Hopkins* [40]”. (emphasis added)

25. In *Riley*, Nicklin J referred to *Hijazi v Yaxley-Lennon* [2020] EWHC 934 (QB) at [14] where he had recently considered the principle and had come to the same conclusion. In *Hijazi* he had explained that the distinction between “material that would have been known (or read) by all readers and material that would have been known (or read) by only some of them” corresponds to the distinction between what is “legitimately admissible as context in determining the natural and ordinary meaning of the words complained of and what is relevant only to an innuendo meaning (if relied upon)”.

26. Mr Mitchell suggested in his oral reply that Nicklin J’s formulation at [17] of *Riley* was wrong. When I pointed out that, at [18] of his skeleton argument, he had cited [17] as representing the law he retreated somewhat, suggesting that [17] had been given undue prominence in Mr Callus’s submissions. Mr Mitchell noted that Mr Callus had submitted that Nicklin J had narrowed the approach of Warby J in *Monroe* and argued that I should apply the approach of Warby J at [38] rather than the narrower approach of Nicklin J. At [38] Warby J said:

“I would conclude that a matter can be treated as part of the context in which an offending tweet if it is on Twitter and sufficiently closely connected in time, content, or otherwise that it is likely to have been in the hypothetical reader’s view, or in their mind, at the time they read the words complained of. This test is not the same as but is influenced by the test for whether two publications are to be treated as one for the purposes of defamation: *Dee v Telegraph Media Group Ltd* [2010] EWHC 924 (QB) [2010] EMLR 20 [29] (Sharp J).”

27. However, Nicklin J’s analysis also included consideration of [39] of Warby J’s judgment in *Monroe* where he said:

“39 I would include as context parts of a wider Twitter conversation in which the offending tweet appeared, and which the representative hypothetical ordinary reader is likely to have read. This would clearly include an earlier tweet or reply which was available to view on the same page as the offending material. It could include earlier material, if sufficiently closely connected. But it is not necessarily the case that it would include tweets from days beforehand.”

28. At [40] Warby J rejected a formulation suggested by leading Counsel because:

“To the extent that it might draw in as ‘context’ things that might or might not have been known to the ordinary reader, it would tend to erode the rather important and principled distinction between natural and ordinary meanings and innuendos..”

29. I do not think that is a material difference between the formulations of Nicklin and Warby JJ. In a natural and ordinary meaning case the question is not an empirical one which involves evidence as to whether all actual readers would have been aware of

and/or read the publication or tweet which is said to be context. The question relates to the hypothetical reader and the court has to be satisfied that s/he, in other words all notional readers, would be likely to have done so. But, in any event, any difference between the two approaches does not affect that outcome in this case, as I explain below.

The *Chase* levels of meaning

30. It was also common ground before me that there may be different levels of meaning. As Nicklin J explained in *Koutsogiannis* at [13], in *Chase v News Group Newspapers Ltd* [2002] EWCA Civ 1772; [2003] EMLR 11 at [45] Brooke LJ identified three types of defamatory allegation:

“...broadly, (1) the claimant is guilty of the act; (2) reasonable grounds to suspect that the claimant is guilty of the act; and (3) grounds to investigate whether the claimant has committed the act. In the lexicon of defamation, these have come to be known as the Chase levels. Reflecting the almost infinite capacity for subtle differences in meaning, they are not a straitjacket forcing the court to select one of these prescribed levels of meaning, but they are a helpful shorthand...”.

Fact/opinion

31. Section 3 of the Defamation Act 2013 provides, so far as material:

“Honest opinion

(1) It is a defence to an action for defamation for the defendant to show that the following conditions are met.

(2) The first condition is that the statement complained of was a statement of opinion.

(3) The second condition is that the statement complained of indicated, whether in general or specific terms, the basis of the opinion.

(4) The third condition is that an honest person could have held the opinion on the basis of—

(a) any fact which existed at the time the statement complained of was published;

(b) anything asserted to be a fact in a privileged statement published before the statement complained of....”

32. At [16] of *Koutsogiannis* (supra) Nicklin J, in a passage which was approved by the Court of Appeal in *Corbyn v Millett* (supra) at [12], set out the following principles which will guide the court in deciding whether the statement is one of fact or opinion:

“(i) The statement must be recognisable as comment, as distinct from an imputation of fact.

(ii) Opinion is something which is or can reasonably be inferred to be a deduction, inference, conclusion, criticism, remark, observation, etc.

(iii) The ultimate question is how the word would strike the ordinary reasonable reader. The subject matter and context of the words may be an important indicator of whether they are fact or opinion.

(iv) Some statements which are, by their nature and appearance opinion, are nevertheless treated as statements of fact where, for instance, the opinion implies that a claimant has done something but does not indicate what that something is, i.e. the statement is a bare comment.....”

33. In *Corbyn*, Warby LJ pointed out that the statutory test under section 3(2) of the 2013 Act is whether “statement complained of”, and not the meaning of that statement or the imputation which it conveys, is of opinion [17]. Subject to this, the approach of the court is the same as it is for determining meaning [18].

Defamation at common law

34. In *Thornton v Telegraph Media Group Ltd* [2010] EWHC 141 (QB); [2011] 1 W.L.R. 1985 Tugendhat J said the following at [34](ii)(a):

“(ii) Personal defamation comes in a number of sub-varieties including: (a) imputations as to what is “illegal, mischievous, or sinful”...This would perhaps now be expressed as what is illegal, or unethical or immoral, or socially harmful, but will now cover imputations which are less serious than that...(c) Imputations which ridicule the claimant...”

35. In *Corbyn*, Warby LJ said:

“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”.... 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...”

36. In relation to the consensus requirement, Mr Callus also relied on the judgment of Warby J in *Monroe* at [50]:

“In a diverse society, there are many with views of which some people approve and some disapprove. The demands of pluralism in a democratic society make it important to allow room for differing views to be expressed, without fear of paying damages for defamation. Hence, a statement is not defamatory if it would only tend to have an adverse effect on the attitudes to the claimant of a certain section of society.....

51 The judge’s task is not to impose his or her own views. It can be put this way: to determine whether the behaviour or views that the offending statement attributes to a claimant are contrary to common, shared values of our society. This again is a matter for judgment, not a matter for opinion polls or other evidence. It can be difficult. But one test is whether the conduct or view in question is illegal or, by the standards of society as a whole, immoral.”

37. Mr Callus submitted that there is not necessarily a social consensus about sexual mores and that, insofar as there may in the past have been consensus on certain sexual behaviour, views change over time. He referred to *Stephens v Avery* [1988] Ch 449 at 453-454, where Brown-Wilkinson VC said that no general code of sexual morals existed at the time of his judgment, and to *AVB v TDD* [2014] EWHC 1442 (QB) at [70]-[89]. In the latter, Tugendhat J recognised, however, that there remain cases where there is a generally accepted moral code [72]. He said that “Today there is a generally accepted view that certain conduct relating to sex is grossly immoral, whether or not it is also illegal.” [73] and that there are certain types of sexual activity in respect of which public opinion has become less permissive over the years [74]. Tugendhat J gave, as examples of this, sexual conduct which was exploitative or involved deception, or where there is harm to, or humiliation of, third parties. He also indicated that allegations of hypocrisy in sexual matters may be defamatory.
38. Mr Callus noted that *Avery*, *AVB* and *Monroe* were considered by Nicklin J in *Brown v Bower* [2017] EWHC 2637, [2017] 4 WLR 197. Nicklin J determined that the meaning of the words complained of in the book in question was that, at the date when the allegation was made by the News of the World, there were grounds to suspect that the claimant, a well-known politician, had paid young male prostitutes to subject him to consensual rough sex. The parties agreed that this was defamatory at common law but Nicklin J declined to approve this concession, expressing doubts about its correctness by the standards of right thinking people in 2017. He noted that there was no suggestion of exploitation, or extreme recklessness, or poor judgment on the part of the claimant, for example. He was concerned that there was a risk that the meaning which he had found may conceal important elements which were still in dispute but were highly material to the question of “serious harm” under section 1 of the 2013 Act and/or damages. The position was therefore unsatisfactory. Ultimately, however, Nicklin J did not rule on the issue.
39. Mr Callus also drew attention to the decision of Johnson J in *Ahmadi v Guardian News & Media Limited* [2025] EWHC 1191 at [30]-[41] that an imputation that a person is homosexual is no longer defamatory at common law. This was a further illustration of how sexual mores have shifted since 1942 when Asquith J held that describing a woman as a lesbian was defamatory: *Kerr v Kennedy* [1942] 1 KB 409.
40. As to the second limb of the test for whether a meaning is defamatory, the threshold of seriousness, in *Thornton* Tugendhat J said that such a qualification is required “so as to exclude trivial claims” [90]...Having said that the word “attitude” rather than the “estimation” is clearer he said that “it is the actions of the right-thinking persons that must be likely to be affected (so that they treat the claimant unfavourably, or less favourably than they would otherwise have done), not just their thoughts or opinions.” [92]. At [93] he added that a tendency or likelihood to do so is sufficient. As Warby J put it in *Gubarev v Orbis Business Intelligence Limited* [2020] EWHC 2912(QB),

[2021] EMLR 5 at [38]: “this is an objective test, depending on the extent to which the meaning of the words has an inherently harmful character.”

41. In the light of these authorities, Mr Callus’ submission was that insofar as any of the publications complained of by the Claimant in the present case suggested in its natural and ordinary meaning that she was a prostitute, it should no longer be regarded as defamatory to call a person a prostitute or a sex worker. Nor should any allegation that the Claimant sold pornographic or sexual images of herself – what Mr Callus characterised as lesser forms of sex work - or that she agreed to or arranged for the Photograph to be taken, whether for payment or to raise her public profile or any other reason. Nor should any allegation that she posted pornographic or sexual material on her OnlyFans page, for payment or otherwise. There was and is no general social consensus on these matters amongst right thinking people in 2025/2026. Nor would such allegations cross the threshold of seriousness. In Mr Callus’s submission, the repeal of the Slander of Women Act 1891, by section 14 of the Defamation Act 2013, was further confirmation that there was and is no longer a social consensus in relation to allegations of in chastity against women. In taking this step, Parliament was accepting that the view that such allegations are slanderous per se is based on antiquated moral views.
42. Mr Callus accepted, however, that allegations of hypocrisy will often satisfy the consensus requirement on the basis that there is a shared societal moral value attached to acting consistently with one’s professed moral values. But he submitted that whether such an allegation crosses the threshold of seriousness will depend on the particular circumstances of the case.

Vulgar abuse

43. In *Blake v Fox* [2023] EWCA Civ 1000, [2024] EMLR 2 at [27] Warby LJ cited with approval the following passage from *Gatley on Libel and Slander* (13th Edition) at 3-037:

"Insults or abuse which convey no defamatory imputation are not actionable as defamation. Even if the words, taken literally and out of context, might be defamatory, the circumstances in which they are uttered may make it plain to the hearers that they cannot regard it as reflecting on the claimant's character so as to affect his reputation because they are spoken in the 'heat of passion, or accompanied by a number of non-actionable, but scurrilous epithets, e.g. a blackguard, rascal, scoundrel, villain, etc.' for the 'manner in which the words were pronounced may explain the meaning of the words.'"

44. Warby LJ added:

“This can be seen as a logical consequence of the law's concentration on the impact a statement would have on the ordinary reasonable reader and the way they would treat the claimant, and a reflection of the importance attributed to context and medium.”

Defamatory of the Claimant?

45. A key requirement of a cause of action in defamation is that the words complained of are “of and concerning the claimant”: *E Hulton & Co v Jones* [1910] AC 20, 23. In the present case, as noted above, certain of the publications complained of do not name the Claimant and there is therefore an issue as to whether this requirement is satisfied.
46. In *Dyson Technology Ltd v Channel Four Television Corporation* [2023] EWCA Civ 884, [2023] 4 WLR 884 Dingemans and Warby LJ explained that there are two main ways in which a claimant may be proved to be the person identified or referred to in a statement. These are:
- i) First, “if the claimant is named or identified in the statement or where the words used are such as would reasonably lead persons acquainted with the claimant to believe that he was the person referred to....” [34]; and
 - ii) Second, “where a claimant is identified or referred to by particular facts known to individuals.....’reference innuendo’” [35].
47. Assuming that a given claimant is not named in the publication, both approaches require them to plead their case that the words would have been understood by the hypothetical reasonable reader to identify or refer to them ([35], [44]-[47]).
48. Dingemans and Warby LJ explained that, although the court must place itself in the position of the hypothetical reasonable reader or viewer, in contrast to the approach to determining the natural and ordinary meaning of a statement, under the acquaintance approach the court imputes to the hypothetical viewer or reader “some degree of knowledge about the claimant which need not be found within the statement of which complaint is made” [37]. Where the issue as to identification or reference arises:
- “...it becomes necessary to consider what attributes of the claimant the hypothetical viewer, acquainted with the claimant, would be deemed to know. The onus must of course lie on the claimant to identify those attributes. The starting point must be to plead the case.”
49. The test is “objective and abstract” [42]:
- “if there is a need for an evidential inquiry in a case which is not a reference innuendo “it will be a factual inquiry into the attributes of the claimant known to the reasonable reader or viewer acquainted with the claimant, and not what any person actually knew or thought.” [46].
50. See, also, the helpful analysis by Steyn J in *Bridgen v Hancock* [2024] EWHC 623 (KB) at [26]-[39].

Discussion and conclusions in relation to each of the publications complained of

Preliminary points

51. Unless the contrary is indicated, the publications in question are tweets from @LozzaFox.

52. The competing meanings advanced by the parties are set out in the Appendix to this judgment which was helpfully provided by Mr Callus and Mr Penny with their skeleton argument on behalf of the Defendant.
- i) The Claimant's overall position was that the statements complained of by her were statements of mixed *Chase* level 1 fact and opinion, and their meanings were all defamatory at common law. The statements were attacks on the Claimant and they were couched in terms which were calculated to maximise the opprobrium which they generated.
 - ii) The Defendant's overall position was that all of the statements complained of were statements of opinion, and none of the meanings of these statements was defamatory at common law.
53. For each publication I have set out the pleaded words complained of with some corrections of inaccuracies in the POC. Unless the contrary is indicated, the words are those of the Defendant. The words in italics (whether of the Defendant or otherwise) are additional context which I have included to assist the reader of this judgment to understand the conclusions which I have reached.
54. Although this was one of the preliminary issues, Mr Mitchell did not argue that any of the statements complained of, insofar as it was a statement of opinion, failed to indicate the basis of the opinion, whether in general or specific terms. In any event, I consider that section 3(3) of the Defamation Act 2013 is satisfied in the case of each of the statements of opinion which I have found to be defamatory.

Publication A/Publication 7

55. The Claimant pleads that she "previously operated an OnlyFans account in which she published cookery videos."
56. At 4.42pm on 7 May 2024, the Defendant tweeted the following words written by him:
- "I am so incredibly upset that people are looking at my privates" - @narindertweets
- "I'm horrified at the victim blaming." - @narindertweets
- "Guys, what should I be charging for what?" - @narindertweets on her recently deleted @OnlyFans page."
57. Below these lines there was an image of the Claimant's OnlyFans page which had been closed and, below this, a tweet by @JakeHepple1 on 6 May 2024. This included a photograph of the Claimant below the words:
- "So all the victim playing after you've tried to single people out if they have different views and opinions than yourself, it turns out you had an onlyfans account which has just been deleted @narindertweets this is gold [face with tears of joy emoji]".
58. In my view the hypothetical reasonable reader would understand the Defendant's words to mean that:

“the Claimant was being disingenuous and hypocritical in claiming publicly that she was upset about people looking at her private parts and that she was a victim, and in condemning victim blaming, when she had been charging for people to look at sexual images of her, which showed her genitalia, on her OnlyFans page, which she had recently deleted in an attempt to conceal the truth about her from the public.”.

59. This is broadly consistent with the meaning contended for by the Claimant. However, Mr Mitchell submitted that the reference to the Claimant having an OnlyFans page, in and of itself, would convey to the reader that she was posting pornographic images for money. I accept that the reference to OnlyFans would be understood to mean that the Claimant charged for access to the content on her page – this would be common knowledge - and, in any event, the Defendant made reference to her charging. However I do not accept that the fact that it was said that she was charging for the images meant, in itself, that the reader would understand that they were “pornographic” as Mr Mitchell submitted. This is not the meaning of the word “pornographic” but, more importantly, in my view the reasonable reader would infer from the reference to OnlyFans and the charge of disingenuousness/hypocrisy that the images were sexual (as opposed to artistic or scientific), and that they showed the Claimant’s genitalia. But they would not necessarily use, or articulate to themselves, the word “pornographic” – given that they would think of pornographic material as more “hard core” - to describe the images, even if this word could accurately be applied to them as a matter of language.
60. I do, however, agree with Mr Mitchell that Mr Callus’ proposed meaning – that the Claimant is a hypocrite – omits the factual basis on which the Defendant expressed his opinions.
61. Other than the words which I have underlined, these were statements of opinion.
62. I accept that the meaning which I have found is defamatory at common law. The allegation that the Claimant was projecting a false image of herself to the public in her tweets, and had taken steps to conceal the truth about herself, is a clear attack on her integrity, her sincerity and the reliability of what she says. It therefore satisfies the consensus requirement given the social value which is attached to these qualities. It also crosses the threshold of seriousness given that the nature of the condemnation of the Claimant and given that the Defendant’s allegations were made to the public in relation to public statements and alleged conduct of the Claimant. They would therefore be likely materially to adversely affect how people treated her.

Publication B/Publication 8

63. This was a programme called “Fox and Father Episode #011” which, it is pleaded, was first broadcast on the Defendant’s Reclaim the Media channel on YouTube on 9 May 2024, and continues to be available on YouTube. The broadcast is of a conversation between the Defendant and a Calvin Robinson. The pleaded words complained of are the following non italicised words:

00:26:58 “someone in one of the WhatsApp groups, this picture appears of Narinder flashing her core at a paparazzo, which was all the rage back in the day when you wanted to be famous.”

00:27:29 “She said all the time, I want to be famous. I mean, she went on Big Brother, you know, and a lot of girls did it. And a lot of girls did it. If you speak to the girls, like the girls that I know, they were clever enough and they made money out of it. They let a photographer know when they were going to do it. And they made a good living out of it. Who knows whether Narinder was the same.”

00:30:02 *“And then one of my lovely followers pointed me in the direction of the fact that if you do really want to see, until very, very recently, Narinder Kaur's core, you can sign up to her OnlyFans account, which she deleted once she realized that someone was going to find out about it. So she had an OnlyFans account.”*

00:31:18 [Calvin Robinson]: “The reason Narinder’s upset with you for showing her core is because she likes to sell it and so she’s losing her profit.”

00:33:04 [The Defendant] *“what’s sad about this for her is that she’s all of these like please leave me alone its so horrible, you know, but 12.99 on OnlyFans, you know...it’s that debasement and the people that come in behind herthese hugely patronising and hypocritical [people]”*

00:34:01 [Calvin Robinson] *“But Narendra’s inconsistent. Like, her first statement of we need better standards in public was right. But then on the other hand, she’s selling her body for £12.99 on OnlyFans or whatever, apparently.*

“00:34:11: [Calvin Robinson] *So that doesn’t hold up does it?*

[The Defendant]: *“No but that’s the thing. ..the exact thing they accuse you of. But mebbe finding the hypocrisy in people needs to be more careful and more strategic....”*

64. Earlier on in the conversation on this topic, at 00:28:30, the Defendant had said that he did *“like to point out people’s hypocrisy”*. I also note that reasonable reader would understand from the rest of the conversation that the Defendant had posted an intimate photograph of the Claimant that he had been criticised for this by “the lefty mob”. The conversation was also conducted on the basis that viewers knew who the Claimant was, that the spat between her and the Defendant had been conducted in public and that her stance that she was a victim had been adopted in public.
65. In my view the hypothetical reasonable reader would take from the words of the Defendant which are complained of that:
- “There were grounds to investigate whether in the past the Claimant was one of a number of young women who would flash her genitalia at the paparazzi because they wanted to become famous, and who made a good living out of doing this. The Claimant also had an OnlyFans account which the public could pay to see sexual images of her, showing her genitalia. So she was being disingenuous in complaining that she was upset by the Defendant publishing an intimate photograph of her and that she was a victim. She had also deleted her OnlyFans account recently in an attempt to conceal her disingenuousness.”
66. In my view all of the words other than the underlined words are statements of opinion.

67. The first part of the meaning which I have found (about the Photograph) is close to the Defendant's case but Mr Callus's proposed meaning left out the rest of the meaning.
68. I could not see Mr Mitchell's suggestion that the Defendant was saying that "the Claimant staged the intimate image because she sold pornographic images of herself on OnlyFans" (emphasis added). This seemed to me to be a non sequitur and not a meaning which emerged from what was said. I have discussed the question whether the reader would (internally) articulate the word "pornographic" to refer to the OnlyFans images at [59], above.
69. There was disagreement between Mr Mitchell and Mr Callus about whether the Defendant adopted Mr Robinson's reference to "£12.99". In fact, the Defendant himself referred to this figure in connection with OnlyFans, but this was not part of the pleaded meaning. Part of the issue on pleaded meaning was whether the Claimant "sold" images of herself and I accept that, in context, the Defendant's reference to "signing up" would be understood to refer to needing to pay or subscribe even leaving aside the reference to OnlyFans.
70. Although the Defendant referred to "hypocrisy", in this instance I do not think that this would be the meaning which the reader actually took from his words i.e. that she was acting inconsistently with her professed values. The Defendant mimicked her when he said "*please leave me alone its so horrible, you know, but 12.99 on Only fans,*" in a way which was apparently intended to convey that she was portraying herself as vulnerable and a victim, but he did not refer to statements by her which indicated her values. In my view the reader would take from the overall conversation that she was being disingenuous in portraying herself as such when she was quite happy to post pictures of her genitalia to the paying public and that she had taken steps to conceal this fact.
71. In my view the meaning and the opinions which I have found are defamatory at common law for essentially the reasons which I have given at [62], above. A key theme of the conversation was that the Claimant was not the victim that she publicly claimed to be, and the Defendant also alleged that she deleted her OnlyFans account in order to conceal this from the public. This was an attack on her integrity, sincerity and reliability.

Publication C/Publication 9

72. This was a tweet by the Defendant at 1.21pm on 22 May 2024 which quote tweeted a tweet by the Claimant of a picture of her as part of a guest column in the Times 2 alongside the words "Laurence Fox posted and obscene image of me online: Narinder Kaur on what happened next". The Claimant wrote above this item that:

"What Laurence Fox did to me was humiliating. Every day is like being assaulted since #revengeporn. Here is my guest column for @thetimes....".

73. Above this, the Defendant wrote:

"Woman with Only fans account gets a spread in the Times because she forgot to wear knickers on a night out knowing there would be paparazzi everywhere.

The cry bully attention seeking victimhood of these people is beyond pathetic.

Grow up and stop selling your bits for fame.”

74. In my view the hypothetical reasonable reader would understand the Defendant’s words to mean that:

“The Claimant was disingenuous to portray herself in the Times as a victim, when she sold pictures of her genitalia to get publicity: she had deliberately not worn underwear with the intention of being photographed by the paparazzi and she posted naked sexual images of herself on her OnlyFans account.”

75. All of the words other than the underlined words are statements of opinion.
76. Again, and for the reasons I have given in relation to Publications A and B, I did not accept the Mr Mitchell’s suggestion that the Defendant would be understood to be saying that the Photograph was staged because she sold pornographic images of herself on OnlyFans. Nor did I accept the Defendant’s case that what he said was only about the Photograph was no more than *Chase* level 3. His clear and unequivocal assertion was that she was “selling her bits for fame”.
77. In my view the meaning which I have found is defamatory at common law for similar reasons to those which led me to the same conclusion in relation to Publications A and B. At the heart of the Defendant’s words was an allegation that the Claimant was seeking to capitalise on a false public image of herself and was therefore cynical and lacking in integrity.

Publication D/Publication 10

78. This was a tweet at 3.02pm on 22 May 2024. On the face of the publication in its agreed context, @LeilaniDowding tweeted a reply to @LozzaFox which said:

“It’s crazy to me that she literally says she wants it to go away and disappear but will literally talk about it at every possible opportunity. It’s the Streisand effect...”

79. The Defendant said the following in reply:

“Needs the cash now that she’s shut down her only fans.”

80. Neither message named the Claimant. However, her pleaded case is that @LeilaniDowding was replying to Publication C and Mr Mitchell submitted that therefore the hypothetical reader would be aware that the Defendant’s remark was “of and concerning” the Claimant. Publication C would also inform the reader’s understanding of Publication D.
81. On balance I have concluded that Publication D should be read in the light of Publication C. Although this is not apparent on the face of the Defendant’s tweet, it was not in dispute that @LeilaniDowding was replying to Publication C. This was just over 1 hour and 40 minutes later and the subject matter was the same. Adopting Warby J’s formulation in *Monroe*, I consider that the two tweets are sufficiently closely connected that Publication C is likely to have been in the hypothetical reader’s mind at the time that they read the words complained of in Publication D.

82. The natural and ordinary meaning of what the Defendant said was that:

“The Claimant was writing about the Photograph because she was short of cash now that she was no longer making money through her OnlyFans account.”

83. This was a statement of opinion and, contrary to Mr Mitchell’s argument, I do not find that it added anything material to Publication C. It does not satisfy the consensus requirement or cross the threshold of seriousness. It therefore is not defamatory at common law.

Publication E/Publication 11

84. At 3.30pm on 22 May 2024, the Defendant quote tweeted a tweet by @MirrorCeleb which said “Narinder Kaur slams Laurence Fox 'and toxic gang' over 'humiliating' upskirt pic” and included a photograph of the Claimant and the Defendant.

85. Above this, he wrote:

“Tabloid rags regularly hired photographers to pay girls to wear no knickers so they could sell tabloid rags.

Your paps took the photos, the little attention seekers got a few quid to flash their bits.

And somehow it’s my fault.

Too funny. [rolling on the floor laughing emoji]

We are reaching peak hypocrisy.”

86. In my view, the hypothetical reasonable reader would understand the Defendant to be making a criticism of the Mirror for hypocrisy in running a story which criticised him for posting an upskirting picture of the Claimant when the tabloids, including the Mirror, used to hire photographers to take these sorts of pictures, and the photographers used to pay the women, who were perfectly willing to do this. However, although close analysis might lead to a different understanding, the reader would also understand the Defendant to saying that this was a case in point given that he was responding to the Mirror piece about an upskirting photograph of Claimant in particular and saying “And somehow it’s my fault”. The meaning which would be derived is therefore:

“the Claimant was one of the attention seeking girls who agreed to flash their genitalia to press photographers for a few quid to gain publicity.”

87. I do not agree with Mr Mitchell that the reader would read the Defendant’s accusation of hypocrisy as being directed at the Claimant or conclude that she was blaming him, falsely or otherwise. The Defendant was clearly railing at the tabloids, which he addressed in the first and second lines of what he wrote. However, I do broadly agree with him that the Defendant would be understood to be alleging that the Photograph had been taken with the Claimant’s agreement and for pay.

88. On balance I consider that the Defendant’s words would be read as including the statements of fact which I have underlined. What the Defendant said was related to the

particular photograph of the Claimant which was a fact. His words were not qualified in anyway and he did not express any hesitation in making his assertion.

89. On balance, I consider that the meaning which I have derived is defamatory at common law. The allegation is essentially that the Claimant was a knowing party to the taking of a photograph which would falsely be presented to the public as catching her in an unguarded moment. The references to her being an attention seeker, and “a few quid”, conveyed the idea that she was desperate for any form of publicity and willing to sell herself cheaply to achieve it. What she had agreed to do – “flashing” her genitalia - was effectively indecent (public) exposure. In my view this was a contemptuous statement that she lacked integrity, dignity and self-respect, and it satisfied the consensus requirement. I also consider that it was sufficiently serious to cross the threshold of seriousness.

Publication F/Publication 14

90. At 1.42pm on 6 June 2024, the Defendant quote tweeted a tweet by the Claimant in which she posted a news item about the arrest of a person for throwing a milkshake at the leader of the Reform party, Nigel Farage, at a campaign event. The Claimant said “Laurence Fox committed a sex crime against me. The police are yet to make an arrest”. She contrasted this with the immediate arrest of the person who had thrown the milkshake over Mr Farage and said “This is how women are (sic) girls are let down by the system. The system is made for middle class men in power”.

91. Above this the Defendant wrote:

“Dear @narindertweets

You are not a victim, sweetheart. You are a double digit IQ only fans skank who flashed her snatch at any paparazzi brave enough to risk his camera lens not breaking for 5 quid and a shot at being on page 26 of the Daily Sport.

Go cry somewhere else and perhaps enroll in a “How to put knickers on for special people” class.

Pathetic and libellous attention seeker.”

92. In my view the hypothetical reasonable reader would understand from this that:

“The Claimant is a woman of low intelligence and low sexual morals who flashed her genitalia at press photographers for payment and because she was desperate to be in the tabloid newspapers at any price. She is not a victim and she is disingenuous to portray herself as such. She is an attention seeker who has libelled the Defendant in accusing him of committing a sex crime against her.”

93. This is closer to the Claimant’s proposed meaning but I did not accept that the reader would understand the word “skank” to mean “prostitute”. In my view it would be understood as meaning “woman of low sexual morals” or “sleazy woman”. Nor did I think that the reader would make any connection with OnlyFans given that there is no reference to OnlyFans in the tweet. Mr Callus’ proposed meaning – that she “is a

pathetic and libellous attention seeker” - did not engage with key aspects of what was said by the Defendant.

94. All of the words other than the underlined words are statements of opinion.
95. In my view the meaning set out above is defamatory at common law. Again, it is an attack on the Claimant’s integrity in presenting herself to the public as a victim, and on her dignity and self-respect in terms of her willingness to degrade herself and to sell herself cheaply in order to gain any publicity. The term “skank” also conveyed the imputation that she is sleazy and of low sexual morals. These imputations satisfied the consensus requirement and they crossed the threshold of seriousness.

Publication G/Publication 17

96. At 9.37pm on 4 July 2024, the Defendant quote tweeted a tweet by the Claimant on 22 May 2024 in which she posted a picture of herself with a picture of the Defendant insetted and wrote:

“Whether I wear knickers or not is my choice.

Whether I have an OF account OR NOT – my choice.

What isn’t my choice is being upskirted and certain men using that image to humiliate me on their platform”

97. Above that, the Defendant wrote:

“I know it’s #GeneralElection2024 tonight, but I think we could all take a moment to reflect on how hard life has been for (mother of two) only fans role model @narindertweets and how bereft she must have felt when she forgot to wear her pants for money. Skank’s lives matter. [brown raised fist emoji and sweat droplets emoji]”

98. In my view the hypothetical reasonable reader would understand this to mean that:

“The Claimant is being disingenuous in portraying herself as a virtuous mother of two who had been humiliated by the use of an upskirting photograph of her, when she had been paid not to wear underwear for the photograph and she posts sexual images of herself on OnlyFans. She is a person of low sexual morals.”

99. Again, this is closer to the Claimant’s proposed meaning although, for the reasons given at [93] above, I did not accept that the word “skank” would be taken to mean “prostitute”. Mr Callus’s proposed meaning – that she had no proper basis for claiming victimhood – did not engage with key aspects of what the Defendant said.
100. All of the words other than the underlined words are statements of opinion.
101. In my view the meaning which I have set out is defamatory at common law. Again, the message was that the Claimant lacks integrity in making public pronouncements which do not reflect the truth about her, and that she is a person of low sexual morals.

Publication H/Publication 24

102. At 6.12pm on 24 July 2024 the Defendant quote tweeted a tweet from a “Prof Norman Fenton” which said:

“The bizarre and wasteful efforts to criminalise@LozzaFox for hurty words continue”

103. Above this, the Defendant wrote:

“Two senior detectives no less, pandering to a half wit narcissist who wears no pants for money.

What a waste of police time and public money.

Deafening silence from the “freedom fighters.”

The talk the talkers outnumber the wall (sic) the walkers by 100/1.”

104. I accept the Defendant’s submission that in its natural and ordinary meaning the words complained of do not refer to the Claimant. Moreover the tweet is a criticism of the police, rather than being directed at the Claimant.

105. Even if the Defendant had named the Claimant, without any pleaded case as to known facts about her the hypothetical reader would not have understood the Defendant to be saying anything about her beyond that she was self-obsessed and stupid and wore no pants for money. All of this would be opinion and I do not consider that, in isolation, it would be defamatory in its natural and ordinary meaning. There is a strong argument that it would be taken as vulgar abuse but, in addition to this, it would not cross the threshold of seriousness.

Publication I/Publication 28

106. At 7.06pm on 29 December 2024, the Defendant tweeted a reply to a tweet by the Claimant in which she said:

“Quiz time –

What was the biggest overreaction known to mankind to a tweet in 2024?”

107. The Defendant replied:

“Accusing me of sexual assault after you flashed your snatch for any photographer who would split the £50 with you @narindertweets

Have the police been in touch, by the way?”

108. The hypothetical reasonable reader would understand this to mean that:

“The Claimant had grossly overreacted by making a false allegation of sexual assault against the Defendant when she had flashed her genitalia for any

photographer who would split their fee with her. I have reported her to the police for this.”

109. This includes elements of the meanings proposed by both sides but is closer to the Claimant’s pleaded meaning. On balance, I think that the contrast between the accusation of sexual assault and the Claimant’s own behaviour, together with the indication that the Defendant had reported the matter to the police, would suggest to the reader that the Claimant’s allegation was in bad faith so that making it was potentially a criminal offence. Mr Callus’ proposed meaning rightly focussed on the fact that the Defendant was replying to a question about overreactions but it did not address what the Defendant was saying as to the nature of the overreaction on the part of the Claimant.
110. In my view, save for the words underlined, this was a statement of opinion about the Claimant.
111. I consider that the single meaning which I have identified is defamatory at common law given that it includes an allegation that the Claimant had made a false report of sexual assault to the police and thereby may have committed a criminal offence.

Publication J/Publication 29

112. This was a tweet at 8.15pm on 3 January 2025 in which the Defendant quote tweeted a tweet by “Stand Up to Racism @AntiRacismDay” which posted pictures of “Antiracists protesting outside Reform UK conference in Leicester tonight...”
113. The Defendant wrote:
- “The British people have stood up and told you lot to fuck off.
- Britain is not a racist country.
- And race baiting gash flashers like @narindertweets don’t do you any favours.
- She’ll jump on any bandwagon for £50.”
114. In my view the statement that the Claimant was a “race baiting gash flasher” was vulgar abuse and therefore not defamatory at common law. The hypothetical reader would also have understood that the Defendant was saying that:
- “the Claimant was willing to embrace any popular cause for money and it was damaging to the cause of antiracism for it to be associated with her.”
115. This meaning rejects the Claimant’s case on meaning and accepts the Defendant’s case on “race baiting gash flasher”.
116. The meaning which I have derived is an expression of opinion. On balance I consider that it is defamatory at common law. The Defendant was saying that the Claimant was insincere, mercenary and unprincipled and that it was damaging to the cause of anti-racism for it to be associated with her. These were assertions that she lacked integrity and that the reputation of others would be damaged if they allowed her to associate with them.

Publication K/Publication 30

117. At 1.20pm on 15 January 2025, the Defendant quote tweeted a tweet by the Claimant in which she pointed to a poster on the London Underground which warned that upskirting is illegal. She wrote this above the picture:

“Get on the tube and see this.

To think men actually need reminding that this is unacceptable (and illegal).”

118. Above this, the Defendant wrote:

“Putting aside that this may be needed due to the rapidly changing demographics of London for a moment, perhaps there should also be a reminder for attention seeking Z listers to not flash their bits to the paparazzi for a share of the £50 they get for the pic?”

119. In my view the hypothetical reasonable reader would understand the Defendant to be saying that:

“the Claimant was an attention seeker and a very minor celebrity, and there were reasonable grounds to suspect that she had flashed her genitalia to press photographers for a share of their fee.”

120. This is somewhere between the meanings contended for by the parties, and an expression of opinion. Given the lack of context and information in the publication itself, I do not consider that the hypothetical reader would derive a great deal from the Defendant’s sarcastic remark or take it sufficiently seriously for the meaning which they derived to pass either of the two limbs of the test for defamation on their ordinary and natural meaning.

Publication L/Publication 32

121. This was a tweet on 26 March 2025 in which the Defendant published a livestream video of himself talking to camera. He is in a baseball cap with dark glasses on, smoking and drinking, and apparently sitting outside in the early evening. He talks, in a rambling and somewhat incoherent way, about himself and his thoughts about this country, and he appears to be under the influence of alcohol.

122. In the course of what he says, he rails against various things including the idea that he is a racist, the police, the idea that he is sexually exploitative of women, and the tabloid media. In connection with his criticisms of the media he complains about “*being condemned by the very newspapers that printed the pictures of the person who decided to forget to wear pants. I’m confused*”. He returns to talking about himself, denies being racist and sexually exploitative of women and says that the newspapers are “*responsible for all of this*”, and that “*they*” are warning him that he should leave the country or what happened to Tommy Robinson will happen to him. He goes on to say that “*we are ok as British people just going well just go and knock up Tommy, its fine, it’s not me and my kids. And, um, they’re okay with the fact that, you know, some, you know, attention seeking pornstar wants to do things. It’s like, and its somehow my fault? What happened to the real world?*”. He goes on to say that this country is anti-white,

anti-Christian etc, that Tesco would not give him a job because of his image as a racist rapist, and that he thinks it is time to leave the country. The video continues with the Defendant expressing his views on this country and the world.

123. The pleaded words complained of are “attention seeking pornstar”. In my view, these words do not refer to the Claimant in their natural and ordinary meaning. The nature of the Defendant’s monologue is also such that, even if the Defendant had named the Claimant, these words would be regarded as vulgar abuse in the context of the Defendant’s general criticisms of this country, including its Press, and therefore not defamatory of the Claimant in their natural and ordinary meaning.

Publication M/Publication 33

124. This was a relatively lengthy tweet, at 4.58pm on 25 March 2025, in which the Defendant painted a picture of England being in decline and said that he was “*sick of it*”. He then said the following words which are complained of by the Claimant:

“That’s why they are after me. A photo taken by some nameless paparazzi years ago of a sad little person desperate for fame and a few hundred quid which has been in the public domain for years and has been shared hundreds of times, even by the individual concerned, who now cries victim.”

125. He went on to say that “they” were doing this because “they” thought that they could scare him but he wasn’t scared of “them” and he wasn’t going to stop pointing out how decrepit and corrupt the institutions of this country have become etc.
126. I agree with Mr Callus that in their natural and ordinary meaning the words complained of by the Claimant do not refer to her.
127. In the absence of any pleaded case as to what the hypothetical reader would have known about the Claimant, and how much they would have known about the photograph to which the Defendant was referring or any of the other circumstances, I do not propose to express a (hypothetical) view about the meaning of what the Defendant said and whether, if the Publication had named her, that meaning would have been defamatory at common law.

Publication N/Publication 34

128. This was a tweet at 6.20pm on 25 March 2025. Although this does not appear as part of the agreed context, the POC pleads that the Defendant quote tweeted a tweet by @LanceForman which says “I took an upskirting photo...but think I got away with it”. The Defendant said the following:

“Is the paparazzi who took the photo years ago going to get charged?

Is the owner of the publication going to get charged?

Is any one of the hundreds of people who shared it online going to get charged?

Is any editor who has published a picture of any wannabe sleb (who conveniently forgot to put pants on so she could earn a few quid from selling her intimate parts) going to get charged?

Not a chance in hell.

Is another kid going to get stabbed to death today in London, whilst some greasy, fat @metpoliceuk apparatchik trawls Twatter gorging on a grab bag of BBQ McCoys instead of solving an actual crime?

You can bet your life on it.”

129. The hypothetical reasonable reader would understand that the Defendant was railing against what he saw as inconsistent and unjust charging decisions, and saying that the police did nothing about real crime and their priorities were wrong. Moreover, in their natural meaning the words complained of do not refer to the Claimant.
130. Again, absent a pleaded case as to what the hypothetical reader would have known about the Claimant, I do not proposed to express a view about meaning and whether, if the Defendant had named her, that meaning would have been defamatory at common law.

Publication O/Publication 36

131. This was a tweet at 8.18pm on 26 March 2025 in which the Defendant posted a quadrant with 3 pictures of the Claimant and one picture of a man who appears to be white. The pictures of the Claimant are: one in which she appears to be in a frilly outfit, one in which she has her tongue out, perhaps provocatively, and a photograph of the lower part of her body with her wearing an above the knee skirt so that her legs are visible. The man in the 4th picture has his back to the camera and appears to be urinating against some metal railings in public.
132. Above this the Defendant wrote:
- “Brown good.
- White bad.
- If she was white she would be charged for indecent exposure”
133. In my view the hypothetical reasonable reader would think that the pictures of the Claimant did not appear to show her involved in indecent exposure, and understand that the Defendant was expressing an opinion that the police make perverse decisions about charging white people which they would not make about brown people. This was a statement of opinion and, in any event, Publication O did not involve any imputation about the Claimant which satisfied the consensus requirement or crossed the threshold of seriousness. It therefore was not defamatory at common law.

Publication P/Publication 38

134. This was a YouTube broadcast on 29 March 2025 through the Defendant’s Reclaim the Media channel. The programme is entitled, “WTF – World of Taunton and Fox: Surviving a Swatting | #25”. It features a conversation between the Defendant and a person called Larry Taunton in the course of which, so far as relevant to the present case, the Defendant complains that he has been accused of sexual assault by the

Claimant, that he reported this accusation to the police and that the police had said that there was no realistic prospect of her being convicted of an offence for doing this.

135. The pleaded words complained of are as follows, although I have adjusted what is pleaded because it does not accurately reflect what was said. In the course of the conversation the Defendant says to Mr Taunton that he was called in by the police:

00:25:33...I've been accused of sexual assault by this woman who called for higher standards in public life

00:26:10 "And she's famous for flashing her private parts to anybody who will watch them and they do a deal. Essentially what happens is minorly famous people, women especially, will do a deal with a photographer whereby they say, I'm going to be at this place and I'm not wearing any underwear. So the photographer will turn up, they'll get 200, 300 quid for a picture of said pantless woman or knickerless lady and they split the money."

00:26:45 "... Anyway, so this woman, when she called for higher standards in public life, she's called Narendra Kaur. She's a vile, vile, vile, vile, vile, race baiting little... She's not very clever, which doesn't, I mean, I don't mind race baiters if they're a bit smarter because they're more fun to toy with, but this is a stupid race baiter. Anyway, she's calling for higher standards in public life. And I shared this picture that was taken 15 years ago. *And I said perhaps you should start with high standards in your own life, or something similar to that, and she then reported me to the police...* "

[Mr Taunton says that he thinks she was enjoying it... "she liked to have this faux outrage, but I think she liked herself in that photo..."]

00:27:38 20 "Also, she gets a lot of engagement whenever she talks to me. So, so she gets paid to do it. *But anyway, she says I sexually assaulted her...*"

"...they should be treated with the absolute fundamental derision that some who thinks that their genitals are, you know, a financial product should be treated with: like a prostitute, like she is a prostitute, in my mind, in my opinion, just in case she wants to watch this and try and sue me for libel..

00:28:29 "In my view...

[Taunton], "could you be clearer what you think about this woman?"

[the Defendant] "I think she's a brain dead moronic leftist prostitute that in my view, I think she behaves like a prostitute. She sells her vagina for money. That's what prostitutes do. Anyway, she accuses me of sexual assault, which is a criminal offence. Right? And she says and she does this repeatedly over and over and over. And I'm like, OK, you can't do that. *These are damaging allegations. You know what the propaganda media is. They just report that. They won't report anything else..*"

136. The Defendant goes on to recount how he reported the matter to the police and they declined to prosecute.

137. In my view the hypothetical reasonable reader would take from this that:

“The Claimant is famous for flashing her private parts for anyone who is interested. In exchange for a share of the photographer’s fee for selling the photograph, the Claimant would inform photographers in advance that she would not be wearing underpants so that they could take a photograph of her which showed her genitalia. In doing this she was selling her vagina for money and was therefore behaving like a prostitute. She was therefore a hypocrite in calling for higher standards in public life. She is also vile and stupid.”

138. This is somewhere between the meanings contended for by the parties. I did not accept Mr Mitchell’s suggestion that the Defendant’s words included an imputation that the Claimant “confected a complaint to make money”. The imputation of confecting a complaint did not seem to me to be there. I see how it could be understood that the Defendant was saying that she was making money out of complaining about the Photograph being posted but this is not clear: the reference at 27:28:30 may have been to making money out of the Photograph. Nor did I think that the reader would take from this particular tweet that the Claimant was motivated by the desire for fame in addition to payment. On the other hand Mr Callus’ proposed meaning – that she was vile and stupid and behaves like a prostitute – did not engage with the whole of what the Defendant said.

139. In my view all of the words other than the underlined words are statements of opinion.

140. For similar reasons to those which I gave in relation to the Publications (other than Publications I and J) which I found to be defamatory above, I consider that the meaning set out above is defamatory at common law. The Defendant’s remarks were an attack on her integrity which alleged that she was presenting herself as a person of high moral standards when in fact she was quite the opposite.

Publication Q/Publication 39

141. This was a YouTube video dated 30 March 2025 and entitled “Lawrence Fox Uncensored Interview: ‘They Tried to Cancel Me for Telling the Truth’”, in which the Defendant was interviewed by a Liam Tuffs.

142. The words complained of are as follows:

[00:43:01] Liam Tuffs: “You posted a picture of her vagina on the internet.”

[00:43:04] Defendant: “Yeah.”

[00:43:04] Liam Tuffs: “Why did you do that? And what’s, what’s been the outcome”

[00:43:08] Defendant: “She was talking about, um, higher standards in public life or something like that.”

[00:43:14] Defendant: “And, um, you just, sometimes I can’t resist it. It’s like the highest standards, like flashing a minge to the world, those sort of higher standards. Um, because the way these things work is, um, they, she gets, you know, you are, if you, if you’ve just done Big Brother or whatever and you are on the, you are like

the Zed List celebrity, you go out on a publicity tour and, you know, one of the conditions of going out on the publicity tour is to not wear any keks and to, you know, when you first get papped, you do a deal with a pap to go, if the papp gets a hundred, 200 quid for a picture of Narinder, or we may get 400 quid for a picture of Narinder and her minge.”

[00:43:51] Defendant: “Um, Narinder gets to keep some of the money. So Narinder was walking around flashing her kek her minge at people left, right, and centre. So, you know, don't start calling for high standards in public life, darling. Uh, so yeah, I posted it along with something like that and Narinder then said that she'd been. I sexually assaulted, I'd sexually assaulted her, but she Narinder is not the smartest knife in the drawer.”

[00:44:17] Defendant: *..with all due respect to her....she's thick..she then said she had been sexually assaulted because it was under upskirting laws...*

[00:44:55] Defendant: *...I wasn't there for 15 years ago when she flashed her minge at anybody. So I had nothing to do with it. And (b) she knew very well it was gonna happen...*”

143. The hypothetical reasonable reader would understand from this that:

“In order to raise her public profile, the Claimant had done a deal with a press photographer to share the proceeds from sales of photographs of her genitalia and was flashing her genitalia frequently in public. So she was a hypocrite in calling for higher standards in public life”.

144. This is closer to the Claimant's proposed meaning. Contrary to the Defendant's case, I did not think that the meaning was *Chase 3* level. The Defendant was positively asserting that she had done the deal which I have referred to and was flashing her genitalia to all and sundry.

145. The words other than those which are underlined were statements of opinion.

146. Again, for essentially the reasons which I have given in relation to Publication P above I consider that this meaning was defamatory at common law.

Publication R/Publication 40

147. This was a tweet at 10.12pm on 30 March 2025. It is pleaded by the Claimant (at [93] POC) that the Defendant posted Publication Q and on this basis the same alleged meaning is pleaded.

148. At [66] of the DSoC, [93] of the POC is denied and it is pleaded that the Defendant's tweet quote tweeted a tweet by @liamtuffs which lasts 1 minute and 18 seconds and which is in fact a trailer for the interview which is Publication Q, but is not a link for the video of the interview itself. This position is supported by the agreed admissible context including Mr Tuffs' tweet which describes the clip as a “trailer”.

149. Mr Callus submitted that the trailer did not contain the words complained of and this particular claim therefore necessarily failed. I was told on the second day of the hearing that the libel claim based on this publication is no longer pursued.

The application for delivery up

The application

150. Ironically, although the Claimant's position was that her proposed order was required "as a matter of urgency", delay is one of the issues in relation to her application for delivery up. I will therefore deal briefly with the chronology.
151. As noted above, the Claim Form was issued on 29 April 2025, so a day short of a year after the Photograph was first published by the Defendant. It was not served until 26 August 2025, however. The Claim Form and the POC do not claim the remedy of delivery up. Although this does not prevent the grant of this form of relief on an interim basis (see CPR Rule 25.1(4)) it is a little surprising given the importance which the Claimant says she attaches to the interim relief now sought.
152. It was not until 28 November 2025, after the Defendant made his strike out application on 24 September 2025, that the delivery up application was made. Not only had there been a long delay before it was made; there appears to have been little or no attempt thereafter to have the application heard "as a matter of urgency". It was not served on the Defendant at this point. Rather, it emerged that the application had been made when Steyn J refused the first part of it, which was a misconceived application for a default judgment on the harassment claim. That was on 4 December 2025. Even then, the Claimant's application notice was not sent to the Defendant until 15 January 2026.
153. The application notice states that the Claimant seeks judgment in default and "an interim injunction compelling the Defendant to deliver up private documents and provide information" but what was sent to the Defendant on 15 January 2026 did not include a draft order specifying what documents and what information. The draft order was sent on 2 June 2026, shortly before the hearing. It seeks, in respect of the Photograph, an order that:
- "within 48 hours, the Defendant deliver up to the Claimant's solicitor all copies of the Photograph in his control and confirms that no copy of the Photograph remains in his control."
154. Under [2] of the draft order it is proposed that the Defendant be required, within 7 days, to serve an affidavit or witness statement which confirms:
- "(a) From whom, when and how he obtained the Photograph?
- (b) Whether he paid for the Photograph and if so, how much he paid and to whom?
- (c) All members of the WhatsApp Group that he told Calvin Robinson he had obtained the Photograph from in a programme called "Fox & Father Episode #011" broadcast on YouTube on 9 May 2024.
- (d) To whom, when and how he has shared the Photograph (not including to the world at large by his tweet on 30 April 2024)?
- (e) The full names and contact details (including addresses, telephone numbers, email addresses and social media accounts) of the persons at a) to d) above.

(f) That he has conducted a thorough search of all documents, electronic devices and storage facilities which he or any person on his behalf has or has had access to and confirms that in compliance with [the order for delivery up] above all copies of the Photograph have been delivered up and permanently deleted. (If the Defendant considers he has any legal basis for retaining copies of the Photograph he should specify the same and confirm exactly what he has retained, where, how, for how long he proposes to retain the same and what measures he has employed to guarantee that any document is stored securely).

(g) That he has disclosed copies of all documents relevant to a) to d) above.”

155. The Claimant’s application was supported by a short witness statement made by her on 21 November 2025. This says that she first became aware of the existence of the Photograph on 30 April 2024. When she realised that it was a photograph of her she retweeted it, albeit with the genital area obscured, in order to denounce it publicly and reclaim some control over what was happening to her. She then deleted her tweet when she realised that this could lead to wider dissemination of the Photograph. She says that in the pre action correspondence the Defendant ignored her requests for the information now sought in the draft order. All she knows about the source of the Photograph is that the Defendant had boasted that he had obtained it from a WhatsApp group of which he is a member.

156. At [10] to [12] the Claimant explains her application as follows:

“10. Although the Defendant has deleted the tweet containing the Photograph I have received thousands of tweets from his followers and supporters attacking me which include the Photograph he published. Often these messages are accompanied by hateful, sexualised, misogynistic and racist abuse. Although associates of the Defendant have been careful not to repost the Photograph following the criminal charges against him they continue to attack me by reference to the Photograph. Examples are exhibited at exhibit NK4.

11. Given these continuing attacks and the Defendant’s refusal to comply with my reasonable requests to do with the Photograph in pre-action correspondence, I remain in grave fear of the fact that the Photograph remains in the Defendant’s possession. I need to find out how and from who he obtained the Photograph and what he has done with it as a matter of urgency.

12. I have tried to ignore the continuous abuse and harassment that has been ongoing since this saga began, however it has come to a point that Mr Fox and his associates are not allowing the matter to stop....”

157. The Claimant’s witness statement does not explain the delay in bringing the proceedings or in making the application. Mr Mitchell appeared unable to explain the failure to press for an urgent hearing.

158. Mr Mitchell’s position in his skeleton argument was that ordinary *American Cyanamid* principles apply, albeit taking into account that what was sought was a mandatory injunction. This was not an application to which section 12 of the Human Rights Act 1998 applies. There is a serious issue to be tried given that the Defendant is being prosecuted for the publication of the Photograph and continued to harass the Claimant

after it was published, such harassment only having ceased because of the Defendant's bail condition not to contact the Claimant directly or indirectly. Moreover, in the Fox and Father discussion with Calvin Robinson on 9 May 2024 (Publication B) the Defendant accepted that the publication of the Photograph was "wrong". Damages would not be an adequate remedy given that the Claimant has suffered irremediable harm and is seeking to prevent further such harm. The balance of convenience does not arise in this case because damages would not be an adequate remedy but, if this is wrong (which in my view it plainly is – the balance of convenience does arise where damages are not an adequate remedy), the Defendant has no defence to her claim and has not put in any evidence to respond to the application. In these circumstances relief should be granted: see *Quicklaw LP v Global Live Events LLP* [2012] EWHC (Ch) at [4].

159. In the light of points made in Mr Callus' skeleton argument, I raised with Mr Mitchell the question of the utility and practicality of the proposed order to deliver up the Photograph and delete all copies etc:
- i) The utility appeared to me to be highly doubtful given that more than two years had elapsed since the Photograph was first published, in circumstances where the Claimant's pleaded case (in August 2025) was that, although the 30 April 2024 tweet had been deleted, this was "not before the image had been widely shared on social media where it continues to be published". On the face of the order sought, there would also be nothing to stop the Defendant from delivering up/deleting the copies of the Photograph currently in his possession etc but then obtaining another copy. The Claimant's own evidence was also that publication of the Photograph by the Defendant and his associates had ceased given the criminal proceedings and his bail conditions, and that the trial was not due to take place until December 2027. As far as others were concerned, there was no reason to suppose that an order that the Defendant hand over his copy or copies of the Photograph etc would make any difference to their behaviour.
 - ii) As to practicality, the Defendant would need to retain a copy of the Photograph for the purposes of defending the criminal proceedings against him and, indeed, these proceedings. He would also be likely to be provided with a copy by way of disclosure in both sets of proceedings.
160. I also suggested to Mr Mitchell that the concerns on the part of the Claimant, which the application was said to be seeking to address, implied a prohibitory injunction restraining further publication. This relief was claimed in the Claim Form and POC and yet it was not claimed on an interim basis, albeit such an application would also be problematic for various reasons including section 12 of the Human Rights Act 1998.
161. Mr Mitchell's position was that the practical issues with the proposed order for delivery up could be dealt with by permitting the Defendant's solicitors to receive and retain copies to which, presumably, he would be permitted to have supervised access. This caveat was not included in his draft order and therefore the detail of his proposal, which would create an information barrier between the Defendant and his lawyers, was unclear.
162. Mr Mitchell also indicated that he did now seek an injunction to restrain publication of the Photograph. Although the Defendant had deleted the tweet by the time proceedings were commenced and had not published it again since the criminal prosecution was

initiated (or perhaps at all: there is no evidence of any further publication by him since 30 April 2024), he said that there was always the risk that the prosecution would be abandoned and he would then seek to publish it again.

163. As far as [2] of the draft order is concerned (see [154], above), Mr Mitchell abandoned [2(b)] (the application for information about whether the Defendant paid for the Photograph). He also adopted a modified position in relation to [2(f)] (permitting the Defendants' solicitors to retain a copy of the Photograph albeit on terms which were not specified). The other items were, however, pursued on the basis that the Claimant may wish to bring proceedings against the individuals identified pursuant to these aspects of the proposed order. She was being subjected to a vile campaign of abuse. The proposed order and, if she did issue further proceedings, litigation against others, may deter a wider circle of people from posting abusive material about her on social media.

Decision

164. I refuse the Claimant's application.
165. The cause of action which is said to support the proposed order for delivery up and deletion of the Photograph is not specified in the application or the draft order and is not clear from Mr Mitchell's skeleton argument, but it is assumed to be misuse of private information. The pleading of that claim is unsatisfactory, at the very least because (as Mr Callus points out in the context of the Defendant's strike out application) it does not set out the basis on which it is said that the Claimant had a reasonable expectation of privacy in respect of the Photograph ([8.1(2)] of CPR Practice Direction 53B), nor any case as to the balancing of rights and interests as between her and the Defendant ([8.1(4)]). Although Mr Mitchell's position was that the Claimant's case on these matters is obvious given what can be seen in the Photograph, I do not accept that it was unnecessary for him to plead the Claimant's case on these matters in circumstances where the Photograph appears to have been taken in a public place and where the Defendant's position (at least in the Publications considered above) is that it was taken by agreement between the Claimant and the photographer and for the purposes of publication to the general public.
166. Insofar as Mr Mitchell's application was to restrain further publication of the Photograph, it seems to me that it would not be fair to make such an order given that it was sought for the first time by Mr Mitchell "on his feet" when some of the problems with his actual application were pointed out by the court. In my view section 12 of the 1998 Act would apply to such an application. Even assuming that this is not a case to which section 12(4) applies, and leaving on one side the issues with the Claimant's pleaded case, the Defendant would be entitled to a fair opportunity to argue and/or to produce evidence that the new application was not "likely" to succeed at trial (section 12(3)). In any event, I would not have made such an order given that, on the evidence, there does not appear to be a present or imminent threat of publication by the Defendant. The Claimant does not suggest that there is in her pleaded case or her evidence.
167. As for the proposed order for delivery up and deletion, such an order would not be "just and convenient" for the purposes of section 37 of the Senior Courts Act 1981. Again leaving on one side the problems with the Claimant's pleaded case, it would not serve any useful purpose and there would be practical issues for the reasons which I have

identified. These did not appear to have been thought through on the Claimant's side and it was unsatisfactory for undrafted and vague caveats to be suggested by Mr Mitchell "on the hoof" and without clear evidence as to the practical implications in terms of interference with the Defendant's dealings with his lawyers. Mr Mitchell cannot criticise the Defendant for not providing evidence in response to proposals which were not put forward before the second day of the hearing.

168. As for orders to disclose details of how the Claimant came by the Photograph and who were the members of the WhatsApp group referred to in the broadcast on 9 May 2024, and to provide disclosure of all documents "relevant" to these questions ([2(a), (c) and (g)] of the draft order) again such an order is not just and convenient at this stage:
- i) Mr Mitchell did not seek to make any case that such information was necessary for the fair disposal of the issues in the Claim and therefore should be ordered under CPR Part 18 and/or Part 31. His argument was that the order proposed may lead to further proceedings against others which may deter online abuse of the Claimant by yet others, including associates of the Defendant. It may be that when the pleadings are clearer a case can be made out for disclosure of some or all of the information or documents sought but, at this stage, the issues are not sufficiently defined for it to be concluded that an interim order of this nature would be just and convenient.
 - ii) Even if, contrary to my view, there was a basis for the proposed order under Part 18 and/or 31 at this stage, I accept Mr Callus' submission that section 10 of the Contempt of Court Act 1981 applies, and that, at least in relation to some of those identified pursuant to the proposed order, this would be "an order for the disclosure of the sources of information contained in a publication for which [the Defendant] is responsible" (see *Hourani v Thompson* [2017] EWHC 173 (QB), [2017] 1 WLR 933 at [25]-[34]). I do not consider that any of the qualifications to the rule in section 10 applies here and, indeed, Mr Mitchell did not appear to make a serious attempt to show, for example, that disclosure was "necessary in the interests of justice" (for the avoidance of doubt, I do not accept that it is). His principal argument, based on *Totalise Plc v The Motley Fool Ltd* [2001] EMLR 29 at [25], was that section 10 of the 1981 Act only applies to journalistic sources. However, what Owen J decided in that case was that the operators of internet discussion boards were not responsible for the content of items posted on the discussion boards, so those who posted on those boards were not their "sources" for the purposes of section 10; and, in any event, disclosure *was* necessary in the interests of justice. His observation that section 10 "is concerned with the protection of a journalist's sources" was therefore obiter. In *Hourani*, the point was directly addressed and specifically decided as part of the ratio, from which Mr Mitchell did not make any convincing case that I could or should depart.
 - iii) I also accept Mr Callus' submission that I should proceed with caution given that the Photograph is the subject of criminal proceedings. Ordering disclosure of information and documents without being properly sighted as to the consequences would be unwise, particularly given the lack of any cogent case in favour of doing so.

- iv) Moreover, the point of such an order, given the delay and the extent of the publication which has taken place, is unclear. The possibility that this might result in proceedings against individuals whose identities were revealed which, in turn, deterred them from abusive online posts seems highly speculative. But, even if this were the case, it would not materially affect the apparent willingness of many others to continue to post abusive messages about the Claimant.

169. As for ordering the Defendant to disclose who he gave the Photograph to (other than by Publication B) and when ([2](d) of the draft order), the objections at [168(i), (iii) and (iv)] above apply.

170. So for all of these reasons I refuse the delivery up application.

Conclusion

171. I invite the parties to agree a draft order in the light of my judgment.

Appendix:

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

Claim No. KB-2025-001497

BEFORE

The Honourable MR JUSTICE LINDEN

BETWEEN

NARINDER KAUR

Claimant

-and-

LAURENCE FOX

Defendant

APPENDIX A
to the DEFENDANT'S SKELETON ARGUMENT
for Trial of Preliminary Issues re-listed for 8-9 June 2026

- The PoC pleads 40 publications (numbered in the PoC as 'Publication 1' to 'Publication 40'), of which 18 publications are said to independently found claims in libel. These are the rows of the four-column table below. **References are to Bundle [Tab / Page].**
- The first column gives these 18 publications a letter (A to R) to distinguish from the PoC publication number, the medium of publication, and the **Bundle reference (Tabs A-R)** for where the publication can be seen in its full admissible context.
- The second column gives the words complained of (although these should first be read in their full admissible context).
- The third column gives the Claimant's meaning and PoC **Bundle reference (Tab 2).**
- The fourth column the Defendant's meaning and DSoC **Bundle reference (Tab 3)** (the parts said to be opinion are underlined).

Publication	Words Complained Of	Claimant's meaning	Defendant's meaning
A. Publication 7 [A/p.3] (Tweet)	Publication 7 pleaded PoC §§23-24 [2/p.31] <i>"I am so incredibly upset that people are looking at my privates" - @narindertweets</i> <i>"I'm horrified at the victim blaming." - @narindertweets</i> <i>"Guys, what should I be charging for what?" - @narindertweets on her recently deleted @OnlyFans page."</i> [images of Google Search snippet for C's OnlyFans account and a 'Sorry post no longer available' page, plus a quoted-tweet by @JakeHepple1 saying: <i>"So all the victim playing after you've tried to single people out if they have different views and opinions than yourself, it turns out you've had an onlyfans account which has just been deleted @narindertweets this is gold [smiley emoji]"</i>	C's meaning pleaded PoC §99 [2/p.51] <i>"The Claimant is a hypocrite who falsely claims to be upset at having an intimate image of her publicly disseminated when in fact she relishes the attention and profits from pornographic images of herself, something she has sought to conceal by recently deleting her OnlyFans page"</i>	D's meaning pleaded DSoC §5 [3/p.71] <i>"The Claimant is a hypocrite"</i>

B. Publication 8 [B/p.4 link] (YouTube Video)	Publication 8 pleaded PoC §27 [2/p.32] <i>“someone in one of the WhatsApp groups, this picture appears of Narinder flashing her core at a paparazzo, which was all the rage back in the day when you wanted to be famous.”</i> ... <i>“She said all the time, I want to be famous. I mean, she went on Big Brother, you know, and a lot of girls did it. And a lot of girls did it. If you speak to the girls, like the girls that I know, they were clever enough and they made money out of it. They let a photographer know when they were going to do it. And they made a good living out of it. Who knows whether Narinder was the same.”</i> ... <i>“if you do really want to see, until very, very recently, Narinder Kaur’s core, you can sign up to her OnlyFans account, which she deleted once she realized that someone was going to find out about it. So she had an OnlyFans account.”</i>	C’s meaning pleaded PoC §101 [2/p.52] “The Claimant staged the intimate image because she sold pornographic images of herself on OnlyFans”.	D’s meaning pleaded DSoC §9 [3/p.71] “There are grounds to investigate whether the Claimant was a knowing or even paid participant in a paparazzi photograph taken of her without any underwear.”
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C. Publication 9 [C/p.5] (Tweet)	Publication 9 pleaded PoC §30 [2/p.33] <i>“Woman with Only fans account gets a spread in the Times because she forgot to wear knickers on a night out knowing there would be paparazzi everywhere. The cry bully attention seeking victimhood of these people is beyond pathetic. Grow up and stop selling your bits for fame.”</i> [Quote-Tweet of C’s saying <i>“What Laurence Fox did to me was humiliating. Every day is like being assaulted since.. #revengeporn Here is my guest column for @thetimes”</i> with link to article in <i>The Times</i> by C]	C’s meaning pleaded PoC §103 [2/p.53] <i>“The Claimant staged the intimate image of herself because she sells pornographic images of herself on OnlyFans.”</i>	D’s meaning pleaded DSoC §13 [3/p.72] <i>“There are grounds to investigate whether the Claimant was a knowing or even paid participant in a paparazzi photograph taken of her without any underwear.”</i>
D. Publication 10 [D/p.6] (Tweet)	Publication 10 pleaded PoC §§32-33 [2/p.33] <i>“Needs the cash now that she’s shut down her only fans.”</i> [Quote-Tweet of @LeilaniDowding saying <i>“It’s crazy to me that she literally says she wants it to go away but will literally talk about it at every opportunity. It’s the Streisand Effect.”</i>	C’s meaning pleaded PoC §106 [2/p.54] <i>“The Claimant needs cash because she can no longer profit from selling intimate images of herself after shutting down her OnlyFans account”.</i>	D’s meaning pleaded DSoC §18 [3/p.72] <i>“Having shut down her OnlyFans account the Claimant needs cash.”</i>

E. Publication 11 [E/p.7] (Tweet)	Publication 11 pleaded PoC §35 [2/pp.33-34] <i>“Tabloid rags regularly hired photographers to pay girls to wear no knickers so they could sell tabloid rags.</i> <i>Your paps took the photos, the little attention seekers got a few quid to flash their bits.</i> <i>And somehow it’s my fault.</i> <i>Too funny.</i> [ROFL emoji] <i>We are reaching peak hypocrisy.”</i> [Quote-Tweet of @MirrorCeleb <i>“Narinder Kaur slams Laurence Fox ‘and toxic gang’ over ‘humiliating’ upskirt pic”</i>]	C’s meaning pleaded PoC §108 [2/p.55] <i>“the Claimant is an attention seeker who staged the intimate image of herself, profited from it and now falsely blames the Defendant for exposing her hypocrisy”</i>	D’s meaning pleaded DSoC §22 [3/p.73] (a) the Mirror newspaper is being hypocritical by publishing the story about the Claimant and criticising the Defendant, when they were one of the ‘Tabloid rags’ who published photographs by their paparazzi photographers about which the Claimant now complains. (b) Alternatively, insofar as it refers to the Claimant at all, the natural and ordinary meaning is that there are grounds to investigate whether she was one of the girls who was an ‘attention seeker’ and was paid not to wear underwear by the paparazzi.
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F. Publication 14 [F/p.8] (Tweet)	Publication 14 pleaded PoC §41 [2/p.35] <i>"Dear @narindertweets</i> <i>You are not a victim, sweetheart. You are a double digit IQ only fans skank who flashed her snatch at any paparazzi brave enough to risk his camera lens not breaking for 5 quid and a shot at being on page 26 of the Daily Sport.</i> <i>Go cry somewhere else and perhaps enroll in a "How to put knickers on for special people" class.</i> <i>Pathetic and libellous attention seeker."</i> [Quote-tweet of C's tweet saying: <i>"Laurence Fox committed a sex crime against me. The police are yet to make an arrest. A milkshake was thrown over a man and the culprit has been arrested immediately. This is how women are girls are let down by the system.</i> <i>The system is made for middle class white men in power"</i> and linking to Press Association post about Nigel Farage's female milkshake assailant being arrested]	C's meaning pleaded PoC §110 [2/p.56] <i>"The Claimant is not a victim. She is a stupid prostitute who sells intimate images of herself on OnlyFans and staged the intimate image of herself. She is a pathetic and libellous attention seeker."</i>	D's meaning pleaded DSoC §26 [3/p.73] <i>"The Claimant is a pathetic and libellous attention- seeker"</i>
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G. Publication 17 [G/p.9] (Tweet)	Publication 17 pleaded PoC §47 [2/p.36] <i>"I know it's #GeneralElection2024 tonight, but I think we could all take a moment to reflect on how hard life has been for (mother of two) only fans role model @narindertweets and how bereft she must have felt when she forgot to wear her pants for money. Skank's lives matter.</i> [brown raised fist & sweat droplets emojis]" [Quote-tweeting C's pinned tweet saying: <i>"Whether i wear knickers or not is my choice. Whether I have an OF account OR NOT again – my choice.</i> <i>What isn't my choice is being upskirted and certain men using that image to humiliate me on their platform"</i> followed by a link to C's guest column in <i>The Times</i> newspaper]	C's meaning pleaded PoC §112 [2/p.57] "The Claimant falsely claims to be a victim and virtuous mother of two, when in reality she is a prostitute who sells intimate images of herself on OnlyFans and staged the intimate image which she now complains about."	D's meaning pleaded DSoC §30 [3/p.74] "The Claimant has no proper basis for claiming victimhood."
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H. Publication 24 [H/p.10] (Tweet)	Publication 24 pleaded PoC §61 [2/pp.38-39] <i>“Two senior detectives no less, pandering to a half wit narcissist who wears no pants for money. What a waste of police time and public money. Deafening silence from the “freedom fighters.” The talk the talkers outnumber the wall the walkers by 100/1.”</i> [Quote-tweets @profnfentonsaying “The bizarre and wasteful efforts to criminalise @LozzaFox for hurty words”]	C’s meaning pleaded PoC §114 [2/p.58] “The Claimant is stupid and a narcissist who sells intimate images of herself.”	D pleads at DSoC §34 [3/p.74] denying that this tweet refers to the Claimant in its natural and ordinary meaning
I. Publication 28 [I/p.11] (Tweet)	Publication 28 pleaded at PoC §69 [2/p.40] <i>“Accusing me of sexual assault after you flashed your snatch for any photographer who would split the £50 with you @narindertweets Have the police been in touch, by the way?”</i> [Quote-Tweet of C asking “Quiz time – what was the biggest overreaction known to mankind in a tweet in 2024 ?”]	C’s meaning pleaded PoC §116 [2/p.59] “The Claimant has falsely complained of sexual assault against the Defendant after she deliberately exposed herself in order to sell intimate images of herself”	D’s meaning pleaded DSoC §36 [3/p.74] “The Claimant accusing the Defendant of sexual assault was the biggest over-reaction to a tweet in 2024”

J. Publication 29 [J/p.12] (Tweet)	Publication 29 pleaded PoC §71 [2/pp.40-41] <i>“The British people have stood up and told you lot to fuck off. Britain is not a racist country. And race baiting gash flashers like @narindertweets don’t do you any favours. She’ll jump on any bandwagon for £50.”</i> [Quote-tweet of @AntiRacismDay saying <i>“Antiracists protesting outside Reform UK conference in Leicester tonight”</i>]	C’s meaning pleaded PoC §118 [2/p.60] <i>“The Claimant sells intimate images of herself for £50.”</i>	D’s meaning pleaded DSoC §40 [3/p.75] <i>“The Claimant is a race-baiting gash-flasher”</i>
K. Publication 30 [K/p.13] (Tweet)	Publication 30 pleaded PoC §73 [2/p.41] <i>“Putting aside that this may be needed due to the rapidly changing demographics of London for a moment, perhaps there should also be a reminder for attention seeking Z listers to not flash their bits to the paparazzi for a share of the £50 they get for the pic?”</i>	C’s meaning pleaded PoC §120 [2/p.61] <i>“The Claimant is a Z-list attention seeker who stages intimate photographs of herself for the paparazzi for profit.”</i>	D’s meaning pleaded DSoC §44 [3/p.75] <i>“The Claimant is an attention- seeking Z-lister”</i>

	[Quote-tweet of C, being a photo of her pointing to a London Underground poster on Upskirting, saying <i>“Get on the tube and see this. To think that men need reminding that this is unacceptable (and illegal)”</i>		
L. Publication 32 [L/p.14 link] (Livestream Video on X)	Publication 32 pleaded PoC §77 [2/pp.41-42] <i>“attention seeking pornstar”</i>	C’s meaning pleaded PoC §122 [2/p.62] <i>“The Claimant is an attention seeker who sells pornographic images of herself.”</i>	D pleads at DSoC §48 [3/p.76] denying that this tweet refers to the Claimant in its natural and ordinary meaning
M. Publication 33 [M/p.15] (Tweet)	Publication 33 is pleaded PoC §79 [2/pp.42-43] <i>“That’s why they are after me. A photo taken by some nameless paparazzi years ago of a sad little person desperate for fame and a few hundred quid which has been in the public domain for years and has been shared hundreds of times, even by the individual concerned, who now cries victim.”</i>	C’s meaning pleaded PoC §124 [2/p.63] <i>“The Claimant is an attention seeker who staged the intimate photograph for a few hundred pounds”</i>	D pleads at DSoC §50 [3/p.76] denying that this tweet refers to the Claimant in its natural and ordinary meaning

N. Publication 34 [N/p.16] (Tweet)	Publication 34 pleaded PoC §81 [2/pp.43-44] <i>“Is the paparazzi who took the photo years ago going to get charged? Is the owner of the publication going to get charged? Is any one of the hundreds of people who shared it online going to get charged? Is any editor who has published a picture of any wannabe sleb (who conveniently forgot to put pants on so she could earn a few quid from selling her intimate parts) going to get charged? Not a chance in hell. Is another kid going to get stabbed to death today in London, whilst some greasy, fat @metpoliceuk apparatchik trawls Twatter gorging on a grab bag of BBQ McCoys instead of solving an actual crime? You can bet your life on it.”</i> [Quote-tweet of @LanceForman tweet saying <i>“I took an upskirting photo... but I think I got away with it”</i>]	C’s meaning pleaded PoC §126 [2/p.64] <i>“The Claimant staged the intimate photograph so she could sell it for a few quid”</i>	D pleads at DSoC §52 [3/p.76] denying that this tweet refers to the Claimant in its natural and ordinary meaning
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O. Publication 36 [O/p.17] (Tweet)	Publication 36 pleaded PoC §85 [2/p.44] <i>"Brown good. White bad. If she was white she would be charged for indecent exposure"</i> [Four Photographs: (1) A photograph of C in a very short translucent white dress appearing to flash her behind to the camera; (2) A photograph of C with her tongue out in a low cut top or dress showing her cleavage; (3) A photograph of C in a brown dress (4) A photograph of Andrew Banks (a white man) urinating against the outer boundary wall of Parliament following a protest, for which he was sentenced to 14 days' imprisonment for outraging public decency]	C's meaning pleaded PoC §128 [2/pp.64-65] "The Claimant has committed the sexual offence of indecent exposure but has avoided being charged because she has brown, rather than white, skin".	D's meaning pleaded DSoC §54 [3/p.76] "The criminal justice system is now so extremely politically progressive (i.e. harsh towards White people, but forgiving towards Brown people), that (taken to an absurd conclusion) even the Claimant's revealing-but-perfectly-legal photographs would be charged as indecent exposure if only she was White."
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P. Publication 38 [P/p.18 link] (YouTube Video)	Publication 38 pleaded PoC §89 [2/pp.45-46] <i>“And she’s famous for flashing her private parts to anybody who will watch them and they do a deal. Essentially what happens is minorly famous people, women especially, will do a deal with a photographer whereby they say, I’m going to be at this place and I’m not wearing any underwear. So the photographer will turn up, they’ll get 200, 300 quid for a picture of said pantless woman or knicker-less lady and they split the money.”</i> ... <i>“... Anyway, so this woman, when she called for higher standards in public life, she’s called Narendra Kaur. She’s a vile, vile, vile, vile, vile, race baiting at all. She’s not very clever, which doesn’t, I mean, I don’t mind race baiters if they’re a bit smarter because they’re more fun to toy with, but this is a stupid race baiter. Anyway, she’s calling for higher standards in public life. And I shared this picture that was taken 15 years ago.”</i> ...	C’s meaning pleaded PoC §130 [2/p.65] “The Claimant arranged for intimate photographs to be taken for publicity and profit. She is a vile and stupid and has confected a complaint to make money. She is a braindead, moronic prostitute who sells her vagina for money.”	D’s meaning pleaded DSoC §58 [3/p.77] “The Claimant is vile, stupid and behaves like a prostitute.”
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	<i>"Also, she gets a lot of engagement whenever she talks to me. So, so she gets paid to do it."</i> ... <i>"In my view, could you be clearer what you think about this woman? I think she's a brain dead moronic leftist prostitute that in my view, I think she behaves like a prostitute. She sells her vagina for money. That's what prostitutes do. Anyway, she accuses me of sexual assault, which is a criminal offence. Right. And she says and she does this repeatedly over and over and over. And I'm like, OK, you can't do that"</i>		
Q. Publication 39 [Q/p.19 link] (YouTube Video)	Publication 39 pleaded PoC §91 [2/pp.46-47] Liam Tuffs: <i>"You posted a picture of her vagina on the internet."</i> Defendant: <i>"Yeah."</i> Liam Tuffs: <i>"Why did you do that? And what's, what's been the outcome"</i> Defendant: <i>"She was talking about, um, higher standards in public life or something like that."</i> ...	C's meaning pleaded PoC §132 [2/p.66] <i>"The Claimant arranged for intimate photographs to be taken of her for publicity and profit. She flaunted her intimate parts left, right, and centre and now she falsely claims to be a sexual assault victim."</i>	D's meaning pleaded DSoC §62 [3/p.77] <i>"There are grounds to investigate whether the Claimant was a knowing or even paid participant in a paparazzi photograph taken of her without any underwear."</i>

	<i>“And, um, you just, sometimes I can’t resist it. It’s like the highest standards, like flashing a minge to the world, those sort of higher standards. Um, because the way these things work is, um, they, she gets, you know, you are, if you, if you’ve just done Big Brother or whatever and you are on the, you are like the Zed List celebrity, you go out on a publicity tour and, you know, one of the conditions of going out on the publicity tour is to not wear any keks and to, you know, when you first get papped, you do a deal with a pap to go, if the papp gets a hundred, 200 quid for a picture of Narinder, or we may get 400 quid for a picture of Narinder and her minge.”</i> ... <i>“Um, Narinder gets to keep some of the money. So Narinder was walking around flashing her kek her minge at people left, right, and centre. So, you know, don’t start calling for high standards in public life, darling. Uh, so yeah, I posted it along with something like that and Narinder then said that she’d been. I sexually assaulted, I’d sexually assaulted her, but she Narinder is not the sharpest knife in the drawer.”</i>		
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R. Publication 40 [R/p.20 link] Video in Tweet	Publication 40 pleaded PoC §93 [2/p.47] Said to be a tweet containing the video which is pleaded as Publication 39	C repeats PoC §132 at PoC §134 [2/pp.66-67]	D pleads at DSoC §§66-67 [3/p.78] denying that the Tweet pleaded as Publication 40 includes the words complained of in Publication 39 and so denies that Publication 40 is capable of bearing C's meaning or any meaning defamatory of C
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GREG CALLUS

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3 June 2026