[GB] High Court awards damages for libellous child grooming tweet

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On 19 December 2018, Mr. Justice Nicklin handed down the judgment in Monir v Wood, ordering the defendant, the chairman of a local branch of a political party, to pay GBP 40 000 in damages for a defamatory message sent by a branch member through the branch's Twitter account. The judgment highlights the potential liability of those who set up social media accounts and then delegate responsibility to others to post on their behalf.

The claimant in this action was Zahir Monir, a businessman and Labour activist from Rotherham. He brought libel proceedings against Stephen Wood, the former chairman of the Bristol branch of the UK Independence Party (UKIP), over a tweet published on the branch's Twitter account on 4 May 2015, shortly before that year's General Election. Although it did not directly identify the claimant, the tweet comprised a photograph of him alongside the Labour MP for Rotherham, Sarah Champion, and another man. The text of the tweet, which evidently referred to the photograph, stated that the Labour candidate "stood with 2 suspended child grooming taxi drivers. DO NOT VOTE LABOUR." The allegation against the claimant was false. Mr. Monir sued the chairman of the branch, Stephen Wood, contending that he had been defamed by the tweet and that Mr. Wood was legally responsible for it. However, the tweet had actually been written and posted by the vice chairman of the UKIP Bristol branch, John Langley, to whom responsibility for the operation and control of the account had been delegated by Mr. Wood.

On the facts, the Court found that "ultimate control" of the Twitter account remained vested in Mr. Wood "at all times", as it was registered using his email address. The claimant complained to the defendant about the tweet on 8 May, but the defendant had not focused on the offending tweet's precise terms until after the police intervened on 1 June. The defendant had also become aware of earlier racist postings by the vice chair, but nevertheless decided not to remove him from the account for reasons "clearly born of political expediency" given the forthcoming election.

As regards the issue of meaning, Nicklin J. took the view that the ordinary reasonable reader would understand the offending tweet to mean that "the two men were involved in the sexual abuse of children." This was a "very seriously

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defamatory allegation" of conduct amounting to a serious criminal offence that would result in a substantial term of imprisonment following conviction. As such, the tweet was also deemed to have met the "serious harm" threshold under the Defamation Act 2013. Moreover, the judge was satisfied that Mr. Monir successfully established that the tweet at issue had been published to a number of people who understood the words in it to refer to him. Also, the republication of the tweet via WhatsApp was likely to have led to "a significant, but unquantifiable number of people" identifying the claimant from the photograph.

The defendant, who had not posted the tweet on the Bristol UKIP Twitter account himself, denied responsibility for its publication. After reviewing the relevant authorities, Nicklin J. concluded, however, that the defendant was liable for the tweet on the basis of agency: Mr. Wood had created the Bristol UKIP account and retained control over it both practically and by means of his authority as chairman of the Bristol branch. The libellous tweet was posted by Mr. Langley, not on his own account, but in his capacity as campaign manager in the course of executing the task delegated to him by the defendant, i.e. campaigning for Mr. Wood and Bristol UKIP. In Nicklin J.'s judgment, the evidence of Mr. Wood's knowledge of the tweet in question was also sufficient to infer that "he acquiesced in and thereby authorised its continued publication."

On the issue of remedies, Nicklin J. concluded that the gravity of the defamatory allegation put it "towards the top end of seriousness" for calculating damages. Although the scale of the publication was fairly limited, the Court assessed the significance of the publishees as well as the extent to which publication to them had tarnished the claimant's reputation and increased his hurt and embarrassment. Further, the evidence of serious and significant reputational harm was compounded by the defendant's "mean-spirited stance" and refusal to publicly apologise and withdraw the allegation. Nicklin J. found that the appropriate award was GBP 40 000. If this libel had been published in a national newspaper, a figure of GBP 250 000 or more would have been "easily justified." Finally, there was no evidence of the defendant threatening to republish the offending tweet or anything similar and thus an injunction was unnecessary in the circumstances.

Monir v Wood [2018] EWHC 3525 (QB) (19 December 2018)

https://www.bailii.org/ew/cases/EWHC/QB/2018/3525.pdf

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