HONEST OPINION

Which way is the wind blowing for meaning and honest opinion, including fact/opinion boundaries on social media and the treatment of inference and innuendo?

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How posts are read and five recent examples

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1. MEANING

The court's approach to fact and opinion

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The test for meaning

Koutsogiannis v Random House Group [2019] EWHC 48 (QB), [2020] 4 WLR at [11]–[17]

> 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....."

Fact or opinion?

Berg v Jones [2026] EWHC 564 (KB), Steyn J

1. *recognisable as opinion, as distinct from an imputation of fact.*
2. *opinion is something reasonably be inferred to be a deduction, inference, conclusion, criticism, remark, observation etc.*
3. *the test is an objective one and the ultimate determinant is how the words would strike the ordinary reasonable listener or reader.*
4. *the subject-matter of words and their context may be important indicators of whether they are fact or opinion.*
5. *not every inference counts as opinion: context is everything.*

Fact only

Chandale v Sovereign Network Group & Ors [2026] EWHC 2775 (KB), Hill J

The meaning was held to be fact, with no opinion:

(i) the claimant had harassed her neighbours;

(ii) SNG, with partner agencies, had taken legal action against her for that conduct;

(iii) after a full trial, the court found that she had harassed her neighbours; and

(iv) the court considered her conduct serious enough to impose a restraining order on her.

Often more nuanced

Kaur v Fox; Paul Little Construction v Byrne; and Munim v Rahman

Judges now underline the parts of a meaning that are fact or comment, so that the line between fact and opinion can be clearly seen.

Why it matters

1. The parties know which defences are available
2. Satellite issues are avoided

2. FACT AND OPINION ON SOCIAL MEDIA

How posts are read, and five recent examples

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How a post is read

Kaur v Fox [2026] EWHC 1743 (KB), Linden J, at [19]–[22]

1 **Don't over-analyse**

"it is wrong to engage in elaborate analysis of a tweet": Stocker v Stocker [2019] UKSC 17 at [43]

2 **The reaction is impressionistic**

"impressionistic and fleeting": Stocker at [44]

3 **Readers scroll**

"People will tend to scroll through messages relatively quickly": Monir v Wood at [90]

4 **The same goes for broadcasts**

Meaning is largely a matter of impression: Bond v BBC [2009] EWHC 539 (QB) at [9]

Social Media: Context

Kaur v Fox at [23]–[29]: what the reader is taken to have seen?

Riley v Murray [2020] EWHC 977 (QB) at [16] (Nicklin J)

Common knowledge; material treated as part of the publication; directly available context

Monroe v Hopkins [2017] EWHC 433 (QB) at [38]–[39] (Warby J)

Material sufficiently closely connected in time or content, such as an earlier tweet on the same page

Linden J at [29]

The two formulations do not materially differ. Would all the notional readers be likely to have read the material? Not an empirical enquiry into who actually saw what.

Five recent examples

(i) *Bridgen v Hancock*
[2026] EWCA Civ 991

(ii) *Kaur v Fox*
[2026] EWHC 1743 (KB)

(iii) *Vince v Tice*
[2026] EWCA Civ 844

(iv) *Paul Little Construction Ltd v Byrne*
[2026] EWHC 2577 (KB)

(v) *Munim v Rahman*
[2025] EWHC 3051 (KB)

(i) Bridgen v Hancock

Bridgen v Hancock [2026] EWCA Civ 991

Defamation Act 2013, section 3(4) ("the Objective Honesty Condition")

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.

Defamation Act 2013, section 3(5) ("the Dishonesty Disqualification")

The defence is defeated if the claimant shows that the defendant did not hold the opinion.

(ii) Kaur v Fox

Kaur v Fox [2026] EWHC 1743 (KB): two publications by the same author

Publication C, 22 May 2024

Laurence Fox quote-tweet

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.

Held: fact and opinion [74]–[75]

Publication J, 3 January 2025

Laurence Fox quote-tweet

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.

Held: opinion only [114]

Kaur v Fox: Publication C

Kaur v Fox: 22 May 2024, at [72]–[73]

Narinder Kaur linking her guest column in the Times [72]

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

Laurence Fox quote-tweet, 1.21pm [73]

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.

Publication C: the meaning

Kaur v Fox at [74]–[77]

> 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. [74]

"All of the words other than the underlined words are statements of opinion" [75]

Kaur v Fox: Publication J

Laurence Fox quote-tweet of a post about Stand Up To Racism

> "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."

Vulgar abuse: "gash flashers" was not defamatory

Opinion only meaning: Claimant "was willing to embrace any popular cause of money and it was damaging to the cause of antiracism for it to be associated with her" [114]

(ii) Kaur v Fox

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(iii) Vince v Tice

[2026] EWCA Civ 844, upholding [2025] EWHC 412 (KB)

Richard Tice quote-tweet of a Guido Fawkes post with Vince interview clip

> "So major Labour donor is pro the murderous antisemitic Hamas … Mmmm"

Meaning

The Claimant supports the murderous and antisemitic terrorist organisation Hamas

- Opinion; basis indicated by the quoted tweet and the 16-second clip
- Need not be "obviously" opinion [48]; "disciplined restraint" on appeal

(iv) Paul Little Construction

Paul Little Construction Ltd v Byrne [2026] EWHC 2577 (KB), Eardley J

First Review: Google, 1 star, before 9 August 2024 [4] (with 15 photos and video)

STRONGLY RECOMMEND THAT YOU DON'T LET THIS COMPANY ANYWHERE NEAR YOUR BUILDING PROJECT

We engaged them to carry out some building work at our house and they did a terrible job on almost every aspect – see attached a sample of the photographs of their work on our project. They worked at our property for about eight months (much longer than they originally anticipated) and when we began to question some of the frankly extortionate additional costs, the company suggested that we find another contractor to complete the project. The company then promised (in writing) to pay for another contractor to correct all of their shoddy workmanship but have so far failed to honour that promise and so it is looking increasing likely that we will have to sue them to recover those costs. So far, that has cost us thousands of pounds, but at least we are now getting a professional job done by another contractor.
Not a comment on the workmanship, but I also attach the video of one of the company's employees urinating on our property!
Save yourself the hassle we have had; use another contractor – there are some really good ones out there.
N.B. the majority of the reviews below are given by members of staff and family members so take them with a pinch of salt."

(iv) Paul Little Construction

Paul Little Construction Ltd v Byrne [2026] EWHC 2577 (KB), Eardley J

Second Review: Google, 1 star, January 2025 [8] (with video)

VERY STRONGLY RECOMMEND THAT YOU DON'T LET THIS COMPANY ANYWHERE NEAR YOUR BUILDING PROJECT.

This company attempted to build our extension and I have had numerous issues with their poor workmanship. I have had to spend thousands and thousands of pounds paying someone else to correct their work.

I also caught one of their employees urinating on our property!!!

Paul Little: fact or opinion?

Paul Little Construction Ltd v Byrne: Eardley J, 12 October 2026

First Review [31]

Opinion: almost every aspect of work was of extreme poor quality; excessive costs. [These were "firmly rooted" in author's experience [32]]

Fact: cost of corrective work; unhonoured promise

Second Review [35]

Without the photographs: "closer to the line"

Opinion: Workmanship was poor; Claimant should not be trusted to take on building projects

Fact: correction needed at great cost

(v) Munim v Rahman

Munim v Rahman [2025] EWHC 3051 (KB): the Third Thread

(a) "I been getting loads of message about my recent post about who is the culprit who stole my idea and my business. His name is Mohammed Munim Salik. Be careful of this crooked man and a cheat. This man is justifying that someone else has developed the whole ARTA. This man is a crook and a thief. Be careful of this guy."

(b) *[In response to Nargis Sundori's comment]* "His good at what he does … cheat and a crook."

Held: "each of the three Threads consists .. fact not opinion" [60]

Section 3(2) asks whether the statement complained of is opinion, not its meaning [59]

3. INFERENCE AND INNUENDO

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False and true innuendo

False (popular) innuendo

- An inference from the words themselves, using general knowledge
- Part of the natural and ordinary meaning
- No extrinsic facts needed
- *Lewis v Daily Telegraph [1964] AC 234*

True (legal) innuendo

- Depends on extrinsic facts known only to some readers
- A separate cause of action
- Facts and readers must be pleaded
- **Reference innuendo:** identifies an unnamed claimant through outside knowledge

Inferences from the words alone

Kaur v Fox, Publication A

A tweet about an OnlyFans account meant she had charged for sexual images and deleted the account to conceal it [58]. No extrinsic facts needed to explain OnlyFans account.

Berg v Jones

Alleged bias that might be subconscious: an inference about state of mind, held to be opinion [29].

Vince v Tice

"So" signalled "a conclusion drawn from the retweeted material". The "two-part format": what he said; what I think about it.

Bridgen v Hancock

Inference from the claimant's own words and context, with no extrinsic facts required

Andrew Bridgen January 2023

… "the biggest crime against humanity since the Holocaust"

Matt Hancock in reply

"disgusting and dangerous antisemitic, anti-vax, anti-scientific conspiracy theories" spouted by a sitting MP this morning

- **Antisemitic:** an inference from the Holocaust comparison, using facts of common knowledge
- **Not named:** "a sitting MP this morning"; readers following the row knew who was meant

Reference innuendo

Dyson Technology v Channel Four [2023] EWCA Civ 884 at [34]–[35]

- Identified by the reasonable reader acquainted with the claimant (objective and abstract), or by reference innuendo
- Reference innuendo must be pleaded.

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publications did not name Ms Kaur

Kaur v Fox

- No reference innuendo
- Publications H, L, M and N held not to refer to her [104], [123], [126], [129]
- An application to amend was signalled

Reference: the contrast

Munim v Rahman [2025] EWHC 3051 (KB)

- The first two threads carried his photograph and referred to his role in the company
- The third named him and carried his photograph
- Reference established for all three threads [43]

Practical takeaways

Pre-publication

Specific events push words towards fact. Abusive words tied to an identified event or transaction were read as fact (Kaur: publication C; Munim). Keep comment visibly separate and show the basis.

Capture the evidence

Context may be critical, and posts change and disappear.

Consider reference innuendo early

If the claimant is not named, consider and if appropriate plead the facts relied on and the readers who identified the claimant.

Consider pleading anything beyond general knowledge

Plead the extrinsic facts and the readers who knew them. If in doubt, plead it in the alternative.

Which way is the wind blowing?

On opinion: towards defendants

Evaluative labels such as “antisemitic”, “biased” or “supports Hamas” are opinion; the platform can indicate the basis.

On specific allegations and inference: towards claimants

Words tied to an identifiable event, or an inference presented as a conclusion, are fact.

The procedural current: decided early

Whether fact or option is usually settled at the preliminary issues hearing and rarely disturbed on appeal (Vince).

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