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Her Majesty's Attorney General (Respondent) v Crosland (Appellant)

Case ID: 2021/0160

Case summary

Issue

Did the Supreme Court wrongly decide that Mr Crosland's disclosure of the result of the Heathrow appeal, in breach of an embargo on the Court's judgment, constituted a contempt of court? Did the Court then wrongly impose a fine of £5,000 on Mr Crosland, and wrongly order him to pay the Attorney General's costs in the sum of £15,000?

Facts

On 7 and 8 October 2020, the Supreme Court heard an appeal in the case of R (Friends of the Earth Ltd and others) v Heathrow Airport Limited [2020] UKSC 53 ("the Heathrow appeal"). Mr Timothy Crosland, an unregistered barrister, represented the charity Plan B Earth in those proceedings, in his capacity as a director of Plan B Earth.

On 9 December 2020, a copy of the Supreme Court's draft judgment was circulated to the parties' representatives, to enable them to make suggestions for the correction of any errors, to prepare submissions on consequential matters, and to prepare themselves for the publication of the judgment. It was stated on the draft judgment, and in a covering email, that the draft was strictly confidential. Nonetheless, on 15 December 2020, the day before the judgment was due to be made public, Mr Crosland sent an email to the Press Association containing a statement in which he disclosed the outcome of the appeal. The statement was also published on Plan B Earth's Twitter account. These disclosures led to the publication of the outcome of the Heathrow appeal in the national media and on Twitter on 15-16 December, prior to the judgment being delivered at 9:45am on 16 December 2020.

Lord Reed, the President of the Supreme Court, referred this matter to the Attorney General on 17 December 2020. On 12 February 2021, the Attorney General applied to the Supreme Court to have Mr Crosland committed for contempt of court.

On 10 May 2021, the Attorney General's application was heard by three Justices of the Supreme Court, none of whom were involved in the Heathrow appeal. They found that Mr Crosland's conduct constituted a criminal contempt of court and imposed a fine of £5,000. They also ordered Mr Crosland to pay the Attorney General's costs in the sum of £15,000.

Mr Crossland now appeals against the finding of contempt, the imposition of the fine, and the award of costs.

Parties

Appellant(s)

Timothy John Edward Crosland

Respondent(s)

Her Majesty's Attorney General

Appeal

Justices

Lord Briggs, Lady Arden, Lord Kitchin, Lord Burrows, Lady Rose

Hearing start date

18 Oct 2021

Hearing finish date

18 Oct 2021

Watch hearing

18 October 2021 [Morning session](#)

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