

### Allegations

<b>Case ref</b>	PC 2021/4254
<b>Name of Barrister</b>	Timothy John Edward Crosland
<b>Practising Status</b>	Unregistered
<b>Date</b>	12 April 2022
<b>Background</b>	<p>1. This matter arises out of the Supreme Court case of <u>R (on the application of Friends of the Earth Ltd, Plan B and Ors) v Heathrow Airport Ltd [2021UKSC58]</u> (the Heathrow judgment). In the Heathrow judgment the Supreme Court overturned an earlier Court of Appeal judgment which had ruled that a third runway at Heathrow Airport was illegal.</p> <p>2. Mr Crosland, Director at Plan B, filed Plan B's response to Heathrow Airport Ltd's application for permission to appeal the Court of Appeal's judgment to the Supreme Court. His name appeared on the case which Plan B filed, and he also made oral submissions on behalf of Plan B at the Supreme Court hearing.</p> <p>3. Mr Crosland was an unregistered barrister at the time and remains so to date.</p> <p>4. In accordance with the usual practice of the Supreme Court, the draft judgment in the case was circulated on 9 December 2020 by the judgments clerk to counsel (including to Mr Crosland). It was at that stage subject to embargo, the terms of which appear at the head of the draft. This was also emphasised in the covering email which the judgments clerk sent which was in the following terms:</p> <p><i>"The contents of draft judgments are confidential initially to the parties' legal representatives and, when disclosed to the parties in the 24 hours prior to delivery, also to the parties themselves. Those to whom the contents are disclosed must take all reasonable steps to preserve their confidentiality. No action is to be taken in response to the judgment before it is formally pronounced unless this has been authorised by the Court. A breach of any of these obligations may be treated as a contempt of court"</i></p> <p style="text-align: center;">Bar Standards Board</p>

5. Having regard to the above Mr Crosland was aware, when he received the draft Heathrow judgment, that he was bound not to disclose the result of the appeal or the contents of the draft to anyone before the hand down which he knew was fixed for the morning of 16 December 2021.

6. On the morning of 15 December 2020, Mr Crosland sent an email to the Press Association and possibly to other media organisations in which he disclosed the outcome of the Heathrow appeal and described what he saw as the inaccuracies in the Heathrow judgment. He issued a statement to similar effect on Plan B's Twitter account.

7. The Supreme Court's Communications Team sought to prevent the further dissemination of the embargo breach. The Court asked Mr Crosland to remove the statement he had shared on Twitter until 9:45 the next morning when the Heathrow judgment would be handed down. Mr Crosland did not respond and did not delete his tweet. His statement was carried by some of the mainstream media who did not realise that he had breached the embargo. He later repeated it on Plan B's twitter account, and it was re-tweeted by other twitter users, including Extinction Rebellion, which had significant numbers of followers.

8. The Heathrow judgment was handed down by the Supreme Court at 9:45 am on 16 December 2020.

9. Mr Crosland self-reported himself to the Bar Standards Board stating: "*Yesterday, 15 December, a day ahead of the issue of the Supreme Court judgment, I posted a personal statement on Twitter, revealing the outcome of the judgment, in protest against the Court's injustice and immorality*".

10. The Attorney General instituted committal proceedings against Mr Crosland for contempt of court.

11. On 10 May 2021 the First Instance Panel of the Supreme Court found that, by disclosing the outcome of the Heathrow judgment while the judgment was still in draft and subject to embargo, knowing that such disclosure was prohibited by the court, Mr Crosland committed a criminal contempt of court and a penalty of £5000 was imposed.

