



Case No. KA-2023-LDS-000024

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

LEEDS DISTRICT REGISTRY

ON APPEAL FROM THE COUNTY COURT AT KINGSTON-UPON-HULL

Mr Justice Lavender

23 January 2026

KA-2023-LDS-000024

Between:

CHRISTOPHER WATSON

Claimant/Appellant

and

CHIEF CONSTABLE OF HUMBERSIDE POLICE

Defendant/Respondent

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ORDER

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UPON considering the parties' submissions dated 16, 17 and 24 October 2025, filed pursuant to the order of 7 October 2025, concerning the assessment of damages, costs and permission to appeal

AND UPON considering further submissions filed on 8 January 2026 and sent by email on 13 January 2026 in response to questions raised by the Court

WITHOUT A HEARING

IT IS ORDERED THAT:

1. The respondent must pay to the appellant £59,565.53 in damages, made up as follows:
  - (a) £9,350 for pain, suffering and loss of amenity;
  - (b) £10,000 for psychiatric injury;
  - (c) £14,000 for loss of income;
  - (d) £4,882.20 for gratuitous care;
  - (e) £6,333.33 for false imprisonment; and
  - (f) £15,000 exemplary damages.

2. In relation to interest on damages, if the parties are unable to agree the appropriate award of interest, then:
  - (a) The respondent must file and serve any submissions and/or evidence in relation to interest by 6 February 2026.
  - (b) The appellant must file and serve any submissions and/or evidence in response thereto by 20 February 2026.
  - (c) All issues relating to interest will be determined thereafter without a hearing, unless the court directs otherwise.
3. In relation to costs:
  - (a) The respondent must pay the appellant's costs of both the appeal and the proceedings in the court below.
  - (b) The basis on which those costs are to be assessed and any issues as to the application of Part 36 will be the subject of further consideration, if not agreed.
  - (c) The respondent must pay £100,000 to the appellant on account of costs by 6 February 2026.
  - (d) The appellant must file and serve any further submissions and/or evidence in relation to costs and/or the application of Part 36 by 6 February 2026.
  - (e) The respondent must file and serve any submissions and/or evidence in response thereto by 20 February 2026.
  - (f) All remaining issues relating to costs and/or the application of Part 36 will be determined thereafter without a hearing, unless the court directs otherwise.
  - (g) If either party makes an application in time pursuant to paragraph 5 below, subparagraphs 2(c) and 3(f) above will not apply and all remaining issues relating to interest, costs and the application of Part 36 will be determined at the hearing of that application.
4. Permission to appeal against the order of 7 October 2025 is refused.
5. Any party affected by this order may apply for it to be set aside, varied or discharged, provided that the application is made within 7 days of the service of this order on that party.

## **Reasons**

### ***(1) Introduction***

1. On 7 October 2025, for the reasons set out in my judgment of the same date, I allowed the appellant's appeal against the dismissal of his claims for false imprisonment and assault and battery, but dismissed his appeal against the dismissal of his claim for malicious prosecution. In paragraph 96 of my judgment I said as follows:

“... I will hear submissions as to how damages should be assessed. At this stage, I express no view as to whether I should assess damages or whether I should remit the assessment of damages to the County Court.”

2. The parties agreed the terms of an order providing for the exchange of written submissions on the issues of damages, costs and permission to appeal. The parties have exchanged those submissions (and further submissions in response to questions raised by the Court). Neither party has invited me to hold a hearing to consider these issues. Accordingly, I am making this order without a hearing, but subject to the usual provision entitling either party to apply for this order to be set aside, varied or discharged.

## ***(2) Damages***

3. Neither party has contended that I should remit the assessment of damages to the County Court. Accordingly, I have proceeded to assess damages.
4. The rival submissions are as follows:
  - (a) The respondent contends that I should award only nominal damages.
  - (b) The appellant contends that I should assess damages (other than exemplary damages) in the amounts identified by the recorder in his judgment.
  - (c) The appellant contends that I should award exemplary damages and that I should assess those damages in the amount of £25,000.
  - (d) The appellant contends that I should leave open the possibility of modifying my order in respect of damages.
5. I address each of these issues in turn below.

### ***(2)(a) Nominal Damages***

6. Nominal damages are appropriate in a case in which the court finds that an arrest was unlawful, but that, had the arresting officer(s) appreciated what the law required, the claimant would still have been arrested. The test is what would have happened had it been appreciated what the law required: see *Parker v Chief Constable of Essex Police* [2019] 1 WLR 2238, at [104].
7. The respondent contends that the appellant would have been arrested if the officers had appreciated what the law required. He relies, in particular, on:
  - (a) the recorder’s finding in paragraph 202 of his judgment that the appellant was liable to arrest for affray anyway; and
  - (b) the concession recorded in paragraph 77 of my judgment that it was open to the recorder to find that the officers believed that the appellant’s arrest was necessary in order to prevent him causing injury to himself.
8. The respondent also seeks to rely on the fact that the appellant did not appeal against the finding in paragraph 202 of the recorder’s judgment. However, the appellant was

not obliged to do so, since that paragraph did not form part of the ratio decidendi for the recorder's decision to dismiss the appellant's claims. For the same reason, I do not consider that the respondent was obliged to file a respondent's notice in respect of that aspect of the recorder's judgment.

9. The context for these submissions by the respondent is that:
- (a) The recorder found that the officers had lied in relation to the matters which were alleged to have justified their arrest of the appellant: see paragraph 177 of his judgment.
  - (b) The respondent did not plead in the amended defence a positive case as to what the officers would have done if they had appreciated what the law required.
  - (c) Nor did the officers give evidence as what they would have done if the appellant had not, as they claimed, lunged towards them and moved quickly.
  - (d) Moreover, the fact, as the recorder found, that the officers lied when they said that the appellant lunged towards them and moved quickly was at least capable of giving rise to the inference that they appreciated what the law required and that they lied because, knowing what the law required, they did not consider that their actions were justified.
  - (e) The recorder did not adopt this inference, but his description of the officers' lies as "embellishment" (in paragraph 182 of his judgment):
    - (i) was premised on a finding, or findings, which I have held was, or were, not open to him, namely that:
      - (1) the appellant committed the offence of affray (see paragraphs 184 and 188 of the recorder's judgment and paragraph 64 of my judgment); and
      - (2) PC Crouch's grounds for suspecting that the appellant was committing an offence were different from the ground advanced in paragraph 28 of the amended defence (see paragraph 70 of my judgment); and
    - (ii) perhaps as a result, did not involve any express consideration of the possibility that the officers lied because they knew that what did was unlawful.
10. As for the recorder's finding in paragraph 202 of his judgment that the appellant was liable to arrest for affray anyway, I am not bound by that finding, but, in any event, that finding:
- (a) was also premised on the finding, which I have held was not open to the recorder, that the appellant committed the offence of affray; and
  - (b) was made in circumstances where it was not pleaded either that the officers actually suspected, or that they would have suspected, that the appellant was committing an offence on any ground other than that advanced in paragraph 28

of the amended defence

11. As for the concession referred to in paragraph 77 of my judgment, whether or not the officers believed that their actions were necessary to prevent the appellant causing harm to himself, they had no power of arrest under section 24 of the Act unless one of the conditions in subsection 24(1) was satisfied.
12. Accordingly, I am not persuaded that I should assess damages on the basis that, if the officers had appreciated what the law required, they would have arrested the appellant. In those circumstances, it would not be appropriate to make an award of only nominal damages.

*(2)(b) Damages Assessed by the Recorder*

13. In paragraphs 203 to 219 of his judgment, the recorder made findings as to the amount of damages which he would have awarded if he had found that the respondent was liable to the appellant and that an award of substantive damages was appropriate.
14. I am not bound by those findings, but the appellant invites me to adopt them and the respondent has not made any submissions to the effect that they are inaccurate or unreliable. I have reviewed those findings and I see no reason to depart from them.
15. Accordingly, I find that the appellant is entitled to the following amounts in damages:
  - (a) £9,350 for pain, suffering and loss of amenity (as set out in paragraphs 203 and 219 of the recorder's judgment);
  - (b) £10,000 for psychiatric injury (as set out in paragraph 206 of the recorder's judgment);
  - (c) £14,000 for loss of income (based on the recorder's finding in paragraph 207 of his judgment that the appellant lost 4 months of welding work and the appellant's evidence that he would have been taking home about £800 per week);
  - (d) £4,882.20 for gratuitous care (based on the recorder's statement in paragraph 208 of his judgment that he would allow the gratuitous care claim "as sought" and the calculations set out in paragraph 5 of the claimant's submissions of 8 January 2026); and
  - (e) £6,333.33 for false imprisonment (as set out in paragraphs 209 and 215 of the recorder's judgment, in which he assessed the appellant's damages at £4,750, uplifted by one third by way of aggravated damages).

*(2)(c) Exemplary Damages*

16. The recorder's finding, in paragraph 218 of his judgment, that the claimant was not entitled to exemplary damages was premised on the recorder's finding, which I have held was not open to him, that the appellant would have been arrested in any event for affray and detained.
17. It follows that I have to consider afresh the question whether there should be an award

of exemplary damages.

18. The recorder found that the officers lied. They lied from the day of arrest until, and at, the appellant's trial. This fact, taken with all of the other circumstances, elevates the present case into the category in which an award of exemplary damages is appropriate.
19. Having regard to all of the circumstances of the case, including the fact that I have allowed an amount in respect of aggravated damages, I assess the appropriate amount of exemplary damages at £15,000.

*(2)(d) Order Subject to Modification*

20. The only basis on which it was suggested, in paragraphs 36 and 37 of the appellant's submissions of 16 October 2025, that I should leave open the prospect of modifying my award of damages was that I have not yet seen the settlement offer or offers which I am told was or were made by the claimant. However, any such offers are irrelevant to the assessment of damages. No reason has been identified by the appellant for suggesting otherwise. For the avoidance of doubt, however, I leave open the possibility of an award of an additional amount under CPR 36.17(4)(d).

***Interest***

21. The appellant has made submissions on interest, but the respondent has not. It is appropriate to give the respondent the opportunity to address this issue in the light of my assessment of damages, although I anticipate that the parties may be able to agree the amount of interest, subject, perhaps, to any issues as to the application of Part 36.

***Costs***

22. The appellant was clearly the successful party. Costs should follow the event. The fact that the appeal against the dismissal of the claim for malicious prosecution was dismissed does not change the fact that the appellant was the successful party. It was not an issue of such magnitude as to require a variation to the usual order as to costs in this court or in the court below.
23. It is usual to make an order for a payment on account of costs and no good reason has been identified for departing from the usual practice. The amount sought strikes me as appropriate.
24. It appears from the appellant's submissions that the appellant (but not the respondent) made a settlement offer or offers which may be relevant to some issues in relation to costs, including the basis of the assessment of costs. It follows that the determination of those issues should be postponed. The appellant has proposed that I should make a costs order now, but leave open the prospect of modifying it once I have seen the offer(s). I do not consider that to be an appropriate way of proceeding. I have determined the allocation of costs, which cannot be affected by a claimant's Part 36 offer, but all other issues remain to be determined.

***Permission to Appeal***

25. The respondent has advanced four proposed grounds of appeal. I do not consider that any of them is arguable. In essence, although formulated in different ways, these

grounds all seek to challenge my conclusion, in paragraph 70 of my judgment, that it was not open to the recorder to find that PC Crouch had grounds for his suspicion which were different from the ground advanced in paragraph 28 of the amended defence. Having regard, in particular, to the terms of the amended defence, I consider that it is not arguable that conclusion was wrong.