



# Defamation Act 1996

## 1996 CHAPTER 31

An Act to amend the law of defamation and to amend the law of limitation with respect to actions for defamation or malicious falsehood. [4th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Extent Information

E1 For extent see s. 18(1)(2)(3).

### *Responsibility for publication*

## 1 Responsibility for publication.

- (1) In defamation proceedings a person has a defence if he shows that—
  - (a) he was not the author, editor or publisher of the statement complained of,
  - (b) he took reasonable care in relation to its publication, and
  - (c) he did not know, and had no reason to believe, that what he did caused or contributed to the publication of a defamatory statement.
- (2) For this purpose “author”, “editor” and “publisher” have the following meanings, which are further explained in subsection (3)—
  - “author” means the originator of the statement, but does not include a person who did not intend that his statement be published at all;
  - “editor” means a person having editorial or equivalent responsibility for the content of the statement or the decision to publish it; and
  - “publisher” means a commercial publisher, that is, a person whose business is issuing material to the public, or a section of the public, who issues material containing the statement in the course of that business.

**Status:** Point in time view as at 11/07/2001. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Defamation Act 1996. (See end of Document for details)

- (3) A person shall not be considered the author, editor or publisher of a statement if he is only involved—
- (a) in printing, producing, distributing or selling printed material containing the statement;
  - (b) in processing, making copies of, distributing, exhibiting or selling a film or sound recording (as defined in Part I of the <sup>M1</sup>Copyright, Designs and Patents Act 1988) containing the statement;
  - (c) in processing, making copies of, distributing or selling any electronic medium in or on which the statement is recorded, or in operating or providing any equipment, system or service by means of which the statement is retrieved, copied, distributed or made available in electronic form;
  - (d) as the broadcaster of a live programme containing the statement in circumstances in which he has no effective control over the maker of the statement;
  - (e) as the operator of or provider of access to a communications system by means of which the statement is transmitted, or made available, by a person over whom he has no effective control.

In a case not within paragraphs (a) to (e) the court may have regard to those provisions by way of analogy in deciding whether a person is to be considered the author, editor or publisher of a statement.

- (4) Employees or agents of an author, editor or publisher are in the same position as their employer or principal to the extent that they are responsible for the content of the statement or the decision to publish it.
- (5) In determining for the purposes of this section whether a person took reasonable care, or had reason to believe that what he did caused or contributed to the publication of a defamatory statement, regard shall be had to—
- (a) the extent of his responsibility for the content of the statement or the decision to publish it,
  - (b) the nature or circumstances of the publication, and
  - (c) the previous conduct or character of the author, editor or publisher.
- (6) This section does not apply to any cause of action which arose before the section came into force.

#### Marginal Citations

M1 1988 c. 48.

### *Offer to make amends*

## 2 Offer to make amends.

- (1) A person who has published a statement alleged to be defamatory of another may offer to make amends under this section.
- (2) The offer may be in relation to the statement generally or in relation to a specific defamatory meaning which the person making the offer accepts that the statement conveys (“a qualified offer”).

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- (3) An offer to make amends—
  - (a) must be in writing,
  - (b) must be expressed to be an offer to make amends under section 2 of the Defamation Act 1996, and
  - (c) must state whether it is a qualified offer and, if so, set out the defamatory meaning in relation to which it is made.
- (4) An offer to make amends under this section is an offer—
  - (a) to make a suitable correction of the statement complained of and a sufficient apology to the aggrieved party,
  - (b) to publish the correction and apology in a manner that is reasonable and practicable in the circumstances, and
  - (c) to pay to the aggrieved party such compensation (if any), and such costs, as may be agreed or determined to be payable.

The fact that the offer is accompanied by an offer to take specific steps does not affect the fact that an offer to make amends under this section is an offer to do all the things mentioned in paragraphs (a) to (c).

- (5) An offer to make amends under this section may not be made by a person after serving a defence in defamation proceedings brought against him by the aggrieved party in respect of the publication in question.
- (6) An offer to make amends under this section may be withdrawn before it is accepted; and a renewal of an offer which has been withdrawn shall be treated as a new offer.

#### Commencement Information

- II** S. 2 wholly in force; s. 2 not in force at Royal Assent see s. 19; s. 2 in force for E.W. at 28.2.2000 by S.I. 2000/222, art. 3; s. 2 in force at for S. at 31.3.2001 by S.S.I. 2001/98, art. 3(a)

### 3 Accepting an offer to make amends.

- (1) If an offer to make amends under section 2 is accepted by the aggrieved party, the following provisions apply.
- (2) The party accepting the offer may not bring or continue defamation proceedings in respect of the publication concerned against the person making the offer, but he is entitled to enforce the offer to make amends, as follows.
- (3) If the parties agree on the steps to be taken in fulfilment of the offer, the aggrieved party may apply to the court for an order that the other party fulfil his offer by taking the steps agreed.
- (4) If the parties do not agree on the steps to be taken by way of correction, apology and publication, the party who made the offer may take such steps as he thinks appropriate, and may in particular—
  - (a) make the correction and apology by a statement in open court in terms approved by the court, and
  - (b) give an undertaking to the court as to the manner of their publication.

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- (5) If the parties do not agree on the amount to be paid by way of compensation, it shall be determined by the court on the same principles as damages in defamation proceedings.

The court shall take account of any steps taken in fulfilment of the offer and (so far as not agreed between the parties) of the suitability of the correction, the sufficiency of the apology and whether the manner of their publication was reasonable in the circumstances, and may reduce or increase the amount of compensation accordingly.

- (6) If the parties do not agree on the amount to be paid by way of costs, it shall be determined by the court on the same principles as costs awarded in court proceedings.

- (7) The acceptance of an offer by one person to make amends does not affect any cause of action against another person in respect of the same publication, subject as follows.

- (8) In England and Wales or Northern Ireland, for the purposes of the <sup>M2</sup>Civil Liability (Contribution) Act 1978—

- (a) the amount of compensation paid under the offer shall be treated as paid in bona fide settlement or compromise of the claim; and
- (b) where another person is liable in respect of the same damage (whether jointly or otherwise), the person whose offer to make amends was accepted is not required to pay by virtue of any contribution under section 1 of that Act a greater amount than the amount of the compensation payable in pursuance of the offer.

- (9) In Scotland—

- (a) subsection (2) of section 3 of the <sup>M3</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (right of one joint wrongdoer as respects another to recover contribution towards damages) applies in relation to compensation paid under an offer to make amends as it applies in relation to damages in an action to which that section applies; and
- (b) where another person is liable in respect of the same damage (whether jointly or otherwise), the person whose offer to make amends was accepted is not required to pay by virtue of any contribution under section 3(2) of that Act a greater amount than the amount of compensation payable in pursuance of the offer.

- (10) Proceedings under this section shall be heard and determined without a jury.

#### Extent Information

- E2** S. 3(1)-(7)(10) extend to the United Kingdom; s. 3(8) extends to England and Wales and Northern Ireland; s. 3(9) extends to Scotland see s. 18(1)(2)(3).

#### Commencement Information

- I2** S. 3 partly in force; s. 3 not in force at Royal Assent see s. 19; s. 3 in force for E.W. at 28.2.2000 by S.I. 2000/222, art. 3; s. 3(1)-(7)(9)(10) in force for S. at 31.3.2001 by S.S.I. 2001/98, art. 3(a)

#### Marginal Citations

- M2** 1978 c. 47.  
**M3** 1940 c. 42.

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#### 4 Failure to accept offer to make amends.

- (1) If an offer to make amends under section 2, duly made and not withdrawn, is not accepted by the aggrieved party, the following provisions apply.
- (2) The fact that the offer was made is a defence (subject to subsection (3)) to defamation proceedings in respect of the publication in question by that party against the person making the offer.

A qualified offer is only a defence in respect of the meaning to which the offer related.

- (3) There is no such defence if the person by whom the offer was made knew or had reason to believe that the statement complained of—
  - (a) referred to the aggrieved party or was likely to be understood as referring to him, and
  - (b) was both false and defamatory of that party;but it shall be presumed until the contrary is shown that he did not know and had no reason to believe that was the case.
- (4) The person who made the offer need not rely on it by way of defence, but if he does he may not rely on any other defence.

If the offer was a qualified offer, this applies only in respect of the meaning to which the offer related.

- (5) The offer may be relied on in mitigation of damages whether or not it was relied on as a defence.

#### Commencement Information

**I3** S. 4 wholly in force; s. 4 not in force at Royal Assent see s. 19; s. 4 in force for E.W. at 28.2.2000 by S.I. 2000/222, art. 3; s. 4 in force at for S. 31.3.2001 by S.S.I. 2001/98, art. 3(a)

#### Limitation

#### 5 Limitation of actions: England and Wales.

- (1) The <sup>M4</sup>Limitation Act 1980 is amended as follows.
- (2) For section 4A (time limit for action for libel or slander) substitute—

**“4A Time limit for actions for defamation or malicious falsehood.**

The time limit under section 2 of this Act shall not apply to an action for—

- (a) libel or slander, or
- (b) slander of title, slander of goods or other malicious falsehood,

but no such action shall be brought after the expiration of one year from the date on which the cause of action accrued.”.

- (3) In section 28 (extension of limitation period in case of disability), for subsection (4A) substitute—

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“(4A) If the action is one to which section 4A of this Act applies, subsection (1) above shall have effect—

- (a) in the case of an action for libel or slander, as if for the words from “at any time” to “occurred)” there were substituted the words “by him at any time before the expiration of one year from the date on which he ceased to be under a disability”; and
- (b) in the case of an action for slander of title, slander of goods or other malicious falsehood, as if for the words “six years” there were substituted the words “one year”.”.

(4) For section 32A substitute—

*“ Discretionary exclusion of time limit for  
actions for defamation or malicious falsehood*

**32A Discretionary exclusion of time limit for actions for defamation or malicious falsehood.**

(1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which—

- (a) the operation of section 4A of this Act prejudices the plaintiff or any person whom he represents, and
- (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents,

the court may direct that that section shall not apply to the action or shall not apply to any specified cause of action to which the action relates.

(2) In acting under this section the court shall have regard to all the circumstances of the case and in particular to—

- (a) the length of, and the reasons for, the delay on the part of the plaintiff;
- (b) where the reason or one of the reasons for the delay was that all or any of the facts relevant to the cause of action did not become known to the plaintiff until after the end of the period mentioned in section 4A—
  - (i) the date on which any such facts did become known to him, and
  - (ii) the extent to which he acted promptly and reasonably once he knew whether or not the facts in question might be capable of giving rise to an action; and
- (c) the extent to which, having regard to the delay, relevant evidence is likely—
  - (i) to be unavailable, or
  - (ii) to be less cogent than if the action had been brought within the period mentioned in section 4A.

(3) In the case of an action for slander of title, slander of goods or other malicious falsehood brought by a personal representative—

- (a) the references in subsection (2) above to the plaintiff shall be construed as including the deceased person to whom the cause of action accrued and any previous personal representative of that person; and

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- (b) nothing in section 28(3) of this Act shall be construed as affecting the court's discretion under this section.
- (4) In this section "the court" means the court in which the action has been brought."
- (5) In section 36(1) (expiry of time limit no bar to equitable relief), for paragraph (aa) substitute—
  - "(aa) the time limit under section 4A for actions for libel or slander, or for slander of title, slander of goods or other malicious falsehood;"
- (6) The amendments made by this section apply only to causes of action arising after the section comes into force.

#### Marginal Citations

M4 1980 c. 58.

## 6 Limitation of actions: Northern Ireland.

- (1) The <sup>M5</sup>Limitation (Northern Ireland) Order 1989 is amended as follows.
- (2) In Article 6 (time limit: certain actions founded on tort) for paragraph (2) substitute—
  - "(2) Subject to Article 51, an action for damages for—
    - (a) libel or slander; or
    - (b) slander of title, slander of goods or other malicious falsehood,may not be brought after the expiration of one year from the date on which the cause of action accrued."
- (3) In Article 48 (extension of time limit), for paragraph (7) substitute—
  - "(7) Where the action is one to which Article 6(2) applies, paragraph (1) has effect—
    - (a) in the case of an action for libel and slander, as if for the words from "at any time" to "occurred" there were substituted the words "by him at any time before the expiration of one year from the date on which he ceased to be under a disability"; and
    - (b) in the case of an action for slander of title, slander of goods or other malicious falsehood, as if for the words "six years" there were substituted the words "one year"."
- (4) For Article 51 substitute—

### 51 "Court's power to override time limit: actions for defamation or malicious falsehood.

- (1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which—
  - (a) the provisions of Article 6(2) prejudice the plaintiff or any person whom he represents; and
  - (b) any decision of the court under this paragraph would prejudice the defendant or any person whom he represents,

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the court may direct that those provisions are not to apply to the action, or are not to apply to any specified cause of action to which the action relates.

- (2) In acting under this Article the court is to have regard to all the circumstances of the case and in particular to—
- (a) the length of, and the reasons for, the delay on the part of the plaintiff;
  - (b) in a case where the reason, or one of the reasons, for the delay was that all or any of the facts relevant to the cause of action did not become known to the plaintiff until after the expiration of the period mentioned in Article 6(2)—
    - (i) the date on which any such facts did become known to him, and
    - (ii) the extent to which he acted promptly and reasonably once he knew whether or not the facts in question might be capable of giving rise to an action; and
  - (c) the extent to which, having regard to the delay, relevant evidence is likely—
    - (i) to be unavailable, or
    - (ii) to be less cogent than if the action had been brought within the time allowed by Article 6(2).
- (3) In the case of an action for slander of title, slander of goods or other malicious falsehood brought by a personal representative—
- (a) the references in paragraph (2) to the plaintiff shall be construed as including the deceased person to whom the cause of action accrued and any previous personal representative of that person; and
  - (b) nothing in Article 48(3) shall be construed as affecting the court's discretion under this Article.
- (4) In this Article “the court” means the court in which the action has been brought.”.
- (5) The amendments made by this section apply only to causes of action arising after the section comes into force.

#### **Marginal Citations**

**M5** [S.I. 1989/1339 \(N.I. 11\)](#).

### *The meaning of a statement*

#### **7 Ruling on the meaning of a statement.**

In defamation proceedings the court shall not be asked to rule whether a statement is arguably capable, as opposed to capable, of bearing a particular meaning or meanings attributed to it.



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#### Commencement Information

**I4** S.7 partly in force; s.7 not in force at Royal Assent, see s. 19; s. 7 in force (E.W.) at 28.2.2000 by S.I. 2000/222, art. 3

### *Summary disposal of claim*

## **8 Summary disposal of claim.**

- (1) In defamation proceedings the court may dispose summarily of the plaintiff's claim in accordance with the following provisions.
- (2) The court may dismiss the plaintiff's claim if it appears to the court that it has no realistic prospect of success and there is no reason why it should be tried.
- (3) The court may give judgment for the plaintiff and grant him summary relief (see section 9) if it appears to the court that there is no defence to the claim which has a realistic prospect of success, and that there is no other reason why the claim should be tried.

Unless the plaintiff asks for summary relief, the court shall not act under this subsection unless it is satisfied that summary relief will adequately compensate him for the wrong he has suffered.

- (4) In considering whether a claim should be tried the court shall have regard to—
  - (a) whether all the persons who are or might be defendants in respect of the publication complained of are before the court;
  - (b) whether summary disposal of the claim against another defendant would be inappropriate;
  - (c) the extent to which there is a conflict of evidence;
  - (d) the seriousness of the alleged wrong (as regards the content of the statement and the extent of publication); and
  - (e) whether it is justifiable in the circumstances to proceed to a full trial.
- (5) Proceedings under this section shall be heard and determined without a jury.

#### Commencement Information

**I5** S. 8 partly in force; s. 8 not in force at Royal Assent, see s. 19; s. 8 in force (E.W.) at 28.2.2000 by S.I. 2000/222, art. 3

## **9 Meaning of summary relief.**

- (1) For the purposes of section 8 (summary disposal of claim) "summary relief" means such of the following as may be appropriate—
  - (a) a declaration that the statement was false and defamatory of the plaintiff;
  - (b) an order that the defendant publish or cause to be published a suitable correction and apology;
  - (c) damages not exceeding £10,000 or such other amount as may be prescribed by order of the Lord Chancellor;

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- (d) an order restraining the defendant from publishing or further publishing the matter complained of.
- (2) The content of any correction and apology, and the time, manner, form and place of publication, shall be for the parties to agree.

If they cannot agree on the content, the court may direct the defendant to publish or cause to be published a summary of the court's judgment agreed by the parties or settled by the court in accordance with rules of court.

If they cannot agree on the time, manner, form or place of publication, the court may direct the defendant to take such reasonable and practicable steps as the court considers appropriate.

- (3) Any order under subsection (1)(c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I6** S. 9 partly in force; s. 9 not in force at Royal Assent, see s. 19; s. 9 in force (E.W.) at 28.2.2000 by S.I. 2000/222, art. 3

## 10 Summary disposal: rules of court.

- (1) Provision may be made by rules of court as to the summary disposal of the plaintiff's claim in defamation proceedings.
- (2) Without prejudice to the generality of that power, provision may be made—
- (a) authorising a party to apply for summary disposal at any stage of the proceedings;
  - (b) authorising the court at any stage of the proceedings—
    - (i) to treat any application, pleading or other step in the proceedings as an application for summary disposal, or
    - (ii) to make an order for summary disposal without any such application;
  - (c) as to the time for serving pleadings or taking any other step in the proceedings in a case where there are proceedings for summary disposal;
  - (d) requiring the parties to identify any question of law or construction which the court is to be asked to determine in the proceedings;
  - (e) as to the nature of any hearing on the question of summary disposal, and in particular—
    - (i) authorising the court to order affidavits or witness statements to be prepared for use as evidence at the hearing, and
    - (ii) requiring the leave of the court for the calling of oral evidence, or the introduction of new evidence, at the hearing;
  - (f) authorising the court to require a defendant to elect, at or before the hearing, whether or not to make an offer to make amends under section 2.

#### Commencement Information

**I7** S. 10 partly in force; s. 10 not in force at Royal Assent, see s. 19; s. 10 in force (E.W.) at 28.2.2000 by S.I. 2000/222, art. 3

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## 11 Summary disposal: application to Northern Ireland.

In their application to Northern Ireland the provisions of sections 8 to 10 (summary disposal of claim) apply only to proceedings in the High Court.

### *Evidence of convictions*

## 12 Evidence of convictions.

- (1) In section 13 of the <sup>M6</sup>Civil Evidence Act 1968 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for “a person” substitute “the plaintiff” and for “that person” substitute “he”; and after subsection (2) insert—

“(2A) In the case of an action for libel or slander in which there is more than one plaintiff—

- (a) the references in subsections (1) and (2) above to the plaintiff shall be construed as references to any of the plaintiffs, and
- (b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.”.

The amendments made by this subsection apply only where the trial of the action begins after this section comes into force.

- (2) In section 12 of the <sup>M7</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for “a person” substitute “the pursuer” and for “that person” substitute “he”; and after subsection (2) insert—

“(2A) In the case of an action for defamation in which there is more than one pursuer—

- (a) the references in subsections (1) and (2) above to the pursuer shall be construed as references to any of the pursuers, and
- (b) proof that any of the pursuers stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other pursuer.”.

The amendments made by this subsection apply only for the purposes of an action begun after this section comes into force, whenever the cause of action arose.

- (3) In section 9 of the <sup>M8</sup>Civil Evidence Act (Northern Ireland) 1971 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for “a person” substitute “the plaintiff” and for “that person” substitute “he”; and after subsection (2) insert—

“(2A) In the case of an action for libel or slander in which there is more than one plaintiff—

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- (a) the references in subsections (1) and (2) to the plaintiff shall be construed as references to any of the plaintiffs, and
- (b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.”.

The amendments made by this subsection apply only where the trial of the action begins after this section comes into force.

#### Extent Information

**E3** S. 12(1) extends to England and Wales; s. 12(2) extends to Scotland; s. 12(3) extends to Northern Ireland see s. 18(1)(2)(3).

#### Marginal Citations

**M6** 1968 c. 64.  
**M7** 1968 c. 70.  
**M8** 1971 c. 36 (N.I.).

### *Evidence concerning proceedings in Parliament*

## **13 Evidence concerning proceedings in Parliament.**

- (1) Where the conduct of a person in or in relation to proceedings in Parliament is in issue in defamation proceedings, he may waive for the purposes of those proceedings, so far as concerns him, the protection of any enactment or rule of law which prevents proceedings in Parliament being impeached or questioned in any court or place out of Parliament.
- (2) Where a person waives that protection—
  - (a) any such enactment or rule of law shall not apply to prevent evidence being given, questions being asked or statements, submissions, comments or findings being made about his conduct, and
  - (b) none of those things shall be regarded as infringing the privilege of either House of Parliament.
- (3) The waiver by one person of that protection does not affect its operation in relation to another person who has not waived it.
- (4) Nothing in this section affects any enactment or rule of law so far as it protects a person (including a person who has waived the protection referred to above) from legal liability for words spoken or things done in the course of, or for the purposes of or incidental to, any proceedings in Parliament.
- (5) Without prejudice to the generality of subsection (4), that subsection applies to—
  - (a) the giving of evidence before either House or a committee;
  - (b) the presentation or submission of a document to either House or a committee;
  - (c) the preparation of a document for the purposes of or incidental to the transacting of any such business;
  - (d) the formulation, making or publication of a document, including a report, by or pursuant to an order of either House or a committee; and

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- (e) any communication with the Parliamentary Commissioner for Standards or any person having functions in connection with the registration of members' interests.

In this subsection "a committee" means a committee of either House or a joint committee of both Houses of Parliament.

#### *Statutory privilege*

### **14 Reports of court proceedings absolutely privileged.**

- (1) A fair and accurate report of proceedings in public before a court to which this section applies, if published contemporaneously with the proceedings, is absolutely privileged.
- (2) A report of proceedings which by an order of the court, or as a consequence of any statutory provision, is required to be postponed shall be treated as published contemporaneously if it is published as soon as practicable after publication is permitted.
- (3) This section applies to—
  - (a) any court in the United Kingdom,
  - (b) the European Court of Justice or any court attached to that court,
  - (c) the European Court of Human Rights, and
  - (d) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which the United Kingdom is a party.

In paragraph (a) "court" includes any tribunal or body exercising the judicial power of the State.

- (4) In section 8(6) of the <sup>M9</sup>Rehabilitation of Offenders Act 1974 and in Article 9(6) of the <sup>M10</sup>Rehabilitation of Offenders (Northern Ireland) Order 1978 (defamation actions: reports of court proceedings), for "section 3 of the Law of Libel Amendment Act 1888" substitute "section 14 of the Defamation Act 1996".

#### **Marginal Citations**

**M9** 1974 c. 53.

**M10** S.I. 1978/1908 (N.I. 27).

### **15 Reports, &c. protected by qualified privilege.**

- (1) The publication of any report or other statement mentioned in Schedule 1 to this Act is privileged unless the publication is shown to be made with malice, subject as follows.
- (2) In defamation proceedings in respect of the publication of a report or other statement mentioned in Part II of that Schedule, there is no defence under this section if the plaintiff shows that the defendant—
  - (a) was requested by him to publish in a suitable manner a reasonable letter or statement by way of explanation or contradiction, and
  - (b) refused or neglected to do so.

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For this purpose “in a suitable manner” means in the same manner as the publication complained of or in a manner that is adequate and reasonable in the circumstances.

- (3) This section does not apply to the publication to the public, or a section of the public, of matter which is not of public concern and the publication of which is not for the public benefit.
- (4) Nothing in this section shall be construed—
- (a) as protecting the publication of matter the publication of which is prohibited by law, or
  - (b) as limiting or abridging any privilege subsisting apart from this section.

### *Supplementary provisions*

## 16 Repeals.

The enactments specified in Schedule 2 are repealed to the extent specified.

### Commencement Information

- I8** S. 16 wholly in force; S. 16 partly in force at Royal Assent see s. 19(2)(3); s. 16 in force for certain purposes at 1.4.1999 by S.I. 1999/817, art. 2(b); s. 16 in force for E.W. at 28.2.2000 by S.I. 2000/222, art. 3; s. 16 in force for S. at 31.3.2001 insofar as not already in force by S.S.I. 2001/98, art. 3(b)(i)

## 17 Interpretation.

- (1) In this Act—

“publication” and “publish”, in relation to a statement, have the meaning they have for the purposes of the law of defamation generally, but “publisher” is specially defined for the purposes of section 1;

“statement” means words, pictures, visual images, gestures or any other method of signifying meaning; and

“statutory provision” means—

- (a) a provision contained in an Act or in subordinate legislation within the meaning of the <sup>M11</sup>Interpretation Act 1978
- [<sup>F1</sup>(aa) a provision contained in an Act of the Scottish Parliament or in an instrument made under such an Act,] or
- (b) a statutory provision within the meaning given by section 1(f) of the <sup>M12</sup>Interpretation Act (Northern Ireland) 1954.

- (2) In this Act as it applies to proceedings in Scotland—

“costs” means expenses; and

“plaintiff” and “defendant” mean pursuer and defender.

### Extent Information

- E4** S. 17 extends to the United Kingdom; s. 17(2) extends to Scotland see s. 18(1)(2)(3).

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#### Textual Amendments

- F1** S. 17(1)(aa) inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8**, para. 33(2)(with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 3**

#### Commencement Information

- I9** S. 17 partly in force; s. 17 partly in force at Royal Assent see s. 19(2)(3); s. 17 in force for certain purposes at 1.4.1999 by S.I. 1999/817, **art. 2(a)**; s. 17(1) fully in force for E.W. at 28.2.2000 by S.I. 2000/222, **art. 3**; s. 17 in force for S. at 31.3.2001 insofar as not already in force by S.S.I. 2001/98, **art. 3(b)(ii)**

#### Marginal Citations

- M11** 1978 c. 30.  
**M12** 1954 c. 33 (N.I.).

### *General provisions*

## **18 Extent.**

- (1) The following provisions of this Act extend to England and Wales—  
section 1 (responsibility for publication),  
sections 2 to 4 (offer to make amends), except section 3(9),  
section 5 (time limit for actions for defamation or malicious falsehood),  
section 7 (ruling on the meaning of a statement),  
sections 8 to 10 (summary disposal of claim),  
section 12(1) (evidence of convictions),  
section 13 (evidence concerning proceedings in Parliament),  
sections 14 and 15 and Schedule 1 (statutory privilege),  
section 16 and Schedule 2 (repeals) so far as relating to enactments extending to England and Wales,  
section 17(1) (interpretation),  
this subsection,  
section 19 (commencement) so far as relating to provisions which extend to England and Wales, and  
section 20 (short title and saving).
- (2) The following provisions of this Act extend to Scotland—  
section 1 (responsibility for publication),  
sections 2 to 4 (offer to make amends), except section 3(8),  
section 12(2) (evidence of convictions),  
section 13 (evidence concerning proceedings in Parliament),  
sections 14 and 15 and Schedule 1 (statutory privilege),  
section 16 and Schedule 2 (repeals) so far as relating to enactments extending to Scotland,  
section 17 (interpretation),  
this subsection,  
section 19 (commencement) so far as relating to provisions which extend to Scotland, and

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section 20 (short title and saving).

- (3) The following provisions of this Act extend to Northern Ireland—
- section 1 (responsibility for publication),
  - sections 2 to 4 (offer to make amends), except section 3(9),
  - section 6 (time limit for actions for defamation or malicious falsehood),
  - section 7 (ruling on the meaning of a statement),
  - sections 8 to 11 (summary disposal of claim),
  - section 12(3) (evidence of convictions),
  - section 13 (evidence concerning proceedings in Parliament),
  - sections 14 and 15 and Schedule 1 (statutory privilege),
  - section 16 and Schedule 2 (repeals) so far as relating to enactments extending to Northern Ireland,
  - section 17(1) (interpretation),
  - this subsection,
  - section 19 (commencement) so far as relating to provisions which extend to Northern Ireland, and
  - section 20 (short title and saving).

#### **Extent Information**

**E5** S. 18(1) extends to England and Wales; s. 18(2) extends to Scotland; s. 18(3) extends to Northern Ireland.

## **19 Commencement.**

- (1) Sections 18 to 20 (extent, commencement and other general provisions) come into force on Royal Assent.
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - section 1 (responsibility for publication),
  - sections 5 and 6 (time limit for actions for defamation or malicious falsehood),
  - section 12 (evidence of convictions),
  - section 13 (evidence concerning proceedings in Parliament),
  - section 16 and the repeals in Schedule 2, so far as consequential on the above provisions, and
  - section 17 (interpretation), so far as relating to the above provisions.
- (3) The provisions of this Act otherwise come into force on such day as may be appointed—
  - (a) for England and Wales or Northern Ireland, by order of the Lord Chancellor, or
  - (b) for Scotland, by order of the Secretary of State,
 and different days may be appointed for different purposes.
- (4) Any such order shall be made by statutory instrument and may contain such transitional provisions as appear to the Lord Chancellor or Secretary of State to be appropriate.



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**Subordinate Legislation Made**

- P1** S. 19(3) power partly exercised (12.3.1999): 1.4.1999 appointed for specified provisions by S.I. 1999/817, **art. 2**
- P2** S. 19(3)(b)(4) power partly exercised: 31.3.2001 appointed for specified provisions for S. by S.S.I. 2001/98, **art. 3** (with transitional provision in **art. 4**)

**20 Short title and saving.**

- (1) This Act may be cited as the Defamation Act 1996.
- (2) Nothing in this Act affects the law relating to criminal libel.

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## SCHEDULES

### SCHEDULE 1

Section 15.

#### QUALIFIED PRIVILEGE

##### Modifications etc. (not altering text)

**C1** Sch. 1 extended (1.12.1998) by 1998 c. 38, s. 77(4)(a) (with ss. 139(2), 143(2)); S.I. 1998/2789, art. 2

#### PART I

##### STATEMENTS HAVING QUALIFIED PRIVILEGE WITHOUT EXPLANATION OR CONTRADICTION

- 1 A fair and accurate report of proceedings in public of a legislature anywhere in the world.
- 2 A fair and accurate report of proceedings in public before a court anywhere in the world.
- 3 A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a government or legislature anywhere in the world.
- 4 A fair and accurate report of proceedings in public anywhere in the world of an international organisation or an international conference.
- 5 A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.
- 6 A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.
- 7 A fair and accurate copy of or extract from matter published by or on the authority of a government or legislature anywhere in the world.
- 8 A fair and accurate copy of or extract from matter published anywhere in the world by an international organisation or an international conference.

#### PART II

##### STATEMENTS PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION

- 9 (1) A fair and accurate copy of or extract from a notice or other matter issued for the information of the public by or on behalf of—
  - (a) a legislature in any member State or the European Parliament;
  - (b) the government of any member State, or any authority performing governmental functions in any member State or part of a member State, or the European Commission;
  - (c) an international organisation or international conference.

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- (2) In this paragraph “governmental functions” includes police functions.
- 10 A fair and accurate copy of or extract from a document made available by a court in any member State or the European Court of Justice (or any court attached to that court), or by a judge or officer of any such court.
- 11 (1) A fair and accurate report of proceedings at any public meeting or sitting in the United Kingdom of—
- (a) a local authority [<sup>F2</sup>, local authority committee or in the case of a local authority which are operating executive arrangements the executive of that authority or a committee of that executive];
  - (b) a justice or justices of the peace acting otherwise than as a court exercising judicial authority;
  - (c) a commission, tribunal, committee or person appointed for the purposes of any inquiry by any statutory provision, by Her Majesty or by a Minister of the Crown [<sup>F3</sup>a member of the Scottish Executive]or a Northern Ireland Department;
  - (d) a person appointed by a local authority to hold a local inquiry in pursuance of any statutory provision;
  - (e) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any statutory provision.
- [<sup>F4</sup>(1A) In the case of a local authority which are operating executive arrangements, a fair and accurate record of any decision made by any member of the executive where that record is required to be made and available for public inspection by virtue of section 22 of the Local Government Act 2000 or of any provision in regulations made under that section.]
- (2) [<sup>F5</sup>In sub-paragraphs (1)(a) and (1A)—
- “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000;]
- “local authority” means—
- (a) in relation to England and Wales, a principal council within the meaning of the <sup>M13</sup>Local Government Act 1972, any body falling within any paragraph of section 100J(1) of that Act or an authority or body to which the <sup>M14</sup>Public Bodies (Admission to Meetings) Act 1960 applies,
  - (b) in relation to Scotland, a council constituted under section 2 of the <sup>M15</sup>Local Government etc. (Scotland) Act 1994 or an authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies,
  - (c) in relation to Northern Ireland, any authority or body to which sections 23 to 27 of the <sup>M16</sup>Local Government Act (Northern Ireland) 1972 apply; and
- “local authority committee” means any committee of a local authority or of local authorities, and includes—
- (a) any committee or sub-committee in relation to which sections 100A to 100D of the Local Government Act 1972 apply by virtue of section 100E of that Act (whether or not also by virtue of section 100J of that Act), and

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- (b) any committee or sub-committee in relation to which sections 50A to 50D of the Local Government (Scotland) Act 1973 apply by virtue of section 50E of that Act.
- (3) A fair and accurate report of any corresponding proceedings in any of the Channel Islands or the Isle of Man or in another member State.

#### Textual Amendments

- F2** Words in **Sch. 1 para. 11(1)(a)** substituted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(a)**; and those same words substituted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(a)**
- F3** Words in **Sch. 1 para. 11(1)(c)** inserted (6.5.1999) by **1998 c. 46, s. 125, Sch. 8, para. 33(3)**(with s. 126(3)-(11)); **S.I. 1998/3178, art. 2(2), Sch. 3**
- F4** **Sch. 1 para. 11(1A)** inserted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(b)**; and that same sub-paragraph inserted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(b)**
- F5** Words in **Sch. 1 para. 11(2)** substituted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(c)**; and those same words substituted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(c)**

#### Modifications etc. (not altering text)

- C2** **Sch. 1 para. 11(1)(c)** modified (1.12.1998) by **1998 c. 38, s. 77(4)(b)** (with ss. 139(2), 143(2)); **S.I. 1998/2789, art. 2**

#### Marginal Citations

- M13** 1972 c. 70.  
**M14** 1960 c. 67.  
**M15** 1994 c. 39.  
**M16** 1972 c. 9 (N.I.).

- 12 (1) A fair and accurate report of proceedings at any public meeting held in a member State.
- (2) In this paragraph a “public meeting” means a meeting bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of a matter of public concern, whether admission to the meeting is general or restricted.
- 13 (1) A fair and accurate report of proceedings at a general meeting of a UK public company.
- (2) A fair and accurate copy of or extract from any document circulated to members of a UK public company—
- by or with the authority of the board of directors of the company,
  - by the auditors of the company, or
  - by any member of the company in pursuance of a right conferred by any statutory provision.
- (3) A fair and accurate copy of or extract from any document circulated to members of a UK public company which relates to the appointment, resignation, retirement or dismissal of directors of the company.
- (4) In this paragraph “UK public company” means—
- a public company within the meaning of section 1(3) of the <sup>M17</sup>Companies Act 1985 or Article 12(3) of the <sup>M18</sup>Companies (Northern Ireland) Order 1986, or

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- (b) a body corporate incorporated by or registered under any other statutory provision, or by Royal Charter, or formed in pursuance of letters patent.
- (5) A fair and accurate report of proceedings at any corresponding meeting of, or copy of or extract from any corresponding document circulated to members of, a public company formed under the law of any of the Channel Islands or the Isle of Man or of another member State.

#### **Marginal Citations**

**M17** 1985 c. 6.

**M18** S.I. 1986/1032 (N.I. 6).

- 14 A fair and accurate report of any finding or decision of any of the following descriptions of association, formed in the United Kingdom or another member State, or of any committee or governing body of such an association—
- (a) an association formed for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication;
  - (b) an association formed for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with that trade, business, industry or profession, or the actions or conduct of those persons;
  - (c) an association formed for the purpose of promoting or safeguarding the interests of a game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime;
  - (d) an association formed for the purpose of promoting charitable objects or other objects beneficial to the community and empowered by its constitution to exercise control over or to adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication.
- 15 (1) A fair and accurate report of, or copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph—
- (a) for England and Wales or Northern Ireland, by order of the Lord Chancellor, and
  - (b) for Scotland, by order of the Secretary of State.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### PART III

#### SUPPLEMENTARY PROVISIONS

- 16 (1) In this Schedule—
- “court” includes any tribunal or body exercising the judicial power of the State;
- “international conference” means a conference attended by representatives of two or more governments;
- “international organisation” means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation; and
- “legislature” includes a local legislature.
- (2) References in this Schedule to a member State include any European dependent territory of a member State.
- (3) In paragraphs 2 and 6 “court” includes—
- (a) the European Court of Justice (or any court attached to that court) and the Court of Auditors of the European Communities,
  - (b) the European Court of Human Rights,
  - (c) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which the United Kingdom is a party, and
  - (d) the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States.
- (4) In paragraphs 1, 3 and 7 “legislature” includes the European Parliament.
- 17 (1) Provision may be made by order identifying—
- (a) for the purposes of paragraph 11, the corresponding proceedings referred to in sub-paragraph (3);
  - (b) for the purposes of paragraph 13, the corresponding meetings and documents referred to in sub-paragraph (5).
- (2) An order under this paragraph may be made—
- (a) for England and Wales or Northern Ireland, by the Lord Chancellor, and
  - (b) for Scotland, by the Secretary of State.
- (3) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### SCHEDULE 2

Section 16.

#### REPEALS

##### Commencement Information

**I10** Sch. 2 partly in force; Sch. 2 partly in force at Royal Assent see s. 19(2)(3); Sch. 2 in force for certain purposes at 1.4.1999 by S.I. 1999/817, art. 2(b); Sch. 2 in force for E.W. for certain purposes at 28.2.2000 (subject to savings in art. 4 of the commencing S.I.) by S.I. 2000/222, arts. 3, 4; Sch. 2 in force for S.

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at 31.3.2001 insofar as not already in force by S.S.I. 2001/98, **art. 3(b)(i)** (with transitional provision in **art. 4**)

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1888 c. 64.	Law of Libel Amendment Act 1888.	Section 3.
1952 c. 66.	Defamation Act 1952.	Section 4. Sections 7, 8 and 9(2) and (3). Section 16(2) and (3). The Schedule.
1955 c. 20.	Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	In Schedule 2, the entry relating to the Defamation Act 1952.
1955 c. 11 (N.I.).	Defamation Act (Northern Ireland) 1955.	Section 4. Sections 7, 8 and 9(2) and (3). Section 14(2). The Schedule.
1972 c. 9 (N.I.).	Local Government Act (Northern Ireland) 1972.	In Schedule 8, paragraph 12.
1981 c. 49.	Contempt of Court Act 1981.	In section 4(3), the words “and of section 3 of the Law of Libel Amendment Act 1888 (privilege)”.
1981 c. 61.	British Nationality Act 1981.	In Schedule 7, the entries relating to the Defamation Act 1952 and the Defamation Act (Northern Ireland) 1955.
1985 c. 43.	Local Government (Access to Information) Act 1985.	In Schedule 2, paragraphs 2 and 3.
1985 c. 61.	Administration of Justice Act 1985.	Section 57.
S.I. 1986/594 (N.I. 3).	Education and Libraries (Northern Ireland) Order 1986.	Article 97(2).
1990 c. 42.	Broadcasting Act 1990.	Section 166(3). In Schedule 20, paragraphs 2 and 3.

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**Changes to legislation:**

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