

*These notes refer to the Defamation Act (Northern Ireland)
2022 (c.30) which received Royal Assent on 6 June 2022*

Defamation Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10: Actions for slander: special damage

This section repeals the Slander of Women Act 1891 and overturns a common law rule relating to special damage.

In relation to slander, some special damage must be proved to flow from the statement complained of unless the publication falls into certain specific categories. These include a provision in the 1891 Act which provides that “words spoken and published... which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable”. *Subsection (1)* repeals the Act, so that these circumstances are not exempted from the requirement for special damage.

Subsection (2) abolishes the common law rule which provides an exemption from the requirement for special damage where the imputation conveyed by the statement complained of is that the claimant has a contagious or infectious disease. In case law dating from the nineteenth century and earlier, the exemption has been held to apply in the case of imputations of leprosy, venereal disease and the plague.