

*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 7: Trial to be without a jury

This section removes the presumption in favour of jury trial in defamation cases.

Currently section 62 (1) of the Judicature (Northern Ireland) Act 1978 provides for a right to trial with a jury in certain civil proceedings (namely libel, slander, malicious prosecution, and false imprisonment) on the application of any party unless the court considers that the trial requires any “protracted examination of documents or accounts or any technical, scientific or local investigation which cannot conveniently be made with a jury”.

Section 7 removes libel and slander from the list of proceedings where a right to jury trial exists. The result will be that defamation cases will be tried without a jury unless a court orders otherwise.