

*These notes refer to the Defamation Act 2013 (c.26)
which received Royal Assent on 25 April 2013*

DEFAMATION ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 11: Trial to be without a jury unless the court orders otherwise

71. This section removes the presumption in favour of jury trial in defamation cases.
72. Currently section 69 of the Senior Courts Act 1981 and section 66 of the County Courts Act 1984 provide for a right to trial with a jury in certain civil proceedings (namely malicious prosecution, false imprisonment, fraud, libel and slander) on the application of any party, “unless the court considers that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury”.
73. *Subsection (1)* and *subsection (2)* respectively amend the 1981 and 1984 Acts to remove 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.