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The Defamation Act 2013

Nothing in this paper constitutes legal advice or should be used as a replacement for such

1 Introduction

The Defamation Bill was introduced into the House of Commons on 10 May 2012 and received Royal Assent as the Defamation Act 2013¹. The provisions do not extend to Northern Ireland.

The paper briefly examines the Defamation Act in the light of current legislation concerning defamation in Northern Ireland and summarises the main points considered during debates during the passage of the Bill².

2 Background

Defamation law is largely located in common law in England and the devolved regions of the UK, with some elements represented in statute law³.

¹ Defamation Act 2013: <http://www.legislation.gov.uk/ukpga/2013/26/contents/enacted>.

² For stages of the Bill, and associated debates, see the Defamation Bill web pages: <http://services.parliament.uk/bills/2012-13/defamation/stages.html>.

³ Paul Mitchell (2005), *The Making of the Modern Law of Defamation*, Oxford: Hart Publishing, p.1; see also Patrick Milno and WVH Rogers (2008), *Gatley on Libel and Slander*, London: Sweet and Maxwell, p.25.

Defamation comes in two forms⁴:

1. Libel: in writing or other permanent form
2. Slander: spoken or in temporary form, which additionally has to prove financial loss

In general terms, a defamation case requires the following⁵:

- A defamatory statement – it must be proven that the statement has a defamatory meaning
- Publication – the defendant must be proven to have participated in the statement's dissemination
- Identification – the statement must be understood to refer to a particular individual

Broadly speaking, there are three general areas of discussion in relation to defamation law:

1. Clash of fundamental rights: freedom of expression v right to privacy
2. Location in law: common law v statute law
3. Inequality of resources: corporate power v an individual's access to justice

The debate has centred on two main opposing arguments: that there should be a change in the law to inhibit litigation and promote free speech⁶ against a view that no change is required and that common law is sufficient to deal with defamation issues. In the context of Northern Ireland, this latter view has also been linked to a proposal to introduce Conditional Fee Agreements (CFAs)⁷.

In terms of defamation law, the first significant UK statute law in recent times is the Defamation Act 1952⁸, which includes provisions relating to slander, justification, fair comment, certain defences relating to broadcasting, privilege, agreements for indemnity and evidence of damages. This was followed by the Defamation Act 1996⁹, which includes provisions relating to responsibility for publication, offers to make amends, limitations, the meaning of a statement, summary disposal, evidence and statutory privilege.

⁴ David Price and Korieh Duodu (2004), *Defamation Law, Procedure and Practice*, London: Sweet and Maxwell, p.3.

⁵ Ibid., pp.5-31.

⁶ For example, the Libel Reform Campaign: <http://www.libelreform.org/>.

⁷ For example, 'Libel Lawyer Paul Tweed to tell MLAs why free speech reform is wrong', *Belfast Telegraph*, 11 May 2013: <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/libel-lawyer-paul-tweed-to-tell-mlas-why-free-speech-reform-is-wrong-29255875.html>.

⁸ Defamation Act 1952: <http://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/66/contents>.

⁹ Defamation Act 1996: <http://www.legislation.gov.uk/ukpga/1996/31/contents>.

Two years later, the Human Rights Act 1998 brought the European Convention on Human Rights into UK law, Article 8 of which protects a right to private and family life and Article 10 protects a right to freedom of expression¹⁰.

The House of Commons Culture, Media and Sport Committee carried out an inquiry into press standards, privacy and libel in 2009-10, which examined the areas of privacy and breach of confidence, libel and press freedom, costs, press standards and regulation of the press. The report raised significant concerns in relation to libel law, but did not conclude that legislative change was necessary at that point in time¹¹.

On 26 May 2010, Lord Lester of Herne Hill introduced a Private Member's Bill in the House of Lords to amend defamation law¹². The main areas of concern were the multiple publication rule, 'libel tourism' and conditional fee agreements¹³. The Bill made no progress beyond the Second Reading.

In July 2012, a Council of Europe Declaration on 'forum shopping' and 'libel tourism' stated¹⁴:

The prevention of libel tourism should be part of the reform of the legislation on libel/defamation in member States in order to ensure better protection of the freedom of expression and information within a system that strikes a balance between competing human rights.

The basis of the Declaration was a concern that, with modern communication methods and global access to information, cases could be brought by claimants in a court that is considered to provide the best likely outcome and where defamation laws are the most conducive to bringing a case. This would impinge on certain rights, such as the right to freedom of expression and the right to a fair trial.

The Defamation Bill was introduced by the Government on 10 May 2012, passing to the Lords on 8 October 2012 and receiving Royal Assent on 25 April 2013¹⁵. The Bill was not intended to codify the law on defamation into a single statute, but to make certain substantive changes¹⁶.

The general intention and direction of the Defamation Bill drew cross-party support during its passage through the Westminster Parliament, so there was significant

¹⁰ Human Rights Act 1998: <http://www.legislation.gov.uk/ukpga/1998/42/contents>.

¹¹ House of Commons Culture, Media and Sport Committee (2010), *Press Standards, Privacy and Libel*, HC 362, 24 February 2010: <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomeds/362/362i.pdf>.

¹² Defamation Bill 2010: <http://services.parliament.uk/bills/2010-12/defamationhl.html>.

¹³ For a summary of issues, see House of Lords Library Note LLN 2010/016 *Defamation* 5 July 2010: <http://www.parliament.uk/briefing-papers/LLN-2010-016>.

¹⁴ Council of Europe Declaration of the Committee of Ministers on the Desirability of International Standards dealing with Forum Shopping in respect of Defamation, "Libel Tourism", to Ensure Freedom of Expression 4 July 2012: <https://wcd.coe.int/ViewDoc.jsp?id=1958787&Site=CM>.

¹⁵ Bill Stages, Defamation Act 2013: : <http://services.parliament.uk/bills/2012-13/defamation/stages.html>.

¹⁶ House of Commons Library Research Paper 12/30, *Defamation Bill*, 28 May 2012, p.1: <http://www.parliament.uk/briefing-papers/RP12-30>.

agreement to legislate and to do so in favour of restricting opportunities to bring defamation cases.

3 Defamation Act 2013

The Defamation Act 2013 reforms aspects of the law on defamation, including civil and common law, which has also been supplemented by statute, most recently the Defamation Acts 1952 and 1996.

This section summarises the main provisions of the Act¹⁷ and relates some of the debates on the issues presented during the consultation on the draft Defamation Bill¹⁸ and discussions during the House of Commons Committee Stage of the Bill¹⁹:

Section 1: Serious harm

Subsection (1) of this section provides that a statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant. The provision extends to situations where publication is likely to cause serious harm in order to cover situations where the harm has not yet occurred at the time the action for defamation is commenced.

Subsection (2) indicates that for the purposes of the section, harm to the reputation of a body that trades for profit is not “serious harm” unless it has caused or is likely to cause the body serious financial loss.

Some responses to the consultation on the draft Defamation Bill raised concerns around the ambiguity of a test of ‘serious harm’ and consequent litigation this may create. The Bill did not define ‘serious harm’ and there were suggestions at Committee Stage that the threshold for bringing a case may be too high. It was contended that the courts would decide what ‘serious harm’ entailed. A proposal for a new clause whereby close relatives of a deceased person could bring a case was defeated.

Section 2: Truth

This section replaces the common law defence of justification with a new statutory defence of truth.

Some consultation responses on the draft Bill suggested changing the law as it stood in relation to ‘justification’ was unnecessary and it could lead to costly litigation. There were discussions in the Committee regarding whether there should be a definition of ‘truth’, as there may be statements that have different shades of meaning.

¹⁷ All summaries from: *Defamation Act 2013: Explanatory Notes*: <http://www.legislation.gov.uk/ukpga/2013/26/notes/contents>.

¹⁸ Ministry of Justice (2011), *Draft Defamation Bill: Summary of Responses to Consultation*, London: MoJ: https://consult.justice.gov.uk/digital-communications/draft_defamation_bill.

¹⁹ These are discussed in more detail in House of Commons Library Research Paper 12/49, *Defamation Bill Committee Stage Report* 31 August 2012: <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=RP12-49>.

Section 3: Honest opinion

This section replaces the common law defence of fair comment with a new defence of honest opinion.

The debate in the Committee concerned whether more clarity was needed over proving that a statement was malicious, rather than ‘honest opinion’.

Section 4: Publication on matter of public interest

This section creates a new defence to an action for defamation of publication on a matter of public interest.

The consultation on the draft Bill drew contrary views that on the one hand there should be greater protection for publications in the public interest and on the other that common law was sufficient and the proposals would reduce flexibility. This issue was seen in the Committee as a codification of current common law and there was some discussion as to whether all recent developments were covered by the proposed legislation. It was also suggested that what is meant by ‘public interest’ should be set out in the legislation, but it was concluded that the courts should decide.

Section 5: Operators of websites

This section creates a new defence for the operators of websites where a defamation action is brought against them in respect of a statement posted on the website.

The consultation on the draft Bill produced a range of responses, from greater protection for internet intermediaries to suggestions for the need to obtain a court order for the removal of defamatory material from a website, or no change in the law at all. While website operators were given a defence, it was debated in the Committee that a specific process should be set out that operators should follow, but this was suggested to be a matter for regulation. The power for courts to order the removal of alleged defamatory material was also opposed due to cost and the need for preliminary evidence to do so.

Section 6: Peer-reviewed statement in scientific or academic journal etc

This section creates a new defence of qualified privilege relating to peer-reviewed material in scientific or academic journals (whether published in electronic form or otherwise).

Section 7: Reports etc protected by privilege

This section amends the provisions contained in the 1996 Act relating to the defences of absolute and qualified privilege to extend the circumstances in which these defences can be used.

A minority of views in the consultation on the draft Bill suggested greater clarification was needed to Schedule 1 of the 1996 Act with regard to existing protections by

privilege. During the Committee Stage, there were additional reports that it was suggested should be named in the legislation, such as reports from press conferences, but it was contended these were covered by the proposed legislation.

Section 8: Single publication rule

This section introduces a single publication rule to prevent an action being brought in relation to publication of the same material by the same publisher after a one year limitation period from the date of the first publication of that material to the public or a section of the public.

It was questioned in the Committee why the single publication rule refers only to the original publisher and did not protect others. Also there was a question of what happens with a peer-reviewed or restricted publication statement that is then given open access. It was contended that extending the single publication rule to third parties would not adequately protect claimants and that dealing with a change of access level would be a matter for the courts.

Section 9: Action against a person not domiciled in the UK or a Member State etc

This section aims to address the issue of “libel tourism” (a term which is used to apply where cases with a tenuous link to England and Wales are brought in this jurisdiction).

Responses to the consultation on the draft Bill were divided, with some suggesting the provision be extended to all cases with a foreign element and others that ‘libel tourism’ would not be a problem. Proposals in the Committee of how to deal with a complaint that originated outside the UK through UK courts were rejected on the grounds they infringed the Brussels I regulation on the jurisdiction of courts²⁰. At Report Stage, it was debated how judgements could be enforced abroad, but there was no resolution for legislation, acknowledging the technical and practical limitations²¹.

Section 10: Action against a person who is not the author, editor etc

This section limits the circumstances in which an action for defamation can be brought against someone who is not the primary publisher of an allegedly defamatory statement.

A proposal in the Committee to remove website operators as secondary publishers on the grounds that they were already dealt with elsewhere in the Bill (Clause 5) was not sustained, as it would be for the courts to decide whether such publishers had taken reasonable steps to remove defamatory material.

²⁰ Brussels 1 is a European agreement on jurisdiction for taking a legal case:

http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/l33054_en.htm.

²¹ House of Lords Library Note LLN 2012/032, *Defamation Bill* 4 October 2012, p.3: <http://www.parliament.uk/briefing-papers/LLN-2012-032>.

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

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

Section 12: Power of court to order a summary of its judgement to be published

In summary disposal proceedings under section 8 of the 1996 Act the court has power to order an unsuccessful defendant to publish a summary of its judgment where the parties cannot agree the content of any correction or apology. The section gives the court power to order a summary of its judgment to be published in defamation proceedings more generally.

Responses to the consultation on the draft Bill were mixed on the subject of the publicising of court judgements in defamation cases, with some supporting the court being able to order publication of a summary of its judgement, some wanting to extend this to a power to order an apology and others being opposed on the grounds that such powers would undermine editorial independence.

Section 13: Order to remove statement or cease distribution etc

This section relates to situations where an author may not always be in a position to remove or prevent further dissemination of material which has been found to be defamatory.

Section 14: Actions for slander: special damage

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

Other debates that were not reflected in the Act as passed included the following.

Corporations – The consultation on the draft Bill drew suggestions that ranged from corporations being barred from bringing a defamation case, having a requirement for corporations to prove financial harm to no change in the law, as corporations had a right to protect their reputation. A new proposal in the Committee to provide for a curtailment of the capacity for large corporations to bring cases was defeated, as it was contended that it would be more difficult for a corporation to prove ‘serious harm’.

Mediation – A new proposal in the Committee for an obligation to submit to mediation before legal proceedings was considered a matter for regulation, not statute.

Strike-out procedure – A new proposal in the Committee to give the courts the power to strike out a case if it could not be proved that serious harm has been caused was brought forward, but it was challenged by the fact that the Government was developing an early resolution procedure.

Conditional Fee Agreements (CFAs)²² – The Report Stage included debate with regard to a proposal to exempt defamation cases from new provisions restricting the ability to claim ‘success fees’ from defendants²³. The Government contended that CFAs were not being removed, but reformed to rebalance the system between claimants and defendants.

Public authorities – A majority of responses to the consultation suggested putting the Derbyshire principle²⁴ (which prevents Government bodies, local authorities and political parties from bringing defamation claims) into statute, some wanting to add other public bodies, while others preferred to retain the flexibility of common law.

4 Defamation Laws Elsewhere

Defamation debates have also contrasted the relevant law in different countries. In general terms, some European countries, such as France and Italy, have had strong legal protections that have restricted press disclosures, whereas the First Amendment in the USA has afforded the press great freedom²⁵. This has led to different approaches to the issue in the UK and the USA²⁶.

Defamation law in Scotland has developed through Scottish common law, supplemented by statute through the 1952 and 1996 Acts²⁷, and more recently, a Legislative Consent Motion for Sections 6 and 7 of the Defamation Act 2013 to be brought into Scottish law²⁸.

Defamation law in the Republic of Ireland originated in English common law, but Irish precedents began to substantially replace English ones from the 19th Century onwards²⁹. The Defamation Act 1961³⁰ was similar in content to the 1952 Act in the UK, adding some detail to certain aspects of defamation, but leaving the common law

²² CFAs are not allowed in Northern Ireland – see Section 5 below.

²³ Section 44 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012:
<http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>.

²⁴ The Derbyshire principle is derived from *Derbyshire County Council v Times Newspapers Ltd* [1992] UKHL 6 (18 February 1993): <http://www.bailii.org/uk/cases/UKHL/1992/6.html>.

²⁵ Michael Hart (2011), ‘Striking a Balance: Defining the Right of Privacy’ in *Chambers Magazine* 34:
<http://www.chambersmagazine.co.uk/Article/Striking-a-balance-Defining-the-right-of-privacy>.

²⁶ Paul Tweed (2012), *Privacy and Libel Law*, Haywards Heath: Bloomsbury Professional, pp.1-8.

²⁷ The Scottish Government (2011), *Death of a Good Name - Defamation and the Deceased: A Consultation Paper*, Chapter 2:
<http://www.scotland.gov.uk/Publications/2011/01/11092246/4>.

²⁸ Scottish Government (2012), Legislative Consent Memorandum – Defamation Bill, June 2012:
<http://www.scottish.parliament.uk/LegislativeConsentMemoranda/DefamationBill-lcm.pdf>.

²⁹ Marc McDonald (1989), *Irish Law of Defamation*, Blackrock: Round Hall Press, p.2.

³⁰ Defamation Act 1961:
http://www.taoiseach.gov.ie/eng/Historical_Information/About_the_Constitution,_Flag,_Anthem_Harp/Constitution_of_Ireland_August_2012.pdf.

untouched³¹. This was followed by the Defamation Act 2009³², which was intended to³³:

revise in part the law on defamation and to replace the Defamation Act 1961 with modern updated provisions taking into account the jurisprudence of our courts and the European Court of Human Rights.

A brief summary of the features of Irish defamation law is as follows³⁴:

- Slander and libel were merged by the 2009 Act into a single definition of defamation, which has been shortened to “a statement that tends to injure a person’s reputation in the eyes of reasonable members of society”
- Proceedings should be commenced within one year of publication
- Actions are normally heard before a judge and jury in the high court, where there are no limits for geography or claim
- There is no need to demonstrate financial loss
- The 2009 Act removed the rule that claims could not survive the death of the plaintiff
- The 2009 Act replaced the defences of ‘fair comment’ with ‘honest opinion’ and ‘justification’ with ‘truth’, expanded a defence where there is an offer of amends and created defence of ‘fair and reasonable publication’
- Absolute privilege is guaranteed in the Constitution, but qualified privilege is set out in Schedule 1 of the 2009 Act
- There is no statutory cap on damages, but the quantum of damages can be appealed to the Supreme Court
- Injunctions are available in appropriate cases, but are granted sparingly
- Some new remedies were introduced by the 2009 Act, such as a declaratory order
- Publishers can refer to participation in the Press Council and compliance with the Code of Practice as a defence

³¹ Daithí Mac Síthigh (2010), ‘Republic of Ireland’ in Alastair Mullis and Cameron Doley (eds), *Carter-Ruck on Libel and Privacy*, London: Lexis Nexus, p.1301.

³² Defamation Act 2009: <http://www.irishstatutebook.ie/2009/en/act/pub/0031/>.

³³ Explanatory Memorandum to the Defamation Act 2009: <http://www.justice.ie/en/JELR/Explanatory%20Memo%20to%20Defamation%20Bill.pdf/Files/Explanatory%20Memo%20to%20Defamation%20Bill.pdf>.

³⁴ Daithí Mac Síthigh (2010), ‘Republic of Ireland’ in Alastair Mullis and Cameron Doley (eds), *Carter-Ruck on Libel and Privacy*, London: Lexis Nexus, pp.1302-5.

- Article 40.6 of the Irish Constitution guarantees freedom of expression, but this is balanced with the obligation in Article 40.3 to protect from unjust attack the “life, person, good name and property rights of every citizen”
- Irish courts are required to apply the Constitution and must interpret common law in accordance with the European Convention on Human Rights
- The 2009 Act clarified EU law on electronic commerce relevant to online defamation, but without specific reference to communication systems
- The 2009 Act provided that only one action could be brought in respect of multiple publications (single publication rule)
- The 2009 Act abolished the offence of ‘criminal libel’
- The law of privacy is not well developed in Ireland and a Privacy Bill introduced in 2006 has not proceeded

It is not within the scope of this paper to compare the law on defamation in the various jurisdictions.

5 Defamation Legislation in Northern Ireland

The Defamation Act 1952 did not extend to Northern Ireland³⁵. Instead, the Defamation Act (Northern Ireland) 1955³⁶ generally introduced the provisions of the 1952 Act to this jurisdiction³⁷. The provisions of the Defamation Act 1996 mostly extended to Northern Ireland³⁸.

A substantial difference between the law in Northern Ireland and that of England and Wales is the existence of Conditional Fee Agreements (CFAs) as these are not available in Northern Ireland. Conditional Fee Agreements were provided for in Northern Ireland through Article 38 of the Access to Justice (Northern Ireland) Order 2003³⁹, but this provision has not yet been brought into force. The Access to Justice Review in 2011 recommended the commencement of Article 38⁴⁰ and the Department of Justice is currently consulting on the introduction of CFAs⁴¹.

³⁵ Defamation Act 1952, Section 18(2).

³⁶ Defamation Act (Northern Ireland) 1955: <http://www.legislation.gov.uk/apni/1955/11/contents>.

³⁷ Peter Carter-Ruck, Richard Walker and Harvey Starte (1992), *Carter-Ruck on Libel and Slander*, London: Butterworths, p.360.

³⁸ Defamation Act 1996, Section 18(3).

³⁹ Access to Justice (Northern Ireland) Order 2003: <http://www.legislation.gov.uk/nisi/2003/435/contents>.

⁴⁰ Access to Justice Review Team (2011), *Access to Justice Review Northern Ireland – The Report*, p.147:

http://www.ico.org.uk/about_us/consultations/~media/documents/consultation_responses/Access_to_Justice_Review_FINAL_REPORT.ashx.

⁴¹ Department of Justice (2013), *Consultation Document: Alternative Methods of Funding Money Damages Claims*, Belfast: DoJ: <http://www.dojni.gov.uk/index/public-consultations/current-consultations/consultation-on-alternative-methods-of-funding-money-damages.pdf>.

In the answer to an Assembly Question, the Minister for Finance and Personnel explained the situation with regard to the extension of the Defamation Bill to Northern Ireland as follows⁴²:

The origins of the Defamation Bill are to be found in a coalition promise to review the law on defamation in England and Wales. The extensive consultation was confined to that jurisdiction and the provisions in the Bill have obviously been developed against the backdrop of the civil justice system of England and Wales. My Department considered the extension of Clause 7 of the Bill (statutory privilege), which could have been applied in the Northern Ireland context. However, it was unable to secure an Executive decision within the required timescale and a legislative consent motion in respect of that Clause was not, therefore, pursued.

There are no plans to review the law of defamation in Northern Ireland. However, my Department will continue to monitor developments in other jurisdictions.

In terms of the impact of not extending the Bill to Northern Ireland, the Minister replied⁴³:

The Scottish Government has agreed to extend a very limited number of provisions in the Defamation Bill to Scotland and those provisions essentially deal with statements or reports which arise in the scientific or academic field. It is not the case, therefore, that Northern Ireland is out of step with the rest of the UK. Each of the constituent jurisdictions has, and will continue to have, its own laws.

The challenges which are presented at a cross-jurisdictional level, either at a national or international level, are by no means new. However, over the years our justice systems have developed ways of addressing those challenges.

Our law of defamation is largely covered by the common law, rather than statute, and it could be argued that the flexibility which the common law offers is an advantage in that it allows the law to be quickly adapted or developed to address new issues, including any issues which may arise on foot of the proposed changes to the law in England and Wales.

It is not possible to predict the extent to which the reliance on common law might change were the Defamation Act to be introduced in Northern Ireland and it is too soon to assess its impact in England and Wales. Appendix 1 summarises a comparison between the provisions of the Defamation Act 2013 and current defamation law in Northern Ireland.

⁴² AQW 21041/11-15 answered 28 March 2013.

⁴³ AQW 21117/11-15 answered on 27 March 2013.

Appendix 1: Comparative Table of the Substantive Provisions of the Defamation Act 2013

Section	Defamation Act 2013	Northern Ireland Provision	Comment
1	Requirement of serious harm	None	Derived from case law judgements requiring a 'threshold of seriousness'
2	Truth	Section 5 of the 1955 Act	Replaces a defence of 'justification' with 'truth'
3	Honest opinion	Section 6 of the 1955 Act	Replaces a defence of 'fair comment' with 'honest opinion', which does not require every fact in a statement to be true
4	Publication on a matter of public interest	None	Derived from case law; codifies common law in this area and abolishes the 'Reynolds defence'
5	Operators of websites	None	Gives website operators a defence, unless malice or a failure to remove defamatory material following complaint is proven
6	Peer-reviewed statement	None	Creates a defence where a matter is of an academic or scientific nature and was peer-reviewed, provided malice is not proven

7	Report protected by privilege	Sections 15 and 15 and Schedule 1 of the 1996 Act	Extends protection of fair and accurate reporting of certain proceedings, provided malice is not proven
8	Single publication rule	None	Replaces the principle that each publication of defamatory material gives rise to a separate cause of action
9	Jurisdiction	None	Cases must be brought in the most appropriate jurisdiction, to prevent 'libel tourism'
10	Action against a person who is not the author	None	Cases must be brought against the originator of defamatory material, where possible
11	Trial by jury	Order 33 and Order 82 of The Rules of the Court of Judicature (NI) 1980	The presumption in favour of jury trial is removed
12	Summary of court judgement	Section 8 of the 1996 Act	Extends the publication of defamation proceedings more generally
13	Removal of statements	None	A court may order the removal of defamatory material

14	Slander of women	Slander of Women Act 1891	Removes the special provision where damage does not have to be proven in cases of slander relating to a woman's chastity or adultery
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Appendix 2: Glossary⁴⁴

Brussels 1 Regulation	Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
Civil law*	Private law, as opposed to criminal law
Codification*	Consolidation of law in statute
Common law*	Body of law based on judges' decisions
Conditional Fee Agreements (CFAs)	Arrangements where fees for legal representation are conditional on outcome, such as 'no win no fee'
Derbyshire Principle	Derived from the House of Lords judgement of <i>Derbyshire County Council v Times Newspapers Ltd</i> (1993), which established the principle that certain public authorities could not bring a defamation case
Libel tourism	Where claimants seek the legal system most conducive to a positive outcome for their case
Reynolds defence	Derived from the House of Lords judgement of <i>Reynolds v Times Newspapers</i> (1999), which established a defence to publish material that is in the public interest, even if it turns out to be incorrect
Secondary publisher	Publishers that are not the original author of a statement

⁴⁴ Definitions of legal terms (marked with *) are taken from Bryan Garner (2011), *Garner's Dictionary of Legal Usage*, Oxford: Oxford University Press.

Single publication rule	In the event of multiple publication of the same material, a case may only be brought in respect of one instance
Statute law*	Legislative acts that the state gives the force of law