



# Defamation Act 1996

## 1996 CHAPTER 31

### *Limitation*

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

- (1) The <sup>M1</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—

“(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—

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

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*“ 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
  - (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

M1 1980 c. 58.

## 6 Limitation of actions: Northern Ireland.

- (1) The <sup>M2</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,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

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- (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.

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**Marginal Citations**

**M2** [S.I. 1989/1339 \(N.I. 11\)](#).

**Changes to legislation:**

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