



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

8 Defamation actions.

- (1) This section applies to any action for libel or slander begun after the commencement of this Act by a rehabilitated person and founded upon the publication of any matter imputing that the plaintiff has committed or been charged with or prosecuted for or convicted of or sentenced for an offence which was the subject of a spent conviction.
- (2) Nothing in section 4(1) above shall affect an action to which this section applies where the publication complained of took place before the conviction in question became spent, and the following provisions of this section shall not apply in any such case.
- (3) Subject to subsections (5) and (6) below, nothing in section 4(1) above shall prevent the defendant in an action to which this section applies from relying on any defence [^{F1}of justification or fair comment or] [^{F1}under section 2 or 3 of the Defamation Act 2013 which is available to him or any defence] of absolute or qualified privilege which is available to him, or restrict the matters he may establish in support of any such defence.
- (4) Without prejudice to the generality of subsection (3) above, where in any such action malice is alleged against a defendant who is relying on a defence of qualified privilege, nothing in section 4(1) above shall restrict the matters he may establish in rebuttal of the allegation.
- (5) A defendant in any such action shall not by virtue of subsection (3) above be entitled to rely upon [^{F2}the defence of justification] [^{F2}a defence under section 2 of the Defamation Act 2013] if the publication is proved to have been made with malice.
- (6) Subject to subsection (7) below a defendant in any such action shall not, by virtue of subsection (3) above, be entitled to rely on any matter or adduce or require any evidence for the purpose of establishing (whether under [^{F3}section 14 of the Defamation Act 1996] or otherwise) the defence that the matter published constituted a fair and accurate report of judicial proceedings if it is proved that the publication contained a reference to evidence which was ruled to be inadmissible in the proceedings by virtue of section 4(1) above.

Status: Point in time view as at 10/03/2014. This version of this provision has been superseded.

Changes to legislation: Rehabilitation of Offenders Act 1974, Section 8 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(7) Subsection (3) above shall apply without the qualifications imposed by subsection (6) above in relation to—

- (a) any report of judicial proceedings contained in any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, and
- (b) any report or account of judicial proceedings published for bona fide educational, scientific or professional purposes, or given in the course of any lecture, class or discussion given or held for any of those purposes.

[^{F4}(8) In the application of this section to Scotland—

- (a) for the reference in subsection (1) to libel and slander there shall be substituted a reference to defamation;
- (b) for references to the plaintiff and the defendant there shall be substituted respectively references to the pursuer and the defender; and
- (c) for references to the defence of justification there shall be substituted references to the defence of veritas.]

Textual Amendments

- F1** Words in s. 8(3) substituted (E.W.) (1.1.2014) by [Defamation Act 2013 \(c. 26\)](#), **ss. 16(2)**, 17(4); S.I. 2013/3027, [art. 2](#)
- F2** Words in s. 8(5) substituted (E.W.) (1.1.2014) by [Defamation Act 2013 \(c. 26\)](#), **ss. 16(3)**, 17(4); S.I. 2013/3027, [art. 2](#)
- F3** Words in s. 8(6) substituted (1.4.1999) by [1996 c. 31](#), **ss. 14(4)**, 19(3) (with s. 20(2)); S.I. 1999/817, [art. 2\(a\)](#)
- F4** S. 8(8) omitted (E.W.) (10.3.2014) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 25 para. 7** (with s. 141(1)-(6)); S.I. 2014/423, [art. 2\(c\)](#) (with [art. 3](#))

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