



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART VII

#### PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

##### *Defamation*

#### **166 Defamatory material**

- (1) For the purposes of the law of libel and slander (including the law of criminal libel so far as it relates to the publication of defamatory matter) the publication of words in the course of any programme included in a programme service shall be treated as publication in permanent form.
- (2) Subsection (1) above shall apply for the purposes of section 3 of each of the Defamation Acts (slander of title etc.) as it applies for the purposes of the law of libel and slander.
- (3) Section 7 of each of those Acts (qualified privilege of newspapers) shall apply in relation to—
  - (a) reports or matters included in a programme service, and
  - (b) any inclusion in such a service of any such report or matter,as it applies in relation to reports and matters published in a newspaper and to publication in a newspaper; and subsection (2) of that section shall have effect, in relation to any such inclusion, as if for the words “in the newspaper in which” there were substituted the words “in the programme service in which”.
- (4) In this section “the Defamation Acts” means the Defamation Act 1952 and the Defamation Act (Northern Ireland) 1955.
- (5) Subsections (1) and (2) above do not extend to Scotland.