



# Defamation Act 1996

## 1996 CHAPTER 31

### *Statutory privilege*

#### **14 Reports of court proceedings absolutely privileged**

- (1) A fair and accurate report of proceedings in public before a court to which this section applies, if published contemporaneously with the proceedings, is absolutely privileged.
- (2) A report of proceedings which by an order of the court, or as a consequence of any statutory provision, is required to be postponed shall be treated as published contemporaneously if it is published as soon as practicable after publication is permitted.
- (3) This section applies to—
  - (a) any court in the United Kingdom,
  - (b) the European Court of Justice or any court attached to that court,
  - (c) the European Court of Human Rights, and
  - (d) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which the United Kingdom is a party.

In paragraph (a) “court” includes any tribunal or body exercising the judicial power of the State.

- (4) In section 8(6) of the Rehabilitation of Offenders Act 1974 and in Article 9(6) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (defamation actions: reports of court proceedings), for “section 3 of the Law of Libel Amendment Act 1888” substitute “section 14 of the Defamation Act 1996”.

#### **15 Reports, &c. protected by qualified privilege**

- (1) The publication of any report or other statement mentioned in Schedule 1 to this Act is privileged unless the publication is shown to be made with malice, subject as follows.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In defamation proceedings in respect of the publication of a report or other statement mentioned in Part II of that Schedule, there is no defence under this section if the plaintiff shows that the defendant—
- (a) was requested by him to publish in a suitable manner a reasonable letter or statement by way of explanation or contradiction, and
  - (b) refused or neglected to do so.

For this purpose “in a suitable manner” means in the same manner as the publication complained of or in a manner that is adequate and reasonable in the circumstances.

- (3) This section does not apply to the publication to the public, or a section of the public, of matter which is not of public concern and the publication of which is not for the public benefit.
- (4) Nothing in this section shall be construed—
- (a) as protecting the publication of matter the publication of which is prohibited by law, or
  - (b) as limiting or abridging any privilege subsisting apart from this section.