Defamation Act 1996

1996 CHAPTER 31

Evidence of convictions

12 Evidence of convictions.

(1) In section 13 of the [M1]Civil Evidence Act 1968 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for "a person" substitute " the plaintiff " and for "that person" substitute " he "; and after subsection (2) insert—

"(2A) In the case of an action for libel or slander in which there is more than one plaintiff—

(a) the references in subsections (1) and (2) above to the plaintiff shall be construed as references to any of the plaintiffs, and

(b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.".

The amendments made by this subsection apply only where the trial of the action begins after this section comes into force.

(2) In section 12 of the [M2]Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for "a person" substitute " the pursuer " and for "that person" substitute " he "; and after subsection (2) insert—

"(2A) In the case of an action for defamation in which there is more than one pursuer—

(a) the references in subsections (1) and (2) above to the pursuer shall be construed as references to any of the pursuers, and

(b) proof that any of the pursuers stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other pursuer.".

The amendments made by this subsection apply only for the purposes of an action begun after this section comes into force, whenever the cause of action arose.

(3) In section 9 of the [M3]Civil Evidence Act (Northern Ireland) 1971 (conclusiveness of convictions for purposes of defamation actions), in subsections (1) and (2) for "a person" substitute " the plaintiff " and for "that person" substitute " he "; and after subsection (2) insert—

"(2A) In the case of an action for libel or slander in which there is more than one plaintiff—

(a) the references in subsections (1) and (2) to the plaintiff shall be construed as references to any of the plaintiffs, and

(b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.".

The amendments made by this subsection apply only where the trial of the action begins after this section comes into force.

Extent Information

E1 S. 12(1) extends to England and Wales; s. 12(2) extends to Scotland; s. 12(3) extends to Northern Ireland see s. 18(1)(2)(3).

Marginal Citations

M1 1968 c. 64.

M2 1968 c. 70.

M3 1971 c. 36 (N.I.).

Changes to legislation:
There are currently no known outstanding effects for the Defamation Act 1996, Section 12.