

Defamation Act 2013

2013 CHAPTER 26

Defences

7 Reports etc protected by privilege

(1) For subsection (3) of section 14 of the Defamation Act 1996 (reports of court proceedings absolutely privileged) substitute—

“(3) This section applies to—

- (a) any court in the United Kingdom;
- (b) any court established under the law of a country or territory outside the United Kingdom;
- (c) any international court or tribunal established by the Security Council of the United Nations or by an international agreement;

and in paragraphs (a) and (b) “court” includes any tribunal or body exercising the judicial power of the State.”

(2) In subsection (3) of section 15 of that Act (qualified privilege) for “public concern” substitute “public interest”.

(3) Schedule 1 to that Act (qualified privilege) is amended as follows.

(4) For paragraphs 9 and 10 substitute—

“9 (1) A fair and accurate copy of, extract from or summary of a notice or other matter issued for the information of the public by or on behalf of—

- (a) a legislature or government anywhere in the world;
- (b) an authority anywhere in the world performing governmental functions;
- (c) an international organisation or international conference.

(2) In this paragraph “governmental functions” includes police functions.

10 A fair and accurate copy of, extract from or summary of a document made available by a court anywhere in the world, or by a judge or officer of such a court.”

Status: This is the original version (as it was originally enacted).

(5) After paragraph 11 insert—

“11A A fair and accurate report of proceedings at a press conference held anywhere in the world for the discussion of a matter of public interest.”

(6) In paragraph 12 (report of proceedings at public meetings)—

- (a) in sub-paragraph (1) for “in a member State” substitute “anywhere in the world”;
- (b) in sub-paragraph (2) for “public concern” substitute “public interest”.

(7) In paragraph 13 (report of proceedings at meetings of public company)—

- (a) in sub-paragraph (1), for “UK public company” substitute “listed company”;
- (b) for sub-paragraphs (2) to (5) substitute—

“(2) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company—

- (a) by or with the authority of the board of directors of the company,
- (b) by the auditors of the company, or
- (c) by any member of the company in pursuance of a right conferred by any statutory provision.

(3) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company which relates to the appointment, resignation, retirement or dismissal of directors of the company or its auditors.

(4) In this paragraph “listed company” has the same meaning as in Part 12 of the Corporation Tax Act 2009 (see section 1005 of that Act).”

(8) In paragraph 14 (report of finding or decision of certain kinds of associations) in the words before paragraph (a), for “in the United Kingdom or another member State” substitute “anywhere in the world”.

(9) After paragraph 14 insert—

“14A A fair and accurate—

- (a) report of proceedings of a scientific or academic conference held anywhere in the world, or
- (b) copy of, extract from or summary of matter published by such a conference.”

(10) For paragraph 15 (report of statements etc by a person designated by the Lord Chancellor for the purposes of the paragraph) substitute—

“15 (1) A fair and accurate report or summary of, copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph by order of the Lord Chancellor.

(2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(11) For paragraphs 16 and 17 (general provision) substitute—

- “16 In this Schedule—
- “court” includes—
- (a) any tribunal or body established under the law of any country or territory exercising the judicial power of the State;
 - (b) any international tribunal established by the Security Council of the United Nations or by an international agreement;
 - (c) any international tribunal deciding matters in dispute between States;
- “international conference” means a conference attended by representatives of two or more governments;
- “international organisation” means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation;
- “legislature” includes a local legislature; and
- “member State” includes any European dependent territory of a member State.”