

Joint Committee on the Draft Defamation Bill Press Notice

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Committee welcomes reforms to defamation law but urges the Government to go further

The Joint Committee on the Draft Defamation Bill today (Wednesday 19 October) publishes its report on defamation law and welcomes many of the reforms proposed in the draft Bill.

Chairman, Rt Hon. Lord Mawhinney said: “Defamation proceedings are far too expensive, which is a barrier to all but the richest. Our recommendations should help minimise the reliance on expensive lawyers and the courts, bringing defamation action into the reach of ordinary people who find themselves needing to protect their reputation or defend their right to freedom of speech. They are based upon firm principles, which I am sure the Government will support.”

The unanimously-agreed report proposes many detailed amendments to the defences available against libel claims, mainly designed to strike a fairer balance between the protection of reputation and freedom of speech. For example, greater protection is proposed for scientists and academics writing in peer-reviewed articles and for publishers in reporting on their debates at conferences.

The report argues that the Government’s proposals do not do enough to address the key problems in defamation law – the “unacceptably” high costs which make access to justice difficult for many. The Committee proposes a series of reforms aimed at ensuring that disputes are generally resolved rapidly by mediation or arbitration, rather than via the courts.

As well as making recommendations for legislative change, the Committee seeks far stronger and more urgent action by judges to manage cases efficiently.

An essential step in encouraging early resolution of disputes is the abolition of jury trials in defamation actions, in all but exceptional cases. Judges will then be required to take key decisions affecting the outcome of the case at an early stage, before massive legal costs are incurred.

The Committee proposes to ensure that trivial cases are weeded out at an early stage by introducing a stricter test for determining whether a case is serious enough to go to court.

The Committee argues that the law has not kept pace with the development of modern communication culture. It outlines a new notice and take-down procedure for the internet, designed to provide a quick and easy remedy for those defamed online and better protection to online publishers. Internet hosts gain the protection of the law provided they act responsibly by following the new procedure. Any anonymous postings must be taken down upon complaint, unless authors are prepared to identify themselves or there is an overriding public interest in publication. The Committee recommends changing the law to promote cultural change so that, over time, the credibility of anonymous postings – and the damage that they can cause – is limited.

Furthermore, the Committee recommends changes to make it more difficult for companies to use their financial muscle and the threat of court action to silence critics. Before bringing a claim, companies would have to obtain the permission of the courts by demonstrating an arguable case that it has suffered “substantial financial harm”.

ENDS

NOTES FOR EDITORS:

1. Rt Hon. Lord Mawhinney is available for interview - please contact the Media Officer on the number provided below.
2. This report can be accessed via the internet from 00.01 am on the day of publication.

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[Sir Peter Bottomley MP](#) (Conservative)

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[Dr Julian Huppert MP](#) (Liberal Democrat)

[Rt Hon David Lammy MP](#) (Labour)

[Lord Bew](#) (Crossbench)

[Lord Grade of Yarmouth CBE](#) (Conservative)

[Baroness Hayter of Kentish Town](#) (Labour)

[Lord Marks of Henley-on-Thames QC](#) (Liberal Democrat)

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