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**Libel**

**Richard Sharpe**

**Contentetc**  
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**My credentials**

- Co-founder and director of ContentETC: trained thousands of journalists and publishers, even lawyers, in media law
- Senior Lecturer at the University of East London: teach media law; and
- Adjunct Professor at the University of Southern California: teach media law to Americans
- My real ones...

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**Real credentials**

- Lost ££££ for my publishers by libelling people and companies
- Sir Ernest Harrison
- “Programming Colleges”
- Atlantic Leasing and John Foulston

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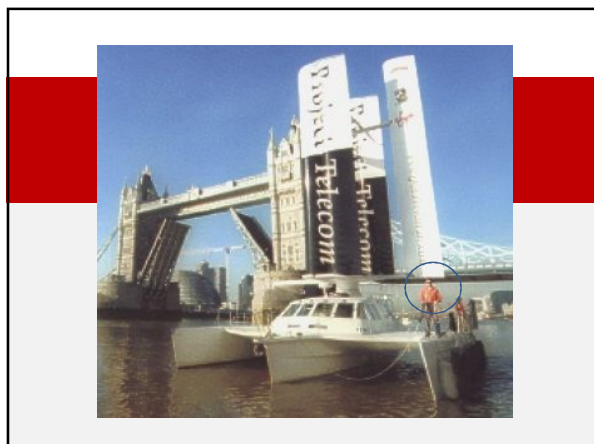
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**What we have now**

- The first statute reform in principle of libel since 1840s
- A reaction to a string of libel cases trying to solve the issues of:
  - Libel tourism
  - Attacks on scientific papers in peer-reviewed publications
  - Actions for libel with no apparent damage done
  - The courts “making up” new defences: Reynolds

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**Out with the old**

- The defence of justification;
- The Reynolds defence;
- The defence of fair comment to be replaced by honest comment

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**In comes**

- The need for **the claimant to prove the statement caused serious harm** or is likely to cause serious harm;
- The need for a profit-making operation to **prove the statement caused serious financial loss** or is likely to cause serious financial loss;
- The need for the claimant who is not domiciled here to **prove the courts here are the right place to take the action**;
- A single publication rule: the **limitation of 1 year applies to the first publication** of the statement complained of, not subsequent publications of it; and
- A **defence of "truth"**; the statement is "substantially true"
- A defence that the statement is **in the public interest**; and
- A defence that the statement is **in a peer-reviewed scientific or academic journal**.

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**The overall picture: the claimant**

- The claimant must prove:  
The statement was published
  - What it means;
    - The old conflict
  - It was sufficiently published;
  - They were identified;
  - It is defamatory of them; and
  - They were seriously damaged or are likely to be seriously damaged or, if trading for a profit, were caused serious financial harm.

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**The defences**

- The defences are:
  - It is substantially true;
  - It is an honestly held opinion;
  - It is of a matter of public interest;
  - It is in a peer-reviewed journal;
  - It is a review; and
  - It is a privileged statement because it is the report of a court action etc.

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### To be decided by the courts, or rather the judges

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- What do these words mean:
  - “substantially true”
  - “reasonable belief”
  - “clearly the most appropriate place”

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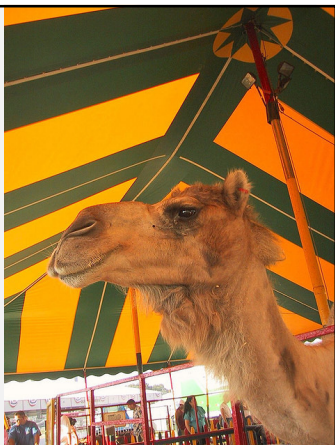
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The caravan of libel tourism will move on to Belfast and Dublin



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