

Student Media Guidance

Defamation, libel and slander

The law of defamation allows organisations, businesses and individuals to sue for damages to their reputation by the publication of false, misleading or untrue statements. Defamation can occur in various forms and organisations or individuals can sue provided the material can reasonably be understood as referencing them. Changes came into force through the Defamation Act 2013 which Student Media needs to be aware of.

Defamatory statements must be avoided to prevent libel suits; however, the onus is on the claimant to prove the statement had already, or was likely to, cause damage to their reputation. This is known as the serious harm test. For businesses, they are only able to sue for libel if they can prove the statements made have caused a financial loss.

What is libel?

Libel is a written defamation by the publication of a false statement which damages a person's reputation.

What is slander?

Slander is a verbal defamation. It is the action of making a false statement which damages a person's reputation.

Defences

The Defamation Act 2013 has amended legislation to provide defences for defamation. The main defences include:

1. The simplest defence is proving that the statement made is true; however, burden of proof is on the defendant. All published claims must be backed up by facts and evidence.
2. Honest opinion refers to a statement that was wholly the opinion of the content creator. This defence protects opinion and review content; however, the creator must be able to prove that the statement was truly their opinion. When writing or broadcasting content, it is imperative to clarify opinions mentioned are of the content-creator and do not reflect those of QMUL, QMSU or the Group.
3. Publication of the statement was in the public interest. Therefore, the statement should be based on the welfare or well-being of the public.

Defences of the Defamation Act 2013 also include privilege and qualified privilege. These are unlikely to be used but are detailed below:

1. Absolute privilege refers to the ability to report whatever is said even if defamatory; situations which are privileged are a courtroom.
2. Qualified privilege covers public meetings, parliament and press conferences. A journalist may report whatever is said but it is conditional. An example of one of these conditions would be the journalist offers the person in question the right to reply.

Checklist

