

New defamation laws

The Defamation Act 2009, signed into law on 23 July 2009, has abolished the separate torts of slander and libel, replacing them with "the tort of defamation", defined as "the publication, by any means, of a defamatory statement concerning a person to one or more than one person". The Act provides that defamation is actionable in itself without needing to prove special damages. The Act also created a new defence to an allegation of defamation, namely "fair and reasonable publication on a matter of public interest". This defence has been welcomed by media outlets, who have long campaigned for reform of the libel laws. Significantly, the new Act also allows judges to guide juries on the amount of

damages that may be awarded. A person who believes themselves to have been defamed can now seek a Declaratory Order from the Court that a statement was false and defamatory. This is a fast track procedure which can be heard by a sitting judge alone. The plaintiff must have sought and been refused a retraction/correction/apology by the defendant. Plaintiffs seeking a Declaratory Order are not entitled to damages as the order itself is considered remedy enough. For the first time in Irish Law, Section 12 of the Act allows a company to bring a defamation action whether or not it has incurred a financial loss as a result of the alleged defamation. We wait with interest to see how actions of this type will be received.