



2022 CHAPTER 30

Defences

Honest opinion

2.—(1) It is a defence to an action for defamation for the defendant to show that the following conditions are met.

(2) The first condition is that the statement complained of was a statement of opinion.

(3) The second condition is that the statement complained of indicated, whether in general or specific terms, the basis of the opinion.

(4) The third condition is that an honest person could have held the opinion on the basis of—

- (a) any fact which existed at the time the statement complained of was published;
- (b) anything asserted to be a fact in a privileged statement published before, or at the same time as, the statement complained of.

(5) The defence is defeated if the plaintiff shows that the defendant did not hold the opinion.

(6) Subsection (5) does not apply in a case where the statement complained of was published by the defendant but made by another person (“the author”); and in such a case the defence is defeated if the plaintiff shows that the defendant knew or ought to have known that the author did not hold the opinion.

(7) For the purposes of subsection (4)(b) a statement is a “privileged statement” if the person responsible for its publication would have one or more of the following defences if an action for defamation were brought in respect of it—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) a defence under section 3 (publication on matter of public interest);
 - (b) a defence under section 4 (peer-reviewed statement in scientific or academic journal);
 - (c) a defence under section 14 of the Defamation Act 1996 (reports of court proceedings absolutely privileged);
 - (d) a defence under section 15 of that Act (other reports protected by qualified privilege).
- (8) The common law defence of fair comment is abolished and, accordingly, section 6 of the Defamation Act (Northern Ireland) 1955 (fair comment) is repealed.