
STATUTORY INSTRUMENTS

1978 No. 1908

Rehabilitation of Offenders (Northern Ireland) Order 1978

Defamation actions

9.—(1) This Article applies to any action for libel or slander begun after the commencement of this Article by a rehabilitated person and founded upon the publication of any matter imputing that the plaintiff has committed or been charged with or prosecuted for or convicted of or sentenced for an offence which was the subject of a spent conviction.

(2) Nothing in Article 5(1) shall affect an action to which this Article applies where the publication complained of took place before the conviction in question became spent, and the following provisions of this Article shall not apply in any such case.

(3) Subject to paragraphs (5) and (6), nothing in Article 5(1) shall prevent the defendant in an action to which this Article applies from relying on any defence [^{F1}under section 1 or 2 of the Defamation Act (Northern Ireland) 2022 which is available to him or any defence] or of absolute or qualified privilege which is available to him, or restrict the matters he may establish in support of any such defence.

(4) Without prejudice to the generality of paragraph (3), where in any such action malice is alleged against a defendant who is relying on a defence of qualified privilege, nothing in Article 5(1) shall restrict the matters he may establish in rebuttal of the allegation.

(5) A defendant in any such action shall not by virtue of paragraph (3) be entitled to rely upon [^{F2}a defence under section 1 of the Defamation Act (Northern Ireland) 2022] if the publication is proved to have been made with malice.

(6) Subject to paragraph (7) a defendant in any such action shall not, by virtue of paragraph (3), be entitled to rely on any matter or adduce or require any evidence for the purpose of establishing (whether under [^{F3} section 14 of the Defamation Act 1996] or otherwise) the defence that the matter published constituted a fair and accurate report of judicial proceedings if it is proved that the publication contained a reference to evidence which was ruled to be inadmissible in the proceedings by virtue of Article 5(1).

(7) Paragraph (3) shall apply without the qualifications imposed by paragraph (6) in relation to—

- (a) any report of judicial proceedings contained in any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, and
- (b) any report or account of judicial proceedings published for bona fide educational, scientific or professional purposes, or given in the course of any lecture, class or discussion given or held for any of those purposes.

F1 Words in art. 9(3) substituted (7.6.2022) by [Defamation Act \(Northern Ireland\) 2022 \(c. 30\), ss. 13\(2\), 14](#) (with [reg. 13\(1\)](#))

F2 Words in art. 9(5) substituted (7.6.2022) by [Defamation Act \(Northern Ireland\) 2022 \(c. 30\), ss. 13\(3\), 14](#) (with [reg. 13\(1\)](#))

F3 1996 c. 31

Changes to legislation:

Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 46 s.14](#)
- Act amended by [1996 c. 46 s.14](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.4(2)-(4) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.4(2)-(4) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.7(7) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.7(7) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)