

*Status: Point in time view as at 06/05/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Defamation Act 1996, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 15.

#### QUALIFIED PRIVILEGE

##### Modifications etc. (not altering text)

**C1** Sch. 1 extended (1.12.1998) by 1998 c. 38, s. 77(4)(a) (with ss. 139(2), 143(2)); S.I. 1998/2789, art. 2

#### PART I

##### STATEMENTS HAVING QUALIFIED PRIVILEGE WITHOUT EXPLANATION OR CONTRADICTION

- 1 A fair and accurate report of proceedings in public of a legislature anywhere in the world.
- 2 A fair and accurate report of proceedings in public before a court anywhere in the world.
- 3 A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a government or legislature anywhere in the world.
- 4 A fair and accurate report of proceedings in public anywhere in the world of an international organisation or an international conference.
- 5 A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.
- 6 A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.
- 7 A fair and accurate copy of or extract from matter published by or on the authority of a government or legislature anywhere in the world.
- 8 A fair and accurate copy of or extract from matter published anywhere in the world by an international organisation or an international conference.

#### PART II

##### STATEMENTS PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION

- 9 (1) A fair and accurate copy of or extract from a notice or other matter issued for the information of the public by or on behalf of—
  - (a) a legislature in any member State or the European Parliament;
  - (b) the government of any member State, or any authority performing governmental functions in any member State or part of a member State, or the European Commission;
  - (c) an international organisation or international conference.

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- (2) In this paragraph “governmental functions” includes police functions.
- 10 A fair and accurate copy of or extract from a document made available by a court in any member State or the European Court of Justice (or any court attached to that court), or by a judge or officer of any such court.
- 11 (1) A fair and accurate report of proceedings at any public meeting or sitting in the United Kingdom of—
- (a) a local authority [<sup>F1</sup>or local authority committee];
  - [<sup>F3</sup>(aa) in the case of a local authority which are operating executive arrangements, the executive of that authority or a committee of that executive;]
  - (b) a justice or justices of the peace acting otherwise than as a court exercising judicial authority;
  - (c) a commission, tribunal, committee or person appointed for the purposes of any inquiry by any statutory provision, by Her Majesty or by a Minister of the Crown [<sup>F4</sup>a member of the Scottish Executive]or a Northern Ireland Department;
  - (d) a person appointed by a local authority to hold a local inquiry in pursuance of any statutory provision;
  - (e) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any statutory provision.
- [<sup>F5</sup>(1A) In the case of a local authority which are operating executive arrangements, a fair and accurate record of any decision made by any member of the executive where that record is required to be made and available for public inspection by virtue of section 22 of the Local Government Act 2000 or of any provision in regulations made under that section.]
- (2) [<sup>F6</sup>In sub-paragraphs (1)(a) and (1A)—
- “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000;]
- “local authority” means—
- (a) in relation to England and Wales, a principal council within the meaning of the <sup>M1</sup>Local Government Act 1972, any body falling within any paragraph of section 100J(1) of that Act or an authority or body to which the <sup>M2</sup>Public Bodies (Admission to Meetings) Act 1960 applies,
  - (b) in relation to Scotland, a council constituted under section 2 of the <sup>M3</sup>Local Government etc. (Scotland) Act 1994 or an authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies,
  - (c) in relation to Northern Ireland, any authority or body to which sections 23 to 27 of the <sup>M4</sup>Local Government Act (Northern Ireland) 1972 apply; and
- “local authority committee” means any committee of a local authority or of local authorities, and includes—
- (a) any committee or sub-committee in relation to which sections 100A to 100D of the Local Government Act 1972 apply by virtue of section 100E of that Act (whether or not also by virtue of section 100J of that Act), and

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- (b) any committee or sub-committee in relation to which sections 50A to 50D of the Local Government (Scotland) Act 1973 apply by virtue of section 50E of that Act.
- (3) A fair and accurate report of any corresponding proceedings in any of the Channel Islands or the Isle of Man or in another member State.

#### Textual Amendments

- F1** Words in **Sch. 1 para. 11(1)(a)** substituted (E.) (6.5.2002) by **S.I. 2002/1057, art. 12(a)**
- F2** Words in **Sch. 1 para. 11(1)(a)** substituted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(a)**; and those same words substituted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(a)**
- F3** **Sch. 1 para. 11(1)(aa)** inserted (E.) (6.5.2002) by **S.I. 2002/1057, art. 12(b)**
- F4** Words in **Sch. 1 para. 11(1)(c)** inserted (6.5.1999) by **1998 c. 46, s. 125, Sch. 8, para. 33(3)**(with s. 126(3)-(11)); **S.I. 1998/3178, art. 2(2), Sch. 3**
- F5** **Sch. 1 para. 11(1A)** inserted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(b)**; and that same sub-paragraph inserted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(b)**
- F6** Words in **Sch. 1 para. 11(2)** substituted (E.) (11.7.2001) by **S.I. 2001/2237, art. 31(c)**; and those same words substituted (W.) (1.4.2002) by **S.I. 2002/808, art. 30(c)**

#### Modifications etc. (not altering text)

- C2** **Sch. 1 para. 11(1)(c)** modified (1.12.1998) by **1998 c. 38, s. 77(4)(b)** (with ss. 139(2), 143(2)); **S.I. 1998/2789, art. 2**

#### Marginal Citations

- M1** 1972 c. 70.  
**M2** 1960 c. 67.  
**M3** 1994 c. 39.  
**M4** 1972 c. 9 (N.I.).

- 12 (1) A fair and accurate report of proceedings at any public meeting held in a member State.
- (2) In this paragraph a “public meeting” means a meeting bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of a matter of public concern, whether admission to the meeting is general or restricted.
- 13 (1) A fair and accurate report of proceedings at a general meeting of a UK public company.
- (2) A fair and accurate copy of or extract from any document circulated to members of a UK public company—
- (a) by or with the authority of the board of directors of the company,
- (b) by the auditors of the company, or
- (c) by any member of the company in pursuance of a right conferred by any statutory provision.
- (3) A fair and accurate copy of or extract from any document circulated to members of a UK public company which relates to the appointment, resignation, retirement or dismissal of directors of the company.
- (4) In this paragraph “UK public company” means—

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- (a) a public company within the meaning of section 1(3) of the <sup>M5</sup>Companies Act 1985 or Article 12(3) of the <sup>M6</sup>Companies (Northern Ireland) Order 1986, or
  - (b) a body corporate incorporated by or registered under any other statutory provision, or by Royal Charter, or formed in pursuance of letters patent.
- (5) A fair and accurate report of proceedings at any corresponding meeting of, or copy of or extract from any corresponding document circulated to members of, a public company formed under the law of any of the Channel Islands or the Isle of Man or of another member State.

#### Marginal Citations

**M5** 1985 c. 6.

**M6** S.I. 1986/1032 (N.I. 6).

- 14 A fair and accurate report of any finding or decision of any of the following descriptions of association, formed in the United Kingdom or another member State, or of any committee or governing body of such an association—
- (a) an association formed for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication;
  - (b) an association formed for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with that trade, business, industry or profession, or the actions or conduct of those persons;
  - (c) an association formed for the purpose of promoting or safeguarding the interests of a game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime;
  - (d) an association formed for the purpose of promoting charitable objects or other objects beneficial to the community and empowered by its constitution to exercise control over or to adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication.
- 15 (1) A fair and accurate report of, or copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph—
- (a) for England and Wales or Northern Ireland, by order of the Lord Chancellor, and
  - (b) for Scotland, by order of the Secretary of State.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### PART III

#### SUPPLEMENTARY PROVISIONS

- 16 (1) In this Schedule—
- “court” includes any tribunal or body exercising the judicial power of the State;
  - “international conference” means a conference attended by representatives of two or more governments;
  - “international organisation” means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation; and
  - “legislature” includes a local legislature.
- (2) References in this Schedule to a member State include any European dependent territory of a member State.
- (3) In paragraphs 2 and 6 “court” includes—
- (a) the European Court of Justice (or any court attached to that court) and the Court of Auditors of the European Communities,
  - (b) the European Court of Human Rights,
  - (c) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which the United Kingdom is a party, and
  - (d) the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States.
- (4) In paragraphs 1, 3 and 7 “legislature” includes the European Parliament.
- 17 (1) Provision may be made by order identifying—
- (a) for the purposes of paragraph 11, the corresponding proceedings referred to in sub-paragraph (3);
  - (b) for the purposes of paragraph 13, the corresponding meetings and documents referred to in sub-paragraph (5).
- (2) An order under this paragraph may be made—
- (a) for England and Wales or Northern Ireland, by the Lord Chancellor, and
  - (b) for Scotland, by the Secretary of State.
- (3) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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