



Defamation Act 1996

1996 CHAPTER 31

Summary disposal of claim

8 Summary disposal of claim

- (1) In defamation proceedings the court may dispose summarily of the plaintiff's claim in accordance with the following provisions.
- (2) The court may dismiss the plaintiff's claim if it appears to the court that it has no realistic prospect of success and there is no reason why it should be tried.
- (3) The court may give judgment for the plaintiff and grant him summary relief (see section 9) if it appears to the court that there is no defence to the claim which has a realistic prospect of success, and that there is no other reason why the claim should be tried.

Unless the plaintiff asks for summary relief, the court shall not act under this subsection unless it is satisfied that summary relief will adequately compensate him for the wrong he has suffered.

- (4) In considering whether a claim should be tried the court shall have regard to—
 - (a) whether all the persons who are or might be defendants in respect of the publication complained of are before the court;
 - (b) whether summary disposal of the claim against another defendant would be inappropriate;
 - (c) the extent to which there is a conflict of evidence;
 - (d) the seriousness of the alleged wrong (as regards the content of the statement and the extent of publication); and
 - (e) whether it is justifiable in the circumstances to proceed to a full trial.
- (5) Proceedings under this section shall be heard and determined without a jury.