



Defamation Act 1996

1996 CHAPTER 31

Summary disposal of claim

9 Meaning of summary relief.

- (1) For the purposes of section 8 (summary disposal of claim) “summary relief” means such of the following as may be appropriate—
- a declaration that the statement was false and defamatory of the plaintiff;
 - an order that the defendant publish or cause to be published a suitable correction and apology;
 - damages not exceeding £10,000 or such other amount as may be prescribed by order of the Lord Chancellor;
 - an order restraining the defendant from publishing or further publishing the matter complained of.

- (2) The content of any correction and apology, and the time, manner, form and place of publication, shall be for the parties to agree.

If they cannot agree on the content, the court may direct the defendant to publish or cause to be published a summary of the court’s judgment agreed by the parties or settled by the court in accordance with rules of court.

If they cannot agree on the time, manner, form or place of publication, the court may direct the defendant to take such reasonable and practicable steps as the court considers appropriate.

- [^{F1}(2A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making any order under subsection (1)(c) in relation to England and Wales.
- (2B) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before making any order under subsection (1)(c) in relation to Northern Ireland.
- (2C) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

Changes to legislation: There are currently no known outstanding effects for the Defamation Act 1996, Section 9. (See end of Document for details)

- (2D) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- (3) [^{F2}Subject to subsection (4)] Any order under subsection (1)(c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F3}(4) Any order made by the Department of Justice in Northern Ireland under subsection (1)(c) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979, and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.]

Textual Amendments

- F1** S. 9(2A)-(2D) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 255**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F2** Words in s. 9(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 52(a)** (with arts. 28-31)
- F3** S. 9(4) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 52(b)** (with arts. 28-31)

Commencement Information

- I1** S. 9 partly in force; s. 9 not in force at Royal Assent, see s. 19; s. 9 in force (E.W.) at 28.2.2000 by [S.I. 2000/222](#), **art. 3**
- I2** S. 9 in force at 6.1.2010 for N.I. by [S.I. 2009/2858](#), **art. 3(c)**

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