

**2009 No. 2858 (C. 125)**

**DEFAMATION**

**The Defamation Act 1996 (Commencement No. 4) Order 2009**

*Made* - - - - *25th October 2009*

The Lord Chancellor, in exercise of the powers conferred on him by section 19(3) and (4) of the Defamation Act 1996(a), makes the following Order.

1. This Order may be cited as the Defamation Act 1996 (Commencement No.4) Order 2009.
2. This Order extends to Northern Ireland only.
3. The following provisions of the Defamation Act 1996 shall come into force on 6th January 2010:
  - (a) sections 2, 3 (apart from subsection (9)) and 4 (offer to make amends);
  - (b) section 7 (meaning of statement);
  - (c) sections 8 to 11 (summary disposal of claims); and
  - (d) so far as they are not already in force, section 17(1) (interpretation), section 16 and Schedule 2 (repeals).
4. Section 4 of the Defamation Act (Northern Ireland) 1955(b) shall continue to apply as if it had not been repealed to any offer of amends made before 6th January 2010, and to any legal proceedings relating to that offer.

Signed by the authority of the Lord Chancellor

25th October 2009

*Bridget Prentice*  
Parliamentary Under-Secretary of State  
Ministry of Justice

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(a) 1996 c.31  
(b) 1955 c.11 (N.I.)

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 6th January 2010 all the provisions of the Defamation Act 1996 which apply in Northern Ireland and which have not so far been brought into force.

This Order also contains a transitional provision in relation to section 4 of the Defamation Act (Northern Ireland) 1955. Section 4 provides for offers of amends in cases of unintentional defamation and article 4 of the Order provides that it shall continue to apply as if it had not been repealed to any offer of amends made before 6th January 2010 and to any legal proceedings relating to that offer.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

Sections 14 and 15 and Schedule 1 (reports of courts and other bodies protected by privilege), together with section 17 (interpretation) and section 16 and Schedule 2 (repeals) so far as they apply to those provisions, were brought into force on 1<sup>st</sup> April 1999 by SI 1999/817. That Order applied to Scotland and Northern Ireland as well as to England and Wales.

All the provisions of the Defamation Act 1996 which apply in England and Wales and which were not then in force, were brought into operation on 28<sup>th</sup> February 2000 by SI 2000/222, with the exception of the repeal of paragraph 3 of Schedule 20 to the Broadcasting Act 1990.

All the provisions of the Defamation Act 1996 which were not already in force in Scotland were brought into force on 31st March 2001 by SSI 2001/98. That Order provided for the coming into force in Scotland of—

- (a) sections 2 to 4 (except section 3(8));
- (b) so far as not already in force, sections 16 and 17 and Schedule 2.

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