[IE] New Advisory Group on Defamation

IRIS 2003-1:1/32

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Defamation law in Ireland is based on the Defamation Act, 1961 and proposals for updating it were made by the Law Reform Commission in 1991. Since then, reform of defamation law has been on the programme of successive governments. At the end of 2001 the Government agreed the outline of a new Bill. A general election held in May 2002 returned the same parties to government, and their legislative programme lists the new Defamation Bill at No. 36 and states that an outline has been agreed and that the text of the Bill is currently being drafted. The new Minister for Justice, Equality and Law Reform has now appointed an advisory group on defamation to work in parallel to the drafting process to help bring about a "modern responsive code covering defamation". The group is to report by the end of 2002 and its report will have an input into the new Bill, which will be important for all the media and which is to be published in mid2003. The group is to "review relevant domestic and international material with a view to suggesting such changes or additions to the present Scheme as may be consistent with best practice in other jurisdictions and which will result in a more efficient defamation regime in this country". In particular, it is to examine the scope which should attach to the defence of qualified privilege, particularly where comment on matters of public interest is concerned. It is also to consider the respective roles which should be assigned to judge and jury in High Court actions, and the operation of the presumption of falsity, which currently puts the burden of proving truth on the defendant.

Along with issues of defamation, the group has also been asked to consider the nature and extent of any statutory intervention which might attach to the establishment of a regulatory body for the press and to make proposals in that regard. The national and regional press, and the National Union of Journalists, are opposed to a statutory complaints' body but have long favoured the introduction of a self-regulatory complaints body once the defamation laws have been reformed. A statutory body already exists in the case of the broadcast media. The Broadcasting Complaints' Commission was established in January 1977 under the Broadcasting Authority (Amendment) Act, 1976 and its remit has since been extended by the Radio and Television Act, 1988 and the Broadcasting Act, 2001 (see IRIS 2001-4: 9).

"Minister McDowell announces the establishment of a Legal Advisory Group on Defamation", Press Release (which includes the Terms of

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Reference of the Group) of the Department of Justice, Equality and Law Reform of 9 October 2002

http://www.justice.ie/802569B20047F907/vWeb/pcCAMC5ERDXZ

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