[IE] Ryanair ordered to disclose fuel policy and “safety-incidents” to Channel 4 in defamation case

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On 29 July 2015, the Court of Appeal ordered the airline company Ryanair to disclose its fuel policy between 2010 and 2012 to the broadcaster Channel Four Television Corporation, in a pre-trial hearing in Ryanair’s defamation proceedings against the broadcaster. The case arose following an August 2013 edition of Channel 4’s investigative programme Dispatches, which “was to the effect Ryanair had endangered passenger safety by operating a low-fuel policy and by pressuring its pilots to take as little fuel as possible”. The airline issued defamation proceedings over the broadcast, and the broadcaster decided to defend the case on the basis that the “allegations were true”, the defence of “honest opinion”, and of the Defamation Act 2009’s defence of “fair and reasonable publication on a matter of public interest”.

The Court of Appeal’s ruling, delivered by Mr. Justice Gerard Hogan, partly upheld an earlier High Court ruling, which had ruled that Ryanair should disclose its fuel policy from 2009 onwards. The Court of Appeal ruled that this was “too broad”, and limited disclosure to the period of 2010 to 2012. In addition, Ryanair was ordered to disclose “safety-related incidents” in the period 2010 to 2012.

Finally, the Court of Appeal also order the broadcaster to disclose to Ryanair “documents related to editorial decisions”, and “documents related to research and investigations carried out by the defendants for the programme”. In this regard, the Court ruled that while “journalists cannot normally be compelled to reveal their sources”, that “protection was not absolute”. Therefore, if the broadcaster wished to invoke protection of sources, it could set out the factual basis for that in an affidavit of discovery later.

Following this ruling, and disclosure of documents by both parties, the full defamation proceedings will take.

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