

DEFAMATION CASES

DEFAMATION: The Defamation Act 1963		Defamation Act (1963)
AREA	CASE	FACTS
Defamation	Sim v Stretch	Def ± A statement which tends to: I. Lower P in the estimation of right thinking members of society II. Expose P to hatred, contempt, or ridicule III. Cause other person to shun or avoid P IV. Damage P's financial credit
Ordinary/right thinking man	Byrne v Dean	A private golf-club with an illegal slot-machine in its bar was raided by the police; shortly afterwards, an anonymous poem appeared on a notice board, alleging that P had tipped off the police. P sued the club's proprietors (who had left the poem in place) for libel, but the Court of Appeal said there was nothing capable of being defamatory. <u>Right-thinking people</u> , said the Court, would applaud rather than condemn a man who informed the police that a crime was being committed. Lord Atkin's "the ordinary citizen is neither unusually suspicious nor usually naïve, and he does not always interpret the meaning of words as would a lawyer."
	Lewis v Daily Telegraph	A newspaper reported that the Fraud Squad were investigating the affairs of a company, and the company chairman sued for libel by the implication that he was guilty of fraud. HELD: By majority decisions in both the Court of Appeal and the House of Lords, it was held that the words in the report were not capable of bearing the meaning alleged: <u>to say that someone is suspected of being fraudulent is not the same as saying that they are fraudulent, and the jury are not entitled to infer the second as a meaning of the first.</u>

Select Cases On Defamation To 1600 Volume 101 1985

David Baud



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