

## How to Prosecute Libel and Slander in the UK

Contributed by Jefferson Highway, General Counsel  
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Defamation of character can be a serious business in the UK. But what exactly is slander? And what is libel? Both are defined as a false statement made by one individual about another individual with the intent to harm defamed person's reputation in some way. The statement qualifies as slander if it is delivered verbally, whereas the statement is libel if it is published in some other way (for example by being written, or televised).

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- The statement harms your reputation (an insult, for example, wouldn't do it. Politicians, too, are essentially 'un-defamable' for this very reason).
- A third party was involved. Saying it just to you doesn't count.
- That third party could identify you from the statement (an anonymous statement isn't libelous).

Additionally, in the opinion of counsel above and beyond advice available to [www.lawyersbench.com](http://www.lawyersbench.com), slander requires you to show that you have suffered either financial loss or that your business, trade or professional reputation was damaged, or that you have been accused of one or more of the following:-

- Of having committed a criminal offence
- Of having a contagious disease
- Of immoral conduct (women only!)

So what can you do if you think you have been slandered or libeled? There are several possible course of action beyond ignoring it and not drawing attention. First, you could demand an apology. If the statement really is defamatory, a lawyer's letter will usually do the trick. The second response might be to approach the professional body that regulates the channel thru which the defamation occurred (such as the Press Complaints Commission if the statement came via the UK press).

Thirdly, you could use section 2 of the Defamation Act 1996 with the assistance of a lawyer to get them to stop. Fourthly, an injunction can be applied for via the courts. Your final recourse, is to sue - the course most people are aware of. What they may NOT be aware of is how expensive this can get. There is no Aid or public funding for such cases, so unless your pockets are very deep, this must be your last resort, particularly as if you lose, you could end up paying the other side's costs too!

If it does go to court, the accused has several possible defenses above and beyond the standard defense of 'the statement is true'. They could argue that they never made the statement, or that the statement did no damage, or wasn't even defamatory. The bottom line is, before you get upset and ring a lawyer, think hard on the subject!

#### About The Author

Jeff writes article about the law for Joe Public, and contributes articles to [www.lawyersbench.com](http://www.lawyersbench.com) a free site full of top legal advice and tips.  
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