

Westminster Legal Policy Forum Keynote Seminar

The way forward for libel reform - priorities for the Defamation Bill

Timing: Morning, Thursday, 15th March 2012

Venue: Sixty One Whitehall, London SW1A 2ET

Draft agenda subject to change

- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.15 **Chairman's opening remarks**
Lord Lester of Herne Hill QC, Member, All-Party Parliamentary Libel Reform Group
- 9.15 - 9.45 **The view from Government - looking ahead to the Defamation Bill**
Rt Hon the Lord McNally, Minister of State, Ministry of Justice and Deputy Leader of the House of Lords
Questions and comments from the floor
- 9.45 - 10.35 **Priorities for the Defamation Bill**
Perspectives from key stakeholders and commentators on Government's forthcoming Defamation Bill. How might a statutory provision requiring proof of 'substantial harm' impact on the future of defamation, and would it be effective in ensuring that trivial and unfounded claims do not proceed unnecessarily? To what extent might proposed statutory defences relating to 'public interest', 'truth' and 'honest opinion' help provide clarity and certainty in this area of law, and has the correct balance between statute and common law been put forward? What are the challenges for introducing a single publication rule, and has the Draft Bill offered adequate qualifications on aspects such as time limitations and material differences from first publication? Has Government done enough to address concerns relating to libel tourism, and would the courts need additional guidance on interpreting provisions as they are outlined?
Dr Andrew Scott, Senior Lecturer, Department of Law, London School of Economics and Political Science
Paul Tweed, Senior Partner, Johnsons Solicitors
Dr Sile Lane, Campaigns Manager, Sense About Science
Desmond Browne QC, Joint Head of Chambers, 5 Raymond Buildings
Sarah Jones, Head of Litigation and IP, BBC
Questions and comments from the floor
- 10.35 - 10.40 **Chairman's closing remarks**
Lord Lester of Herne Hill QC, Member, All-Party Parliamentary Libel Reform Group
- 10.40 - 11.10 Coffee
- 11.10 - 11.15 **Chairman's opening remarks**
Rt Hon the Lord Fowler
- 11.15 - 11.45 **Key findings and recommendations from the Joint Committee on the Draft Defamation Bill**
Rt Hon the Lord Mawhinney, Chair, Joint Committee on the Draft Defamation Bill
Questions and comments from the floor
- 11.45 - 12.20 **Libel in an internet age - online publishing, intermediaries and enforcement**
How should the Defamation Bill address issues relating to the internet and online publishing following Government's request for further consultation? Do secondary publishers - such as ISPs and online discussion forums - require greater protection from liability? What are the challenges for implementing an effective "notice and takedown" procedure for the removal of defamatory material from websites? Should legislation be considered to update and clarify the law in light of the range of different internet related activity that now exists?
Korieh Duodu, Barrister, Addleshaw Goddard
Rowan Davies, Campaigns and Partnerships Officer, Mumsnet
David Allen Green, Of Counsel and Head of Media, Preiskel & Co and blogger, *New Statesman* and *Jack of Kent*
Questions and comments from the floor
- 12.20 - 12.55 **Access to justice - reforming cost structures and avoiding an 'inequality of arms'**
Is further action required beyond existing proposals in the draft Bill to address issues relating to an 'inequality of arms' across libel cases? How will defamation proceedings be informed by related reforms to civil justice - including reform of conditional fee arrangement success fees - and how can access to justice be ensured in this area?
John Peysner, Head of the Centre for Dispute Resolution, University of Lincoln
Helen Anthony, Lead Researcher, ADR in Libel, English PEN and Index on Censorship
Ian Birdsey, UK & International TMT Claims Manager, Hiscox
Questions and comments from the floor
- 12.55 - 13.00 **Chairman's and Westminster Legal Policy Forum closing remarks**
Rt Hon the Lord Fowler
Sean Cudmore, Senior Producer, Westminster Legal Policy Forum