

5RB talks 5RB talks 5RB talks

Serious Harm

15 March 2023

Speaker

Adam Wolanski KC

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CITY A.M.

**Brexit-backer Arron Banks wins appeal
in Carole Cadwalladr libel case**

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**The
Guardian**

Arron Banks loses two of three challenges to failed libel action against Carole Cadwalladr

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The logo for the Evening Standard newspaper, featuring the words "Evening" and "Standard" in a black serif font, with a red silhouette of a horse in the center between the two words.

Evening Standard

**Arron Banks wins partial victory in appeal over
libel claim against journalist**

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Ted Talk

- “*a serious talk on a serious subject*”
- given by “*an award-winning journalist*”
- on an “*authoritative and credible international platform*”

Phase One

- 15 April 2019 – 29 April 2020
- Published to around 1 million people

Phase Two

- 29 April 2020 – trial
- Published to around 100,000 people

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“A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant”

Section 1(1) Defamation Act 2013

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Section 3 Defamation Act 2013

Honest opinion

- 1) It is a defence to an action for defamation for the defendant to show that the following conditions are met.
- 2) The first condition is that the statement complained of was a statement of opinion.
- 3) The second condition is that the statement complained of indicated, whether in general or specific terms, the basis of the opinion.
- 4) The third condition is that an honest person could have held the opinion on the basis of—
 - a) any fact which existed at the time the statement complained of was published;
 - b) anything asserted to be a fact in a privileged statement published before the statement complained of.
- 5) The defence is defeated if the claimant shows that the defendant did not hold the opinion.

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"NICE TALKING TO YOU."

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A person's reputation is not a simple question of whether they are liked or disliked

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