

This will be examining the legal prospect of two individuals both defamed for different reasons. Ffion having been defamed by the Welsh News Network, and Kieran having been defamed by a politician. For both people I will look at the positive and negative aspects to their case and conclude whether they should or shouldn't pursue this course of action.

Defamation is the act of harming another individual by presenting fake facts and information. The law surrounding this has been documented within the Defamation act [2013]. There are two types of defamation, libel and slander. For this specific case both are applicable. Libel is a permanent form of defamation which tends to be published or written. On the other hand, slander is temporary and is usually spoken.

To begin Ffion regarding legal options the main option at hand would be to claim libel defamation against the Welsh News Network or NWO over the incorrect news article 'Ffion the con'. Under Section 1 (*Defamation act 2013*) a statement cannot be considered defamatory unless it is likely to cause serious harm to the reputation of the claimant or opens somebody to ridicule, hatred or contempt as seen in 'Youssoupoff v MGM (1934)'. An example of this negating a claim of defamation can be seen in 'Hwang v Kim (2021)' in which while the statements were hurtful did not sufficiently affect the reputation. Within this case it can be argued that the false claims made have potential to cause serious harm to Ffion's reputation.

As the claimant of defamation Ffion will need to prove 4 things. First the Defendants words are defamatory. When mentioning the idea of being defamatory this is focused on the idea that what has been said or published is completely incorrect or false, not that it is mean or hurts somebody's feelings. In this case, due to the allegations being proven false this has clearly been demonstrated. As previously mentioned, the 'Hwang v Kim (2021)' case is a good example of this not being proved. Another good case is 'Sim v Stretch (1936)', in this case the claimant failed to prove that the words in question were enough to harm their reputation. Secondly Ffion will need to prove that the words published refer to her. In this case again it is blatantly about her which will make this simple to prove. An interesting case 'Alexander Economou v David de Freitas (2016)' demonstrated that sometimes if your name is tied intrinsically with another person, to the point that when they are mentioned a regular person would think of you this can also be used in deformation. The reason for mentioning this is that even if Ffion herself was not mentioned the precedent from that case could in theory be brought out still as her name is part of the clothing brand. A good example of not being able to meet these criteria can be found in the case 'John v Guardian News Media Ltd (2008)' In this case it was found that the connection between Elton John and the main subject of the article was not strong enough that a reasonable person would connect the two together, despite his name being mentioned. The third point is that the words have been published, again this has been clearly demonstrated already. The final point is something previously mentioned which is if the claims have or have the potential to cause serious harm to the individual's reputation as underlined in Section 1 (*Defamation act 2013*).

Following on from this there are some aspects to defamation that will not make this an easy case. The first is the idea of freedom of speech, granted by article 10 of the (*Human rights act 1998*). This provision is to ensure that people are allowed to say what they think to an extent. Moving on, there are defenses against defamation, the three defenses are truth, honest opinion and public interest. In relation to truth, it is rather simple what it means. You cannot claim defamation if what is being said is true, as said in Section 2 part 1 of the (*Defamation act 2013*)

'It is a defense to an action for defamation for the defendant to show that the imputation conveyed by the statement complained of is substantially true'. A good way to show this in practice is the world's worst tennis player case 'Dee v Telegraph Media Group Limited (2010)' in this case it was proved through investigation that the losing streak Robert Dee faced was the worst in history, therefore proving the telegraph point correct and labeling him the worst player. In regard to this case Ffion has no reason to worry as the allegations have been proven sufficiently incorrect regarding embezzlement. Next is the concept of honest opinion. The category for this is laid out in Section 3 part 2, 3 and 4 (*Defamation act 2013*). These boil down to the idea that what has been said must be honest opinions, and the reason for these opinions must be laid out at the same time and finally a reasonable person must also be able to come to similar conclusion with evidence provided to not be considered defamation. In regard to this case, it could be argued that the flimsy evidence used for the allegation would not be enough to meet this requirement. A very good case example of this can be seen in 'Joseph and Others v Spiller and Another (2009)' in this case a dispute was had between a producer and band. One party then went onto a website and claimed that they insinuated they wouldn't hold up their part of the contract. When investigated this information was found to be from 14 months prior to the fallout and was therefore used dishonestly. The final common defense used is public interest. The description of this can be found under Section 4 part 1 a and b of the (*Defamation act 2013*) and explains that what was said or published was done so to either inform the public of something or was in the best interest of the public to know. An example of this in practice can be seen in 'Flood v Times Newspapers Limited (2012)' within this case it is seen that a journalist writes a story about police corruption due to inaction of a detective. The defamation claim failed as it was seen the journalist acted with the public interest in mind. In relation to Ffion this aspect of the defense can go either way. There is indication of rushing the story out and the need for a big scoop. However, what the article was about was in the public's interest. In 'Flood v times (2012)' despite the information of corruption being false they were still unable to claim defamation, for Ffion's case this could very well be a similar situation. As it should not become a precedent to sue newspapers and articles every time, they get a story wrong.

Overall, I believe that it is within Ffion's legal right to claim defamation on WNO. There seems to be a strong case for defamation, however I don't think she should. Despite the article being probably false after the fact. When it was posted it could be considered a topic of interest for the public.

Next, we will be looking at Kieran the editor of WNO. Following the events of the article an MP made an accusation of him being a misogynist by claiming he hates successful businesswomen. Her argument for this being the creation of fake news stories. This gives Kieran the legal right to pursue defamation of character for libel.

To begin it is clear to see that the words used by Juliette are defamatory. As seen in the case 'Yousoupoff v Metro-Goldwyn-Mayer (1934)' words that are defamatory either cause or can cause hatred, contempt or ridicule. An example of a case that was unable to prove this would be 'Sim v Stretch (1936)' in which the defaming words were unable to harm a reputation. It is easy to understand that being labelled a misogynist by a pm can cause this. Next in regard to Juliette referring to the claimant as seen in the case 'Alexander Economou v David de Freitas (2016)', even though she does not mention his name the mention of the editor is enough for a reasonable person to understand who this is targeting. Following on in regard to the words being published. The case 'McManus v Beckham (2002)' gives precedent that a reasonable

person should expect words to be passed around by media. So in regard to this case the fact it was spoken live in parliament should be enough. Finally under Section 1 (*Defamation Act 2013*) the words spoken by Juliete can clearly cause damage to the reputation of Kieran. As seen in 'Public Joint Stock Company Rosneft Oil Co v HarperCollins Publishers Ltd (2021)' incorrectly labeling somebody or thing that they are not can cause harm and be libel.

In regard to defenses for the claim of defamation Juliete best response could be in appealing to the idea of public interest. As from the events of the situation a reasonable man could see what unfolded and agree with Juliete assumption. Juliete speech was able to fall in line under Section 4 (*Defamation Act 2013*) by having her reasoning follow her claim. One way in which this could be countered could be to point out her mistake of using the plural 'stories' due to the fact that Kieran only edited a single incorrect story at this time.

Overall, the likelihood of successfully claiming defamation could be reasonably considered. However, the situation that has caused this situation already colors Kieran in a negative light. Due to this it is recommended to claim defamation but to keep expectations in check.

In conclusion both legal opportunities differ in scale and what needs to be proven. For Ffion due to the defamation case facing a news organization, more needs to be proved and there are more opportunities for the defendant to get out prove they had not in fact defamed her. Another interesting fact is that when the alleged defamation occurred not all the facts were known. This contrasts with Keirans situation when facts were known. For Kieran the alleged defamation came from another single person and was rather blatant.

Both Ffion and Kieran have the ability to claim defamation if they want. The issue is who it is against. While it may seem Ffion's case could be simple and easy claiming defamation against a news network would be a very difficult task as it should never be a precedent to sue news networks as that would affect freedom of speech. On the other hand while it may not seem as strong a case due to the information surrounding it Keirans case is more likely to be successful due to who has defamed him. In short if both are to claim defamation Ffion is likely to lose and Kieran is more likely to succeed.

- *Defamation Act 2013*, available at: <https://www.legislation.gov.uk/ukpga/2013/26/contents/enacted> (Accessed: 1 May 2022)
- *Human Rights Act 1998*, available at: <https://www.legislation.gov.uk/ukpga/1998/42/contents> (Accessed: 1 May 2022)

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- *Yousoupoff v MGM* (1934) court of appeal 50TLR 50, available at: [https://uk.westlaw.com/Document/I5F3B6180E19711DBA6AAB736D5FED1FB/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3a00000180b01f87500a9e11f0%3Fppcid%3D1051db1706914f3f8422cb16f0bc0728%26Nav%3DRESEARCH_COMBINED_WLUK%26fragmentIdentifier%3DI5F3B6180E19711DBA6AAB736D5FED1FB%26parentRank%3D0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=a4bf11cbcf94e8799a1977c1c464cb59&list=RESEARCH_COMBINED_WLUK&rank=1&sessionScopeld=8fba04578402b012bf7e2ed16cfe59ad5d3bb7dd7e445b649894904e1410e758&ppcid=1051db1706914f3f8422cb16f0bc0728&originationContext=Search%20Result&transitionType=SearchItem&contextData=\(sc.Search\)&comp=wluk](https://uk.westlaw.com/Document/I5F3B6180E19711DBA6AAB736D5FED1FB/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3a00000180b01f87500a9e11f0%3Fppcid%3D1051db1706914f3f8422cb16f0bc0728%26Nav%3DRESEARCH_COMBINED_WLUK%26fragmentIdentifier%3DI5F3B6180E19711DBA6AAB736D5FED1FB%26parentRank%3D0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=a4bf11cbcf94e8799a1977c1c464cb59&list=RESEARCH_COMBINED_WLUK&rank=1&sessionScopeld=8fba04578402b012bf7e2ed16cfe59ad5d3bb7dd7e445b649894904e1410e758&ppcid=1051db1706914f3f8422cb16f0bc0728&originationContext=Search%20Result&transitionType=SearchItem&contextData=(sc.Search)&comp=wluk) (Accessed: 1 May 2022)
- *Hwang v Kim* (2021) Queens court bench EWHC 3327, available at: [https://uk.westlaw.com/Document/I8A012D90582511EC8C80A9654AA8862F/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Search](https://uk.westlaw.com/Document/I8A012D90582511EC8C80A9654AA8862F/View/FullText.html?transitionType=SearchItem&contextData=(sc.Search) (Accessed: 1 May 2022)
- *Sim v Stretch* (1936) 2 All ER 1237, available at: [https://uk.westlaw.com/Document/I8F980220E57111DAB242AFE6A6182DD7E/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=\(sc.Default\)&comp=wluk](https://uk.westlaw.com/Document/I8F980220E57111DAB242AFE6A6182DD7E/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=(sc.Default)&comp=wluk) (Accessed: 1 May 2022)
- *Economou v Freitas* (2019) Court of appeal EWCA Civ 2591, available at: [https://uk.westlaw.com/Document/I6C677670ED9511E8B1E68CB742C7F6F1/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3a00000180b026499d0a9e1383%3Fppcid%3Dc492af6078b2430b86f658cd38e89733%26Nav%3DRESEARCH_COMBINED_WLUK%26fragmentIdentifier%3DI6C677670ED9511E8B1E68CB742C7F6F1%26parentRank%3D0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=34c0df1be740790788374d5f6f95ee82&list=RESEARCH_COMBINED_WLUK&rank=1&sessionScopeld=8fba04578402b012bf7e2ed16cfe59ad5d3bb7dd7e445b649894904e1410e758&ppcid=c492af6078b2430b86f658cd38e89733&originationContext=Search%20Result&transitionType=SearchItem&contextData=\(sc.Search\)&comp=wluk](https://uk.westlaw.com/Document/I6C677670ED9511E8B1E68CB742C7F6F1/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3a00000180b026499d0a9e1383%3Fppcid%3Dc492af6078b2430b86f658cd38e89733%26Nav%3DRESEARCH_COMBINED_WLUK%26fragmentIdentifier%3DI6C677670ED9511E8B1E68CB742C7F6F1%26parentRank%3D0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=34c0df1be740790788374d5f6f95ee82&list=RESEARCH_COMBINED_WLUK&rank=1&sessionScopeld=8fba04578402b012bf7e2ed16cfe59ad5d3bb7dd7e445b649894904e1410e758&ppcid=c492af6078b2430b86f658cd38e89733&originationContext=Search%20Result&transitionType=SearchItem&contextData=(sc.Search)&comp=wluk) (Accessed: 1 May 2022)
- *John v Guardian News Media Ltd* [2012] Queens Bench division EWHC 2751, available at: [https://uk.westlaw.com/Document/IDAF5D850133711E2B9A1DE4717479803/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Search\)](https://uk.westlaw.com/Document/IDAF5D850133711E2B9A1DE4717479803/View/FullText.html?transitionType=SearchItem&contextData=(sc.Search)) (Accessed: 1 May 2022)
- *Joseph and Others v Spiller and Another* [2010] Supreme court WCA 1 A.C. 852, available at: <https://uk.westlaw.com/Document/I10C95870FDAB11DF8B82BDEFDBB24653/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3a0000>

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- Public Joint Stock Company Rosneft Oil Co v HarperCollins Publishers Ltd (2021) Queens Bench division EWHC 3141, available at: [https://uk.westlaw.com/Document/I47E3B9104DF711EC8F9ED55ED70E6B20/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Search](https://uk.westlaw.com/Document/I47E3B9104DF711EC8F9ED55ED70E6B20/View/FullText.html?transitionType=SearchItem&contextData=(sc.Search) (Accessed: 1 May 2022)