

Broadcasting and the Law

Defamation (libel & slander) is:

1. Lowering the estimation of a right-thinking member of society generally.
2. Exposing a person to hatred, ridicule or contempt.
3. Damaging a person in office, trade, profession, or industry.
4. Causing a person to be shunned or avoided.



The words can be taken in their ordinary meaning, or by what is implied by the words. The latter is more dangerous, and is where most care needs to be exercised.

- Convey the truth; do not rely on hearsay, or whispers.
- The golden rule is: IF IN DOUBT CHECK IT OUT!
- Remember- you don't have to say a person's name to defame them.

DOs & DON'Ts when preparing a show for broadcast

DO make sure your information is accurate

DO lay out the facts and leave it to the listener to draw his/her own conclusion

DO be very careful with generalisations e.g. You can say " All broadcasters are unprincipled" , but not " All broadcasters in Flirt FM are unprincipled" .

DO keep all relevant notes/MDs/MP3s on iffy stories. The time limit on libel actions is 3 years, six for malicious falsehood.

DO be sure to dissociate the station from any libellous statements and offer the person who said it the chance to retract their statement on air.

DON'T be vague about identifying the person in hope of avoiding a suit; if identity is implied the story may still be libellous.

DON'T repeat other people's libel (as in newspaper articles etc.)

DON'T presume that you are immune when directly quoting an interviewee- if what's said is libellous, the speaker, journalist and anyone else involved may be liable.

DON'T rely on "allegedly" , "supposedly" in an attempt to avoid the issue. If the majority of the material implies the allegation to be true then it may still be libellous.

Humour, satire and sarcasm are no defence to an action taken for defamation- they are merely factors to be taken into consideration in deciding whether the person was defamed.

A libel action has the potential to cripple a station's budget. Be careful- don't be afraid to ask your producer or manager for advice- once broadcast, there's no taking it back!