



Judiciary of England and Wales

Friday 13 December 2024

S U M M A R Y

Iqbal v Geo TV Ltd

[2024] EWCA Civ 1566

Lord Justice Underhill, Vice-President of the Court of Appeal, Lord Justice Dingemans & Lord Justice Warby

1. The court allows the defendant’s appeal and enters summary judgment against the claimant in this libel action. The main judgment is given by Lord Justice Warby with whom Lord Justices Underhill and Dingemans agree.

Background to the appeal

2. At a political rally in Pakistan a politician made allegations of a corrupt relationship between the former Prime Minister, Imran Khan, and the claimant, a prominent Pakistani businessman. The claimant sued the defendant, an English registered TV company, for broadcasting these allegations to viewers in this jurisdiction by way of live coverage and 11 subsequent new bulletins.
3. The defendant applied for summary judgement on the basis that it had an unanswerable defence of qualified privilege which the claimant had no real prospect of defeating by proof of malice. The defendant relied on provisions of the Defamation Act 1996 (section 15(1) and Schedule 1 para 12) which confer qualified privilege on “a fair and accurate report of proceedings at a public meeting anywhere in the world”.
4. The judge agreed that the defendant was bound to succeed in proving that the defendant’s broadcasts fell within the meaning of those words. But he dismissed the application for summary judgement on the grounds that that claimant had a realistic prospect of success on two other issues: whether the statements complained of fell outside the scope of the privilege as “matter not of public interest and the publication of which is not for the public benefit” (section 15(3) of the 1996 Act), and whether the defendant was malicious.

The issues on the appeal

5. The appeal raised two main issues: (a) was the case inherently unsuitable for summary judgement? (b) if not, was the judge wrong to refuse summary judgment? To decide those issues the court has to consider the judge's decisions on the application of section 15(1), the application of section 15(3), and the issue of malice.

The court's decision

6. The court rejects the claimant's argument that the case is inherently unsuitable for summary judgement. The court is commonly asked to, and does, enter summary judgment on behalf of a defendant on the basis that publication took place on an occasion of qualified privilege and the claimant has no viable case of malice [29]. In principle summary determination is "a salutary process", saving both expense and time [30]. Whether summary judgement is appropriate in this case depends on examination of the particular facts and circumstances [36].
7. The court rejects the claimant's case on the application of section 15(1). It upholds the judge's general approach to the application of that sub-section ([37]-[40]), and his conclusions that the defendant was bound to establish that the rally was "a public meeting" and its broadcasts were all "reports" of "proceedings at" that meeting, and "fair and accurate", within the meaning of Schedule 1 para 12 ([41]-[59]).
8. The court finds that the judge was wrong on the other two issues and should have entered summary judgment for the defendant.
9. The judge erred in relation to section 15(3) by failing to address the question of whether the words complained of were "matter of public interest" [64]-[66]. The only possible answer to that question was that they were [67]-[68]. On the true interpretation of the statute that was conclusive of the section 15(3) issue [69].
10. In any event, the judge was wrong to find that the claimant had a real prospect of success on the question of whether publication was "for the public benefit". Neither of the issues which the judge considered worthy of a trial for that purpose ("the status of the information being reported" and "the question of what was known or arguably should have been known, by the defendant") was legally relevant. The judge's approach was based on misinterpretation of earlier decisions of the court and wrong in principle [73]-[88]. There was no basis for concluding that any of the broadcasts complained of was "not for the public benefit" within the meaning of section 15(3) [89]-[90].
11. The judge rightly identified that many of the defendant's criticisms of the claimant's case of malice were valid; most of the propositions relied on amounted at best to allegations of careless or irresponsible journalism and were incapable of establishing a probability of malice [98]. The decisive issue was whether the claimant had a real prospect of establishing that the defendant reported the allegations complained of in the knowledge that they were false, or with reckless indifference to their truth [99].

12. In relation to the live broadcast he plainly had no such prospect as there was neither evidence nor any suggestion that the defendant knew in advance what the speaker was going to say [100].
13. In relation to the bulletins, the judge had unjustifiably proceeded on the basis that the claimant's "current case" might become stronger [102]. Neither the judge nor the claimant had identified any factual proposition which, on the evidence before the court, the claimant had a realistic prospect of making good at the trial and which, if proved, would establish a probability that someone for whose conduct the defendant was responsible participated in the broadcast of the speaker's allegations with knowledge of or reckless disregard for their falsity [103]-[106].

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at:

<https://caselaw.nationalarchives.gov.uk/>