

George (Respondent) v Cannell and another (Appellants)

Case ID: 2022/0147

Case summary

Issue

What does a claimant need to demonstrate to rely on s3(1) of the Defamation Act 1952 in a claim for malicious falsehood?

Facts

The respondent, Ms Fiona George, worked as a recruitment consultant for an agency owned and operated by Ms Linda Cannell (the first appellant) called LCA Jobs Ltd (the second appellant). After the respondent moved to a different agency, the first appellant spoke to one of the respondent's clients and sent an email to her new employer alleging that she was acting in breach of restrictions in her contact with LCA Jobs Ltd which prevented her from contacting LCA Jobs Ltd's clients. The respondent sued the appellants for libel, slander and malicious falsehood. This appeal is concerned with the claim for malicious falsehood.

The trial judge dismissed the claim for malicious falsehood as the respondent had not proved special damage as required by the common law or demonstrated that her case fell within an exception to that requirement contained in s3(1) of the Defamation Act 1952.

The Court of Appeal found in favour of the respondent. The appellants now appeal to the Supreme Court.

This appeal is concerned with what the respondent needs to prove to take advantage of s3(1) of the Defamation Act 1952 and avoid the need to prove special damage to succeed in her claim for malicious falsehood.

Judgment appealed

[\[2022\] EWCA Civ 1067](#)

Parties

Appellant(s)

- (1) Linda Cannell
- (2) LCA Jobs Ltd

Respondent(s)

Fiona George

Intervener

Media Defence

PTA Intervener

Index on Censorship

Appeal

Justices

Lord Hodge, Lord Hamblen, Lord Leggatt, Lord Burrows, Lord Richards

Hearing start date

17 October 2023

Hearing finish date

18 October 2023

Watch hearing

17 October 2023 [Morning session](#) [Afternoon session](#)

18 October 2023 [Morning session](#) [Afternoon session](#)