

Case summary

Issue(s)

1. The breadth of the public interest defence in section 4 Defamation Act 2013 and in particular, whether the defence is available where the allegations complained of relate to an individual's private conduct towards a body in relation to which there is a public interest, rather than to the running of that body;
2. Whether the CA was entitled to interfere with the judge's factual findings;
3. Whether rudeness, and/or "descending into the arena" on the part of the judge can be sufficient to render a trial unfair.

Facts

The Appellants published an article about Mr Serafin in a Polish-language monthly magazine widely read by the London Polish community, which alleged that he had fraudulently profited at the expense of the charitable organisations for which he volunteered, and that he obtained a series of loans and investments into his business from various individuals, including two women with whom he was in simultaneous intimate relationships, and then stole their money for himself. At trial, Mr Justice Jay was highly critical of Mr Serafin, found most of their allegations proved, and held that the public interest defence applied to all of them.