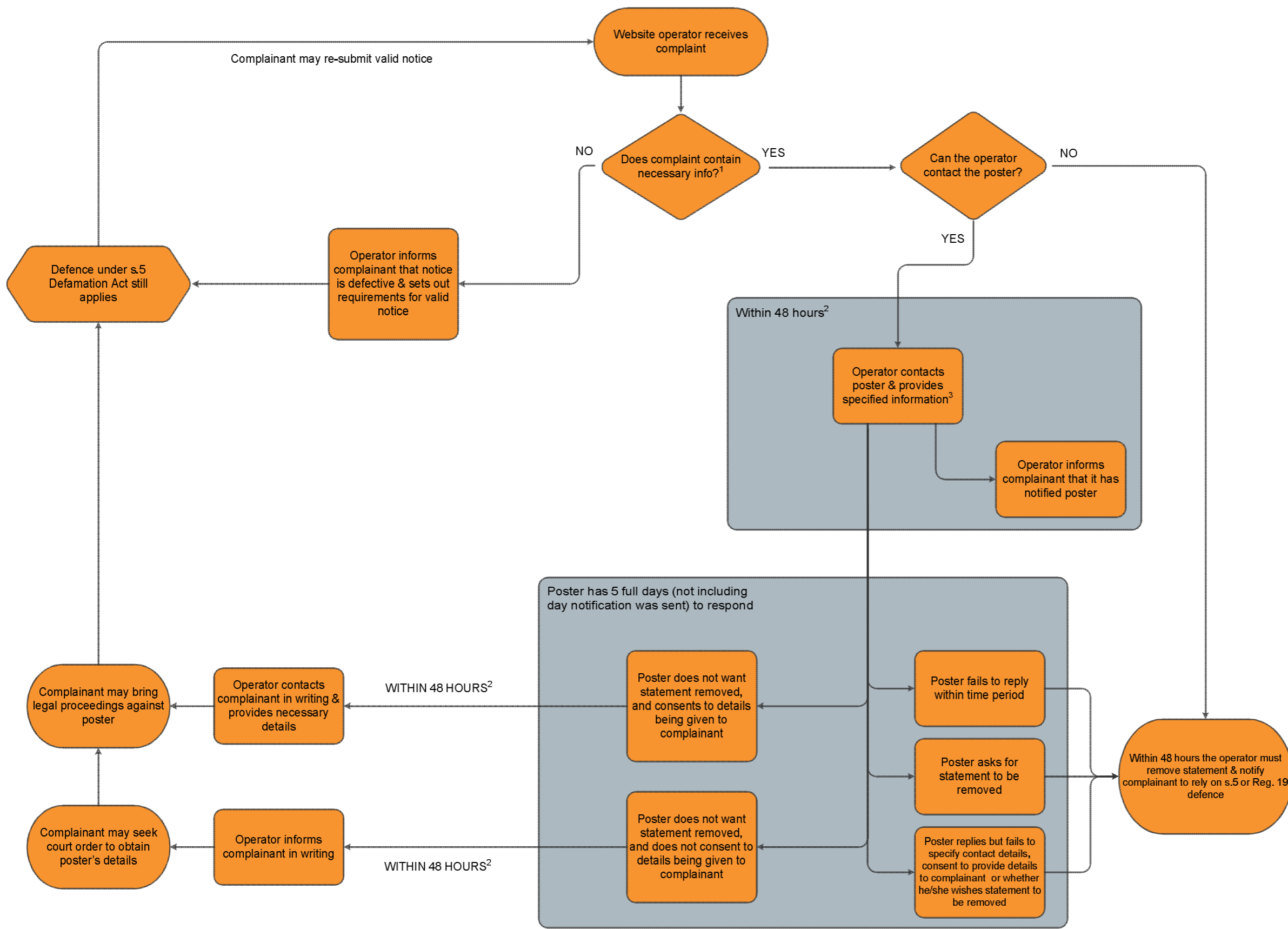


# Guide to Proposed Procedure under Section 5 of the Defamation Act 2013



**Explanatory Notes**

**1) Notice of Complaint**

A valid Notice of Complaint must contain the following information:

- Name & email address of complainant
- URL or location of statement complained of
- Explanation of what statement says and why it is defamatory of the complainant
- What meaning the complainant attributes to statement complained of
- The aspects of statement which the complainant believes are factually incorrect or opinions not supported by fact
- Confirmation complainant does not have sufficient information about poster to bring proceedings against them
- Confirmation of whether complainant consents to name & email address being provided to poster

**2) Time periods**

48 hour periods do not include any time falling on a non-business day in England & Wales.

**3) Operator's notification**

Operator's notification to poster must contain the following information:

- A copy of the Notice of Complaint (altered to conceal complainant's name where necessary)
- Notification that the statement may be removed unless poster responds to operator by **midnight at the end of the 5<sup>th</sup> day** after the day on which the Notice of Complaint was sent (and clearly specify when this deadline expires)
- Notification that the statement may be removed unless the poster
  - informs operator whether or not they wish statement to be removed;
  - (if statement not to be removed) provides full name & address; and
  - indicates whether poster consents to contact details being provided to complainant.
- Notification that where poster does not consent to contact details being provided to poster, operator will not release them unless where ordered to do so by the court.