This chapter considers the ingredients of successful action for malicious prosecution. The claimant must show: that the defendant prosecuted him; that the prosecution ended in the defendant’s favour; that there was no reasonable and probable cause for the prosecution; and that the defendant was actuated by ‘malice’. It covers not merely criminal prosecutions but certain forms of abuse of civil process, for example tort claims alleging deceit or malice. Damage also in all cases is a necessary ingredient. The tort, while ancient, is still being actively litigated, and the chapter analyses a number of recent cases in the higher appellate courts.
10. Malicious Prosecution

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.