

A BILL

ENTITLED

AN ACT to Repeal the Defamation Act and the Libel and Slander Act and make new provision relating to the tort of defamation; and for connected purposes.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I. *Preliminary*

- 1. This Act may be cited as the Defamation Act, 2013.**
- 2. In this Act, unless the context otherwise requires—**
“defamatory matter” means any matter published by a person that is, may be, or is alleged to be, defamatory of another person;

Short title.

Interpretation.

“document” includes, in addition to a document in writing, any—

- (a) map, plan, graph or drawing;
- (b) photograph;
- (c) disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of reproducing data; and
- (d) film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from the device;

“electronic communication” includes a communication of information in the form of data, text, images or sound (or any combination of these) by means of guided or unguided electromagnetic energy, or both;

“matter” includes—

- (a) an article, report, advertisement or other thing communicated by means of a newspaper, magazine or other periodical;
- (b) a programme, report, advertisement or other thing communicated by means of television, radio, the Internet or any other form of electronic communication;
- (c) a letter, note or other writing;
- (d) a picture or visual image;
- (e) a word, gesture or oral utterance; and
- (f) any other method of communicating information;

“news medium” means—

- (a) any newspaper, magazine or other periodical, whether in print or electronic format, issued at regular intervals and having a general circulation;
- (b) a news service, whether in print or electronic format;
- (c) a radio station;
- (d) a television station;
- (e) a television network;
- (f) a public broadcasting service;
- (g) a person or body engaged in the making of newsreels or other motion picture news for the purposes of dissemination to the public or any section of the public;
- (h) any person whose business, or part of whose business, consists of—
 - (i) the gathering of news, or the preparation or compiling of articles or programmes of or concerning news, observations on news or current affairs, for the purposes of dissemination to the public or any section of the public; or
 - (ii) the dissemination, to the public or any section of the public, of any article or programme of or concerning news, observations on news or current affairs; and
- (i) all forms of publication not specified in the preceding paragraph, including by means of electronic communication;

“newspaper” means any paper containing public news or observations on news, or consisting wholly or mainly of

advertisements, which is printed for sale and is published either periodically or in parts or numbers at intervals not exceeding thirty-six days;

“offer to make amends” means an offer to make amends pursuant to Part III;

“publisher” means a person who has published a matter that is, may be, or is alleged to be defamatory of another person and “publish” and “publication”, in relation to a statement, subject to the provisions of this Act, have the meaning they have for the purposes of the law relating to the tort of defamation.

Principal
objects of
Act.

3. The principal objects of this Act are to—

- (a) provide effective and fair remedies for persons whose reputations are harmed by the publication of defamatory matter;
- (b) promote speedy and non-litigious methods of resolving disputes concerning the publication of defamatory matter; and
- (c) ensure that the law relating to the tort of defamation does not place unreasonable limits on freedom of expression and, in particular, on the publication and discussion of topics of public interest and importance.

Application
of Act.

4. This Act does not apply to proceedings commenced prior to the date of commencement of this Act.

PART II. *General Principles*

Tort of
defamation.

5.—(1) This Act relates to the tort of defamation.

(2) Except to the extent that this Act provides otherwise expressly, this Act does not affect the operation of the law relating to the tort of defamation.

Abolition of
distinction
between
slander and
libel.

6. The distinction at law between slander and libel is abolished.

7. Criminal libel is abolished.

Abolition of criminal libel.

8. A person has a single cause of action for defamation in relation to the publication of defamatory matter about the person even if more than one defamatory imputation about the person is carried by the defamatory matter.

Single publication to constitute one cause of action.

9. The tort of defamation is actionable without proof of special damage.

Defamation actionable without proof of special damage.

PART III. *Resolution of Defamation Without Court Proceedings*

Application

10.—(1) This Part applies if a person (in this Part called the “publisher”) publishes any matter (in this Part called the “matter in question”) that is, may be, or is alleged to be, defamatory of another person (in this Part called the “aggrieved person”).

Application of Part III.

(2) The provisions of this Part may be used instead of the provisions of any rules of court or any other law in relation to payment into court or offers of compromise, or offers to settle.

(3) Nothing in this Part prevents a person from making or accepting a settlement offer in relation to the publication of any matter in question otherwise than in accordance with the provisions of this Part.

Offer to Make Amends

11.—(1) The publisher of any matter in question may make an offer to make amends to the aggrieved person.

Publisher may make offer to make amends.

(2) The offer to make amends may be—

- (a) in relation to the matter in question generally; or
- (b) limited to any particular defamatory imputations that the publisher accepts that the matter in question carries.

(3) If two or more persons published the matter in question, an offer to make amends by one or more of them does not affect the liability of the other person or other persons.

(4) Subject to section 13, an offer to make amends is taken to have been made without prejudice, unless the offer provides otherwise.

(5) An offer to make amends—

(a) shall be understood to mean an offer—

- (i) to publish or join in the publication of a suitable correction of the matter in question and a sufficient apology to the aggrieved person; or
- (ii) where copies of the matter in question have been distributed by or with the knowledge of the person making the offer, to take steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the matter in question is alleged to be defamatory of the aggrieved person;

(b) may include the payment of a specified sum or an offer of compensation; and

(c) may be accepted or refused by or on behalf of the aggrieved person.

(6) An offer to make amends—

(a) shall be expressed to be an offer to make amends;

(b) shall be in writing; and

(c) shall be accompanied by a voluntary declaration setting out—

- (i) particulars of the facts on which the publisher relies for the purposes of subsection (5); and
- (ii) particulars of any correction or apology made or steps taken before the date of the offer, upon which the publisher relies for the purposes of subsection (5); and

(d) may be accepted in writing by or on behalf of the aggrieved person.

(7) The voluntary declaration referred to in subsection (6) (c) shall be made—

- (a) by the publisher;
- (b) where the publisher is a body corporate, by an officer of the body having knowledge of the facts; or
- (c) where, upon facts appearing in the voluntary declaration, it is impracticable to comply with paragraph (a) or (b), by a person authorized by the publisher and having knowledge of the facts.

(8) An offer to make amends may not be made by a person after serving a defence in proceedings for defamation brought against him by the aggrieved person in respect of the matter in question.

(9) An offer to make amends may be withdrawn, in writing, at any time before it is accepted in writing by or on behalf of the aggrieved person, and a renewal of an offer which has been withdrawn shall be made in writing and treated as a new offer.

12.—(1) If an offer to make amends duly made under section 11 is accepted in writing, by or on behalf of the aggrieved person, no proceedings for defamation in respect of the matter in question may be brought or continued by him against the person making the offer, but he is entitled to enforce the offer to make amends in accordance with the provisions of this section.

Effect of
accepting
offer of
amends.

(2) Any question as to the terms of the offer or what is to be done in fulfillment of the offer shall, in default of agreement between the parties, be referred by either party to and determined by a Judge in Chambers, whose decision shall be final.

(3) The aggrieved person may apply to a judge—

- (a) for an order that the other party comply with the terms of the offer, as agreed or determined by the Judge in Chambers, with respect to the correction and apology and any other steps to be taken in fulfillment of the offer; and

(b) where applicable, for judgment for the amount of any compensation agreed.

(4) The power of the Judge in Chambers to make orders as to costs in defamation proceedings includes the power to order the payment by the person making the offer to the aggrieved person of costs on an indemnity basis and of any expenses reasonably incurred or to be incurred by the aggrieved person in consequence of the matter in question.

(5) Notwithstanding that proceedings are not brought by an aggrieved person, a Judge in Chambers may, on an application by the aggrieved person, make an order for the payment of the costs and expenses as could have been made in the proceedings.

(6) An order made under subsection (5) shall be consistent with the terms of the offer.

(7) The acceptance of an offer to make amends made by one person does not affect any cause of action of the aggrieved person against any other person in respect of the same publication.

Effect of not accepting offer to make amends.

13. A defendant in proceedings for defamation may rely in mitigation of damages on an offer to make amends.

Apology

Apology admissible in evidence in mitigation of damages.

14. In any action for defamation, the defendant, in mitigation of damages, may make, or offer, an apology to the claimant for the defamation—

- (a) before the commencement of the action; or
- (b) where the action was commenced before there was an opportunity of making or offering the apology, as soon after the commencement of the action as he had an opportunity of doing so.

Effect of apology on liability for defamation.

15.—(1) An apology made by or on behalf of a person in connection with any defamatory matter alleged to have been published by the person—

- (a) does not constitute an express or implied admission of fault or liability by the person in connection with that matter; and

(b) is not relevant to the determination of fault or liability in connection with that matter.

(2) Evidence of an apology made by or on behalf of a person in connection with any defamatory matter alleged to have been published by the person is not admissible as evidence of the fault or liability of the person in connection with that matter.

(3) Nothing in this section limits the operation of section 26.

PART IV. *Court Proceedings*

16.—(1) Unless the court orders otherwise, a claimant or defendant in defamation proceedings may elect for the proceedings to be tried by jury.

Election for
defamation
proceedings
to be tried by
jury.

(2) An election shall be—

(a) made at the time and in the manner prescribed by the rules of court for the court in which the proceedings are to be tried; and

(b) accompanied by the fee (if any) prescribed by the regulations made under any applicable rules of court for the requisition of a jury in that court.

(3) Without limiting subsection (1), a court may order that defamation proceedings are not to be tried by jury if—

(a) the trial requires a prolonged examination of records; or

(b) the trial involves any technical, scientific or other issue that cannot be considered and resolved by a jury conveniently.

(4) Without limiting subsection (1), a court may order that defamation proceedings are to be tried by a special jury where, in the opinion of the judge, special expertise is required and sections 26, 28, 29 and 30 of the *Jury Act* shall apply in relation to the special jury.

17.—(1) This section applies to defamation proceedings that are tried by jury.

Roles of
judges and
juries in
defamation
proceedings.

(2) In defamation proceedings that are tried by jury, the jury is to determine whether the defendant has published defamatory matter about the claimant and, if so, whether any defence raised by the defendant has been established.

(3) If the jury finds that the defendant has published defamatory matter about the claimant and that no defence has been established, the judge and not the jury is to determine the amount of damages (if any) that should be awarded to the claimant and all unresolved issues of fact and law relating to the determination of that amount.

(4) If the proceedings relate to more than one cause of action for defamation, the jury shall give a single verdict in relation to all causes of action on which the claimant relies, unless the judge orders otherwise.

(5) Nothing in this section—

- (a) affects any law or practice relating to special verdicts;
- (b) requires or permits a jury to determine any issue that, at law, is an issue to be determined by the judge; or
- (c) affects the power of a judge, upon the application of either party to any civil case wherein issue in fact shall have been joined pursuant to section 25 of the *Jury Act*.

Leave required for further proceedings in relation to publication of same defamatory matter.

18. If a person has brought defamation proceedings for damages (whether in Jamaica or elsewhere) against any person in relation to the publication of any matter, the person shall not bring further defamation proceedings for damages against the same defendant in relation to the same or any other publication of the same or like matter, except with the leave of the court in which the further proceedings are to be brought.

PART V. *Defences*

Scope of Defence

Scope of defences under law not limited.

19.—(1) A defence under this Part is additional to any other defence or exclusion of liability available to the defendant apart from this Act and does not of itself vitiate, limit or abrogate any other defence or exclusion of liability.

(2) It is not a defence to a claim in defamation that the circumstances of the publication of the matter complained of were such that the person defamed was not likely to suffer harm.

Truth

20.—(1) In proceedings for defamation, the defence known before the commencement of this Act as the defence of justification shall, in relation to an action for defamation brought after the commencement of this Act, be known as the defence of truth.

Defence of truth.

(2) In proceedings for defamation based on only some of the matter contained in a publication, the defendant may allege and prove any facts contained in the whole of the publication.

(3) In proceedings for defamation, a defence of truth shall succeed if—

- (a) the defendant proves that the imputations contained in the matter that is the subject of the proceedings were true, or not materially different from the truth; or
- (b) where the proceedings are based on all or any of the matter contained in a publication, the defendant proves that the publication taken as a whole was in substance true, or was in substance not materially different from the truth, if the words not proven to be true do not materially injure the claimant's reputation having regard to the truth of the remaining imputations.

Fair Comment

21.—(1) In an action for defamation in respect of words, including or consisting of expression of opinion, a defence of fair comment shall not fail only because the defendant has failed to prove the truth of every relevant assertion of fact relied on by him as a foundation for the opinion, provided that such of the assertions as are proved to be true are relevant and afford a foundation for the opinion.

Defence of fair comment; truth of assertions.

(2) Nothing in this section affects the liability of the defendant in an action for defamation for the acts of his employee.

Innocent Dissemination

22.—(1) It is a defence to the publication of defamatory matter if the defendant proves the following, that is to say, that—

Defence of innocent dissemination.

- (a) the defendant published the matter merely in the capacity of a distributor who is subordinate to the publisher of the matter

alleged to be defamatory, or as an employee or agent of the distributor or in the capacity of a secondary publisher having received the matter from a reputable wire service;

- (b) the defendant neither knew, nor ought reasonably to have known, that the matter was defamatory; and
- (c) the defendant's lack of knowledge was not due to any negligence on the part of the defendant.

(2) The defence of innocent dissemination is not available to—

- (a) a person who knows, or ought reasonably to have known, that the matter was or could have been defamatory but proceeded to publish the matter anyway; or
- (b) a person who fails to remove the defamatory matter from his publication or from circulation promptly after it has been brought to his attention.

(3) A person who takes reasonable and effective steps to remove defamatory matter from his publication or from circulation will not, after taking the steps, be liable for the republication of the defamatory matter by a third party over which he exercises no editorial control regarding either the republication of the defamatory matter, or the decision to republish.”.

(4) For the purposes of subsection (1), a person is a subordinate distributor of defamatory matter if the person —

- (a) was not the first or primary distributor of the matter;
- (b) was not the author or originator of the matter; and
- (c) did not have any capacity to exercise editorial control over—
 - (i) the content of the matter; or
 - (ii) the decision to publish the matter

before it was first published.”.

(5) Without limiting subsection (4) (a), a person is not the first or primary distributor of matter merely because the person was involved in the publication of the matter in the capacity of—

- (a) a bookseller, newsagent or news-vendor;
- (b) a librarian;

- (c) a wholesaler or retailer of the matter;
- (d) a provider of postal or similar services by means of which the matter is published;
- (e) a broadcaster of a live programme (whether on television, radio or otherwise) containing the matter in circumstances in which the broadcaster has no effective control over the person who makes the statements that comprise the matter;
- (f) a provider of services consisting of—
 - (i) the processing, copying, distributing or selling of any electronic medium in or on which the matter is recorded; or
 - (ii) the operation of, or the provision of any equipment, system or service, by means of which the matter is retrieved, copied, distributed or made available in electronic form;
- (g) an operator of, or a provider of access to, a communications system by means of which the matter is transmitted, or made available, by another person over whom the operator or provider has no effective control; or
- (h) a person who, on the instructions or at the direction of another person, prints or produces, reprints or reproduces, or distributes the matter for or on behalf of that other person.

Qualified Privilege

23.—(1) Unless the publication is proved to be made with malice, subject to the provisions of this section, the publication in a news medium of any report or other matter mentioned in the First Schedule shall be privileged.

Defence of
qualified
privilege.
First
Schedule.

(2) In an action for defamation in respect of the publication of any report or matter mentioned in Part II of the First Schedule, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the claimant to publish in the news medium in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner that is not adequate or not reasonable having regard to all the circumstances.

(3) This section is not to be construed as—

- (a) protecting the publication of any matter the publication of which is prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit; or
- (b) limiting or abridging any privilege subsisting before the date of commencement of this Act (otherwise than by virtue of any enactment repealed by section 37 of this Act).

PART VI. *Remedies*

Damages

Damages to bear rational relationship to harm.

24. In determining the amount of damages to be awarded in any defamation proceedings, the court shall ensure that there is an appropriate and rational relationship between the harm sustained by the claimant and the amount of damages awarded.

Factors in mitigation of damages.

25.—(1) Evidence is admissible on behalf of the defendant, in mitigation of damages for the publication of defamatory matter, that—

- (a) the claimant has suffered no harm and is unlikely to suffer harm;
- (b) the defendant has made an apology to the claimant about the publication of the defamatory matter pursuant to section 14;
- (c) the defendant has published a correction of the defamatory matter;
- (d) the claimant has already recovered damages for defamation in relation to any other publication of matter having the same meaning or effect as the defamatory matter;
- (e) the claimant has recovered damages, or has brought actions for damages, for defamation in respect of the publication of the defamatory matter to the same effect as the defamatory matter on which the action is founded, or has received or

agreed to receive compensation in respect of the publication;
or

- (f) the claimant has received or agreed to receive compensation for defamation in relation to any other publication of matter having the same meaning or effect as the defamatory matter.

(2) Nothing in subsection (1) operates to limit the matters that can be taken into account by a court in mitigation of damages.

26. If the court in defamation proceedings finds for the claimant as to more than one cause of action, the judge may assess damages in a single sum.

Damages for multiple causes of action may be assessed as single sum.

Declaration

27.—(1) In any proceedings for defamation, the claimant may seek a declaration that the defendant is liable to the claimant in defamation.

Declaration.

(2) The remedy of a declaration and the award of costs is available instead of damages where the claimant seeks only a declaration that the defendant is liable to the claimant in defamation.

(3) Where, in any proceedings for defamation—

- (a) the claimant seeks only a declaration and costs; and
- (b) the court makes the declaration sought,

the claimant shall be awarded attorney-at-law and client costs against the defendant in the proceedings, unless the court orders otherwise.

Correction

28.—(1) In any proceedings for defamation, the claimant may seek an order from the court that the defendant publish or cause to be published a correction of the matter that is the subject of the proceedings (hereinafter referred to as a “correction order”); and the court may make the order.

Court may make correction order.

(2) Subject to subsection (5), the remedy of a correction order is available instead of damages.

(3) Where, in any proceedings for defamation in which the claimant seeks a correction order—

- (a) the court orders that the defendant publishes or causes to be published a correction of the matter that is the subject of the proceedings; and
- (b) the defendant publishes or causes to be published a correction in accordance with the terms of that order—
 - (i) the claimant shall be awarded attorney-at-law and client costs against the defendant in the proceedings, unless the court orders otherwise;
 - (ii) the claimant shall be entitled to no other relief or remedy against that defendant in those proceedings; and
 - (iii) the proceedings, so far as they relate to that defendant, shall be deemed to be finally determined by virtue of this section.

(4) Subsection (5) applies in any proceedings for defamation in which the claimant seeks a correction order and—

- (a) the court orders that the defendant publish or cause to be published a correction of the matter that is the subject of the proceedings; and
- (b) the defendant fails to publish or cause to be published a correction in accordance with the terms of that order.

(5) If the court gives final judgment in the proceedings in favour of the claimant—

- (a) the failure to publish or cause to be published a correction in accordance with the terms of the order shall be taken into account in the assessment of any damages awarded against the defendant; and
- (b) unless the court orders otherwise, the claimant shall be awarded attorney-at-law and client costs against the defendant in the proceedings.

29.—(1) A court may make an order pursuant to section 29(1) in relation to—

- (a) the content of the correction;
- (b) the time of publication of the correction;
- (c) the prominence to be given to the correction in the particular medium in which it is published; and
- (d) any other matter that the court thinks appropriate.

Court may make order as to content, etc., of correction.

(2) In making an order under subsection (1), the court shall have regard—

- (a) to the context and circumstances in which the matter that is the subject of the proceedings was published, including the manner and extent of publication; or
- (b) in the case of matter published in a periodical, or in the course of a regular activity or presentation (including audio or video communication by electronic means), to the proper interest of the defendant in maintaining the style and character of the periodical, activity or presentation.

PART VII. *Costs*

30.—(1) In awarding costs in defamation proceedings, the court may have regard to—

- (a) the way in which the parties to the proceedings conducted their cases, including any misuse of a party's superior financial position to hinder the early resolution of the proceedings; and
- (b) any other matter that the court considers relevant.

Costs in defamation proceedings.

(2) Without limiting subsection (1), and unless the interests of justice require otherwise, a court shall—

- (a) if defamation proceedings are successfully brought by a claimant and costs in the proceedings are to be awarded to the claimant, order costs of and incidental to the proceedings to be assessed on an indemnity basis if the court is satisfied

that the defendant unreasonably failed to make a settlement offer or agree to a settlement offer proposed by the claimant; or

- (b) if defamation proceedings are brought by a claimant unsuccessfully and costs in the proceedings are to be awarded to the defendant, order costs of and incidental to the proceedings to be assessed on an indemnity basis if the court is satisfied that the claimant —
 - (i) unreasonably failed to accept a settlement offer made by the defendant; or
 - (ii) ought to have known from the time he commenced the proceedings that the claim had no reasonable prospect of success.

(3) In this section, “settlement offer” means any offer to settle the proceedings made before the proceedings are determined, and includes an offer to make amends (whether made before or after the proceedings are commenced) that was a reasonable offer at the time it was made.

PART VIII. *Miscellaneous*

Proof of
publication.

31.—(1) If a document appears to be printed or otherwise produced by means adapted for the production of numerous copies and there is in the document a statement to the effect that the document is printed, produced, published or distributed by or for a particular person, the statement is evidence in defamation proceedings that the document was so printed, produced, published or distributed.

(2) Evidence that a number or part of a document appearing to be a periodical is printed, produced, published or distributed by or for a particular person is evidence in defamation proceedings that a document appearing to be another number or part of the periodical was so printed, produced, published or distributed.

Agreements
for
indemnity.

32. An agreement for indemnifying any person against liability for defamation in respect of the publication of any matter is not unlawful unless at the time of the publication the person knew that the matter is

defamatory, and did not reasonably believe there was a good defence to any action brought under the agreement.

33.—(1) An action for defamation shall be brought—

Limitation
period for
action.

- (a) in the case of defamatory matter published on the Internet, within two years from the date upon which the defamatory statement is first published on the Internet or the date upon which it is first capable of being viewed or listened to through the Internet, whichever is later; or
- (b) in the case of any other defamatory matter, within two years from the date that the defamatory matter was first published,

hereinafter referred to as the “limitation period”.

(2) A person claiming to have a cause of action for defamation may apply to a court for an order extending the limitation period.

(3) Subject to subsection (4), on an application under subsection (2), a court may extend the limitation period.

(4) A court may not order the extension of the limitation period unless—

- (a) the court is satisfied that there are reasonable and compelling grounds for the action not having been brought within the limitation period;
- (b) the court has taken into account any prejudice which the extension of time may cause the defendant, including the extent to which any evidence relevant to the matter is, by virtue of the delay, no longer capable of being adduced; and
- (c) it is in the interest of justice to grant an extension of time.

(5) If a court orders the extension of the limitation period—

- (a) the limitation period shall not be more than four years from the date on which the cause of action arose; and
- (b) that limitation period is accordingly extended for the purposes of an action brought by the applicant in that court on the cause of action that the applicant claims to have.

(6) An order for the extension of a limitation period, and an application for an order, may be made even though the limitation period has already expired.

Regulations. 34. The Minister may make regulations for the purposes of giving effect to the provisions of this Act.

Review of Act. 35.—(1) This Act shall be reviewed, from time to time, by a parliamentary committee comprised of members of both Houses of Parliament appointed for that purpose.

(2) The first review of this Act shall be conducted not later than five years after the date of commencement of this Act.

Repeal. 36. The Defamation Act and the Libel and Slander Act are repealed.

Amendment of Acts. Second Schedule. 37. The provisions of the Acts referred to in the first column of the Second Schedule are amended in the manner specified in relation thereto in the second column of that Schedule.

FIRST SCHEDULE

(Section 23)

Qualified Privilege

PART I

*Statements Privileged Without Need for Publication of
Explanation or Contradiction*

1. A fair and accurate report of proceedings in public of a legislature anywhere in the world.
2. A fair and accurate report of proceedings in public before a court anywhere in the world.
3. A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a government or legislature anywhere in the world.
4. A fair and accurate report of proceedings in public anywhere in the world of an international organization or an international conference.
5. A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.
6. A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.
7. A fair and accurate copy of or extract from matter published by or on the authority of a government or legislature anywhere in the world.
8. A fair and accurate copy of or extract from matter published anywhere in the world by an international organization or an international conference.
9. A fair and accurate report of any proceedings in public of an international court anywhere in the world.

PART II

*Statements Privileged Subject to Publication of
Explanation or Contradiction*

10. A fair and accurate copy of or extract from a notice or summary of a notice or other matter issued for the information of the public by or on behalf of—
 - (a) a legislature or government anywhere in the world;
 - (b) any authority performing governmental functions anywhere in the world;
 - (c) an international organization or international conference.

11. A fair and accurate copy of or extract from a document made available by a court anywhere in the world or by a judge or officer of that court.

12. A fair and accurate report of proceedings at a press conference anywhere in the world for the discussion of a matter of public interest.

13. A fair and accurate report of the proceedings at any public meeting held anywhere in the world, that is to say, a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public interest, whether the admission to the meeting is general or restricted.

14.—(1) A fair and accurate report of proceedings at a general meeting of a Jamaican company.

(2) A fair and accurate copy of or extract from any document circulated to members of a Jamaican company—

- (a) by or with the authority of the board of directors of the company;
- (b) by the auditors of the company; or
- (c) by any member of the company in pursuance of a right conferred by any enactment.

(3) A fair and accurate copy of or extract from any document circulated to members of a Jamaican company which relates to the appointment, resignation, retirement or dismissal of directors of the company.

PART III

Interpretation

15. In this Schedule—

“court”—

- (a) means any tribunal or body exercising the judicial power of the state;
- (b) includes, in paragraphs 2 and 6—
 - (i) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which Jamaica is a party;
 - (ii) the International Court of Justice and any other judicial or arbitral tribunal deciding matters in disputes between states; and

(iii) an international court;

“governmental functions” includes police functions;

“international conference” means a conference attended by representatives of two or more governments;

“international court” includes any international tribunal established by the Security Council of the United Nations or by an international agreement;

“international organization” means an organization of which two or more governments are members and includes any committee or other subordinate body of that organization;

“Jamaican company” means a company incorporated under the laws of Jamaica;

“legislature” includes a local legislature.

SECOND SCHEDULE

(Section 38)

Amendment of Acts

Act —	Amendment —
<i>Indictments Act</i>	In the Appendix to the Rules set out in the Schedule, delete Items 22 and 23.
<i>Judicature (Resident Magistrates) Act</i>	<ol style="list-style-type: none"> 1. Delete from section 150 the words “a justification in actions of libel or slander” and substitute therefor the words “truth in actions for defamation”. 2. Delete from section 154 the words “libel or slander” and substitute therefor the word “defamation”. 3. Delete from section 176 the words “slander, libel” and substitute therefor the word “defamation”.
<i>Senate and House of Representatives (Powers and Privileges) Act</i>	<p>In section 18, delete—</p> <ol style="list-style-type: none"> (a) from paragraph (g) the words “House; or” and substitute therefor the word “House;” and (b) paragraph (h).

Passed in the Senate this 12th day of July 2013 with ten (10) amendments.

FLOYD A. MORRIS
President.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the defamation law of Jamaica to address the inadequacies of the present libel law by implementing, with changes where considered appropriate, recommendations made in the Report of the Joint Select Committee of the Houses of Parliament (hereinafter "the Committee") on the reform of Jamaica's defamation laws. The Joint Select Committee considered and reported on the recommendations that had been made by the committee chaired by the Honourable Mr. Justice Ronald Hugh Small, Q.C. (retired) in the Report on the Review of Jamaica's Defamation Laws ("the Small Committee Report").

The Bill seeks further to promote speedy and non-litigious methods of resolving disputes concerning the publication of defamatory matter.

Some of the features of the Bill include provisions relating to the following—

- (a) the abolition of the distinction between libel and slander and the establishment of a single cause of action to be known as defamation;
- (b) the abolition of the law relating to criminal libel;
- (c) the reduction of the limitation period for actions in defamation from six to two years;
- (d) replacement of the defence of justification with the defence of truth;
- (e) provisions for the resolution of disputes without Court proceedings;
- (f) the modification of the defence of fair comment to provide that the defence shall not fail only because the defendant has failed to prove the truth of every relevant assertion of fact relied on him as a foundation for his opinion if the assertions as are proved to be true are relevant and afford a foundation for the opinion;
- (g) introduction of the defence of innocent dissemination;
- (h) introduction of new remedies, such as a declaratory order and a correction order.

MARK J. GOLDING
Minister of Justice

A BILL

ENTITLED

AN ACT to Repeal the Defamation Act and the
Libel and Slander Act and make new
provision relating to the tort of defamation;
and for connected purposes.

As passed in the Honourable Senate.

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