

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L50

LIBEL AND SLANDER ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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LIBEL AND SLANDER ACT

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LIBEL AND SLANDER ACT

Interpretation of "libel" and "defamatory libel"

1. A reference in this Act to "libel" and "defamatory libel" shall be interpreted so as to bear the meaning assigned to "defamatory matter" in section 321 of the Criminal Code[1].

(Am in L.R. 15/12/2014)

Offer of apology admissible in evidence in mitigation of damages

2. In any action for defamation it shall be lawful for the defendant (after notice in writing of his intention to do so, duly given to the plaintiff at the time of filing or delivering the plea in such action) to give in evidence, in mitigation of damages, that he made, or offered, an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

Right of defendant in action against a newspaper for libel

3. In any action for a libel contained in any public newspaper, or other periodical publication, it shall be competent for the defendant to plead that such libel was inserted in such newspaper, or other periodical publication, without actual malice and without gross negligence, and that, before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper, or other periodical publication, a full apology for the libel, or, if the newspaper, or periodical publication, in which the libel appeared, should be ordinarily published at intervals exceeding one week, had offered to publish the apology in any newspaper, or periodical publication, to be selected by the plaintiff in such action; and every such defendant shall, upon filing such plea, be at liberty to pay into Court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into Court shall be of the same effect, and be available in the same manner

[1] This section has been corrected to reflect the renumbering of the Criminal Code, R.S.A. c. C140 *(15/12/2014).*

and to the same extent, and be subject to the same rules and regulations as shall be, for the time being, in force in the High Court with reference to payment of money into Court in civil suits.

Publishing, etc., or proposing to publish etc., a libel with intent to extort money

4. If any person shall publish, or threaten to publish, any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender is liable on conviction to be imprisoned for a term of 3 years but nothing herein contained shall in any manner alter or affect any law in force in respect of the sending or delivery of threatening letters or writings.

Proceedings upon the trial of an indictment or information for a defamatory libel

5. On the trial of any indictment or information for a defamatory libel, the defendant, having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the matters charged should be published; and, to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information, it shall be necessary for the defendant, in pleading to the indictment or information, to allege the truth of the matters charged in the manner now required in pleading a justification to an action of defamation, and further to allege that it was for the public benefit that the matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and if, after such plea, the defendant shall be convicted on such indictment, it shall be competent to the Court, in pronouncing sentence, to consider whether the guilt of the defendant is aggravated or mitigated by the plea, and by the evidence given to prove or to disprove it but—

(a) the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be enquired into without such plea of justification;

(b) in addition to such plea, it shall be competent to the defendant to plead a plea of not guilty; and

(c) nothing in this Act contained shall take away or prejudice any defence, under the plea of not guilty, which it is competent to the defendant to make, under such plea, to any action or indictment or information for defamatory words or libel.

Evidence to rebut *prima facie* case of publication by an agent

6. Whensoever, upon the trial of any indictment or information for the publication of a libel, under a plea of not guilty, evidence shall have been given, which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the publication did not arise from want or due care or caution on his part.

Costs in prosecutions by private prosecutors

7. In the case of any indictment or prosecution, by a private prosecutor, for the publication of any defamatory libel, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information; and,

upon a special plea of justification to such indictment or information, if the issue be found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea; such costs to be recovered by the defendant or prosecutor, respectively, to be taxed by the proper officer of the Court before which the indictment or information is tried.

Slander of women

8. Words spoken and published, which impute unchastity or adultery to any woman or girl, shall not require special damage to render them actionable, but in any action for words spoken and made actionable by this Act, a plaintiff shall not recover more costs than damages, unless the Judge shall certify that there was reasonable ground for bringing the action.

Citation

9. This Act may be cited as the Libel and Slander Act, Revised Statutes of Anguilla, Chapter L50.

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