

**Defamation Act  
(CHAPTER 75)**

**Table of Contents**

**Long Title**

**1 Short title**

**2 Interpretation**

**3 Broadcast statements**

**4 Slander of women**

**5 Slander affecting official, professional or business reputation**

**6 Slander of title, etc.**

**7 Unintentional defamation**

**8 Justification**

**9 Fair comment**

**10 Apology in mitigation of damages**

**11 Reports of judicial proceedings**

**12 Qualified privilege of newspapers**

**13 Application of Act to broadcasting**

**14 Limitation of privilege at elections**

**15 Agreements for indemnity**

**16 Evidence of other damages recovered by plaintiff**

**17 Consolidation of actions for libel**

**18 Separate assessment of damages in certain cases in actions for libel**

**19 Severance of defences**

**20 Consolidation of actions for slander, etc.**

**21 Savings**

**THE SCHEDULE Newspaper statements having qualified privilege**

**Legislative History**

**Comparative Table**

## **DEFAMATION ACT**

### **(CHAPTER 75)**

(Original Enactment: M. Ordinance 20 of 1957)

REVISED EDITION 2014

(28th February 2014)

An Act relating to libel and slander and other malicious falsehoods.

[6th May 1965]

#### **Short title**

**1.** This Act may be cited as the Defamation Act.

#### **Interpretation**

**2.** In this Act, unless the context otherwise requires —

“broadcasting by means of telecommunication” means publication for general

reception by means of telecommunication;

“newspaper” means any paper containing public news or observations thereon or consisting wholly or mainly of advertisements which is printed for sale and is published in Singapore either periodically or in parts or numbers at intervals not exceeding 36 days;

“telecommunication” means any system for the transmission, emission or reception of signs, signals, writings, images and sounds of all kinds by means of radiowaves, wire, cable or other electro-magnetic systems;

“words” includes pictures, visual images, gestures and other methods of signifying meaning.

*[3/80]*

### **Broadcast statements**

3. For the purposes of the law of libel and slander, the broadcasting of words by means of telecommunication shall be treated as publication in a permanent form.

*[3/80]*

### **Slander of women**

4. Words spoken and published which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable.

### **Slander affecting official, professional or business reputation**

5. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

### **Slander of title, etc.**

6.—(1) In any action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage —

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 applies for the purposes of this section as it applies for the purposes of the law of libel and slander.

### Unintentional defamation

7.—(1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section; and in any such case —

- (a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication);
- (b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant or were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved; and for the purposes of a defence under subsection (1)(b) no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer —

- (a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words; and
- (b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the party aggrieved —

- (a) any question as to the steps to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the High Court, whose decision shall be final; and
- (b) the power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a), shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question,

and if no such proceedings as referred to in paragraph (b) are taken, the High Court may, upon an application made by the party aggrieved, make any such order for the payment of such costs and expenses as referred to in paragraph (b) as could be made in such proceedings.

(5) For the purposes of this section, words shall be treated as published by one person (referred to in this subsection as the publisher) innocently in relation to another person if and only if the following conditions are satisfied:

- (a) that the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or
- (b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person,

and in either case that the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Subsection (1)(b) shall not apply in relation to the publication by any person of words of which he is not the author unless he proves that the words were written by the author without malice.

## **Justification**

**8.** In an action for libel or slander in respect of words containing 2 or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.