Defamation Act (Northern Ireland) 1955

1955 CHAPTER 11

An Act to amend the law relating to libel and slander and other malicious falsehoods. [21st June 1955]

S. 1 rep. by 1990 c. 42

2 Slander affecting official, professional or business reputation.

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.

3 Slander of title, etc.

(1) In an 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 one shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

4 Unintentional defamation.

F1 . . . . . .

Changes to legislation: *There are currently no known outstanding effects for the Defamation Act (Northern Ireland) 1955. (See end of Document for details)*

Annotations:

F1 S. 4 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13 of the repealing Act, otherwise 6.1.2010) by Defamation Act 1996 (c. 31), ss. 16, 19(2)(3)(a), Sch. 2 (with s. 20(2)); S.I. 2009/2858, **art. 3(d)** (with art. 4)

5 Justification.

In an action for libel or slander in respect of words containing two 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.

6 Fair comment.

In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

7 Qualified privilege of newspapers.

F2 . . . . . .

Annotations:

F2 S. 7 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13 of the repealing Act, 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1, otherwise 6.1.2010) by Defamation Act 1996 (c. 31), ss. 16, 19(2)(3)(a), Sch. 2 (with s. 20(2)); S.I. 1999/817, art. 2; S.I. 2009/2858, **art. 3(d)**

8 Extent of Law of Libel Amendment Act, 1888 s.3.

F3 . . . . . .

Annotations:

F3 S. 8 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13 of the repealing Act, 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1, otherwise 6.1.2010) by Defamation Act 1996 (c. 31), ss. 16, 19(2)(3)(a), Sch. 2 (with s. 20(2)); S.I. 1999/817, art. 2; S.I. 2009/2858, **art. 3(d)**

9 Extension of certain defences to broadcasting.

(1) Section three of the Parliamentary Papers Act, 1840 **M1** (which confers protection in respect of proceedings for printing extracts from or abstracts of parliamentary papers) shall have effect as if the reference to printing included a reference to broadcasting by means of wireless telegraphy.

(2) **F4** . . . . . .

(3) **F5** . . . . . .

Annotations:

F4 S. 9(2) repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13 of the repealing Act, 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1, otherwise 6.1.2010) by Defamation Act 1996 (c. 31), ss. 16, 19(2)(3)(a), Sch. 2 (with s. 20(2)); S.I. 1999/817, art. 2; S.I. 2009/2858, **art. 3(d)**

F5 S. 9(3) repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13 of the repealing Act, 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1, otherwise 6.1.2010) by Defamation Act 1996 (c. 31), ss. 16, 19(2)(3)(a), Sch. 2 (with s. 20(2)); S.I. 1999/817, art. 2; S.I. 2009/2858, **art. 3(d)**

Marginal Citations

M1 1840 c.9

10 Limitation on privilege at elections.

(1) A defamatory statement published by or on behalf of a candidate in any election to a local authority, or to Parliament, or to the Parliament of the United Kingdom**[**F6 or to the Scottish Parliament**][**F7or to the National Assembly for Wales**]**, shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

(2) In this section the expression "local authority" means …F8 [F9 … a district council].

Annotations:

F6 1998 c. 46

F7 Words in s. 10(1) inserted by Government of Wales Act 2006 (c. 32), s. 160(1), **Sch. 10 para. 6** (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

F8 1972 c. 9 (NI)

F9 1972 c. 9 (NI)

11 Agreements for indemnity.

An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe there is a good defence to any action brought upon it.

12 Evidence of other damages recovered by plaintiff.

In any action for libel or slander the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages, or has brought actions for damages, for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded, or has received or agreed to receive compensation in respect of any such publication.