



BELIZE

**LIBEL AND DEFAMATION ACT
CHAPTER 169**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 169**LIBEL AND DEFAMATION****ARRANGEMENT OF SECTIONS**

1. Short title.
2. Interpretation.
3. Admissibility in evidence, in mitigation of damages in action for defamation, of apology.
4. Right of defendant in action for libel to plead absence of malice, etc., and apology.
5. Defendant not to plead matters allowed by 1843 c. 96, without payment into court.
6. Slander of women.
7. Broadcast statements.
8. Privilege of newspaper reports of proceedings in court.
9. Newspaper reports of proceedings of public meetings and of certain bodies and persons privileged.
10. Consolidation of actions.
11. Power of defendant to give certain evidence in mitigation of damages.
12. Order of judge required for prosecution of newspaper proprietor, etc.
13. Person proceeded against criminally a competent witness.
14. Damages for libel recoverable on bond.
15. Discovery may be enforced.

CHAPTER 169

LIBEL AND DEFAMATION

Ch. 168,
R.L., 1958.
CAP. 131,
R.E., 1980-1990.
40 of 1963.

[31st December, 1953]

Short title.

1. This Act may be cited as the Libel and Defamation Act.

Interpretation.

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

“broadcast” or “broadcasting” means publication for general reception, as part of any programme or service provided through a broadcasting station within Belize, by means of telecommunication, within the meaning of the Telecommunications Act, Cap. 229; and, where words are broadcast by means of telecommunication as defined by the Telecommunications Act, Cap. 229, in accordance with a licence granted under that Act, this Act shall apply as if the transmission were broadcast within the definition hereinbefore contained;

“broadcasting station” means any station operated by any statutory body or by Government, or in respect of which a licence granted by the Minister under the Broadcasting and Television Act, Cap. 227 is in force, being a licence which (by whatever form of words) authorises the use of the station for the purpose of providing broadcasting services by radio telecommunication intended for general reception.

Admissibility in evidence, in mitigation of damages in action for defamation, of apology.

3. In any action for defamation, it shall be lawful for the defendant (after notice in writing of his intentions to do so, duly given to the plaintiff within a reasonable time before the trial of the action) to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for the defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action has been commenced before there was an opportunity of making or offering apology.

4. In an action for libel contained in any public newspaper or other periodical publication, it shall be competent for the defendant to plead that the libel was inserted in the 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 the newspaper or other periodical publication a full apology for the libel, or, if the newspaper or periodical publication in which the libel appeared is ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in the action; and to such defence to the action it shall be competent to the plaintiff to reply generally, denying the whole of such defence.

Right of defendant in action for libel to plead absence of malice. etc., and apology.

5. It shall not be competent for any defendant in such action to set up any such defence, without at the same time making a payment of money into court by way of amends, and every such defence so filed without payment of money into court shall be deemed a nullity.

Defendant not to plead matters allowed by 1843 c.96, without payment into court.

6. Words spoken and published which impute un-chastity 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 section, a plaintiff shall not recover more costs than damages, unless the judge certifies that there was reasonable ground for bringing the actions.

Slander of women.

7. For the purposes of the law of libel and slander, the broadcasting of words shall be treated as publication in permanent form.

Broadcast statements.

8. A fair and accurate report in any newspaper or broadcast of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged, but nothing in this section shall authorise the publication of any blasphemous or indecent matter.

Privilege of newspaper reports of proceedings in court.

9.-(1) A fair and accurate report published in any newspaper or broadcast of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a city council, town council, school board or of any board or committee formed,

Newspaper reports of proceeding of public meetings and of certain bodies and persons privileged.

constituted or appointed under the provisions of any Act, or of any meeting of any commissioners authorised to act by any Act or otherwise appointed by a Minister or other lawful warrant or authority, select or standing committee of the National Assembly, and the publication at the request of the head of any Government Department, commissioner or the Commissioner of Police, of any notice or report issued by them for the information of the public shall be privileged, unless it is proved that such report or publication was published or made maliciously,

Provided that,

- (a) nothing in this section shall authorise the publication of any blasphemous or indecent matter;
- (b) the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it is proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation, of such report or other publication and has refused or neglected to insert it;
- (c) nothing contained in this section shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern and the publication of which is not for the public benefit.

(2) For the purposes of this section, “public meeting” means any meeting *bona fide* and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto is general or restricted.

10.—(1) It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall

Consolidation of actions.

be tried together, and after such order has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect of the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

(2) In a consolidated action under this section, the court or jury shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and if the court or jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, it or they shall proceed to apportion the amount of damages which it or they so find between and against the said last-mentioned defendants, and the judge at the trial, if he awards to the plaintiff the costs of the action, shall thereupon make such order as he deems just for the apportionment of such costs between and against such defendants.

11. 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.

Power of defendant to give certain evidence in mitigation of damages.

12.—(1) No criminal prosecution shall be commenced against any proprietor, publisher, editor or any person responsible for the publication of a newspaper for any libel published therein without the order of a judge in chambers being first had and obtained.

Order of judge required for prosecution of newspaper proprietor, etc.

(2) The application for such order shall be made on notice to the person accused, who shall have an opportunity of being heard against such application.

13. Any person charged with the offence of libel before any court of criminal jurisdiction, and the husband or wife of the person so charged, shall be a competent, but not compellable, witness on every hearing at every stage of such charge.

Person proceeded against criminally a competent witness.

Damages for libel
recoverable on
bond.

14.—(1) Where any plaintiff in any action for libel against any proprietor, editor, conductor, printer or publisher of any newspaper makes it appear, by affidavit to the Supreme Court, or to any judge thereof, that he is entitled to have execution against the defendant upon any judgment in such action, and that he has not been able to procure satisfaction by writ of execution against the goods and chattels or the lands of such defendant, the court or the judge may, for the benefit of such plaintiff, order and direct such proceedings to be had and taken upon such bond as would be taken to obtain any forfeitures, fines, penalties, damages or costs due to Her Majesty secured by such bond.

(2) The expense of such proceedings shall be borne exclusively by such plaintiff as aforesaid.

Discovery may be
enforced.

15.—(1) Where any person files a petition in the Supreme Court for the discovery of the name of any person concerned as printer, publisher or proprietor of any newspaper or of any matter relative to the printing or publishing of any newspaper, in order more effectively to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such petition, but such defendant shall be compellable to make the discovery required.

(2) Any discovery made under this section shall not be made use of as evidence or otherwise in any proceeding against the defendant, except only in that proceeding for which the discovery is made.