

Bill No. 45 of 1949.

A BILL TO AMEND THE DEFAMATION ACT.

NOTE.

This Bill amends *The Defamation Act*, being chapter 14 of the Statutes of Alberta, 1947.

The Defamation Act is a uniform Act which was prepared by the Conference of Commissioners on Uniformity of Legislation for Canada and recommended to all of the provinces for enactment. Alberta enacted the uniform Act.

At the 1948 meeting of the Uniformity Conference the amendments contained in this Bill were adopted by the Uniformity Conference and recommended to the various provinces for enactment.

The definition of "Newspaper" in paragraph (c) of section 2 is amended. The amended definition has the word "news" substituted for the expression "public news" as newspapers contain many items relating to births, marriages, social affairs, etc., which are news although more or less private in nature. The words "pictures or illustrations" are added to the list of things contained in a newspaper.

Sections 4 and 5 are amended slightly for purposes of clarification of the wording without in any way changing the meaning or intention.

Section 9 is amended so that the procedure set out conforms to earlier sections of the Act. The court or jury, as the case may be, is empowered to assess damages but in section 9 as originally drafted a reference to the court was omitted. The section has been amended to refer to the court or jury.

Section 10 is amended. Subsection (1) provides that reports of certain meetings are privileged. This subsection is amended by adding to the list of reports which are privileged a fair and accurate report of a meeting of commissioners authorized to act by or pursuant to statute or other lawful authority.

The present subsection (3) of section 11 has been re-numbered as section 12.

Section 13 is amended. The section originally required five days' notice of intention to bring an action and this period has been extended to seven days. The word "language" has been struck out and the expression "defamatory matter" has been substituted because this latter expression has been used twice previously in the section when referring to the same thing.

Section 18 is amended. Newspapers enjoy certain advantages if the name of the proprietor and publisher and the address of publication are stated in the newspaper either at the head of the editorials or on the front page. Many newspapers are published with a different format which has the required information published in a conspicuous place though not at the head of the editorials or on the front page. As long as such information is published in a conspicuous place it is desirable that the newspaper should have the advantage of this section.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

*(This note does not form any part of the Bill but is offered
in explanation of its provisions.)*

BILL

No. 45 of 1949.

An Act to amend The Defamation Act.

(Assented to _____, 1949.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Defamation Act*, being chapter 14 of the Statutes of Alberta, 1947, is hereby amended as to section 2 by striking out paragraph (c) and by substituting the following:

“(c) ‘Newspaper’ means a paper containing news, intelligence, occurrences, pictures or illustrations, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers;”.

2. The said Act is further amended as to section 4 by striking out the words “The plaintiff” where the same occur therein and by substituting the words “In an action for defamation the plaintiff”.

3. The said Act is further amended as to section 5 by striking out the words “where the defendant” where the same occur therein and by substituting the words “In an action for defamation in which the defendant”.

4. The said Act is further amended as to section 9 by striking out the same and by substituting the following:

“**9.**—(1) In a consolidated action under section 8 the court or jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be given for or against each defendant in the same way as if the actions consolidated had been tried separately.

“(2) If the court or jury gives a verdict against defendants in more than one of the actions so consolidated it shall apportion the amount of the damages between and against those defendants; and, if the plaintiff is awarded the costs of the action the judge shall make such order as he deems just for the apportionment of the costs between and against those defendants.”.

5. The said Act is further amended as to section 10 by adding immediately after the words “or in a committee of

any of such bodies," where the same occur in subsection (1), the words "or of a meeting of commissioners authorized to act by or pursuant to statute or other lawful warrant or authority,".

6. The said Act is further amended as to section 11,—

- (a) by renumbering subsection (3) as section 12;
- (b) by striking out the words "this section" where the same occur in subsection (3), now renumbered as section 12, and by substituting the word and figures "section 11".

7. The said Act is further amended by renumbering sections 12 to 21 as sections 13 to 22 respectively.

8. The said Act is further amended as to section 12, now renumbered as section 13, by striking out the words and figures "sections 13 to 18" where the same occur therein, and by substituting the words and figures "sections 14 to 19".

9. The said Act is further amended as to section 13, now renumbered as section 14,—

- (a) by striking out the word "five" where the same occurs in subsection (1), and by substituting the word "seven";
- (b) by striking out the word "language" where the same occurs in subsection (1), and by substituting the words "defamatory matter".

10. The said Act is further amended as to section 18, now renumbered as section 19,—

- (a) by striking out the words and figures "sections 13, 14 and 17" where the same occur in subsection (1), and by substituting the words and figures "sections 14, 15 and 18";
- (b) by striking out the words "either at the head of the editorials or on the front page of" where the same occur in subsection (1), and by substituting the words "in a conspicuous place in";
- (c) by striking out the words and figures "sections 13, 14 and 17" where the same occur in subsection (3), and by substituting the words and figures "sections 14, 15 and 18".

11. This Act shall come into force on the day upon which it is assented to.

No. 45

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The Defamation
Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. MAYNARD.
