

## REPRINTED BILL

### BILL

No. 83 of 1935.

An Act to amend The Libel and Slander Act.

(Assented to \_\_\_\_\_, 1935.)

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

**1.** This Act may be cited as "*The Libel and Slander Act Amendment Act, 1935.*"

**2.** *The Libel and Slander Act*, being chapter 101 of the Revised Statutes of Alberta, 1922, is hereby amended as to sections 7 and 8 thereof by repealing the same and by substituting therefor the following:

"**7.** In an action for libel contained in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein 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 a full apology for the libel; or if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff.

"**8.**—(1) No action for libel contained in a newspaper shall lie unless the plaintiff has, within six weeks after the publication thereof has come to his notice or knowledge, given to the defendant notice in writing, specifying the statement complained of, which shall be served in the same manner as a statement of claim or by delivering the notice to a grown up person at the place of business of the defendant.

"(2) The plaintiff shall recover only special damage if it appears on the trial—

- "(a) that the alleged libel was published in good faith;
- "(b) that there was reasonable ground to believe that the publication thereof was for the public benefit;
- "(c) that it did not involve a criminal charge;
- "(d) that the publication took place in mistake or misapprehension of the facts; and
- "(e) that a full and fair retraction of any statement therein alleged to be erroneous was published either in the next regular issue of the newspaper, or in any regular issue thereof published within three days after the receipt of such notice, and was so published in as conspicuous a place and type as was the alleged libel.

"(3) The provisions of this section shall not apply to the case of a libel against any candidate for public office in

Alberta, unless the retraction of the charge is made editorially in a conspicuous manner at least five days before the election.

“**8a.** A defendant may pay into court, with his defence, a sum of money by way of amends for the injury sustained by the publication of any libel to which the two next preceding sections apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment shall have the same effect as payment into court in other cases.”

**3.** The said Act is further amended as to section 10 thereof by striking out the same and by substituting therefor the following:

“**10.**—(1) In any action hereafter brought, a report published in any newspaper of proceedings publicly heard before any court shall be privileged if—

- “(a) the report is a fair and accurate report of those proceedings;
- “(b) the report contains no comment;
- “(c) the report is published contemporaneously with the proceedings which are the subject matter of the report, or within thirty days thereafter;
- “(d) the report contains nothing of a blasphemous or indecent nature; and
- “(e) the report is published without express malice.

“(2) For the purposes of this section, every headline or caption in the newspaper which is referable to any report therein shall be deemed to be a report, and the expression ‘proceedings publicly heard before any court’ shall be deemed not to include any proceedings in a civil action heard *ex parte* in chambers or any other proceedings heard otherwise than before a judge sitting in open court.”

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

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**BILL**

An Act to amend The Libel and  
Slander Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. LYMBURN

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1935