

911.

Mr. Carnecross.

LIBEL (No. 2).

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A BILL INTITULED

AN ACT to amend the Law of Libel.

Title.

WHEREAS it is expedient to amend the law of libel:

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Libel Act, 1901."

Short Title.

2. A fair and accurate report in any newspaper of proceedings publicly heard before any Court exercising judicial authority shall, if published contemporaneously with such proceedings, be absolutely privileged: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter.

Court proceedings.

3. A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a Borough or City Council, Education Board, or other Board or local authority formed or constituted under the provisions of any Act of Parliament, or of any committee appointed by the above-mentioned bodies, or of any meeting of any Commissioners authorised to act by Act of Parliament, or Governor's warrant, or other lawful warrant or authority, Select Committees of either House of Parliament, and the publication at the request of any Government office or department, officer of State, Commissioner of Police, Inspector of Police, of any notice or report issued by them for the information of the public, shall be privileged, unless it shall be proved that such report or publication was published or made maliciously:

Public meetings.

Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: Provided also that the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it shall be 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 the same: Provided, further, that nothing in this section contained 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 any public concern, and the publication of which is not for the public benefit. 5

For the purposes of this section "public meeting" shall mean any meeting *bonâ fide* and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted. 10

Consolidation of actions.

4. 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 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 to 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 in the action already consolidated. 15 20

In a consolidated action under this section the 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 they shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated they shall proceed to apportion the amount of damages which they shall have so found 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 shall deem just for the apportionment of such costs between and against such defendants. 25 30

Mitigation of damages.

5. At the trial of an action for a libel contained in any newspaper the defendant shall be at liberty to give in evidence, in mitigation of damages, that the plaintiff has already recovered (or has brought actions for) damages, or has received or agreed to receive compensation, in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought. 35 40

No criminal prosecution without leave.

6. 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 at Chambers being first had and obtained. 45

Such application shall be made on notice to the person accused, who shall have an opportunity of being heard against such application. 45