



Libel Act 1843

1843 CHAPTER 96 6 and 7 Vict

An Act to amend the Law respecting defamatory Words and Libel. [24th August 1843]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Libel Act 1845 \(c. 75\), s. 2](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland.

[1.] Offer of an apology admissible in evidence in mitigation of damages.

In any action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action), to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

2 In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, and may pay money into court as amends.

In an action for libel contained in any public newspaper or other periodical publication it shall be competent to the defendant to plead that such libel was inserted in such 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 such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be 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 such action; . . . ^{F1} and to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Libel Act 1843. (See end of Document for details)

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Textual Amendments
F1 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

3 F2

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Textual Amendments
F2 S. 3 repealed by [Larceny Act 1916 \(c. 50\)](#), [Sch.](#)

4 False defamatory libel punishable by imprisonment and fine;

If any person shall maliciously publish any defamatory libel, knowing the same to be false, every such person, being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years, and to pay such fine as the court shall award.

5 Malicious defamatory libel, by imprisonment or fine.

If any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment or both, as the court may award, such imprisonment not to exceed the term of one year.

6 Proceedings upon the trial of an indictment or information for a defamatory libel. Double plea. Proviso as to plea of not guilty in civil and criminal proceedings.

On the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information it shall be necessary for the defendant, in pleading to the said indictment or information, to allege the truth of the said matters charged in the manner now required in pleading a justification to an action for defamation, and further to allege that it was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and if after such plea the defendant shall be convicted on such indictment or information it shall be competent to the court, in pronouncing sentence, to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to prove or to disprove the same: Provided always, that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be inquired into without such plea of justification: Provided also, that in addition to such plea it shall be competent to the defendant to plead a plea of not guilty: Provided also, that nothing in this Act contained shall take away or prejudice any defence under the plea of not guilty which it is now competent to the defendant to make under such plea to any action or indictment or information for defamatory words or libel.

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7 Evidence to rebut primâ facie case of publication by an agent.

Whensoever, upon the trial of any indictment or information for the publication of a libel, under the plea of not guilty, evidence shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the said publication did not arise from want of due care or caution on his part.

8 F3

Textual Amendments
F3 S. 8 repealed by Costs in [Criminal Cases Act 1908 \(c. 15\)](#), [Sch.](#)

9 Interpretation of Act.

Wherever throughout this Act, in describing the plaintiff or the defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the Act shall exclude such construction.

10 †Commencement and extent of Act.

Nothing in this Act contained shall extend to Scotland.

Status:

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Changes to legislation:

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