



Government of Wales Act 1998

1998 CHAPTER 38

PART III

ASSEMBLY PROCEDURE

Miscellaneous

77 Defamation

- (1) For the purposes of the law of defamation—
- (a) any statement made in, for the purposes of or for purposes incidental to proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee), and
 - (b) the publication by or under the authority of the Assembly of a report of such proceedings,
- is absolutely privileged.
- (2) Subsection (1)(a) applies, in particular, to any statement made in—
- (a) evidence given before the Assembly, a committee of the Assembly or a sub-committee of such a committee,
 - (b) a document laid before the Assembly or such a committee or sub-committee,
 - (c) a document prepared for the purposes of, or for purposes incidental to, the transaction of business by the Assembly or such a committee or sub-committee,
 - (d) a document (other than a report to which subsection (1)(b) applies) formulated, made or published by or under the authority of the Assembly or such a committee or sub-committee,
 - (e) any communication—
 - (i) between any person and a person having functions in connection with the registration of interests of Assembly members, or
 - (ii) between any person and an Assembly member,in connection with such registration, or

Status: This is the original version (as it was originally enacted).

- (f) any communication—
 - (i) between any person and a person having functions in connection with the investigation of complaints about actions or failures on the part of the Assembly, or
 - (ii) between any person and an Assembly member, in connection with any such complaint.
- (3) In subsections (1) and (2) “statement” has the same meaning as in the Defamation Act 1996.
- (4) The Assembly—
 - (a) is a legislature for the purposes of Schedule 1 to that Act (qualified privilege for fair and accurate report of public proceedings of legislatures etc.), and
 - (b) shall be treated as if it were a Minister of the Crown for the purposes of paragraph 11(1)(c) of that Schedule (report of proceedings of person appointed by a Minister etc. for the purposes of an inquiry).
- (5) Section 10 of the Defamation Act 1952 and section 10 of the Defamation Act Northern Ireland) 1955 (limitation on privilege at elections) have effect in relation to elections of Assembly members as to elections to Parliament.