



Defamation Act 1952

1952 CHAPTER 66 15 and 16 Geo 6 and 1 Eliz 2

An Act to amend the law relating to libel and slander and other malicious falsehoods. [30th October 1952]

1 Broadcast statements.

F1

Textual Amendments

F1 S. 1 repealed (1.1.1991) by 1990 c. 42, s. 203(3), Sch. 21; S.I. 1990/2347, art. 3, Sch. 2

2 Slander affecting official, professional or business reputation.

In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

3 Slander of title, etc.

- (1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage—
 - (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
 - (b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.
- (2) Section one of this Act shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

Status: Point in time view as at 31/03/2001.
Changes to legislation: There are currently no known outstanding effects for the Defamation Act 1952. (See end of Document for details)

Modifications etc. (not altering text)

C1 S.3 amended by [Theatres Act 1968 \(c. 54\), s. 4\(2\)](#)

F24

Textual Amendments

F2 S. 4 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by [1996 c. 31, s. 16, Sch. 2 \(with s. 20\(2\)\)](#); [S.I. 2000/222, art. 3\(b\) \(with art. 4\)](#); [S.S.I. 2001/98, art. 3 \(with art. 4\)](#); [S.I. 2009/2858, art. 3\(d\)](#)

5 Justification.

In an action for libel or slander in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

6 Fair comment.

In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

F37

Textual Amendments

F3 S. 7 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by [1996 c. 31, s. 16, Sch. 2 \(with s. 20\(2\)\)](#); [S.I. 2000/222, art. 3\(b\) \(with art. 4\)](#); [S.S.I. 2001/98, art. 3](#); [S.I. 2009/2858, art. 3\(d\)](#)

F48

Textual Amendments

F4 S. 8 repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by [1996 c. 31, s. 16,](#)

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Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, **art. 3(d)**

9 Extension of certain defences to broadcasting.

(1) Section three of the ^{M1}Parliamentary Papers Act 1840 (which confers protection in respect of proceedings for printing extracts from or abstracts of parliamentary papers) shall have effect as if the reference to printing included a reference to broadcasting by means of wireless telegraphy.

^{F5}(2)

^{F5}(3)

Textual Amendments

F5 S. 9(2)(3) repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, **art. 3(d)**

Marginal Citations

M1 1840 c. 9.

10 Limitation on privilege at elections.

A defamatory statement published by or on behalf of a candidate in any election to a local government authority [^{F6}to the Scottish Parliament] or to Parliament shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

Textual Amendments

F6 Words in s. 10 inserted (19.11.1998) by 1998 c. 46, s. 125, **Sch. 8**, para. 10 (with s. 126(3)-(11))

Modifications etc. (not altering text)

C2 S. 10 extended (1.12.1998) by 1998 c. 38, s. 77(5) (with ss. 139(2), 143(2)); S. I. 1998/2789, **art. 2**

11 Agreements for indemnity.

An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe there is a good defence to any action brought upon it.

12 Evidence of other damages recovered by plaintiff.

In any action for libel or slander the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages, or has brought actions for damages,

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for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded, or has received or agreed to receive compensation in respect of any such publication.

13 Consolidation of actions for slander etc.

Section five of the ^{M2}Law of Libel Amendment Act 1888 (which provides for the consolidation, on the application of the defendants, of two or more actions for libel by the same plaintiff) shall apply to actions for slander and to actions for slander of title, slander of goods or other malicious falsehood as it applies to actions for libel; and references in that section to the same, or substantially the same, libel shall be construed accordingly.

Marginal Citations

M2 1888 c. 64.

14 Application of Act to Scotland.

This Act shall apply to Scotland subject to the following modifications, that is to say:

- (a) sections one, two, eight and thirteen shall be omitted;
- (b) for section three there shall be substituted the following section—

“3 Actions for verbal injury.

In any action for verbal injury it shall not be necessary for the pursuer to aver or prove special damage if the words on which the action is founded are calculated to cause pecuniary damage to the pursuer.”;

- (c) subsection (2) of section four shall have effect as if at the end thereof there were added the words “Nothing in this subsection shall be held to entitle a defender to lead evidence of any fact specified in the declaration unless notice of his intention so to do has been given in the defences.”; and
- (d) for any reference to libel, or to libel or slander, there shall be substituted a reference to defamation; the expression “plaintiff” means pursuer; the expression “defendant” means defender; for any reference to an affidavit made by any person there shall be substituted a reference to a written declaration signed by that person; for any reference to the High Court there shall be substituted a reference to the Court of Session or, if an action of defamation is depending in the sheriff court in respect of the publication in question, the sheriff; the expression “costs” means expenses; and for any reference to a defence of justification there shall be substituted a reference to a defence of *veritas*.

^{F7}15

Textual Amendments

F7 S. 15 repealed by Northern Ireland Constitution Act 1973 (c.36), Sch. 6 Pt. I

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16 Interpretation.

(1) Any reference in this Act to words shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning.

^{F8}(2)

^{F8}(3)

(4) Where words broadcast by means of wireless telegraphy are simultaneously transmitted by telegraph as defined by the ^{M3}Telegraph Act 1863, ^{F9} . . . the provisions of this Act shall apply as if the transmission were broadcasting by means of wireless telegraphy.

Textual Amendments

F8 S. 16(2)(3) repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

F9 Words repealed by Post Office Act 1969 (c. 48), Sch. 4 para. 53

Marginal Citations

M3 1863 c. 112

17 Proceedings affected and saving.

(1) This Act applies for the purposes of any proceedings begun after the commencement of this Act, whenever the cause of action arose, but does not affect any proceedings begun before the commencement of this Act.

(2) Nothing in this Act affects the law relating to criminal libel.

18 Short title, commencement extent and repeals.

(1) This Act may be cited as the Defamation Act 1952, and shall come into operation one month after the passing of this Act.

(2) This Act ^{F10} . . . shall not extend to Northern Ireland.

^{F11}(3)

Textual Amendments

F10 Words repealed by Northern Ireland Constitution Act 1973 (c. 36) Sch. 6 Pt. I

F11 s.18(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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F12 SCHEDULE

Textual Amendments

F12 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

PART I

F13₁

Textual Amendments

F13 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

F14₂

Textual Amendments

F14 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

F15₃

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F15 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

F16₄

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PART II

F20₈

Textual Amendments

F20 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

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F22₁₀

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F23 11

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F24 12

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PART III

F25 13

Textual Amendments

F25 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

F26 14

Textual Amendments

F26 Sch. repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act, 28.2.2000 for E.W. otherwise, 31.3.2001 for S. otherwise and 6.1.2010 for N.I. otherwise) by 1996 c. 31, s. 16, Sch. 2 (with s. 20(2)); S.I. 2000/222, art. 3(b) (with art. 4); S.S.I. 2001/98, art. 3; S.I. 2009/2858, art. 3(d)

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