Parliamentary Papers Act 1840

1840 CHAPTER 9 3 and 4 Vict

F1

F2

X1

An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers. [14th April 1840]

Editorial Information

X1 This Act is not necessarily in the form in which it has effect in Northern Ireland

Textual Amendments

F1 Short title given by Short Titles Act 1896 (c. 14)

F2 Preamble omitted under authority of Statute Law Revision (No. 2) Act 1890 (c. 51)

[1] Proceedings, criminal or civil, against persons for publication of papers printed by order of Parliament, to be stayed upon delivery of a certificate and affidavit to the effect that such publication is by order of either House of Parliament.

It shall and may be lawful for any person or persons who now is or are, or hereafter shall be, a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever, for or on account or in respect of the publication of any such report, paper, votes, or proceedings by such person or persons, or by his, her, or their servant or servants, by or under the authority of either House of Parliament, to bring before the court in which such proceeding shall have been or shall be so commenced or prosecuted, or before any judge of the same (if one of the superior courts at Westminster), first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding, a certificate under the hand of the lord high chancellor of Great Britain, or the lord keeper of the great seal, or of the speaker of the House of Lords, for the time being, or of the clerk of the Parliaments, or of the speaker of the House of Commons, or of the clerk of the same house, stating that the report, paper, votes, or proceedings, as the case may be, in respect whereof such civil or criminal proceeding shall have been commenced or prosecuted, was published by such person or persons, or by his, her, or their servant or servants, by order or under

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the authority of the House of Lords or of the House of Commons, as the case may be, together with an affidavit verifying such certificate; and such court or judge shall thereupon immediately stay such civil or criminal proceeding; and the same, and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

2 Proceedings to be stayed when commenced in respect of a copy of an authenticated report, &c.

In case of any civil or criminal proceeding hereafter to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes, or proceedings, it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the court or judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes, or proceedings, and the correctness of such copy, and the court or judge shall immediately stay such civil or criminal proceeding; and the same, and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

3 In proceedings for printing any extract or abstract of a paper, it may be shewn that such extract was bonâ fide made.

It shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such report, paper, votes, or proceedings, to give in every [F3]. . . such report, paper, votes, or proceedings, and to show that such extract or abstract was published bonâ fide and without malice; and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant or defendants.

Textual Amendments

F3 Words repealed by Statute Law Revision Act 1958 (c. 46), **Sch. 3**

Modifications etc. (not altering text)

C1 S. 3 extended by Defamation Act 1952 (c. 66), **s. 9(1)**

C2 S. 3 amended by Broadcasting Act 1990 (c. 42), s. 203(1), **Sch. 20 para. 1**

4 Act not to affect the privileges of Parliament.

Provided always, that nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by implication or otherwise, to affect the privileges of Parliament in any manner whatsoever.

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