

The Libel and Slander Act

being

Chapter L-14 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1980-81, c.21; 1984-85-86, c.16 and 38; 1993, c.55; 1998, c.48; and 2004, c.L-16.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE		
1	Short title	11	Report of proceedings in court privileged
	INTERPRETATION	12	Security for costs
2	Interpretation	13	Place of trial
	LIBEL AND SLANDER	14	Repealed
3	Averment in actions	15	Notice of action
4	When proof of written or printed apology offered in mitigation	16	Publication of name of publisher and address
	LIBEL	17	Evidence in mitigation of damages
5	Powers of judge or jury as to verdict	18	Annual return
6	Consolidation of different actions for same libel	19	Penalty for omission to make annual returns
	NEWSPAPER LIBEL	20	Penalty for wilful misrepresentation in or omission from return
7	Apology of absence of malice or gross negligence in mitigation	21	Returns to be registered
8	When actual damage only recoverable	22	Supplementary return
9	Effect of payment into court	23	Fees
10	Reports of proceedings, of public meetings, etc.	24	Copies of entries and extracts from register is evidence
		25	Repealed
		Schedule A	Return of Newspapers
		Schedule B	Supplementary Return of Newspapers

CHAPTER L-14

An Act respecting Actions for Libel and Slander

SHORT TITLE

Short title

- 1 This Act may be cited as *The Libel and Slander Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) “**newspaper**” means a paper containing public news, intelligence or occurrences or remarks or observations thereon, printed for sale and published periodically or in parts or numbers at regular intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and includes a paper printed in order to be made public weekly or oftener or at regular intervals not exceeding thirty-one days and containing only or principally advertisements;
- (b) “**proprietor**” includes as well the person or corporation being the sole proprietor of a newspaper as also, in the case of a divided proprietorship, the persons who as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves.

R.S.S. 1978, c.L-14, s.2.

LIBEL AND SLANDER

Averment in actions

- 3 In an action for libel or slander the plaintiff may aver that the words or matter complained of were used in a defamatory sense, specifying the defamatory sense, without any prefatory averment to show how the words or matter were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander; and, where the words or matter set forth with or without the alleged meaning show a cause of action, the statement of claim shall be sufficient.

R.S.S. 1978, c.L-14, s.3.

When proof of written or printed apology offered in mitigation

4 In an action for libel or slander, where the defendant has pleaded a denial of the alleged libel or slander only or has suffered judgment by default or judgment has been given against him on motion for judgment on the pleadings, he may give in evidence in mitigation of damages that he made or offered a written or printed apology to the plaintiff before the commencement of the action; or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity.

R.S.S. 1978, c.L-14, s.4.

NOTE: See also paragraphs 15 and 16 of section 45 of *The Queen's Bench Act*.

LIBEL

Powers of judge or jury as to verdict

5 On the trial of an action for libel, the jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action, but the court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on the issue find a special verdict if it thinks fit to do so, and the proceedings after verdict whether general or special shall be same as in other cases.

R.S.S. 1978, c.L-14, s.5.

Consolidation of different actions for same libel

6(1) The court or a judge upon an application by two or more defendants in any two or more actions for the same or substantially the same libel, or for a libel or libels contained in articles the same or substantially the same published in different newspapers, brought by the same person, may make an order for the consolidation of the actions so that they shall be tried together, and, after the order has been made and before the trial of the actions, the defendants in any new actions instituted in respect of any such libel or libels shall also be entitled to be joined in a common action upon a joint application being made by the new defendants and the defendants in the actions already consolidated.

Damages and costs assessed thereon

(2) 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 the jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, it shall apportion the amount of the damages between and against the last mentioned defendants, and the judge at the trial, if the plaintiff is awarded the costs of the action, shall thereupon make such order as he deems just for the apportionment of the costs between and against those defendants.

“Article”

(3) For the purposes of this section **“article”** includes anything appearing in a newspaper as an editorial or as correspondence or otherwise than as an advertisement.

R.S.S. 1978, c.L-14, s.6.

NEWSPAPER LIBEL**Apology of absence of malice or gross negligence in mitigation**

7 In an action for libel contained in a newspaper the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action or at the earliest opportunity afterwards he inserted in that newspaper a full apology for the libel, or, if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff.

R.S.S. 1978, c.L-14, s.7.

When actual damage only recoverable

8(1) In an action for libel contained in a newspaper the plaintiff shall recover only actual damages if it appears at the trial:

- (a) that the alleged libel was published in good faith;
 - (b) that there was reasonable ground to believe that the publication thereof was for the public benefit;
 - (c) that it did not involve a criminal charge;
 - (d) that the publication took place in mistake or a misapprehension of the facts; and
 - (e) that a full and fair retraction of any statement therein alleged to be erroneous was published in the said newspaper before the commencement of the action, and was so published in as conspicuous a place and type as was the alleged libel.
- (2) This section does not apply to the case of libel against a candidate for public office in Saskatchewan unless the retraction of the charge is made editorially in a conspicuous manner at least fifteen days before the election.

R.S.S. 1978, c.L-14, s.8.

Effect of payment into court

9 A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of a libel to which sections 7 and 8 apply, and, except insofar as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment shall have the same effect as payment into court in other cases.

R.S.S. 1978, c.L-14, s.9.

Reports of proceedings, of public meetings, etc.

10(1) A fair and accurate report published in a newspaper of any proceedings in the Senate or House of Commons of Canada, in any Legislative Assembly of any of the provinces of Canada, or in a committee of any of the said bodies, or of a public meeting, or, except where neither the public nor a newspaper reporter is admitted, of a meeting of a municipal council, school board, conseil scolaire, board of health or of any other board or local authority formed or constituted under a public Act of the Legislature of any of the provinces of Canada, or of the Parliament of Canada, or of a committee appointed by any of the above mentioned bodies, and the publication of the whole or a portion of fair synopsis of a report, bulletin, notice or other document issued for the information of the public from a Government office, bureau or department or by a board of health or medical health officer, or the publication at the request of any Government or municipal official, commissioner of police or chief constable of a notice or report issued by him for the information of the public, shall be privileged unless it is proved that the publication was made maliciously.

Blasphemous or indecent matter

(2) Nothing in this section authorizes the publication of blasphemous, seditious or indecent matter.

When defendant refuses to publish explanation

(3) The protection intended to be afforded by this section is not available as a defence if the plaintiff shows that the defendant has refused to insert in the newspaper making the publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff.

Matters of public concern

(4) Nothing in this section limits or abridges a privilege now by law existing, or protects the publication of any matter not of public concern or the publication of which is not for the public benefit.

“Public meeting”

(5) For the purposes of this section “**public meeting**” means a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of a matter of public concern whether the admission thereto is general or restricted.

R.S.S. 1978, c.L-14, s.10; 1984-85-86, c.16, s.14;
1993, c.55, s.179.

Report of proceedings in court privileged

11(1) A fair and accurate report in a newspaper without comment, of proceedings publicly heard before a court of justice, if published contemporaneously with those proceedings, shall be absolutely privileged unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff.

Publication of improper matters not authorized

(2) Nothing in this section authorizes the publication of blasphemous, seditious or indecent matter.

R.S.S. 1978, c.L-14, s.11.

Security for costs

12(1) When the defendant in an action for libel contained in a newspaper, by affidavit of himself or his agent, alleges that he has a good defence on the merits to the action, showing the matter of the defence, or that the grounds of action are trivial or frivolous, and that the plaintiff is not possessed of property to answer the costs of the action if a judgment is given in favour of the defendant, the defendant is entitled to serve a notice of motion on the plaintiff to show cause why an order should not issue requiring the plaintiff to give security for the defendant's costs, and the court or judge may make an order that the plaintiff shall give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides outside Saskatchewan, and the order shall be a stay of proceedings until the security is given.

Proof where criminal libel charged

(2) Where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs unless he satisfies the court or judge that the action is trivial or frivolous or that the conditions set forth in clauses (a), (b), (d) and (e) of subsection (1) of section 8 appear to exist.

Examination of parties to action

(3) For the purposes of this section the plaintiff or the defendant or the agents of the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim.

R.S.S. 1978, c.L-14, s.12.

Place of trial

13 An action for libel contained in a newspaper shall be tried at the judicial centre nearest to which the chief office of the newspaper is, or at the judicial centre nearest to which the plaintiff resides at the time the action is brought, but, upon the application of either party, the court or a judge may direct the action to be tried or the damages to be assessed at any other judicial centre if it appears to be in the interest of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper.

R.S.S. 1978, c.L-14, s.13.

14 Repealed. 2004, c.L-16.1, s.55.

Notice of action

15 No action shall lie for a libel contained in a newspaper unless the plaintiff has given to the defendant, in the case of a daily newspaper, five, and in the case of a weekly newspaper, fourteen, clear days' notice in writing of his intention to bring the action, such notice to distinctly specify the language complained of.

R.S.S. 1978, c.L-14, s.15.

Publication of name of publisher and address

16(1) No defendant shall be entitled to the benefit of section 8 unless the name of the proprietor and publisher and address of publication are stated either at the head of the editorials or on the front page of the newspaper.

Copy of newspaper *prima facie* evidence

(2) The production of a printed copy of a newspaper shall be *prima facie* evidence of the publication of the printed copy and of the truth of the statements mentioned in subsection (1).

Service of statement of claim

(3) Service of the statement of claim may be made upon the proprietor or publisher of the newspaper by serving the statement of claim upon any adult person at such address.

R.S.S. 1978, c.L-14, s.16; 1998, c.48, s.7; 2004, c.L-16.1, s.55.

Evidence in mitigation of damages

17 In an action for libel contained in a newspaper the defendant may prove in mitigation of damages that the plaintiff has already brought actions for or has recovered damages or has received or agreed to receive compensation in respect of the same libel, or a libel substantially the same, published in another newspaper.

R.S.S. 1978, c.L-14, s.17.

Annual return

18 The publisher for the time being of every newspaper shall make or cause to be made to the Minister of Consumer and Commercial Affairs in the month of June in every year a return of the following particulars (schedule A), that is to say:

- (a) the title of the newspaper; and
- (b) the names of all the proprietors, of the editor and of the publisher of the newspaper, together with their respective places of residence.

R.S.S. 1978, c.L-14, s.18; 1980-81, c.21, s.27.

Penalty for omission to make annual returns

19 If within one month after the time appointed by section 18 the return is not made, each publisher of the newspaper is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and shall also be directed by summary order to make a return within a specified time.

R.S.S. 1978, c.L-14, s.19.

Penalty for wilful misrepresentation in or omission from return

20 If a person knowingly and wilfully makes or causes to be made a return required or permitted to be made by this Act, in which the name of a person is given as proprietor, editor or publisher of a newspaper who is not so, or in which there is a misrepresentation or from which there is an omission in respect of a particular required to be contained therein, whereby the return is misleading, or if a proprietor, editor or publisher of a newspaper knowingly and wilfully permits any such return to be made that is misleading with reference to his own name or place of residence, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1978, c.L-14, s.20.

Returns to be registered

21 The Minister of Consumer and Commercial Affairs shall register every return made in conformity with this Act in a book to be kept for that purpose at his office and called “the register of newspapers”, and all persons shall be at liberty to search and inspect the said book from time to time during business hours and any person may require a copy of any entry in or an extract from the book to be certified by the Minister of Consumer and Commercial Affairs.

R.S.S. 1978, c.L-14, s.21; 1980-81, c.21, s.27.

Supplementary return

22 Upon a person ceasing to be a proprietor, editor or publisher of a newspaper, or upon a new person becoming such proprietor, editor or publisher, a supplementary return (schedule B) shall be made to the Minister of Consumer and Commercial Affairs within ten days after the change has occurred.

R.S.S. 1978, c.L-14, s.22; 1980-81, c.21, s.27.

Fees

23 There shall be paid in respect of the receipt and entry of returns made in conformity with this Act, and for the inspection of the register of newspapers and for certified copies of an entry thereof, and in respect of any other services to be performed by the Minister of Consumer and Commercial Affairs, such fees, if any, as the Lieutenant Governor in Council may direct.

R.S.S. 1978, c.L-14, s.23; 1980-81, c.21, s.27.

Copies of entries and extracts from register is evidence

24 Every copy of an entry in or extract from the register of newspapers purporting to be certified by the Minister of Consumer and Commercial Affairs shall be received as conclusive evidence of the contents of the register of newspapers so far as they appear in the copy or extract, without proof of the signature thereto, and every such certified copy or extract shall in all proceedings be accepted as sufficient *prima facie* evidence of all the matters and things thereby appearing until the contrary is shown.

R.S.S. 1978, c.L-14, s.24; 1980-81, c.21, s.27.

25 Repealed. 1984-85-86, c.38, s.21.

SCHEDULE A
[Section 18]

Return of Newspapers made pursuant to *The Libel and Slander Act*

Title of the newspaper	Names and addresses of proprietors	Names and addresses of editors	Names and addresses of publishers

SCHEDULE B
[Section 22]

Supplementary Return of Newspapers made pursuant to *The Libel and Slander Act*

Title of the newspaper	Name and address of person ceasing to be proprietor, editor or publisher (<i>as the case may be</i>)	Name and address of person becoming new proprietor, editor or publisher (<i>as the case may be</i>)