

## TRINIDAD AND TOBAGO.

[Published as a Supplement to the "Royal Gazette" issued on  
the 2nd day of May, 1935.]

No. 5—1935.

*Replaced by 20 of 1936. S. 26 (K)*

I ASSENT,

[L.S.]

A. C. HOLLIS,

*Governor.*

25th April, 1935.

2nd May, 1935.

AN ORDINANCE to amend the Libel and Defamation  
Ordinance, Cap. 18.

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof as follows :—

1. This Ordinance may be cited as the Libel and  
Defamation (Amendment) Ordinance, 1935 and shall be  
construed as one with the Libel and Defamation Ordinance,  
hereinafter referred to as the Principal Ordinance.

Short title.  
Construction.

(Cap. 18)

2. The Principal Ordinance is hereby amended by the  
addition of the following five new sections numbered  
respectively as sections 13, 14, 15, 16 and 17 :—

Amendment  
of Principal  
Ordinance by  
adding new  
sections.

13. A fair and accurate report in any newspaper of  
proceedings publicly heard before any court exercising  
judicial authority shall, if published contemporaneously  
with such proceedings, be privileged: Provided that  
nothing in this section shall authorise the publication of  
any blasphemous or indecent matter.

Newspaper  
reports of  
proceedings  
in court  
privileged.

Newspaper reports of proceedings of public meetings and of certain bodies and persons privileged.

14. A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a council, board, or local authority formed or constituted under the provisions of any Order in Council, Letters Patent, Act of Parliament, Ordinance or of any Committee appointed by any of the above-mentioned bodies, and the publication at the request of any Government Office or Department of any notice or report issued by them for the information of the public shall be privileged, unless it shall be proved that such report or publication was published or made maliciously: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: Provided also, that the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it shall be proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation of such report or other publication, and has refused or neglected to insert the same: Provided further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern and the publication of which is not for the public benefit.

For the purposes of this section "public meeting" shall mean any meeting *bona fide* and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted.

Consolidation of actions.

15. It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants in any new

actions instituted in respect of the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

In a consolidated action under this section the court 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 court shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, it shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the judge at the trial, if he awards to the plaintiff the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants.

16. At the trial of an action for a libel contained in any newspaper the defendant shall be at liberty to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought.

Power to defendant to give certain evidence in mitigation of damages.

17. No criminal prosecution shall be commenced against any proprietor, publisher, printer, editor, or any person responsible for the publication of a newspaper for any libel published therein without the sanction of the Attorney-General.

Sanction of Attorney-General required for prosecution.

Passed in Council this fifth day of April, in the year of Our Lord one thousand nine hundred and thirty-five.

J. O'CONNOR,  
*Clerk of the Council.*