



Libel Act 1843

1843 CHAPTER 96 6 and 7 Vict

E+W+N.I.

An Act to amend the Law respecting defamatory Words and Libel. [24th August 1843]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Libel Act 1845 \(c. 75\), s. 2](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland.

[1.] **Offer of an apology admissible in evidence in mitigation of damages.** **E+W+N.I.**

In any action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action), to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

2 **In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, and may pay money into court as amends.** **E+W+N.I.**

In an action for libel contained in any public newspaper or other periodical publication it shall be competent to the defendant to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week,

Changes to legislation: There are currently no known outstanding effects for the Libel Act 1843. (See end of Document for details)

had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; . . . ^{F1} and to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

Textual Amendments
F1 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

3 ^{F2} **E+W+N.I.**

Textual Amendments
F2 S. 3 repealed by [Larceny Act 1916 \(c. 50\)](#), [Sch.](#)

^{F3}4 **False defamatory libel punishable by imprisonment and fine;** **E+W+N.I.**

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Textual Amendments
F3 [Ss. 4-6](#) repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(iii), [Sch. 23 Pt. 2](#) (with s. 180)

^{F3}5 **Malicious defamatory libel, by imprisonment or fine.** **E+W+N.I.**

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Textual Amendments
F3 [Ss. 4-6](#) repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(iii), [Sch. 23 Pt. 2](#) (with s. 180)

^{F3}6 **Proceedings upon the trial of an indictment or information for a defamatory libel. Double plea. Proviso as to plea of not guilty in civil and criminal proceedings.** **E+W+N.I.**

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Textual Amendments
F3 [Ss. 4-6](#) repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(iii), [Sch. 23 Pt. 2](#) (with s. 180)

7 **Evidence to rebut primâ facie case of publication by an agent.** **E+W+N.I.**

Whensoever [^{F4}in Northern Ireland], upon the trial of any indictment or information for the publication of a [^{F5}blasphemous] libel, under the plea of not guilty, evidence

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shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the said publication did not arise from want of due care or caution on his part.

Textual Amendments

- F4** Words in s. 7 inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(c), [Sch. 21 para. 66\(a\)](#) (with s. 180)
- F5** Word in s. 7 inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(c), [Sch. 21 para. 66\(b\)](#) (with s. 180)

8 ^{F6} **E+W+N.I.**

Textual Amendments

- F6** S. 8 repealed by Costs in [Criminal Cases Act 1908 \(c. 15\)](#), [Sch.](#)

9 Interpretation of Act. E+W+N.I.

Wherever throughout this Act, in describing the plaintiff or the defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the Act shall exclude such construction.

10 †Commencement and extent of Act. E+W+N.I.

Nothing in this Act contained shall extend to Scotland.

Changes to legislation:

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