

BELIZE:

DEFAMATION ACT, 2022

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

General Principles

3. Tort of defamation.
4. Abolition of distinction between slander and libel.
5. Single publication to constitute one cause of action.
6. Defamation actionable without proof of special damage.

PART III

Resolution of Defamation Without Court Proceedings

7. Application of this part.
8. Publisher may make offer to make amends.
9. Effect of accepting offer of amends.
10. Effect of not accepting offer to make amends.
11. Apology admissible in evidence in mitigation of damages.
12. Effect of apology on liability for defamation.

Defamation

PART IV

Defences

13. Scope of defences under law not limited.
14. Defence of triviality.
15. Defence of truth.
16. Defence of fair comment; truth of assertions.
17. Defence of innocent dissemination.
18. Defence of qualified privilege.
19. Privilege of news medium reports of proceedings in court.
20. News medium reports of proceeding of public meetings and of certain bodies and persons privileged.

PART V

Remedies

21. Damages to bear rational relationship to harm.
22. Factors in mitigation of damages.
23. Damages for multiple causes of action may be assessed as single sum.
24. Declaration.
25. Court may make correction order.
26. Court may make order as to content, etc., of correction.

PART VI

Costs

27. Costs in defamation proceedings.

Defamation

PART VII

Miscellaneous

28. Proof of publication.
29. Agreements for indemnity.
30. Limitation period for action.
31. Consolidation of actions.
32. Damages for defamation recoverable on bond.
33. Discovery may be enforced.
34. Regulations.
35. Repeal and savings.

SCHEDULE



No. 15 of 2022

I assent,

(H.E. MS. FROYLA TZALAM)
Governor-General

8th August 2022

AN ACT to repeal the Libel and Defamation Act and to make new provisions relating to the tort of defamation; and to provide for matters connected therewith or incidental thereto.

(Gazetted 13th August, 2022).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

Short title.

DEFAMATION ACT, 2022.

Interpretation.

2. In this Act—

“aggrieved person” means any person—

- (a) who is the subject of the publication of defamatory matter; and
- (b) who claims to have suffered harm by the publication of defamatory matter;

CAP. 229.

“broadcast” means publication for general reception provided by means of telecommunication, within the meaning of the Telecommunications Act and, where words are broadcast by means of telecommunication as defined by the Telecommunications Act, in accordance with a licence granted under that Act, this Act shall apply as if the transmission were broadcast within the definition contained in this Act;

“Correction Order” means an order of the court requiring the publisher of defamatory matter to publish a correction of the matter that is the subject of the defamation proceedings;

“defamatory matter” means any matter published by a person that is, may be, or is alleged to be, defamatory of another person;

“defendant” means a defendant in an action for defamation before a court;

“document” means, in addition to a document in writing, any—

- (a) map, plan, graph or drawing;
- (b) photograph;
- (c) disc, tape, sound track or other device in which sounds, or other data, not being visual images, are embodied so as to be capable, with or without the

aid of some other equipment, of reproducing data;
and

- (d) film, including microfilm, tape or other device in which one or more visual images are embodied and capable with or without the aid of some other equipment of being reproduced from the device;

“electronic communication” means communication of information in the form of data, text, images or sound, or any combination of these, by means of guided or unguided electromagnetic energy, or both;

“Judge” means a Judge of the High Court and includes a Master of the High Court;

“matter” means—

- (a) an article, report, advertisement or other thing communicated by means of a newspaper, magazine, news medium or other publication;
- (b) a programme, report, advertisement or any other publication communicated by means of television, radio, the internet or any other form of electronic communication;
- (c) a letter, note or other writing;
- (d) a picture or visual image;
- (e) a word, gesture or oral utterance;
- (f) any publication made on the internet on any social media platform by any person or news medium;
and
- (g) any other method of communicating information;

“news medium” means—

- (a) any newspaper, magazine or other publication, whether in print or electronic format, which is issued at regular intervals and has general circulation;
- (b) an established or unestablished news service producing news, whether in print or electronic format;
- (c) a radio station;
- (d) a television station;
- (e) a television network;
- (f) a public broadcasting service;
- (g) a person or body engaged in the making of newsreels or other motion picture news for the purposes of dissemination to the public;
- (h) any person whose business, or part of whose business, consists of—
 - (i) the gathering of news, or the preparation or compiling of articles or programmes of or concerning news, observations on news or current affairs, for the purposes of dissemination to the public; or
 - (ii) the dissemination, to the public, of any article or programme of or concerning news, observations on news or current affairs; and
- (i) all forms of publication not specified in the preceding paragraph, including by means of electronic communication;

“newspaper” means any paper containing public news or observations on news, or consisting wholly or mainly of advertisements, which is printed for sale and published;

“offer to make amends” means an offer to make amends pursuant to Part III;

“publication” means physical or electronic communication by the defendant or his servant or agent, in any manner and whether or not in permanent form, to at least one person other than the claimant; and “published” shall be construed accordingly; and

“publisher” means a person who has published a matter that is, may be, or is alleged to be defamatory of another person.

PART II

General Principles

3.–(1) This Act relates to the tort of defamation.

**Tort of
defamation.**

(2) Except to the extent expressed otherwise, this Act does not affect the operation of the law relating to the tort of defamation.

4. The distinction at law between slander and libel is abolished.

**Abolition of
distinction
between
slander and
libel.**

5. A person has a single cause of action for defamation in relation to the publication of defamatory matter about that person even if more than one defamatory imputation about that person is carried by the defamatory matter.

**Single
publication to
constitute one
cause of action.**

6. The tort of defamation is actionable without proof of special damage.

**Defamation
actionable
without proof
of special
damage.**

PART III

Resolution of Defamation Without Court Proceedings

Application of
this Part.

7.-(1) The provisions of this Part shall be used instead of the provisions of any rules of court or any other law in relation to payment into court or offers of compromise, or offers to settle.

(2) Nothing in this Part prevents a person from making or accepting a settlement offer in relation to the publication of any matter in question otherwise than in accordance with the provisions of this Part.

Publisher may
make offer to
make amends.

8.-(1) Any person who publishes any matter that is, may be, or is alleged to be defamatory of another person may make an offer to make amends to the aggrieved person.

(2) The offer to make amends may be-

(a) in relation to the matter in question generally;
or

(b) limited to any particular defamatory imputations that the publisher accepts that the matter in question carries.

(3) If two or more persons published the matter in question, an offer to make amends by one or more of them does not affect the liability of the other person or other persons.

(4) an offer to make amends is taken to have been made without prejudice, unless the offer provides otherwise.

(5) An offer to make amends-

(a) shall be understood to mean an offer-

- (i) to publish or join in the publication of a suitable correction of the matter in question and a sufficient apology to the aggrieved person; or
 - (ii) where copies of the matter in question have been distributed by or with the knowledge of the person making the offer, to take steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the matter in question is alleged to be defamatory of the aggrieved person;
- (b) may include the payment of a specified sum or an offer of compensation;
- (c) may be accepted or refused by or on behalf of the aggrieved person;
- (d) shall be expressed to be an offer to make amends;
- (e) shall be in writing;
- (f) shall be accompanied by a voluntary declaration setting out—
 - (i) particulars of facts on which the publisher relies; and
 - (ii) particulars of any correction or apology made or steps taken before the date of the offer, upon which the publisher relies; and
- (g) may be accepted in writing by or on behalf of the aggrieved person.

(6) The voluntary declaration referred to in sub-section (5)(f) shall be made—

- (a) by the publisher;
- (b) where the publisher is a body corporate, by an officer of the body having knowledge of the facts; or
- (c) where, upon facts appearing in the voluntary declaration, it is impracticable to comply with paragraph (a) or (b), by a person authorized by the publisher and having knowledge of the facts.

(7) An offer to make amends may not be made by a person after serving a defence in proceedings for defamation brought against him by the aggrieved person in respect of the matter in question.

(8) An offer to make amends may be withdrawn, in writing, at any time before it is accepted in writing by or on behalf of the aggrieved person, and a renewal of an offer which has been withdrawn shall be made in writing and treated as a new offer.

Effect of
accepting offer
of amends.

9.—(1) If an offer to make amends duly made under section 8 is accepted in writing, by or on behalf of the aggrieved person, no proceedings for defamation in respect of the matter in question may be brought or continued by him against the person making the offer, but he is entitled to enforce the offer to make amends in accordance with the provisions of this section.

(2) Any question as to the terms of the offer or what is to be done in fulfilment of the offer shall, in default of agreement between the parties, be referred by either party to and determined by a Judge, whose decision shall be final.

(3) The aggrieved person may file a claim form in the court office—

- (a) for judgment that the other party comply with the terms of the offer, as agreed or determined by the Judge in Chambers, with respect to the correction and apology and any other steps to be taken in fulfilment of the offer; and
- (b) where applicable, for judgment for the amount of any compensation agreed.

(4) The power of the Judge in Chambers to make orders as to costs in defamation proceedings includes the power to order the payment by the person making the offer to the aggrieved person of costs on an indemnity basis and of any expenses reasonably incurred or to be incurred by the aggrieved person in consequence of the matter in question.

(5) If proceedings are not brought by an aggrieved person, a Judge in Chambers may, on an application by the aggrieved person, make an order for the payment of the costs and expenses as could have been made in the proceedings.

(6) An order made under subsection (5) shall be consistent with the terms of the offer.

(7) The acceptance of an offer to make amends made by one person does not affect any cause of action of the aggrieved person against any other person in respect of the same publication.

10. A defendant in proceedings for defamation may rely on an offer to make amends in mitigation of damages.

Effect of not accepting offer to make amends.

11. In any action for defamation, the defendant, in mitigation of damages, may make, or offer, an apology to the claimant for the defamation—

Apology admissible in evidence in mitigation of damages.

- (a) before the commencement of the action; or
- (b) where the action was commenced before there was an opportunity of making or offering the apology, as soon as he has an opportunity of doing so after the commencement of the action.

Effect of apology on liability for defamation.

12.—(1) An apology made by or on behalf of a person in connection with any defamatory matter alleged to have been published by the person—

- (a) does not constitute an express or implied admission of fault or liability by the person in connection with that matter; and
- (b) is not relevant to the determination of fault or liability in connection with that matter.

(2) Evidence of an apology made by or on behalf of a person in connection with any defamatory matter alleged to have been published by the person is not admissible as evidence of the fault or liability of the person in connection with that matter.

(3) Nothing in this section limits the operation of section 23.

PART IV

Defences

Scope of defences under law not limited.

13. A defence under this Part is additional to any other defence or exclusion of liability available to the defendant apart from this Act and does not of itself vitiate, limit or abrogate any other defence or exclusion of liability unless specifically provided for under this Act.

14. It is a defence to a claim in defamation that the circumstances of the publication of the matter complained of were such that the person defamed was not likely to suffer harm.

Defence of
triviality.

15.—(1) In proceedings for defamation, the defence known before the commencement of this Act as the defence of justification shall, in relation to an action for defamation brought after the commencement of this Act, be known as the defence of truth.

Defence of
truth.

(2) In proceedings for defamation based on only some of the matter contained in a publication, the defendant may allege and prove any facts contained in the whole of the publication.

(3) In proceedings for defamation, a defence of truth shall succeed—

- (a) if the defendant proves that the imputations contained in the matter that is the subject of the proceedings were true, or not materially different from the truth; or
- (b) where the statement complained of conveys two or more distinct imputations, if one or more of the imputations is not shown to be substantially true, having regard to the imputations which are shown to be substantially true, the imputations which are not shown to be substantially true do not seriously harm the claimant's reputation.

16.—(1) In an action for defamation in respect of words, including or consisting of an expression of opinion, the defence of fair comment can be relied on if—

Defence of fair
comment; truth
of assertions.

- (a) the statement complained of was a statement of opinion;

- (b) the statement complained of indicated, whether in general or specific terms, the basis of the opinion;
- (c) an honest person could have held the opinion on the basis of—
 - (i) any fact which existed at the time the statement complained of was published; or
 - (ii) anything asserted to be a fact in a privileged statement published before the statement complained of.

(2) A defence of fair comment shall not fail only because the defendant has failed to prove the truth of every relevant assertion of fact relied on by him as a foundation for the opinion,

provided that the assertions which are proved to be true are relevant and afford a foundation for the opinion.

(3) Nothing in sub-section (2) affects the liability of the defendant in an action for defamation for the acts of his employee.

Defence of
Innocent
Dissemination.

17.—(1) It is a defence to the publication of defamatory matter if the defendant proves the following, that is to say, that—

- (a) the defendant published the matter, whether physically or electronically, merely in the capacity of a distributor who is subordinate to the publisher of the matter alleged to be defamatory, or as an employee or agent of the distributor or in the capacity of a secondary publisher having received the matter from a reputable wire service;

- (b) the defendant neither knew, nor could not have reasonably known, that the matter was defamatory; and
- (c) the defendant's lack of knowledge was not due to any negligence on the part of the defendant.

(2) For the purposes of sub-section (1), a person is a subordinate distributor of defamatory matter if the person—

- (a) was not the first or primary distributor of the matter;
- (b) was not the author or originator of the matter; and
- (c) did not have any capacity to exercise editorial control over—
 - (i) the content of the matter before it was first published; or
 - (ii) the decision to publish the matter before it was first published.

(3) Without limiting sub-section (2)(a), a person is not the first or primary distributor of matter merely because the person was involved in the publication of the matter in the capacity of—

- (a) a bookseller, newsagent or news-vendor;
- (b) a librarian;
- (c) a wholesaler or retailer of the matter;
- (d) a provider of postal or similar services by means of which the matter is published;
- (e) a broadcaster of a live programme (whether on television, radio or otherwise) containing

the matter in circumstances in which the broadcaster has no effective control over the person who makes the statements that comprise the matter;

- (f) a provider of services consisting of—
 - (i) the processing, copying, distributing or selling of any electronic medium in or on which the matter is recorded; or
 - (ii) the operation of, or the provision of any equipment, system or service, by means of which the matter is retrieved, copied, distributed or made available in electronic form;
- (g) an operator of, or a provider of access to, a communications system by means of which the matter is transmitted, or made available, by another person over whom the operator or provider has no effective control;
- (h) an operator of a website or social media platform where a third party over whom it exercises no editorial control, publishes defamatory matter on its website or social media platform;
- (i) a person who, on the instructions or at the direction of another person, prints or produces, reprints or reproduces, or distributes the matter for or on behalf of that other person; or
- (j) such other person as satisfies the court that he is not the author of the publication and that his involvement in the publication extends

only to conversion of material into a readable form, or the transmission or reproduction of that material.

(4) Where it is brought to the attention of a subordinate distributor that defamatory matter was published in his publication, whether physically or electronically, the subordinate distributor shall take reasonable and effective steps to remove the defamatory matter from his publication or from circulation within four days from the date when the matter was first brought to his attention.

(5) A person who takes reasonable and effective steps to remove defamatory matter from his publication or from circulation will not, after taking the steps, be liable for the republication of the defamatory matter by a third party over which he exercises no editorial control regarding either the republication of the defamatory matter, or the decision to republish.

(6) The defence of innocent dissemination is not available to—

- (a) a person who knows, or ought reasonably to have known, that the matter was or could have been defamatory but proceeded to publish the matter anyway; or
- (b) a person who fails to remove the defamatory matter from his publication or from circulation within four days after it has been brought to his attention.

18.—(1) Unless the publication is proved to be made with malice, subject to the provisions of this section, the publication in a news medium of any report or other matter mentioned in Part II and Part III of the Schedule, shall be privileged.

Defence of
Qualified
Privilege.

(2) This section is not to be construed as—

- (a) protecting the publication of any matter prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit;
- (b) limiting or abridging any privilege subsisting before the date of commencement of this Act; or
- (c) protecting the publication of blasphemous or obscene matter.

(3) Where a defendant relies on the defence of Qualified Privilege and the claimant intends to allege that the defendant was actuated by malice when the defamatory matter was published, the claimant shall serve a reply giving particulars from which malice is to be inferred.

(4) where a claimant fails to serve particulars of malice in accordance with subsection (3), he is not entitled to rely on any allegation of malice in the defamation proceedings.

Privilege of news medium reports of proceedings in court.

19. A fair and accurate report in any news medium or broadcast of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged, but nothing in this section shall authorise the publication of any blasphemous or indecent matter.

News medium reports of proceeding of public meetings and of certain bodies and persons privileged.

20.—(1) A fair and accurate report published in any news medium or broadcast of the proceedings of a public meeting, or, except where neither the public nor any new medium reporter is admitted, of any meeting of a city council, town council, school board or of any board or committee formed, constituted or appointed under the provisions of any Act, or of any meeting of any commissioners authorised to act by any Act or otherwise appointed by a Minister or other lawful warrant or authority, select or standing committee of

the National Assembly, and the publication at the request of the head of any Government Department, commissioner or the Commissioner of Police, of any notice or report issued by them for the information of the public shall be privileged, unless it is proved that such report or publication was published or made maliciously,

Provided that—

- (a) nothing in this section shall authorise the publication of any blasphemous or indecent matter;
- (b) the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it is proved that the defendant has been requested to insert in the newspaper or through a news medium 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 it; and
- (c) nothing contained in this section 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.

(2) For the purposes of this section, “public meeting” means 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 is general or restricted.

PART V

Remedies

Damages to bear rational relationship to harm.

21. In determining the amount of damages to be awarded in any defamation proceedings, the court shall ensure that there is an appropriate and rational relationship between the harm sustained by the claimant and the amount of damages awarded.

Factors in mitigation of damages.

22.—(1) Evidence is admissible on behalf of the defendant, in mitigation of damages for the publication of defamatory matter, if—

- (a) the defendant has made an apology to the claimant about the publication of the defamatory matter pursuant to section 11;
- (b) the defendant has published, on his own volition, a correction of the defamatory matter; or
- (c) the claimant has received or agreed to receive compensation for defamation in relation to any other publication of matter having the same meaning or effect as the defamatory matter.

(2) Nothing in sub-section (1) operates to limit the matters that can be taken into account by a court in mitigation of damages.

Damages for multiple causes of action may be assessed as single sum.

23. If the court in defamation proceedings finds for the claimant as to more than one cause of actions, the judge may assess damages in a single sum.

Declaration.

24.—(1) In any proceedings for defamation, the claimant may seek a declaration that the defendant is liable to the claimant in defamation.

(2) The remedy of a declaration and the award of costs is available instead of damages where the claimant seeks only a declaration that the defendant is liable to the claimant in defamation.

(3) Where, in any proceedings for defamation—

(a) the claimant seeks only a declaration and costs; and

(b) the court makes the declaration sought,

the claimant shall be awarded attorney-at-law and client costs against the defendant in the proceedings, unless the court orders otherwise.

25.—(1) In any proceedings for defamation, the claimant may seek a Correction Order from the court that the defendant publish or cause to be published a correction of the matter that is the subject of the proceedings and the court may make the order.

Court
may make
correction
order.

(2) Subject to sub-section (5), the remedy of a Correction Order is available—

(a) instead of damages; or

(b) in addition to damages.

(3) Where, in any proceedings for defamation in which the claimant seeks a correction order only and the court orders that the defendant publishes or causes to be published a correction of the matter that is the subject of the proceedings, and the defendant publishes or causes to be published a correction in accordance with the terms of that order, the claimant shall—

(a) be awarded attorney-at-law and client costs against the defendant in the proceedings, unless the court orders otherwise; and

- (b) not be entitled to any other relief or remedy against that defendant in those proceedings.

(4) The proceedings referred to in sub-section (3), so far as they relate to that defendant, shall be deemed to be finally determined by virtue of this section.

(5) Sub-section (6) applies in any proceedings for defamation in which the claimant seeks a correction order and—

- (a) the court orders that the defendant publish or cause to be published a correction of the matter that is the subject of the proceedings; and
- (b) the defendant fails to publish or cause to be published a correction in accordance with the terms of that order.

(6) If the court gives final judgment in the proceedings in favour of the claimant—

- (a) the failure to publish or cause to be published a correction in accordance with the terms of the order shall be taken into account in the assessment of any damages awarded against the defendant; and
- (b) unless the court orders otherwise, the claimant shall be awarded attorney-at-law and client costs against the defendant in the proceedings.

Court may make order as to content, etc., of correction.

26.—(1) A court may make an order in relation to—

- (a) the content of the correction;
- (b) the time of publication of the correction;

- (c) the prominence to be given to the correction in the particular medium in which it is published; and
- (d) any other matter that the court thinks appropriate.

(2) In making an order under sub-section (1), the Court shall have regard—

- (a) to the context and circumstances in which the matter that is the subject of the proceedings was published, including the manner and extent of publication; or
- (b) in the case of the matter published in a periodical publication, or in the course of a regular activity or presentation, including audio or video communication by electronic means, to the proper interest of the defendant in maintaining the style and character of the periodical publication, activity or presentation.

PART VI

Costs

27.—(1) In awarding costs in defamation proceedings, the court may have regard to—

- (a) the way in which the parties to the proceedings conducted their cases, including any misuse of a party's superior financial position to hinder the early resolution of the proceedings; and
- (b) any other matter that the court considers relevant.

Costs in
defamation
proceedings.

(2) Without limiting sub-section (1), and unless the interests of justice require otherwise, a court shall—

- (a) if defamation proceedings are successfully brought by a claimant and costs in the proceedings are to be awarded to the claimant, order costs of and incidental to the proceedings to be assessed on an indemnity basis if the court is satisfied that the defendant unreasonably failed to make a settlement offer or agree to a settlement offer proposed by the claimant; or
- (b) if defamation proceedings are brought by a claimant unsuccessfully and costs in the proceedings are to be awarded to the defendant, order costs of and incidental to the proceedings to be assessed on an indemnity basis if the court is satisfied that the claimant—
 - (i) unreasonably failed to accept a settlement offer made by the defendant; or
 - (ii) ought to have known from the time he commenced the proceedings that the claim had no reasonable prospect of success.

(3) In this section, “settlement offer” means any offer to settle the proceedings made before the proceedings are determined, and includes an offer to make amends, whether made before or after the proceedings are commenced, that was a reasonable offer at the time it was made.

PART VII

Miscellaneous

28.—(1) If a document appears to be printed or otherwise produced by physical or electronic means adapted for production to the public, and there is evidence in the document which shows that it was printed, produced, published or distributed by or for a particular person, that evidence is evidence in defamation proceedings that the document was so printed, produced, published or distributed.

**Proof of
publication.**

(2) Evidence that a document or part of a document appearing to be a periodical is printed, produced, published or distributed by or for a particular person is evidence in defamation proceedings that the periodical or part of the periodical publication was so printed, produced, published or distributed.

29. An agreement for indemnifying any person against liability for defamation in respect of the publication of any matter is lawful unless at the time of the publication the person knew that the matter is defamatory and did not reasonably believe there was a good defence to any action brought under the agreement.

**Agreements for
indemnity.**

30.—(1) An action for defamation shall be brought—

**Limitation
period for
action.**

- (a) in the case of defamatory matter published on the Internet, within two years from the date upon which the defamatory statement is first published on the Internet or the date upon which it is first capable of being viewed on or listened to through the Internet, whichever is later; or
- (b) in the case of any other defamatory matter, within two years from the date that the defamatory matter was first published.

(2) A person claiming to have a cause of action for defamation may apply to a court for an order extending the limitation period.

(3) Subject to sub-section (4), on an application under sub-section (2), a court may extend the limitation period.

(4) A court may not order the extension of the limitation period unless—

(a) the court is satisfied that there are reasonable and compelling grounds for the action not having been brought within the limitation period;

(b) the court has taken into account any prejudice which the extension of time may cause the defendant, including the extent to which any evidence relevant to the matter is, by virtue of the delay, no longer capable of being adduced; and

(c) it is in the interest of justice to grant an extension of time.

(5) If a court orders the extension of the limitation period—

(a) the extended limitation period shall not be more than four years from the date on which the cause of action arose; and

(b) that limitation period is accordingly extended for the purposes of an action brought by the applicant in that court on the cause of action that the applicant claims to have.

(6) An order for the extension of a limitation period, and an application for an order, may be made even though the limitation period has already expired.

31.—(1) It shall be competent for 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, defamation 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 defamation, or substantially the same defamation, 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.

Consolidation
of actions.

(2) In a consolidated action under this section, the court shall assess the whole amount of the damages 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 finds 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 it so finds between and against the said last-mentioned defendants, and the judge at the trial, if he awards to the claimant the costs of the action, shall make such order as he deems just for the apportionment of such costs between and against such defendants.

32.—(1) Where any claimant in any action for defamation against any proprietor, editor, conductor, printer or publisher of any news medium makes it appear, by affidavit to the court, or to any judge thereof, that he is entitled to have execution against the defendant upon any judgment in such action, and that he has not been able to procure satisfaction by writ of execution against the goods and chattels or the lands of such defendant, the court may, for the benefit of such claimant, order and direct such proceedings to take place and taken upon such bond as would be taken to obtain any forfeitures, fines, penalties, damages or costs due to Her Majesty secured by such bond.

Damages for
defamation
recoverable on
bond.

(2) The expense of such proceedings shall be borne exclusively by the claimant.

Discovery may
be enforced

33.—(1) Where any person makes an application for specific disclosure of the name of any person concerned as printer, publisher or proprietor of any news medium or of any matter relative to the printing or publishing of any new medium, in order to more effectively bring or carry on any proceedings or action for damages alleged to have been sustained by reason of any defamatory matter contained in any such news medium in respect to such person, the defendant shall be compellable to disclose such information.

(2) Any discovery made under this section shall not be made use of as evidence or otherwise in any proceeding against the defendant, except only in the proceedings for which the discovery is made.

Regulations.

34. The Minister may make regulations for the purposes of giving effect to the provisions of this Act.

Repeal and
savings.
CAP. 169.

35.—(1) The Libel and Defamation Act is repealed.

(2) Notwithstanding the repeal under sub-section (1), nothing in this Act shall affect anything done, any proceedings taken or a right of action which has accrued or a liability which has been incurred under the repealed Act before the coming into force of this Act and anything done, any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed Act shall be deemed to have been done, taken, accrued or incurred, as the case may be under this Act.

SCHEDULE*[section 18]***QUALIFIED PRIVILEGE****PART I***Interpretation*

1. In this Schedule—

“Court”—

- (a) means any tribunal or body exercising the judicial power of the state;
- (b) includes, in paragraphs 3 and 7—
 - (i) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which Belize is a party;
 - (ii) the International Court of Justice and any other judicial or arbitral tribunal deciding matters in disputes between states; and
 - (iii) an international court;

“governmental functions” includes police functions;

“international conference” means a conference attended by representatives of two or more governments;

“international court” includes any international tribunal established by the Security Council of the United Nations or by an international agreement;

“international organization” means an organization of which two or more governments are members and includes any committee or other subordinate body of that organization;

“Belizean company” means a company incorporated or registered under the laws of Belize; and

“legislature” includes a local legislature.

PART II

Statements Privileged Without Need for Publication of explanation or Contradiction

2. A fair and accurate report of proceedings in public of a legislature anywhere in the world.
3. A fair and accurate report of proceedings in public before a court anywhere in the world.
4. A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a government or legislature anywhere in the world.
5. A fair and accurate report of proceedings in public anywhere in the world of an international organization or an international conference.
6. A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.
7. A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.
8. A fair and accurate copy of or extract from matter published by or on the authority of a government or legislature anywhere in the world.
9. A fair and accurate copy of or extract from matter published anywhere in the world by an international organization or an international conference.
10. A fair and accurate report of any proceedings in public of an international court anywhere in the world.

PART III

Statements Privileged Subject to Publication of explanation or Contradiction

11. A fair and accurate copy of or extract from a notice or summary of a notice or other matter issued for the information of the public by or on behalf of—
 - (a) a legislature or government anywhere in the world;

- (b) any authority performing governmental functions anywhere in the world;
- (c) an international organization or international conference.

12. A fair and accurate copy of or extract from a document made available by a court anywhere in the world or by a judge or officer of that court.

13. A fair and accurate report of proceedings at a press conference anywhere in the world for the discussion of a matter of public interest.

14. A fair and accurate report of proceedings at any public meeting held anywhere in the world, that is to say, a meeting bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public interest, whether the admission to the meeting is general or restricted.

15.—(1) A fair and accurate report of proceedings at a general meeting of a Belizean company.

(2) A fair and accurate copy of or extract from any document circulated to members of a Belizean company—

- (a) by or with the authority of the board of directors of the company;
- (b) by the auditors of the company; or
- (c) by any member of the company in pursuance of a right conferred by any enactment.

(3) A fair and accurate copy of or extract from any document circulated to members of a Belizean company which relates to the appointment, resignation, retirement or dismissal of directors of the company.

16.—(1) A fair and accurate copy or extract of a statement from any scientific or academic journal, whether published in electronic form or otherwise, with the condition that—

- (a) the statement relates to academic matter; and
- (b) before the statement was published in the journal, an independent review of the statement's academic merit was carried out by—
 - (i) the editor of the journal; and

- (ii) one or more persons with expertise in the scientific or academic matter in question.