



**BERMUDA
1857 : 29**

LIBEL ACT 1857

ARRANGEMENT OF SECTIONS

- 1 Mitigation of damages; apology
- 2 Newspaper or periodical; pleas

[8 July 1857]

[preamble and words of enactment omitted]

Mitigation of damages; apology

1 The defendant in an action for defamation (after notice in writing of his intention so to do duly given to the plaintiff at the time of filing the plea in such action or delivering a copy thereof) may 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 after as he had an opportunity of doing so, where the action had been commenced before there was an opportunity of making or offering such apology.

Newspaper or periodical; pleas

2 In any action for a libel contained in any public newspaper or other periodical publication it shall be competent to the defendant to plead —

- (a) that the libel was inserted in the newspaper or other periodical publication without actual malice and without gross negligence; and
- (b) 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

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for the libel, or, if the newspaper or periodical publication in which the libel appeared is ordinarily published at intervals exceeding one week, that he offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action;

and every such defendant upon filing such plea shall be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of the libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading (except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such defendant) as payment of money into court in actions of debt or upon promises now is:

Provided that —

- (i) it shall not be competent to any defendant in any such action to file any such plea without at the same time making a payment of money into court by way of amends as hereinbefore provided; and
- (ii) every such plea so filed without payment of money into court shall be deemed a nullity and may be treated as such by the plaintiff; and
- (iii) it shall be competent to the plaintiff to reply generally to such plea to such action denying the whole of such plea.

[Amended by
1952 : 11]