

# Defamation (Parliamentary Proceedings) (Amendment) Bill [HL]

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Lord Lester of Herne Hill, the Member in charge of the Bill, are published separately as HL Bill 51 – EN.



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**B I L L**

TO

Reform the law of liability in defamation proceedings for reports of Parliamentary proceedings; and to repeal section 13 of the Defamation Act 1996.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Reports etc. of Parliamentary matters protected by privilege**

After section 6 of the Defamation Act 2013 insert the following—

**“6A Reports etc. of Parliamentary matters protected by privilege**

- |  |    |
|--|----|
| (1) The following are privileged—  | 5  |
| (a) a fair and accurate report of proceedings in Parliament;   |    |
| (b) a fair and accurate report of anything published by or on the authority of Parliament; and   |    |
| (c) a fair and accurate copy of, extract from or summary of anything published by or on the authority of Parliament.   |    |
| (2) The court must stay any proceedings where the defendant shows that—  | 10 |
| (a) the proceedings relate to the publication of anything that falls within subsection (1)(a), (b) or (c); or  |    |
| (b) the proceedings seek to prevent or postpone the making of any such publication.  | 15 |
| (3) This section also has effect in relation to the Welsh Assembly and the Northern Ireland Assembly (and any reference to Parliament is to be read as a reference to the Assembly in question). |    |
| (4) The defence under this section is defeated if the claimant shows that the defendant acted with malice in publishing the statement complained of.”  | 20 |

**2 Parliamentary Papers Act 1840**

After section 3 of the Parliamentary Papers Act 1840 insert the following –

**“3A Act not to affect the Defamation Act 2013**

Nothing in this section shall be construed as affecting the application of section 6 of the Defamation Act 2013.”

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**3 Evidence concerning proceedings in Parliament**

The enactments specified in the Schedule are repealed to the extent specified.

**4 Short title, commencement and extent**

- (1) This Act may be cited as the Defamation (Parliamentary Proceedings) (Amendment) Act 2013.
- (2) The provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales.

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## SCHEDULE

Section 3

### REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Defamation Act 1996	Section 13. Section 15(3). In section 18(1), the words “section 13 (evidence concerning proceedings in Parliament)”, In section 18(2), the words “section 13 (evidence concerning proceedings in Parliament)”, Section 18(3), the words “section 13 (evidence concerning proceedings in Parliament)”.	5    10
Defamation Act 2013	Section 7(2).	

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## B I L L

To reform the law of liability in defamation proceedings for reports of Parliamentary proceedings; and to repeal section 13 of the Defamation Act 1996.

*Lord Lester of Herne Hill*

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