

## **The Crime of Libel**

In December 1991, the Commission published a Report on [\*The Crime of Libel \(LRC 41-1991\)\*](#), following a request by the Attorney General and building upon its [\*Consultation Paper on the Crime of Libel \(LRC CP 5-1991\)\*](#) published in August 1991.

The report published in a context where libel was still a crime, as well as a civil wrong. It was rarely prosecuted, but its survival in our law raised important questions of principle. The law of libel embraces not merely defamatory statements, but also those which the law regards as blasphemous, obscene or seditious. There are also important Constitutional considerations, since the publication of blasphemous, seditious or indecent matter must be punished as a criminal offence under Article 40.6.1(i).

The report makes a total of 30 recommendations in the area of:

1. Defamatory libel
2. Seditious libel
3. Obscene Libel and
4. Blasphemous Libel

among which are:

- (i) The abolition of seditious and obscene libel;
- (ii) A re-examination of existing laws dealing with censorship and of the relevant provisions of the *Offences Against the State Act 1939*;
- (iii) The inclusion in any proposals for a revision of the Constitution of the abolition of the crime of blasphemy;
- (iv) In the event of the crime of blasphemy being retained in our law, its redefinition so as to encompass insults to religious other than Christianity;
- (v) The re-definition of defamatory libel so as to impose stringent “burden” of proof on the prosecution; and
- (vi) Miscellaneous amendments to the law of defamatory libel so as to eliminate or modernise various anachronistic provisions.

### **Draft Legislation in Report**

Draft legislative provisions are included in the Report.

### **Information on Implementation**

Recommendations of the Commission were implemented by the *Defamation Act 2009*.