



Northern Ireland
Assembly

Defamation Bill

Annotated Marshalled List of Amendments
Consideration Stage

Wednesday 2 March 2022

Amendments tabled up to 9.30am Wednesday, 23 February 2022 and selected for debate

The Bill will be considered in the following order-

Clauses and Long Title

Clause 1 ***[Question that Clause 1 stand part negatived without Division]***

The Chair listed below gives notice of the Committee's intention to oppose the question that clause 1 stand part of the Bill.

Chair, Committee for Finance

Amendment 1 ***[Made]***

Clause 2, Page 1, Line 19

Leave out 'Defamation (Northern Ireland) Act' and insert 'Defamation Act (Northern Ireland)'

Mr Mike Nesbitt

Amendment 2 [Made]

Clause 3, Page 2, Line 12

After ‘before’ insert ‘or at the same time as’

Mr Mike Nesbitt

Amendment 3 [Made]

Clause 3, Page 2, Line 31

Leave out ‘Defamation (Northern Ireland) Act’ and insert ‘Defamation Act (Northern Ireland)’

Mr Mike Nesbitt

Amendment 4 [Made]

Clause 5, Page 4, Line 4

Leave out subsections (8) to (10)

Mr Mike Nesbitt

Clause 5 [Question that Clause 5, as amended, stand part negated without Division]

The Chair listed below gives notice of the Committee’s intention to oppose the question that clause 5 stand part of the Bill.

Chair, Committee for Finance

Amendment 5 [Made]

Clause 8, Page 7, Line 21

Leave out paragraph (b) and insert -

‘(b) the reference in paragraph (1)(a) of that Article to the provisions of Article 6(2) is a reference to the provisions of Article 6(2) and the provisions of this section.’

Mr Mike Nesbitt

Amendment 6 [Made]

Leave out clause 9 and insert -

‘Action against a person not domiciled in the UK

9.—(1) This section applies to an action for defamation against a person who is not domiciled in the United Kingdom.

(2) A court does not have jurisdiction to hear and determine an action to which this section applies unless the court is satisfied that, of all the places in which the statement complained of has been published, Northern Ireland is clearly the most appropriate place in which to bring an action in respect of the statement.

(3) The references in subsection (2) to the statement complained of include references to any statement which conveys the same, or substantially the same, imputation as the statement complained of.

(4) Sections 41 and 42 of the Civil Jurisdiction and Judgments Act 1982 apply for the purpose of determining whether an individual, corporation or association is regarded as “domiciled in the United Kingdom” for the purposes of this section.’

Mr Mike Nesbitt

Clause 11 [Question that Clause 11 stand part agreed on Division]

The Chair listed below gives notice of the Committee’s intention to oppose the question that clause 11 stand part of the Bill.

Chair, Committee for Finance

Amendment 7 [Made]

New Clause

After clause 14 insert -

‘Review of Defamation Law

Review of Defamation Law

14A.—(1) The Department must keep under review all relevant developments pertaining to the law of defamation as it considers appropriate.

(2) The Department must prepare a report and recommendations on—

- (a) the findings of the review under subsection (1), and
- (b) the operation of this Act.

(3) The Department must lay the report and recommendations before the Assembly, and publish the report and recommendations, before the end of the period of 2 years beginning with the day on which this Act receives Royal Assent.’

Mr Mike Nesbitt

Amendment 8 [Made]

Clause 15, Page 9, Line 22

At end insert -

“the Department” means the Department of Finance;’

Mr Mike Nesbitt

Amendment 9 [Made]

Clause 15, Page 9, Line 24

At end insert -

“regulations” means regulations made by the Department;’

Mr Mike Nesbitt

Amendment 10 [Made]

Clause 16, Page 9, Line 31

Leave out ‘Defamation (Northern Ireland) Act’ and insert ‘Defamation Act (Northern Ireland)’

Mr Mike Nesbitt

Amendment 11 [Made]

Clause 16, Page 9, Line 34

Leave out ‘Defamation (Northern Ireland) Act’ and insert ‘Defamation Act (Northern Ireland)’

Mr Mike Nesbitt

Amendment 12 [Made]

Clause 17, Page 10, Line 9

Leave out subsections (1) and (2) and insert -

‘(1) Regulations may not be made under this Act unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

Mr Mike Nesbitt

Amendment 13 [Made]

Clause 17, Page 10, Line 13

Leave out ‘and orders made by the Department’ and insert ‘made’

Mr Mike Nesbitt

Amendment 14 [Made]

Clause 17, Page 10, Line 16

Leave out subsection (4)

Mr Mike Nesbitt

Amendment 15 [Made]

Leave out clause 18 and insert -

‘Commencement

18.—(1) Section 5 comes into operation at the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.

(2) The other provisions of this Act (including this section) come into operation on the day after the day on which this Act receives Royal Assent.’

Mr Mike Nesbitt