



CHAPTER 72

Press Act

[Assented to, the 4th of April, 1929]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as the *Quebec Press Act*. Short title.

2. For the purposes of this act, the word "newspaper" "Newspaper" means every newspaper or periodical writing the publication whereof for sale and distribution is made at successive and determined periods, appearing on a fixed day or by irregular issues, but more than once a month and whose object is to give news, opinions, comments or advertisements.

3. Every person who deems himself injured by an article published in a newspaper and who wishes to claim damages must institute his action within the three months following the publication of such article, or within three months after his having had knowledge of such publication, provided, in the latter case, that the action be instituted within one year from the publication of the article complained of. Delay to institute action.

4. No such action may be brought against the proprietor of the newspaper, unless, personally or through his attorney, the party who deems himself injured gives a previous notice thereof of three days, not being holidays, at the office of the newspaper or at the domicile of the proprietor, so as to allow such newspaper to rectify or retract the article complained of. Preliminary notice.

5. If the newspaper fully retracts and establishes good Actual dam-

ages only,
where re-
traction.

faith, in its issue published on the day following the receipt of such notice or on the day next after such day, only actual and real damages may be claimed.

Publication
of retrac-
tion.

6. Such retraction must be published by the newspaper *gratis* and in as conspicuous a place in the newspaper as the article complained of.

Id., of recti-
fication.

7. Whenever the newspaper is not a daily, the rectification must, at the choice of the party who deems himself injured, and at the newspaper's expense, be published in a newspaper of the judicial district or of a neighbouring judicial district, as well as in the next issue of the newspaper itself.

Id., of reply.

8. The newspaper shall also publish at its expense any reply which the party who deems himself injured may communicate to it, provided that same be *ad rem*, be not unreasonably long and be couched in fitting terms.

No prosecu-
tion in cer-
tain event.

Whenever the party who deems himself injured has both obtained a retraction and exercised the right to reply, no prosecution may issue if the newspaper publishes such retraction and reply without further comment.

Provisions
not applic-
able.

9. No newspaper may avail itself of the provisions of this act in the following cases:

a. When the party who deems himself injured is accused by the newspaper of a criminal offence;

b. When the article complained of refers to a candidate and was published within the three days prior to the nomination-day and up to the polling-day in a parliamentary or municipal election.

Privileged
publications.

10. Provided that the facts be accurately reported and in good faith, the publication in a newspaper of the following is privileged:

a. Reports of the proceedings of the Senate, the House of Commons, the Legislative Council and Legislative Assembly of Quebec and of their committees from which the public is not excluded;

b. Any notice, bulletin or recommendation emanating from a government or municipal health service;

c. Public notices given by the Government or by a person authorized by it respecting the solvency of certain companies or regarding the value of certain issues of bonds, shares or stock;

d. Reports of the sittings of the courts provided they be not held *in camera*, and that the reports be accurate.

This provision shall not, however, affect nor diminish the rights of the press under common law. Common law rights safeguarded.

11. The judge may, during a suit for defamation against a newspaper, order the plaintiff to furnish security for costs, provided that the defendant himself furnishes security to satisfy the judgment. The amount of security in each instance shall be left to the sole discretion of the judge. Security for costs.

12. No newspaper may avail itself of the provisions of this act if the formalities required by the Newspaper Declaration Act (Revised Statutes, 1925, chapter 172) have not been complied with. Prior formalities.

13. Every judgment condemning a newspaper at fault must be published in the said newspaper, and at its expense, on the order of the court which rendered the judgment, under penalty of contempt of court. Publication of judgment.

14. This act shall come into force on the day of its sanction. Coming into force.