

2026

CHAPTER 15

An Act respecting Defamation and making consequential amendments to other Acts

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(Assented to May 14, 2026)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Defamation Act*.

Definitions

2 In this Act:

“**court**”, except in section 13, means the Court of King’s Bench and includes a judge of that court;

“**defamation**” includes libel and slander;

“**prescribed**” means prescribed in the regulations;

“**public meeting**” means a meeting lawfully held in good faith for a lawful purpose and for the advancement or discussion of any matter of public concern, whether admission to the meeting is general or restricted;

“publication” includes words published in any electronic medium;

“words” includes pictures, visual images, gestures or other methods of signifying meaning.

Notice of action

3(1) A person claiming that a publication is defamatory shall give 14 days’ notice in writing to the publisher of the person’s intention to bring an action.

(2) The notice mentioned in subsection (1) must:

- (a) include a description of the allegedly defamatory words complained of; and
- (b) be in the prescribed form.

(3) The notice must be served in the prescribed manner.

(4) The failure to comply with the notice requirement must be taken into account when damages and costs are assessed by the court.

(5) If the limitation period pursuant to section 5 of *The Limitations Act* expires during the notice period and before the action can be commenced, the limitation period is extended for 15 days.

Presumption of damage

4 An action lies for defamation and in a defamation action, if defamation is proved, damage shall be presumed.

Pleadings

5(1) In a defamation action, the plaintiff may allege that the words complained of were used in a defamatory sense, specifying the defamatory sense without alleging how the words were defamatory.

(2) The pleading shall be put in issue by the denial of the alleged defamation and, if the words set out with or without the alleged meaning show a cause of action, the pleading is sufficient.

Apology in mitigation of damages

6(1) Subject to subsection (2), in a defamation action, a defendant may give evidence, in mitigation of damages, that the defendant made or offered a written apology to the plaintiff for the defamation if:

- (a) the defendant has pleaded a denial of the alleged defamation only;
- (b) the defendant has suffered judgment by default; or
- (c) judgment has been given against the defendant on an application for judgment on the pleadings.

(2) The written apology mentioned in subsection (1) must have been made or offered to the plaintiff:

- (a) before the commencement of the action; or
- (b) if the action was commenced before there was an opportunity to make or offer an apology, as soon afterwards as the defendant had the opportunity.

Payment into court

7 A defendant may pay into court, with the statement of defence, a sum of money by way of amends for the injury sustained by the publication of the defamatory words, with or without a denial of liability, and the payment has the same effect as payment into court in other cases.

Single publication rule

8(1) In this section:

“first publication” means the first time a person publishes words to the public;

“public” includes a section of the public;

“subsequent publication” means the second time and all subsequent times that a person publishes, whether or not to the public, the words from the first publication or words that are substantially the same as the words from the first publication.

(2) This section applies if a person publishes a first publication and a subsequent publication.

(3) For the purposes of section 5 of *The Limitations Act*, a defamation action with respect to a subsequent publication is to be treated as having been discovered on the date on which the first publication was discovered.

(4) This section does not apply in relation to a subsequent publication if the manner of that publication is materially different from the manner of the first publication.

(5) In determining whether the manner of a subsequent publication is materially different from the manner of the first publication, the matters to which the court may have regard include:

- (a) the level of prominence that the words are given; and
- (b) the extent of the subsequent publication.

Consolidation of actions

9(1) On an application by 2 or more defendants in 2 or more actions brought by the same plaintiff for the same or substantially the same defamation, the court may make an order for the consolidation of the actions.

(2) After an order has been made pursuant to subsection (1) and before the trial of the actions, the defendants in any new actions commenced with respect to the same or substantially the same defamation are also entitled to be joined in a common action on a joint application by the new defendants and the defendants in the actions already consolidated.

Damages in consolidated action

10(1) In a consolidated action pursuant to section 8, the court or jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be given for or against each defendant in the same way as if the actions consolidated had been tried separately.

(2) If the court or jury gives a verdict against defendants in more than one of the actions so consolidated:

- (a) the court or jury shall apportion the amount of the damages between and against those defendants; and
- (b) if the plaintiff is awarded the costs of the action, the court shall make an order that the court considers just for the apportionment of the costs between and against those defendants.

Powers of court or jury as to verdict

11(1) Subject to subsection (2), on the trial of a defamation action, the jury:

- (a) may give a general verdict on the whole matter in issue in the action; and
- (b) shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged defamation and of the sense ascribed to it in the action.

(2) The court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on the issue find a special verdict if it thinks it is appropriate to do so.

(3) The proceedings after verdict, whether general or special, are the same as in other cases.

Remedies

12(1) In this section, “**internet intermediary**” means an internet intermediary as defined in *The Protection From Human Trafficking Act*.

(2) In a defamation action, the court may:

- (a) with respect to all or any publications made by the defendant:
 - (i) order the defendant to make every reasonable effort to make the publication unavailable to others, including by:
 - (A) destroying all copies of the publication in the defendant’s possession or control;
 - (B) having the publication removed from any platform operated by an internet intermediary; and
 - (C) having the publication de-indexed from any internet search engine; and
 - (ii) order any internet intermediary or other person or organization to make every reasonable effort to remove or de-index all publications that include the defamatory words;
- (b) award damages to the plaintiff, including general and special damages;
- (c) issue an injunction on any terms and with any conditions that the court determines to be appropriate in the circumstances; and
- (d) make any other order that the court considers just and reasonable in the circumstances.

Proceedings of a public meeting, etc.

13(1) The publication of a fair and accurate report of any of the following is privileged unless it is proved that the publication was made maliciously:

- (a) a public meeting;
- (b) proceedings in any of the following, if they are open to the public:
 - (i) the Senate or House of Commons of Canada;
 - (ii) the Legislative Assembly of Saskatchewan or of any other province or territory of Canada;
 - (iii) a municipal council, board of education, the conseil scolaire or the provincial health authority;
 - (iv) any other board or local authority formed or constituted pursuant to a public Act of the Legislature of any of the provinces of Canada or the Parliament of Canada;
 - (v) a committee appointed by any body mentioned in subclauses (i) to (iv).
- (2) The publication of a report, bulletin, notice or other document issued for the information of the public by or on behalf of a government ministry, department, secretariat, office, or other similar agency, or public officer is privileged, unless it is proved that the publication was made maliciously.
- (3) Nothing in this section applies to the publication of seditious, blasphemous or indecent matter.
- (4) Subsections (1) and (2) do not apply if:
 - (a) the plaintiff shows that the defendant has been requested to publish a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff; and
 - (b) the defendant fails to show that the defendant has done so.
- (5) Nothing in this section:
 - (a) limits or abridges any privilege that currently exists by law; or
 - (b) applies to the publication of any matter not of public concern or the publication of which is not for the public benefit.

Proceedings in court or before tribunal

14(1) The publication of a fair and accurate report of proceedings publicly heard before a court or administrative tribunal is absolutely privileged if the report:

- (a) contains no comment;
- (b) is published contemporaneously with the proceedings; and
- (c) contains nothing of a seditious, blasphemous or indecent nature.
- (2) Subsection (1) does not apply if:
 - (a) the plaintiff shows that the defendant has been requested to publish a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff; and
 - (b) the defendant fails to show that the defendant has done so.

Peer reviewed material

15(1) The publication of words in a scientific or academic journal is privileged if the following conditions are met:

- (a) the words relate to a scientific or academic matter;
 - (b) before the words were published in the journal, an independent review of the words' scientific or academic merit was carried out by:
 - (i) the editor of the journal or, in the case of a journal with more than 1 editor, the editor or editors who were responsible for deciding to publish the words; and
 - (ii) one or more persons with expertise in the scientific or academic matter concerned.
- (2) If the publication of words in a scientific or academic journal is privileged by virtue of subsection (1), the publication in the same journal of any assessment of the words' scientific or academic merit is also privileged if:
- (a) the assessment was written by 1 or more of the persons who carried out the independent review of the words; and
 - (b) the assessment was written in the course of that review.
- (3) If a publication is privileged by virtue of this section, the publication of a fair and accurate copy of, extract from or summary of the words or assessment is also privileged.
- (4) A publication is not privileged by virtue of this section if it is shown to be made with malice.
- (5) Nothing in this section is to be construed as:
- (a) protecting the publication of words the publication of which is prohibited by law; or
 - (b) limiting any privilege existing apart from this section.

Regulations

16 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the forms to be used for the purposes of this Act;
- (c) for the purposes of subsection 3(3), prescribing the manner of service of the notice;
- (d) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

RSS 1978 c L-14 repealed

17 *The Libel and Slander Act* is repealed.

Transitional

18 A proceeding commenced pursuant to *The Libel and Slander Act* as that Act existed on the day before the coming into force of this Act, but not completed before this Act comes into force, is continued and is to be dealt with pursuant to this Act as if it had been commenced pursuant to this Act.

SS 2012, c A-5.4 amended

19 Subsection 32(4) of *The Advocate for Children and Youth Act* is repealed and the following substituted:

“(4) For the purposes of *The Defamation Act*:

- (a) an Advocate’s report made pursuant to this Act is deemed to be privileged; and
- (b) the publication of a fair and accurate report on any Advocate’s report made pursuant to this Act is deemed to be privileged”.

SS 2012, c O-3.2 amended

20 Subsection 31(4) of *The Ombudsman Act, 2012* is repealed and the following substituted:

“(4) For the purposes of *The Defamation Act*:

- (a) any report made by the Ombudsman pursuant to this Act is deemed to be privileged; and
- (b) the publication of a fair and accurate report on any report made by the Ombudsman pursuant to this Act is deemed to be privileged”.

SS 2013, c O-4.2 amended

21 Subsection 2(2) of *The Operation of Public Registry Statutes Act* is amended:

(a) by adding the following clause before clause (g):

“(f.2) *The Defamation Act*”; and

(b) by repealing clause (k).

Coming into force

22 This Act comes into force by order of the Lieutenant Governor in Council.

