

SEANAD ÉIREANN

AN BILLE UM CHLÚMHILLEADH (LEASÚ), 2024 LEASUITHE COISTE

DEFAMATION (AMENDMENT) BILL 2024 COMMITTEE AMENDMENTS

*Leasuithe Breise agus Ionadach
Additional and Substitute Amendments*

SECTION 4

Section opposed.

—Senators Patricia Stephenson, Lynn Ruane, Nicole Ryan, Nessa Cosgrove, Laura Harmon, Malcolm Noonan.

SECTION 5

Section opposed.

—Senators Patricia Stephenson, Nicole Ryan, Michael McDowell, Victor Boyhan, Tom Clonan, Joe Conway, Sharon Keogan, Aubrey McCarthy, Nessa Cosgrove, Laura Harmon, Malcolm Noonan.

SECTION 7

8. In page 7, after line 32, to insert the following:

“Serious harm threshold for natural persons

7. (1) The Principal Act is amended by the insertion of the following section after section 12:

“12A. A statement concerning a natural person shall not be considered defamatory unless its publication has caused, or is likely to cause, serious harm to the reputation of that person.”.

(2) The amendment effected by *subsection (1)* shall apply only to causes of action accruing on or after the date of the coming into operation of this section.”.

—Senators Sharon Keogan, Gerard Craughwell.

[This amendment is in substitution for amendment No. 8 on the principal list of amendments dated 17th July, 2025.]

SECTION 8

9. In page 8, lines 22 and 23, to delete “it shall be a defence to a defamation action for the defendant to” and substitute “no cause of action shall lie where the defendant can”.

—Senators Mary Fitzpatrick, Linda Nelson Murray.

[This amendment is in substitution for amendment No. 9 on the principal list of amendments dated 17th July, 2025.]

[SECTION 17]

SECTION 17

10a. In page 13, between lines 12 and 13, to insert the following new section:

“Amendment of section 31 of Principal Act

17. Section 31 of the Principal Act is amended by the insertion of the following new subsection after subsection (8):

“(9) The total amount of general damages awarded by a court in a defamation action shall not exceed seventy-five thousand euro.”.”.

—*Senator Linda Nelson Murray.*

10b. In page 13, between lines 12 and 13, to insert the following new section:

“Amendment of section 31 of Principal Act

17. The Principal Act is amended by the insertion of the following new section after section 31:

“Caps on damages in defamation actions

31A. (1) Subject to subsections (3) and (4), in any defamation action before the High Court the amount of general damages (including damages for injury to reputation, hurt feelings or distress) shall not exceed €250,000.

(2) Subject to subsections (3) and (4), the total award of damages in any defamation action before the High Court, including general damages, aggravated damages and exemplary damages, shall not exceed €400,000.

(3) Subsections (1) and (2) shall not apply to an award of special damages, being damages proven to represent actual pecuniary loss suffered by the plaintiff.

(4) The limits provided for in subsections (1) and (2) shall not affect the jurisdictional monetary limit of the Circuit Court as set out in section 22 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 or any enactment amending or replacing it.

(5) The Minister may, by order made with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, amend the monetary amounts specified in subsections (1) and (2) having regard to—

(a) changes in the value of money (including reference to the Consumer Price Index), and

(b) the need to ensure that awards of damages remain proportionate and consistent with comparable awards in other areas of law.

(6) An order made under subsection (5) shall be laid before each House of the Oireachtas as soon as may be after it is made and shall, if a

[SECTION 17]

resolution annulling the order is passed by either such House within 21 sitting days of that House after the order is laid before it, be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.”.

—*Senator Sharon Keogan.*

10c. In page 13, between lines 12 and 13, to insert the following:

“Amendment of section 31 of Principal Act

17. Section 31 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) In an action for damages for defamation—

(a) general damage shall not be presumed, and

(b) when making an award (if any) of general damages, regard shall be had to all of the circumstances of the case.”.”.

—*Senators Nessa Cosgrove, Laura Harmon, Patricia Stephenson, Malcolm Noonan.*