

THE LAW OF DEFAMATION IN SINGAPORE AND MALAYSIA. By KEITH R. EVANS. [Singapore: Butterworths. 1988. xxi + 201pp. Hardcover: S\$90.00]

THIS book provides a useful account of the law of defamation in the local context. It was published in 1988 in hard back. The main text of the book is divided into three parts and comprises fifteen chapters in 138 pages. It also provides four useful appendices.

The objectives of the book are explained by the author in the preface as follows:

“I decided that I would tailor the text to the legal practitioner. As a result, the text includes a number of appendices which those engaged

in practice will find useful. Nonetheless, the text itself provides a brief, but thorough discussion of the principal aspects of defamation actions, and should prove to be of assistance to the student, as well as to practitioners who are just becoming familiar with the law in this area. For the well-initiated, the text will provide a quick reference overview of the available local authority.... I hope that the book will ... be used for teaching purposes, in place of the English authority which has enjoyed such prominence to date.”

The main text of the book is divided into three parts. Part I is entitled ‘The Cause of Action’ and comprises chapters 1-5. Part II is entitled ‘The Defences’ and comprises chapters 6-11. Part III is entitled ‘Miscellaneous Aspects’ and comprises chapters 12-15. The rest of the book consists of the four appendices: appendix I comprises the relevant statutory provisions; appendix II – cases judicially considered; appendix III – statutes judicially considered; appendix IV – damage digest.

In Part I of the text on ‘The Cause of Action’, the author discusses the requirements for a cause of action in defamation. Chapter 1 is the introductory chapter and the author provides an interesting discussion of an unusual case which the author describes as the “earliest reported case to discuss the issue of libel.... *In the goods of Thomas Kekewich: In re Cookson, Caunter & Wright*, a case from Penang.”¹ Chapter 2 discusses when a statement can be said to be defamatory. It also includes a discussion on false innuendo and legal or true innuendo and provides examples of defamatory remarks. Chapter 3 deals with the next requirement for an action in defamation, namely that of ‘reference to the plaintiff. It also provides a discussion on the tricky area of group defamation. Chapter 4 then deals with the issue of publication. Chapter 5 examines the distinction between libel and slander and the consequences of the distinction. It also provides a discussion of the exceptional circumstances in which slander will be actionable *per se*.

Having discussed the requirements for a cause of action in defamation, in Part II on ‘The Defences’, the author then directs the reader to the defences which are available. Chapter 6 deals with the defence of justification and Chapter 7 with the defence of fair comment on a matter of public interest. Common law qualified privilege is dealt with in chapter 8 and chapter 9 deals with statutory qualified privilege and absolute privilege. The author then devotes an entire chapter (chapter 10) on the issue of malice. It is useful to provide a separate discussion on malice since the presence of malice at the time when the defamatory statement is made may affect the defence of fair comment and qualified privilege. Chapter 11 has been entitled ‘Miscellaneous Defences’, however, not all the topics discussed under chapter 11 can be termed defences, for example, apology is not a defence to a defamation action but may be a mitigating factor in the assessment of damages.

Part III entitled ‘Miscellaneous Aspects’ deals with the remaining matters of interest in the law of defamation. Chapter 12 looks at the

¹ Evans, *The Law of Defamation in Singapore and Malaysia* (1988) at p. 4.

remedies available in a successful action for defamation. Chapter 13 discusses the parties to a defamation action. Chapter 14 deals with the procedural matters. Finally, in the last chapter of the text (chapter 15) the author provides a useful discussion on criminal defamation in relation to the Penal Codes of both Singapore and Malaysia.

Apart from the main text of the book the author has included four useful appendices. Appendix I comprises the relevant statutory provisions, namely, the Defamation Act; The Rules of the Supreme Court, 1970, Order 78; Rules of the High Court 1980, Order 78; and the Penal Code sections 499-502. Where the provisions of the legislation in Singapore and Malaysia differ, the author has sought to show the Singapore version in round brackets and the Malaysia version in square brackets. This can sometimes appear confusing. Appendix II and III, respectively, then provide a list of the cases and statutes which have been judicially considered in the local context. Appendix IV then provides a useful digest of the damages which have been awarded by some of the courts in successful defamation actions.

The book is well-organised and is written in a style which is clear and concise and easy to read. The author has provided detailed references to local cases and the footnoting in the book is adequate. The author has provided a good coverage of the law of defamation and the use of examples and hypotheticals throughout the book, especially in the context of what constitutes a defamatory statement or words, is useful. The book would assist the legal practitioner in locating the local sources of the law of defamation and give him/her a flavour of the Singapore and Malaysia judgments in this area. The legal practitioners would find the chapters on remedies and procedural matters and the damage digest in appendix IV of particular interest. Thus, in this context the book would serve its purpose and fulfill the author's objective at a general level. However, the legal practitioner would not be able to rely exclusively on the book since it covers only the local cases and the fact situations which have arisen here.² Therefore, it may be necessary to supplement this book by reference to the major English text books on the common law in this area, e.g. *Gatley on Libel & Slander*. This is particularly so in relation to an issue which has not arisen in the local cases. It would have been desirable to have had a more detailed discussion of the major English decisions in this area so that the reader could be given an insight into how similar the development of the law of defamation in Singapore and Malaysia are to those of the common law in England. As a student text it would be helpful and useful as supplementary reading in this area. The book would also provide a good quick reference to the local cases in this area.

The typographical lay-out of the book is clear and well set out and the index provided is quite detailed.

2. As the author points out in the preface:- "The text does not repeat material which may be found in English, or other common law jurisdiction, works. To as large an extent as possible, it examines the principles enunciated in the local cases and legislation, and discusses the fact situations which have arisen here."

There are no other local text books on this area of the law and indeed, not much has been written in the local context on this area. Thus, the book is recommended to students and practitioners and to anyone interested in the law of defamation in Singapore and Malaysia. Keith Evans' book on *The Law of Defamation in Singapore and Malaysia* is therefore a welcome addition and contribution to the store of local literature.

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