



Defamation and Malicious Publication (Scotland) Act 2021

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DEFAMATION AND MALICIOUS PUBLICATION (SCOTLAND) ACT 2021

PART 1

DEFAMATION

Actionability and restrictions on bringing proceedings

- 1 Actionability of defamatory statements
- 2 Prohibition on public authorities bringing proceedings
- 3 Restriction on proceedings against secondary publishers
- 4 Power to specify persons to be treated as publishers

Defences

- 5 Defence of truth
- 6 Defence of publication on a matter of public interest
- 7 Defence of honest opinion
- 8 Abolition of common law defences and transitional provision

Absolute privilege

- 9 Contemporaneous reports of court proceedings

Qualified privilege

- 10 Peer-reviewed statement in scientific or academic journal etc.
- 11 Other statements protected by qualified privilege
- 12 Privilege: transitional provision

Offers to make amends

- 13 Offer to make amends

- 14 Acceptance and enforcement of offer to make amends
- 15 Offer to make amends: multiple persons responsible for statement
- 16 Rejection of unqualified offer to make amends
- 17 Rejection of qualified offer to make amends
- 18 Offers to make amends: transitional provision

Jurisdiction

- 19 Actions against a person not domiciled in the UK

Removal of presumption that proceedings are to be tried by jury

- 20 Removal of presumption that proceedings are to be tried by jury

PART 2

MALICIOUS PUBLICATION

Actionable types of malicious publication

- 21 Statements causing harm to business interests
- 22 Statements causing doubt as to title to property
- 23 Statements criticising assets

General provision

- 24 Limit on requirement to show financial loss
- 25 Statements conveying two or more meanings
- 26 Damages for anxiety and distress

Abolition of common law verbal injuries

- 27 Abolition of common law verbal injuries

PART 3

GENERAL

Remedies

- 28 Power of court to order a summary of its judgment to be published
- 29 Making a statement in open court
- 30 Power of court to order display of notice of proceedings, removal of a statement etc.
- 31 Remedies: transitional provision

Limitation

- 32 Limitation of actions
- 33 Interruption of limitation period: mediation
- 34 Interruption of limitation period: media complaints and expert determination

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- 35 Consequential modifications
- 36 Interpretation
- 37 Regulations
- 38 Ancillary provision

- 39 Commencement
- 40 Short title

SCHEDULE — Statements having qualified privilege

PART 1 — STATEMENTS HAVING QUALIFIED PRIVILEGE WITHOUT BEING
SUBJECT TO EXPLANATION OR CONTRADICTION

- 1 Reports of legislative proceedings
- 2 Legislature and government documents
- 3 Reports of court and inquiry proceedings
- 4 A fair and accurate report of proceedings in public of...
- 5 Court notices, advertisements etc.
- 6 Public registers and documents
- 7 International organisations and conferences
- 8 A fair and accurate copy of or extract from matter...

PART 2 — STATEMENTS HAVING QUALIFIED PRIVILEGE SUBJECT TO
EXPLANATION OR CONTRADICTION

- 9 Notices etc. issued by legislatures, governments, certain authorities,
international organisations etc.
- 10 Documents released by courts, judges and court officers
- 11 Reports of proceedings of local government, committees, commissions,
inquiries, tribunals etc.
- 12 Reports of press conferences on matters of public interest
- 13 Reports of public meetings on matters of public interest
- 14 Listed companies: reports of meetings and certain other documents
- 15 Findings or decisions of certain associations
- 16 Reports of scientific and academic conferences and associated
documents
- 17 Reports and summaries etc. by Scottish Ministers' designees

PART 3 — SUPPLEMENTARY PROVISION

- 18 Interpretation