



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1 **S**

DEFAMATION

Actionability and restrictions on bringing proceedings

1 Actionability of defamatory statements **S**

- (1) This section applies to a defamatory statement made or published by a person (A) about another person (B).
- (2) A right to bring defamation proceedings in respect of the statement accrues only if—
 - (a) A has published the statement to a person other than B, and
 - (b) the publication of the statement has caused (or is likely to cause) serious harm to the reputation of B.
- (3) For the purposes of subsection (2) (b), where B is a non-natural person which has as its primary purpose trading for profit, harm to B's reputation is not “serious harm” unless it has caused (or is likely to cause) B serious financial loss.
- (4) For the purposes of this Act, unless the context otherwise requires—
 - (a) a statement about a person is defamatory if it causes harm to the person's reputation (that is, if it tends to lower the person's reputation in the estimation of ordinary persons),
 - (b) a reference to publishing a statement is a reference to communicating the statement by any means to a person in a manner that the person can access and understand, and
 - (c) a statement is published when the recipient has seen or heard it.
- (5) Nothing in this section affects a right to bring proceedings which accrued before the commencement of this section.

Status: Point in time view as at 08/08/2022.

Changes to legislation: There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 1. (See end of Document for details)

Commencement Information

II S. 1 in force at 8.8.2022 by S.S.I. 2022/154, **regs. 1(2), 2**

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