



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Offers to make amends

14 Acceptance and enforcement of offer to make amends

- (1) This section applies where a person (B) accepts an offer to make amends made under section 13.
- (2) B may not bring or continue defamation proceedings against the person who made the offer (A) in respect of—
 - (a) in the case of a qualified offer, the specific defamatory meaning set out in the offer, or
 - (b) in any other case, the statement,but may enforce the offer in accordance with this section.
- (3) If A and B agree on the steps to be taken in fulfilment of the offer, B may apply to the court for an order requiring A to take the agreed steps.
- (4) If A and B do not agree on the steps to be taken by way of correction, apology and publication, A may take such steps as A considers appropriate, and may in particular—
 - (a) make the correction and apology in open court in terms approved by the court, and
 - (b) give an undertaking to the court as to the manner in which A will publish the correction and apology.
- (5) If A and B do not agree on the amount to be paid by way of compensation, the court must determine the appropriate amount on the same principles as damages in defamation proceedings.

Changes to legislation: There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 14. (See end of Document for details)

- (6) In determining the appropriate amount to be paid under subsection (5), the court must take account of—
- (a) any steps taken in fulfilment of the offer, and
 - (b) so far as not agreed between A and B—
 - (i) the suitability of the correction,
 - (ii) the sufficiency of the apology, and
 - (iii) whether the manner of the publication of the correction and apology was reasonable in the circumstances,
- and may reduce or increase the amount to be paid from that offered (if any) accordingly.
- (7) If A and B do not agree on the amount to be paid by way of expenses, the court must determine the appropriate amount on the same principles as expenses awarded in court proceedings.
- (8) Proceedings under this section are to be heard and determined without a jury.
- (9) In this section, a “qualified offer” is an offer to make amends made under section 13 that is made only in relation to a specific defamatory meaning which the person making the offer accepts that the statement conveys.

Commencement Information

II S. 14 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

Changes to legislation:

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