



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Actionability and restrictions on bringing proceedings

4 Power to specify persons to be treated as publishers

- (1) The Scottish Ministers may by regulations specify categories of persons who are to be treated as publishers of a statement for the purpose of defamation proceedings despite not being—
 - (a) the author, editor or publisher of the statement as defined in section 3, or
 - (b) an employee or agent of such a person.
- (2) Regulations under [subsection \(1\)](#) may also provide for a defence to defamation proceedings for a person who—
 - (a) is treated as a publisher under such regulations,
 - (b) did not know and could not reasonably be expected to have known that the material which the person disseminated contained a defamatory statement, and
 - (c) satisfies any further conditions specified by the regulations.
- (3) Regulations under [subsection \(1\)](#) are subject to the affirmative procedure.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under [subsection \(1\)](#), the Scottish Ministers must consult such persons as they consider appropriate.