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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force the Defamation and Malicious Publication (Scotland) Act 2021 (“the 2021 Act”), insofar as not already in force. The Bill for the 2021 Act received Royal Assent on 21 April 2021. Sections 36 to 40 of the 2021 Act came into force on the following day. The 2021 Act amends the law of defamation and makes provision to replace the common law delicts of verbal injury with three new statutory delicts relating to malicious publication.

Regulation 2 brings the remaining provisions of the 2021 Act into force on 8 August 2022.

Regulation 3 amends section 18A of the Prescription and Limitation (Scotland) Act 1973 (limitation of defamation and other actions). It specifies a date of 8 August 2022. Section 18A will continue to have effect in relation to statements published before that date.

Regulation 4 makes provision that section 2 (prohibition on public authorities bringing proceedings) and section 3 (restriction on proceedings against secondary publishers) of the 2021 Act have no effect in relation to any right of action for defamation where the right to bring the proceedings accrues before 8 August 2022.

Regulation 5 makes provision that section 33 (interruption of limitation period: mediation) and section 34 (interruption of limitation period: media complaints and expert determination) of the 2021 Act have no effect in relation to any action for defamation or any proceedings for a verbal injury, where the right to bring such action or proceedings accrues before 8 August 2022.