

*These notes relate to the Protection of Children (Scotland) Act 2003 (asp 5) which received Royal Assent on 19 March 2003*

# **PROTECTION OF CHILDREN (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 9 - Protection from actions of defamation***

25. This section makes it clear that any information submitted with a reference under section 2(1) or 4(1) attracts qualified privilege (that is, it is privileged for the purposes of the law of defamation unless it is actuated by malice). It also makes it clear that qualified privilege applies to observations made in response to invitations made by the Scottish Ministers to comment on a reference or on the observations of others.