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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 98 (C. 3)**

**DEFAMATION**

**The Defamation Act 1996 (Commencement No. 3  
and Transitional Provision) (Scotland) Order 2001**

*Made - - - - 7th March 2001*

The Scottish Ministers, in exercise of the powers conferred by section 19(3)(b) and (4) of the Defamation Act 1996<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and extent**

1. This Order may be cited as the Defamation Act 1996 (Commencement No. 3 and Transitional Provision) (Scotland) Order 2001.
2. This Order extends to Scotland only.

**Appointed day**

3. 31st March 2001 is the day appointed for the coming into force of the following provisions of the Defamation Act 1996:—
  - (a) section 2 (offer to make amends), section 3(1) to (7), (9) and (10) (accepting an offer to make amends) and section 4 (failure to accept offer to make amends); and
  - (b) so far as they extend to, and are not already in force in, Scotland—
    - (i) section 16 and Schedule 2 (repeals);
    - (ii) section 17 (interpretation)<sup>(2)</sup>.

**Transitional provision**

4. Section 4 of the Defamation Act 1952<sup>(3)</sup> shall continue to apply as if it had not been repealed to any offer of amends made before 31st March 2001, and to any legal proceeding relating to that offer.

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(1) 1996 c. 31. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).  
(2) Section 17 was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 33.  
(3) 1952 c. 66

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
7th March 2001

*JAMES WALLACE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

This Order brings into force those provisions of the Defamation Act 1996 in relation to Scotland which are not already in force. It provides for the coming into force of the following provisions on 31st March 2001 –

- (a) sections 2 to 4 (except section 3(8));
- (b) so far as not already in force, sections 16 and 17 and Schedule 2.

The Order also includes a transitional provision in relation to section 4 of the Defamation Act 1952. Section 4 provides for offers of amends in cases of unintentional defamation and article 4 of the Order provides that section 4 continues to apply to offers of amends made before 31st March 2001.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

Sections 14 and 15 and Schedule 1 (reports of courts and other bodies protected by privilege), together with section 17 (interpretation) and section 16 and Schedule 2 (repeals) so far as they apply to those provisions, were brought into force on 1st April 1999 by S.I. [1999/817](#). That Order applied to Scotland, England and Wales and Northern Ireland.

The remaining provisions of the Act (with the exception of the repeal of paragraph 3 of Schedule 20 to the Broadcasting Act 1990) were brought into force on 28th February 2000 by S.I. [2000/222](#) in respect of England and Wales only.

Section 19(1) and (2) of the Act lists those provisions which came into force on Royal Assent or two months thereafter.