



# Scotland Act 1998

## 1998 CHAPTER 46

### PART I

#### THE SCOTTISH PARLIAMENT

##### *Legal issues*

#### **40 Proceedings by or against the Parliament etc.**

- (1) Proceedings by or against the Parliament shall be instituted by or (as the case may be) against the Parliamentary corporation on behalf of the Parliament.
- (2) Proceedings by or against—
  - (a) the Presiding Officer or a deputy, or
  - (b) any member of the staff of the Parliament,shall be instituted by or (as the case may be) against the corporation on his behalf.
- (3) In any proceedings against the Parliament, the court shall not make an order for suspension, interdict, reduction or specific performance (or other like order) but may instead make a declarator.
- (4) In any proceedings against—
  - (a) any member of the Parliament,
  - (b) the Presiding Officer or a deputy,
  - (c) any member of the staff of the Parliament, or
  - (d) the Parliamentary corporation,the court shall not make an order for suspension, interdict, reduction or specific performance (or other like order) if the effect of doing so would be to give any relief against the Parliament which could not have been given in proceedings against the Parliament.
- (5) References in this section to an order include an interim order.

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*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Legal issues. (See end of Document for details)*

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#### 41 Defamatory statements.

- (1) For the purposes of the law of defamation—
- (a) any statement made in proceedings of the Parliament, and
  - (b) the publication under the authority of the Parliament of any statement,
- shall be absolutely privileged.
- (2) In subsection (1), “statement” has the same meaning as in the <sup>M1</sup>Defamation Act 1996.

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##### Marginal Citations

**M1** 1996 c. 31.

#### 42 Contempt of court.

- (1) The strict liability rule shall not apply in relation to any publication—
- (a) made in proceedings of the Parliament in relation to a Bill or subordinate legislation, or
  - (b) to the extent that it consists of a fair and accurate report of such proceedings made in good faith.
- (2) In subsection (1), “the strict liability rule” and “publication” have the same meanings as in the <sup>M2</sup>Contempt of Court Act 1981.

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##### Marginal Citations

**M2** 1981 c. 49.

#### 43 Corrupt practices.

<sup>F1</sup> .....

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##### Textual Amendments

**F1** S. 43 repealed (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), ss. 17(3), 19(1), [Sch. 2](#) (with ss. 16, 19(5)); S.I. 2011/1418, [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading:  
Legal issues.