

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 17: Protection from actions for defamation

63. Subsection (1)(a) provides the Commission with absolute privilege for all reports of inquiries, and any other statements and communications in relation to those inquiries. The provision of absolute privilege places a bar on a person's right to pursue an action of defamation in respect of such statements made by the Commission.
64. Subsection (1)(b) provides the Commission with qualified privilege for any other statement made in pursuance of the purposes of the Act, and subsection (1)(c) confers the same protection upon any statement made to the Commission for the same purposes. Under qualified privilege the Commission can make statements without fear of action provided that such statements are not motivated by malice or intent to injure. 'Statement' has the same meaning as in the [Defamation Act 1996 \(c.31\)](#) and therefore includes words, pictures, visual images, gestures or any other method of signifying meaning.