

These notes relate to the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11) which received Royal Assent on 19 July 2010

SCOTTISH PARLIAMENTARY COMMISSIONS AND COMMISSIONERS ETC. ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1

The Commission for Ethical Standards in Public Life in Scotland: the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland

Section 5: Protection of Commission from actions for defamation

40. [Section 5](#) provides that any statements made by the CESPLS in carrying out its functions have qualified privilege. Where a statement is subject to qualified privilege, a defamation action in respect of it is not completely excluded, but the maker of that statement is protected in such an action and has a defence if they can prove that the statement was not motivated by malice. “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.