



Scottish Parliamentary Commissions and Commissioners etc. Act 2010

2010 asp 11

PART 1

[^{F1}THE COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND]

[^{F1}The Commissioner]

[^{F15} Protection from actions for defamation

- (1) For the purposes of the law of defamation—
- (a) any statement made by the Commissioner or a member of the Commissioner's staff in pursuance of the Commissioner's functions under the Ethical Standards Act ^{F2}... the Parliamentary Standards Act [^{F3}or the Lobbying (Scotland) Act 2016] is absolutely privileged,
 - (b) any statement made by the Commissioner or a member of the Commissioner's staff in pursuance of the Commissioner's other functions has qualified privilege, and
 - (c) any statement made to the Commissioner or any member of the Commissioner's staff in pursuance of the purposes of the Ethical Standards Act, the Parliamentary Standards Act ^{F4}... the Public Appointments Act [^{F5}or the Lobbying (Scotland) Act 2016] has qualified privilege.
- (2) In subsection (1), “statement” has the same meaning as in the Defamation Act 1996 (c.31) .]

Textual Amendments

- F1** S. 5 substituted (1.7.2013) by [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **Sch. 1 para. 5**
- F2** Word in s. 5(1)(a) repealed (12.3.2018) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), **ss. 38(3)(a)(i)**, 52(2); S.S.I. 2018/73, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, Section 5. (See end of Document for details)

- F3** Words in s. 5(1)(a) inserted (12.3.2018) by Lobbying (Scotland) Act 2016 (asp 16), **ss. 38(3)(a)(ii)**, 52(2); S.S.I. 2018/73, reg. 2
- F4** Word in s. 5(1)(c) repealed (12.3.2018) by Lobbying (Scotland) Act 2016 (asp 16), **ss. 38(3)(b)(i)**, 52(2); S.S.I. 2018/73, reg. 2
- F5** Words in s. 5(1)(c) inserted (12.3.2018) by Lobbying (Scotland) Act 2016 (asp 16), **ss. 38(3)(b)(ii)**, 52(2); S.S.I. 2018/73, reg. 2

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