

*These notes relate to the Defamation and Malicious Publication (Scotland) Act 2021 (asp 10) which received Royal Assent on 21 April 2021*

# **DEFAMATION AND MALICIOUS PUBLICATION (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

3. Part 1 of the Act amends the law of defamation and makes provision in relation to:
  - actionability of defamatory statements and restrictions on bringing proceedings,
  - defences,
  - absolute and qualified privilege,
  - offers to make amends,
  - jurisdiction, and
  - the removal of the presumption that defamation proceedings are to be tried by jury.
4. Part 2 makes provision to replace common law verbal injuries with three new statutory delicts relating to malicious publication.
5. Part 3 makes provision as to remedies and limitation of defamation actions and actions under Part 2 as well as miscellaneous provisions dealing with matters such as consequential modification, interpretation, regulations and commencement.