Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 2

MALICIOUS PUBLICATION

General provision

24   Limit on requirement to show financial loss

A pursuer in proceedings under this Part does not need to show financial loss if the statement complained of is more likely than not to cause such loss.

Commencement Information

I1   S. 24 in force at 8.8.2022 by S.S.I. 2022/154, **regs. 1(2)**, 2

25   Statements conveying two or more meanings

(1) This section applies where proceedings are brought under this Part in respect of a statement that is capable of conveying two or more distinct meanings.

(2) It is not necessary for the purposes of deciding whether harm has occurred for the court to determine—

(a)   which of the meanings is conveyed by the statement in the circumstances, or

(b)   that one meaning should be preferred to the exclusion of the other or others.

(3) But nothing in this section prevents the court from excluding or disregarding possible meanings where it considers it appropriate to do so.

Commencement Information

I2   S. 25 in force at 8.8.2022 by S.S.I. 2022/154, **regs. 1(2)**, 2

26   Damages for anxiety and distress

(1) In determining the appropriate amount of damages to award in proceedings under this Part, the court may take into account any distress and anxiety caused to the pursuer by the statement complained of.

(2) This section does not limit any other basis of claim for damages or remedy that may be available to a pursuer in proceedings under this Part.

Commencement Information

I3   S. 26 in force at 8.8.2022 by S.S.I. 2022/154, **regs. 1(2)**, 2

Changes to legislation:
There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Cross Heading: General provision.