



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 3

GENERAL

Remedies

28 Power of court to order a summary of its judgment to be published

- (1) A court may, in finding for the pursuer in defamation proceedings or proceedings under Part 2, order the defender to publish a summary of the judgment.
- (2) It is for the parties to agree—
 - (a) the wording of the summary, and
 - (b) the time, manner, form and place of its publication.
- (3) But if the parties cannot agree—
 - (a) the wording of the summary, the court must determine it,
 - (b) a matter in subsection (2) (b), the court may give such directions as it considers appropriate.

Commencement Information

II S. 28 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

29 Making a statement in open court

- (1) In defamation proceedings or proceedings under Part 2, where the parties have reached an agreement in settlement of the proceedings, the court may allow a statement to be made in open court.
- (2) The wording of the statement—
 - (a) may be agreed between the parties, or

Changes to legislation: There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Cross Heading: Remedies. (See end of Document for details)

- (b) in the absence of agreement, may be determined by the pursuer.
- (3) The statement may not be made unless the court has approved its wording.

Commencement Information

I2 S. 29 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

30 Power of court to order display of notice of proceedings, removal of a statement etc.

- (1) In defamation proceedings or proceedings under Part 2, a court may order—
 - (a) the operator of a website on which the statement complained of is posted—
 - (i) to include on the website a prominent notice that the statement is subject to the proceedings, or
 - (ii) to remove the statement, or
 - (b) any person who was not the author, editor or publisher of the statement to stop distributing, selling or exhibiting material containing the statement.
- (2) For the purpose of subsection (1)(a), a notice is prominent if it is in a place or form that ensures that a person accessing the statement is made aware of the notice every time that the person accesses the statement.
- (3) This section does not limit the other powers available to the court in respect of the statement or any person who is publishing it.
- (4) In this section, “author”, “editor”, and “publisher” are to be construed in accordance with section 3.

Commencement Information

I3 S. 30 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

31 Remedies: transitional provision

Nothing in sections 28 to 30 has effect in relation to defamation proceedings begun before the commencement of the section in question.

Commencement Information

I4 S. 31 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: Remedies.