



# 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.

#### **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
  - (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.

**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.

**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.