

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

## SCHEDULE

(introduced by section 11)

### STATEMENTS HAVING QUALIFIED PRIVILEGE

#### PART 1

##### STATEMENTS HAVING QUALIFIED PRIVILEGE WITHOUT BEING SUBJECT TO EXPLANATION OR CONTRADICTION

###### *Reports of legislative proceedings*

- 1 A fair and accurate report of proceedings in public of a legislature anywhere in the world.

###### **Commencement Information**

**I1** Sch. para. 1 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

###### *Legislature and government documents*

- 2 A fair and accurate copy of or extract from matter published by or on the authority of a legislature or government anywhere in the world.

###### **Commencement Information**

**I2** Sch. para. 2 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

###### *Reports of court and inquiry proceedings*

- 3 A fair and accurate report of proceedings in public before a court anywhere in the world (see also section 9).

###### **Commencement Information**

**I3** Sch. para. 3 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

- 4 A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a legislature or government anywhere in the world.

###### **Commencement Information**

**I4** Sch. para. 4 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

###### *Court notices, advertisements etc.*

- 5 A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.

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**Commencement Information**

**I5** Sch. para. 5 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Public registers and documents*

- 6 A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.

**Commencement Information**

**I6** Sch. para. 6 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*International organisations and conferences*

- 7 A fair and accurate report of proceedings in public anywhere in the world of an international organisation or an international conference.

**Commencement Information**

**I7** Sch. para. 7 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

- 8 A fair and accurate copy of or extract from matter published anywhere in the world by an international organisation or an international conference.

**Commencement Information**

**I8** Sch. para. 8 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

**PART 2**

STATEMENTS HAVING QUALIFIED PRIVILEGE SUBJECT TO EXPLANATION OR CONTRADICTION

*Notices etc. issued by legislatures, governments,  
certain authorities, international organisations etc.*

- 9 (1) A fair and accurate copy of, extract from or summary of a notice or other matter issued for the information of the public by or on behalf of—
- (a) a legislature or government anywhere in the world,
  - (b) an authority anywhere in the world performing governmental functions,
  - (c) an international organisation or international conference.
- (2) In this paragraph, “governmental functions” includes police functions.

**Commencement Information**

**I9** Sch. para. 9 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

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*Documents released by courts, judges and court officers*

- 10 A fair and accurate copy of, extract from or summary of a document made available by a court anywhere in the world, or by a judge or officer of such a court.

**Commencement Information**

**I10** Sch. para. 10 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Reports of proceedings of local government,  
committees, commissions, inquiries, tribunals etc.*

- 11 (1) A fair and accurate report of proceedings at any public meeting or sitting in the United Kingdom of—
- (a) a local authority, local authority committee or, in the case of a local authority which is operating executive arrangements, the executive of that authority or a committee of that executive,
  - (b) a justice or justices of the peace acting otherwise than as a court exercising judicial authority,
  - (c) a commission, tribunal, committee or person appointed for the purposes of any inquiry by any statutory provision, by Her Majesty or by a Minister of the Crown, a member of the Scottish Government, the Welsh Ministers or the Counsel General to the Welsh Government or a Northern Ireland Department,
  - (d) a person appointed by a local authority to hold a local inquiry in pursuance of any statutory provision,
  - (e) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any statutory provision.
- (2) In the case of a local authority which is operating executive arrangements, a fair and accurate record of any decision made by any member of the executive where that record is required to be made and available for public inspection by virtue of section 22 of the Local Government Act 2000 (access to information etc.) or of any provision in regulations made under that section.
- (3) In sub-paragraphs (1) (a) and (2)—
- “executive” and “executive arrangements” have the same meaning as in Part 2 of the Local Government Act 2000,
- “local authority” means—
- (a) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or an authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies,
  - (b) in relation to England and Wales, a principal council within the meaning of the Local Government Act 1972, any body falling within any paragraph of section 100J(1) of that Act or an authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies,
  - (c) in relation to Northern Ireland, any authority or body to which sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 apply, and
- “local authority committee” means any committee of a local authority or of local authorities, and includes—

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- (a) any committee or sub-committee in relation to which sections 50A to 50D of the Local Government (Scotland) Act 1973 apply by virtue of section 50E of that Act, and
  - (b) any committee or sub-committee in relation to which sections 100A to 100D of the Local Government Act 1972 apply by virtue of section 100E of that Act (whether or not also by virtue of section 100J of that Act).
- (4) A fair and accurate report of any corresponding proceedings in any of the Channel Islands or the Isle of Man or in a member State.

**Commencement Information**

**I11** Sch. para. 11 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Reports of press conferences on matters of public interest*

- 12 A fair and accurate report of proceedings at a press conference held anywhere in the world for the discussion of a matter of public interest.

**Commencement Information**

**I12** Sch. para. 12 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Reports of public meetings on matters of public interest*

- 13 (1) A fair and accurate report of proceedings at any public meeting held anywhere in the world.
- (2) In this paragraph, a “public meeting” means a meeting which is held—
- (a) lawfully and in good faith,
  - (b) for a lawful purpose, and
  - (c) for the furtherance or discussion of a matter of public interest,
- whether admission to the meeting is general or restricted.

**Commencement Information**

**I13** Sch. para. 13 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Listed companies: reports of meetings and certain other documents*

- 14 (1) A fair and accurate report of proceedings at a general meeting of a listed company.
- (2) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company—
- (a) by or with the authority of the board of directors of the company,
  - (b) by the auditors of the company, or
  - (c) by any member of the company in pursuance of a right conferred by any statutory provision.

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- (3) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company which relates to the appointment, resignation, retirement or dismissal of directors of the company or its auditors.
- (4) In this paragraph, “listed company” has the same meaning as in Part 12 of the Corporation Tax Act 2009 (see section 1005 of that Act).

#### Commencement Information

**I14** Sch. para. 14 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

#### *Findings or decisions of certain associations*

- 15 (1) A fair and accurate report of any finding or decision of any of the following descriptions of association, formed anywhere in the world, or of any committee or governing body of such an association.
- (2) The descriptions of association are—
- (a) an association—
- (i) formed for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and
- (ii) empowered by its constitution to exercise control over or adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication,
- (b) an association—
- (i) formed for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and
- (ii) empowered by its constitution to exercise control over or to adjudicate on matters connected with that trade, business, industry or profession, or the actions or conduct of those persons,
- (c) an association—
- (i) formed for the purpose of promoting or safeguarding the interests of a game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and
- (ii) empowered by its constitution to exercise control over or adjudicate on persons connected with or taking part in the game, sport or pastime,
- (d) an association—
- (i) formed for the purpose of promoting charitable purposes or other purposes beneficial to the community, and
- (ii) empowered by its constitution to exercise control over or to adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication.

#### Commencement Information

**I15** Sch. para. 15 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

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*Reports of scientific and academic conferences and associated documents*

- 16 A fair and accurate—
- (a) report of proceedings of a scientific or academic conference held anywhere in the world, or
  - (b) copy of, extract from or summary of matter published by such a conference.

**Commencement Information**

**I16** Sch. para. 16 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

*Reports and summaries etc. by Scottish Ministers' designees*

- 17 (1) A fair and accurate report or summary of, copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph by regulations made by the Scottish Ministers.
- (2) Regulations under this paragraph are subject to the negative procedure.

**Commencement Information**

**I17** Sch. para. 17 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

### PART 3

#### SUPPLEMENTARY PROVISION

*Interpretation*

- 18 In this schedule—
- “court” includes—
- (a) any tribunal or body established under the law of any country or territory exercising the judicial power of the State,
  - (b) any international tribunal established by the Security Council of the United Nations or by an international agreement,
  - (c) any international tribunal deciding matters in dispute between States,
- “international conference” means a conference attended by representatives of two or more governments,
- “international organisation” means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation,
- “legislature” includes a local legislature, and
- “member State” includes any European dependent territory of a member State.

**Commencement Information**

**I18** Sch. para. 18 in force at 8.8.2022 by [S.S.I. 2022/154](#), regs. 1(2), 2

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