



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Actionability and restrictions on bringing proceedings

1 Actionability of defamatory statements

- (1) This section applies to a defamatory statement made or published by a person (A) about another person (B).
- (2) A right to bring defamation proceedings in respect of the statement accrues only if—
 - (a) A has published the statement to a person other than B, and
 - (b) the publication of the statement has caused (or is likely to cause) serious harm to the reputation of B.
- (3) For the purposes of [subsection \(2\)\(b\)](#), where B is a non-natural person which has as its primary purpose trading for profit, harm to B's reputation is not "serious harm" unless it has caused (or is likely to cause) B serious financial loss.
- (4) For the purposes of this Act, unless the context otherwise requires—
 - (a) a statement about a person is defamatory if it causes harm to the person's reputation (that is, if it tends to lower the person's reputation in the estimation of ordinary persons),
 - (b) a reference to publishing a statement is a reference to communicating the statement by any means to a person in a manner that the person can access and understand, and
 - (c) a statement is published when the recipient has seen or heard it.
- (5) Nothing in this section affects a right to bring proceedings which accrued before the commencement of this section.