



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Qualified privilege

11 Other statements protected by qualified privilege

- (1) Other than as provided in this section, the publication of any statement mentioned in the schedule (however described) is privileged.
- (2) The publication of a statement is not privileged by virtue of this section if it is shown to have been made with malice.
- (3) Subsection (4) applies to defamation proceedings brought in respect of the publication of a statement mentioned in Part 2 of the schedule.
- (4) If the pursuer shows that the defender—
 - (a) was requested by the pursuer to publish, in a suitable manner, a reasonable statement by way of explanation or contradiction, and
 - (b) refused or neglected to do so,the publication of the statement complained of is not privileged by virtue of this section.
- (5) For the purpose of subsection (4) (a), “in a suitable manner” means—
 - (a) in the same manner as the statement complained of, or
 - (b) in a manner that is adequate and reasonable in the circumstances.
- (6) This section does not apply to the publication of matter which is not of public interest and the publication of which is not for the public benefit.
- (7) Nothing in this section is to be construed as—
 - (a) protecting the publication of matter the publication of which is prohibited by law, or

Changes to legislation: There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 11. (See end of Document for details)

(b) limiting any privilege subsisting apart from this section.

Commencement Information

I1 S. 11 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

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