



# Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

## PART 1

### DEFAMATION

#### *Offers to make amends*

#### **13 Offer to make amends**

- (1) An offer to make amends is an offer made by a person (A) who has published a statement which another person (B) alleges is defamatory to make amends to B by—
- (a) making a suitable correction of—
    - (i) the statement generally, or
    - (ii) a specific defamatory meaning conveyed by the statement,
  - (b) giving a sufficient apology,
  - (c) publishing the correction and apology in a manner that is reasonable and practicable in the circumstances,
  - (d) paying to B such compensation and expenses as may be agreed or determined to be payable (if any), and
  - (e) taking such other steps (if any) as A may propose.
- (2) The offer must—
- (a) be made before A lodges defences in any defamation proceedings brought by B in relation to the statement,
  - (b) be in writing,
  - (c) state that it is an offer to make amends under this section, and
  - (d) if made in relation to a specific defamatory meaning only, state that it is a qualified offer and set out the meaning in relation to which it is made.
- (3) An offer made under this section—
- (a) may be withdrawn before it is accepted,
  - (b) may be renewed (such renewal being treated as a new offer),

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*Status: This is the original version (as it was originally enacted).*

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- (c) is deemed to have been rejected if not accepted within a reasonable period.