



# Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

## PART 1

### DEFAMATION

#### *Offers to make amends*

#### **15 Offer to make amends: multiple persons responsible for statement**

- (1) This section applies where a person (B)—
  - (a) has a right to bring defamation proceedings against more than one person in respect of an allegedly defamatory statement, and
  - (b) has accepted an offer to make amends under section 13 made by one of the persons (A) in respect of the statement.
- (2) B's acceptance of the offer made by A does not affect any right to bring defamation proceedings that B has against another person in respect of the statement.
- (3) Section 3(2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (“the 1940 Act”) (right of one joint wrongdoer as respects another to recover contribution towards damages) applies in relation to compensation paid under an offer to make amends as it applies in relation to damages in an action to which that section applies.
- (4) Where a person other than A is liable in respect of the same damage (whether jointly or otherwise), A is not required to pay by virtue of any contribution under section 3(2) of the 1940 Act an amount greater than the amount of compensation payable under the offer made by A.

#### **Commencement Information**

**II** S. 15 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

**Changes to legislation:**

There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 15.