



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Offers to make amends

17 Rejection of qualified offer to make amends

- (1) This section applies where a person (B) rejects or is deemed to have rejected a qualified offer.
- (2) In so far as relating to the specific defamatory meaning set out in the offer, it is a defence to defamation proceedings brought by B against the person who made the qualified offer (A) that B rejected the offer (or is deemed to have rejected it).
- (3) The defence is not available if (at the time of making the statement complained of) A knew or had reason to believe that the meaning that A accepts the statement conveys—
 - (a) referred to B or was likely to be understood as referring to B, and
 - (b) was both false and defamatory of B,but it is to be presumed, unless the contrary is shown, that A did not know and had no reason to believe that this was the case.
- (4) Where A relies on the defence under this section, A may not rely on any other defence in respect of the accepted meaning.
- (5) The qualified offer may be relied on in mitigation of damages whether or not it was relied on as a defence.
- (6) In this section, a “qualified offer” is an offer to make amends made under section 13 that is made only in relation to a specific defamatory meaning which the person making the offer accepts that the statement conveys.

Changes to legislation: There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 17. (See end of Document for details)

Commencement Information

II S. 17 in force at 8.8.2022 by S.S.I. 2022/154, **regs. 1(2), 2**

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There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 17.