



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 1

DEFAMATION

Defences

6 Defence of publication on a matter of public interest

- (1) It is a defence to defamation proceedings for the defender to show that—
 - (a) the statement complained of was, or formed part of, a statement on a matter of public interest, and
 - (b) the defender reasonably believed that publishing the statement complained of was in the public interest.
- (2) Subject to [subsections \(3\) and \(4\)](#), in determining whether the defender has shown the matters mentioned in [subsection \(1\)](#), the court must have regard to all the circumstances of the case.
- (3) If the statement complained of was, or formed part of, an accurate and impartial account of a dispute to which the pursuer was a party, the court must, in determining whether it was reasonable for the defender to believe that publishing the statement was in the public interest, disregard any omission of the defender to take steps to verify the truth of the imputation conveyed by it.
- (4) In determining whether it was reasonable for the defender to believe that publishing the statement was in the public interest, the court must make such allowance for editorial judgement as it considers appropriate.
- (5) For the avoidance of doubt, the defence under this section may be relied upon irrespective of whether the statement complained of is a statement of fact or a statement of opinion.