

From: Christian Angelsen
Sent: 16 June 2016 12:07
To: SLC info
Subject: Reforming defamation law in Scotland

Dear Hon. Lord Pentland,

As someone working on reforming the outdated laws, I'm sure you'd be interested in taking your current opportunity to prevent the libel tourism values to hit London frequently, from simply moving up to Scotland.

As someone living in England, I was fairly ignorant of the libel law, free expression in print and how law(s) outdated by the pace of technology were being used to intimidate and stifle public interest and concerns. Well, until Simon Singh got sued by American chiropractors couple of years ago.

I'm sure you are well aware of how Sense in Science along with the libel reform campaign and the widespread support both publicly and across political parties in the Parliament led to the justice system undergoing some much-needed reformation.

As someone now with an interest in Libel Reform, I would encourage you to bring Scotland's to match England and Wales. Or rather, since Scotland is increasingly becoming famous for leading the way on different issues (such as charging for plastic bags or a named individual for every child in care) I'm sure Scotland can build on the five key issues identified by Libel Reform:

- **The inclusion of a serious harm test** that discourages trivial claims that can chill free expression and inundate Scottish courts with 'vanity' cases;
- **The creation of a statutory public interest defence** that protects the publication of information that benefits public debate and informs civil society across Scotland;
- **Restricting corporate and public bodies suing for defamation.** Corporate bodies do not have a private life, personal identity or psychological integrity. In the spirit of a law to protect citizens and the rights of citizen critics, corporate bodies and associations should be restricted in their ability to sue for defamation;
- **A single publication rule** to replace the multiple publication rule, which currently counts every hit on a website as a new publication of the material on it and therefore a potential fresh cause of defamation action. A single publication rule best reflects communication in the digital age;
- **Defamation law to be brought up to date for the digital age.** The law as it stands makes internet service providers (ISPs), forum hosts and similar entities liable for material published by them/on them. The law should ask claimants to approach authors of material before ISPs become liable for it, to prevent ISPs being forced to take material down in the face of defamation threats.

Thank you for taking the time to read my thoughts on this.

Kind regards
Christian Angelsen