

**From:** Adv. J. Campbell  
**Sent:** 30 March 2016 11:51  
**To:** SLC info  
**Subject:** DISCUSSION PAPER ON DEFAMATION

Dear Sirs,

I have read, with great interest, the Scottish Law Commission's Discussion Paper on Defamation.

Enclosed is a chapter in a book on Media Freedom that I completed recently.

Pages 461 – 465 deal with the question as to whether or not trading corporations ought to be permitted to sue for either Special or General Damages for defamation. As such, they will be relevant to Questions 6 and 7 of the aforementioned Discussion Paper. The section deals with recent South African appellate authority where there is a spirited debate between the majority and the minority on the issue of General Damages (both were agreed that Special Damages were unavailable to a trading corporation in defamation). South African law has much in common with Scottish law and I hope that this material will be of interest to your Commission.

The chapter enclosed herewith is from "Comparative Perspectives on the Fundamental Freedom of Expression" edited by Andras Koltay (Wolters Kluwer, Hungary 2015) at pp 449ff.

Finally, in note 2 of the attached chapter I make reference to an earlier article I wrote on the subject, that appeared in the Journal of Media Law. As that is a UK periodical, I assume you have easy access to it and so it is not attached.

Kind Regards,  
John Campbell