

Dear The Hon. Lord Pentland

I am writing as a supporter of the Libel Reform Campaign to support the Scottish Law Commission's work to reform defamation legislation in Scotland. I am also writing as someone who has been significantly affected by the outdated laws.

There needs to be a serious harm test that discourages trivial claims that inundate Scottish courts with 'vanity' cases. Cases which have already been heard in other jurisdictions eg. England and Wales, with only minor changes to be brought to Scottish courts, aka 'jurisdiction shopping', also need to be eliminated. Also where the complainant was not resident in Scotland at the time of injury, the suit should not be accepted.

There must be creation of a statutory public interest defence that protects publishing information that benefits public debate. We also need restrictions on corporate and public bodies suing for defamation. Corporate bodies do not have a private life, 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 must 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. The time period in which suits can be brought should also be reduced.

I hope you can take these issues into account as you consider reform in Scotland.  
[Remainder of response deleted as confidential]

Faithfully yours

Dr Brooke Magnanti