

From: Simon Singh
Sent: 16 June 2016 12:15
To: SLC info
Subject: The Scottish Law Commission's consultation on the Scots law of defamation

Dear The Hon. Lord Pentland

I do not live in Scotland, but I am a science writer and my work is published (and hopefully enjoyed) in Scotland, so I have a direct interest in libel reform. [*Remainder of paragraph deleted as confidential*].

I very much support the Scottish Law Commission's work to reform defamation legislation in Scotland. In particular, they are highlighting the impact of libel law on those who operate beyond the mainstream media, namely citizen journalists, community bloggers and social media users, who can play an important role in informing the wider community about a range of issues. Achieving a defamation law that protects free expression and the role of the citizen critic in a free society will require fundamental changes to the law.

Your work to reform our out-dated laws offers an unprecedented chance to strengthen Scotland's commitment to free expression. As part of your public consultation process I would like to reinforce the Libel Reform Campaign's call for:

- The inclusion of a serious harm test.
- The creation of a statutory public interest defence.
- Restricting corporate and public bodies suing for defamation.
- A single publication rule to replace the multiple publication rule.
- Defamation law to be brought up to date for the digital age.

I think it is fair to say that similar changes already implemented in England & Wales have had a positive impact in encouraging free speech, while still balancing this against the right to reputation.

I hope you can take these issues into consideration as you look to identify what reform looks like in Scotland. This is an important step to reassure Scottish citizens that free speech will be given stronger protections and that the vexatious culture that has grown around the law of defamation will finally be reformed.

Best Regards,
Dr Simon Singh
Science Writer