

I am delighted that the SLC has published a working draft of a bill to reform defamation law in Scotland.

I am also reassured to see that the draft bill contains many of the clauses included in the Defamation Act 2013. But there are some crucial weaknesses:

1. **the public interest defence is weaker than in the Defamation Act 2013**
2. **corporations would still have the right to sue.**

I should point out that I have a strong interest in this draft bill as I was sued for libel in London in 2008 ([BCA v Singh](#)) and was at the forefront of the Libel Reform Campaign.

My case highlighted the importance of a strong public interest defence. I realise that the public interest defence is new to Scots law, so I welcome its introduction, but it must be robust in order to be effective.

Other cases showed why it was important to strike a fairer balance with respect to the rights of corporations versus their critics. I urge you to reconsider, bearing in mind that defamation law was designed to protect the rights of individuals, not corporations. Moreover, corporations have other means to defend themselves, such as malicious falsehood and laws governing advertising, competition and business practices - they do not need protection under defamation law.

Of course there is much to welcome in the draft bill, and I hope that the following will carry over to the final bill:

- The serious harm test.
- A single publication rule.
- The reduction of the time limit for bringing proceedings to one year.
- The Derbyshire principle.

As a Londoner, some may feel that my views on Scottish law are unimportant, but you will be aware that I could be sued in Scotland as my articles, books and programmes are read and watched in Scotland. Hence, defamation law in Scotland needs to be as strong as the Defamation Act 2013. I urge you to address the concerns about a robust public interest defence and restricting the rights of corporations in order to avoid Scotland being a beacon for libel tourism.

Best Regards,  
Dr Simon Singh.