

Dear Scottish Law Commission,

I am writing as a businessman who has spent his career in media businesses, including the BBC and Oxford University Press. I was delighted to see that you are proposing some long-needed reforms to defamation law in Scotland. However, I was also disappointed to see that certain proposals are weaker than the English Defamation Act of 2013. Two areas are of particular concern:

* The public interest defence is weaker than in the Defamation Act 2013. The public interest defence is new to Scots law, so it's good to see its introduction, but it must be robust.

*Corporations would still have the right to sue. Defamation law was designed to protect the rights of individuals: corporate bodies do not have a private life, personal identity or psychological integrity. Corporations also 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.

Defamation law in Scotland needs to be as strong - or stronger - than the Defamation Act 2013. Can I urge you to incorporate these issues into your next draft.

Yours sincerely,
James Arnold-Baker