

Hello Scottish Law Commission.

In regard to the working draft of the defamation reform bill, it is good to see the inclusion of the serious harm test (section 1(2)(b)), a single publication rule (section 30(3)), the reduction of the time limit for bringing proceedings to one year (section 30(2)(b)), the Derbyshire principle (section 2), and the introduction of a public interest defence (section 6).

However, as the draft stands:

- The public interest defence is weaker than in the Defamation Act 2013. The public interest defence is new to Scots law, so it's fantastic 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.

We cannot accept a law for Scotland that doesn't meet at least that standard.

Thank you for your time.

With kind regards

James Cook