

Your Working Draft Of A Bill To Reform Defamation Law In Scotland

Dear Commission,

Here are my comments on the Scottish Law Commission working draft on the libel laws of Scotland:

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),
- 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. I cannot support a law for Scotland that doesn't meet at least that standard.

It would be good to see Scotland lead the rest of the UK into bringing into law a fair and well crafted law on libel.

Thank you,

John Hanger