

To whom it may concern:

I write concerning the draft bill on this matter. While there is much to be welcomed, I am particularly concerned that the draft bill actually waters down some of the provisions in the current law, specifically the 'public interest' provisions that are so vital to the operations of journalism and so democracy. There does not seem to be any good reasons why corporations should have any rights under this law which is about individual persons' defamation. Whatever the legal pretences, corporations are not people.

Thank you for your attention,

Professor Keith Stenning

Quoting Stephanie Mathisen on Tue,  
29 Aug 2017 18:44:49 +0100:

> Dear Libel Reform Campaign supporters  
>  
> We have an urgent opportunity to make a real difference to libel laws in  
> Scotland by contacting the Scottish Law Commission by THIS THURSDAY, 31ST  
> AUGUST.  
>  
> The SLC has published a working draft of a bill [1] to reform defamation  
> law in Scotland. This comes after hundreds of you joined us [2] in writing  
> to the SLC in June last year urging them to recommend substantive reform.  
>  
> And they have. The draft bill contains many of the things we fought hard  
> for with the Defamation Act 2013. But there are some crucial weaknesses:  
> THE PUBLIC INTEREST DEFENCE IS WEAKER THAN IN THE DEFAMATION ACT 2013 and  
> CORPORATIONS WOULD STILL HAVE THE RIGHT TO SUE.  
>  
> The SLC is asking for comments on its draft bill by this Thursday, 31st  
> August. "Comments would be welcomed by email, in whichever format you would  
> wish to submit them" and should be sent to [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk).  
>  
> We'll be telling them:  
>  
>> It is fantastic to see:  
>>  
>> - The inclusion of the serious harm test (section 1(2)(b)).  
>>  
>> - A single publication rule (section 30(3)) - meaning that the time limit  
>> for bringing defamation claims is not reset every time a publication is  
>> shared, for instance by retweeting.  
>>  
>> - The reduction of the time limit for bringing proceedings to one year

>> (section 30(2)(b)).

>>

>> - The Derbyshire principle (section 2), which prevents public bodies from  
>> bringing actions for defamation, gain statutory footing.

>>

>> - 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 support a law for Scotland that doesn't  
>> meet at least that standard.

>

> Will you write to the SLC today with your views? A short note like the  
> above is all it would take and will make a real difference.

>

> Thank you for your support - we can only do this hugely important work  
> because of it. If you can, please donate [3] to the campaign to help us  
> ensure Scotland, and the rest of the UK, gets the libel law it deserves.

>

> Thanks and best wishes

> Steph, Rob and Mike

>

> Information: [www.libelreform.org](http://www.libelreform.org) [4]

> To donate:

> <http://www.libelreform.co.uk/sites/all/modules/civicrm/extern/url.php?u=56&qid=263356>

> [3]

>

> Email information: This email was sent to [k.stenning@ed.ac.uk](mailto:k.stenning@ed.ac.uk). If you no  
> longer wish to receive our periodic emails please unsubscribe [5]. Thank  
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>

> Links:

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> [1]

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