Dear Lord Pentland,

I am delighted that the Scottish Law Commission is working to reform the out-dated and inadequate defamation law in Scotland. I believe the law as it stands threatens free expression and enables powerful and wealthy pursuers to silence legitimate criticism and debate both online and off.

The proposed reform is a step in the right direction. It is vital that a statement should be **required to be communicated to a 3rd party** and I am supportive of the inclusion of a **serious harm test**, as well as a **public interest** and **honest opinion defence**. Similarly, I believe it is important to move to a **single publication rule** and **reduce the period** within which a defamation action can be brought, as well as bringing the **Derbyshire Principle** into law to ensure public bodies cannot bring proceedings.

While there is much to be optimistic about, this falls short in a number of important ways that should be addressed. These include:

- **Making it unlawful for private companies to bring defamation proceedings** and establishing methods by which restrictions cannot be weakened through private proceedings;
- **Ensuring the public interest defence** is as strong as the defence outlined in the 2013 Defamation Act in England and Wales.
- **Establishing a definition of an "editor" that protects online expression** including social media users;
- **Ensuring modifications to the bill are made through primary legislation**, so that robust and transparent scrutiny can take place;

These are vital reforms that ensure free expression can be robustly protected and not controlled by vested interests. The vibrant exchange of ideas and opinions is a vital underpinning of democracy and I hope soon we will have the laws in place to protect everyone who takes part.

Yours sincerely,

Rev Joan H Craig

_____
This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com
_____

********** **********

This email has been received from an external party and

has been swept for the presence of computer viruses.

****