

Dear Scottish Law Commission

I'm writing about your working draft of a bill to reform defamation law in Scotland.

According to the intelligent advisors in my union, The Society of Authors, and to the informed Libel reform Campaign, **the public interest defence is weaker than in the Defamation Act 2013 and corporations would still have the right to sue.**

It is excellent 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 Defamation Act 2013. We cannot support a law for Scotland that doesn't meet at least that standard.

Please accept this as a comment on the bill.

Sincerely,

Susie Maguire
Writer & Editor
Edinburgh

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