Scottish Law Commission submission of 24 February 2023

PE1975/H: Reform the law relating to Strategic Lawsuits Against Public Participation (SLAPPs)

Thank you for your letter of 24 January. Petition PE1975 calls on the Scottish Parlliament to urge the Scottish Government to review and amend the law to prevent the use of Strategic Lawsuits Against Publication (SLAPPS). The Committee seeks the Scottish Law Commission's views "on the action called for in the petition and information on its current work relevant to the petition".

To answer the Committee's query we do not have any current work ongoing that is relevant to the petition in our 10th Programme of Law Reform.

However, in terms of previous work relevant to the petition, the Commission undertook a review of the law of defamation in Scotland as part of our earlier 9th Programme of Law Reform.

As part of that project we issued a Discussion Paper on Defamation (DP No 161) in March 2016: Discussion Paper on Defamation (DP No 161) (scotlawcom.gov.uk). This Discussion Paper was consulted on and we subsequently published a Report on Defamation (Scot Law Com No 248): Report on Defamation (Report No 248) (scotlawcom.gov.uk) with recommendations for Scottish Ministers and an accompanying draft Bill in December 2017. The publication of our final Report marked the end of our review of the area of law.

These papers and more on our project can be found on our website at: https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/completed-projects/defamation/.

The Scottish Government subsequently carried out their own consultation on many of the matters covered in our Report before introducing the Defamation and Malicious Publication (Scotland) Bill in December 2019 to implement our recommendations. After Parliamentary consideration the Bill became law on 21 April 2021 as the Defamation and Malicious Publication (Scotland) Act 2021, an Act the

Committee will be aware of from their consideration of the petition to date.

I trust this is of assistance.