

# Defamation and Malicious Publication (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 40  
Long Title

Schedule

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

**Andy Wightman**

- 5 In section 1, page 1, line 11, leave out <serious> and insert <actual>

**Andy Wightman**

- 6 In section 1, page 1, line 14, leave out <<“serious> and insert <<“actual>

### Section 3

**Liam Kerr**

- 1 In section 3, page 4, line 16, after <6> insert <—  
( ) may be made only where the Scottish Ministers consider it appropriate to take account of—  
(i) technological developments (including obsolescence) relating to the dissemination or processing of material, or  
(ii) changes in how material is disseminated or processed as a result of such developments, and  
( )>

### Section 5

**Andy Wightman**

- 7 In section 5, page 5, line 5, leave out <serious>

### Section 30

**Fulton MacGregor**

- 8 In section 30, page 15, line 3, after <posted> insert <—

- ( ) to include on the website a prominent notice that the statement is subject to the proceedings, or
- ( )>

**Fulton MacGregor**

9 In section 30, page 15, line 6, at end insert—

- <( ) For the purpose of subsection (1)(a), a notice is prominent if it is in a place or form that ensures that a person accessing the statement is made aware of the notice every time that the person accesses the statement.>

**Section 33**

**Ash Denham**

2 In section 33, page 17, leave out lines 15 and 16

**After section 33**

**Liam Kerr**

3 After section 33, insert—

**<Interruption of limitation period: media complaints and expert determination**

After section 19CB of the Prescription and Limitation (Scotland) Act 1973 (interruption of limitation period: mediation) insert—

**“19CC Interruption of section 18A(1) limitation period: media complaints and expert determination**

- (1) In any computation of the period specified in section 18A(1), any relevant period in relation to a relevant matter is to be disregarded.
- (2) For the purposes of this section, a relevant period—
  - (a) begins on the day on which the parties agree, in writing, to attempt to resolve the dispute by way of a complaint process or expert determination (“the process”), and
  - (b) ends on such day as the parties may agree or, otherwise, on the day—
    - (i) on which a party notifies another party that they are withdrawing from the process,
    - (ii) which falls 14 days after the day on which a party makes a request for confirmation that another party is continuing with the process (and no response has been received),
    - (iii) which falls 14 days after the day on which any person (other than a party) who was conducting or facilitating the process resigns or dies or otherwise becomes incapable of acting (and no replacement has been appointed).
- (3) This section does not apply where the process is one to which section 19CA or 19CB applies.
- (4) In this section—

“complaints process” means a process whereby two or more parties to a dispute attempt to resolve the dispute between them by referring the relevant matter to an independent person that handles complaints relating to the publication of material in the medium in question to make a determination on the merits of the relevant matter,

“expert determination” means a process whereby two or more parties to a dispute attempt to resolve the dispute between them by appointing a single independent and suitable individual who holds appropriate professional qualifications and is a member of a suitable professional body to act as an expert and decide the dispute, such person to be agreed by the parties or, failing which, to be determined in a manner agreed by the parties,

“party” means a party to the complaints process or expert determination,

“relevant matter” means a matter to which a limitation period applies by virtue of section 18A(1).

- (5) The Scottish Ministers may by regulations amend the definitions in subsection (4).
- (6) Regulations under subsection (5) are subject to the affirmative procedure.”.>

### **Schedule**

#### **Ash Denham**

- 4 In the schedule, page 22, line 20, leave out <another> and insert <a>



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