

Defamation and Malicious Publication (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limit indicated is that set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Serious threshold test

5, 6, 7

Group 2: Secondary publication: regulation-making power

1

Group 3: Powers of the court

8, 9

Group 4: EU exit technical amendments

2, 4

Group 5: Interruption of limitation period: media complaints and expert determination

3

Debate to end no later than 45 minutes after proceedings begin

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Serious threshold test

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>

Andy Wightman

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

Group 2: Secondary publication: regulation-making power

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
()>

Group 3: Powers of the court

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.>

THIS IS NOT THE MARSHALLED LIST

Group 4: EU exit technical amendments

Ash Denham

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

Ash Denham

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

Group 5: Interruption of limitation period: media complaints and expert determination

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,

THIS IS NOT THE MARSHALLED LIST

“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.”.>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
