



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

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22 February 2018

Dear Michael,

Scottish Law Commission Report on Defamation

As you will be aware, the Scottish Law Commission published its [Report on Defamation](#) on 14 December 2017. In that Report, the Scottish Law Commission recommends a number of important reforms to the law of defamation and verbal injury in Scotland. The Report is accompanied by a draft Defamation and Malicious Prosecution (Scotland) Bill.

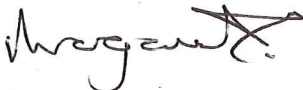
At its [meeting on 23 January 2018](#), the Justice Committee received a briefing on the Report and draft Bill from Lord Pentland, Chairman, and Graham McGlashan, Project Manager and Solicitor, Scottish Law Commission.

The Committee heard that reform was necessary in order to modernise the law of defamation for the age of the internet and social media. It heard that the law of defamation has become increasingly antiquated, and that it is based on a complex a complex landscape of elderly and sometimes inconsistent case law and scattered statutory provisions.

Lord Pentland told the Committee that, if implemented, the Scottish Law Commission's proposed reforms would set out the law in this area in clear and straightforward terms in a modern and accessible statute.

The Committee would appreciate an update on the Scottish Government's proposed response to the Scottish Law Commission's Report and draft Bill. In particular, it would be helpful to know whether the Government intends to bring forward legislation during this parliamentary session to give effect to the Scottish Law Commission's recommendations and, if so, the intended timescale.

I would be grateful for a reply to this letter by Thursday 29 March.

Best wishes


Margaret Mitchell MSP
Convener, Justice Committee