



# Scottish Commission for Human Rights Act 2006

2006 asp 16

## *General*

### **17 Protection from actions for defamation**

- (1) For the purposes of the law of defamation—
- (a) any statement made by the Commission—
    - (i) in conducting an inquiry,
    - (ii) in communicating with any person for the purposes of an inquiry, or
    - (iii) in a report of an inquiry,has absolute privilege,
  - (b) any other statement made by it in pursuance of the purposes of this Act has qualified privilege, and
  - (c) any statement made to it in pursuance of those purposes has qualified privilege.
- (2) In subsection (1), “statement” has the same meaning as in the Defamation Act 1996 (c. 31).

### **18 Giving of notice**

- (1) Any notice to be given to any person under any provision of this Act must be given—
- (a) in writing, and
  - (b) by one of the means specified in subsection (2).
- (2) Those means are—
- (a) delivering the notice to the person,
  - (b) sending it by registered post or recorded delivery service addressed to the person at—
    - (i) in the case of an individual, the person's usual or last known address or the person's place of business or work,
    - (ii) in any other case, the person's registered or principal office,

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- (c) sending it to the person by some other means (including electronic means) which the person giving the notice considers likely to cause it to be delivered on the same or next day.
- (3) A notice which is given by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (4) A notice given by a means specified in subsection (2)(c) is, unless the contrary is proved, to be presumed to be delivered on the next working day following the day on which it is sent.
- (5) In subsection (4), “working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971 (c. 80), is a bank holiday in Scotland.

## 19 Meaning of “Scottish public authority”

In this Act, “Scottish public authority” means—

- (a) any body or office which, or office-holder who, is—
  - (i) a part of the Scottish Administration, or
  - (ii) a Scottish public authority with mixed functions or no reserved functions, and
- (b) any other person who is a public authority within the meaning of the Human Rights Act 1998 (c. 42), but only in so far as the public functions exercisable by the person—
  - (i) are exercisable in or as regards Scotland, and
  - (ii) do not relate to reserved matters.

## 20 Interpretation

In this Act, except where the context requires otherwise—

- “the Commission” means the Scottish Commission for Human Rights (established by section 1(1)),
- “Convention rights” has the meaning given in section 1 of the Human Rights Act 1998 (c. 42),
- “human rights” has the meaning given in section 2(2),
- “inquiry” means an inquiry under section 8,
- “Parliament” means the Scottish Parliament,
- “Parliamentary corporation” means the Scottish Parliamentary Corporate Body,
- “Scottish public authority” has the meaning given in section 19,
- “subject matter”, in relation to an inquiry, is to be construed in accordance with section 8(3).

## 21 Preparation for the Commission

- (1) The Parliamentary corporation may do anything that it considers necessary or expedient in preparation for the establishment of the Commission.
- (2) In particular, the Parliamentary corporation may determine the initial location of the Commission's office premises.

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- (3) Her Majesty may, by Order in Council, provide for the transfer to the Commission of any—
  - (a) property belonging to the Parliamentary corporation,
  - (b) liabilities to which the Parliamentary corporation is subject.
- (4) An Order in Council under subsection (3)—
  - (a) may make supplementary, incidental, consequential and transitional provision,
  - (b) is subject to annulment in pursuance of a resolution of the Parliament.

## 22 Short title, Crown application and commencement

- (1) This Act may be cited as the Scottish Commission for Human Rights Act 2006.
- (2) This Act binds the Crown.
- (3) This Act (except section 21 and this section) comes into force on such day as Her Majesty may by Order in Council appoint.
- (4) An Order in Council under subsection (3) may—
  - (a) appoint different days for different purposes, and
  - (b) contain transitional and transitory provision.

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### Subordinate Legislation Made

- P1** S. 22(3)(4) power partly exercised: 8.11.2007 appointed for specified provisions by {S.S.I. 2007/448}, art. 2
- P2** S. 22(3) power partly exercised: 1.4.2008 appointed for specified provisions by {S.S.I. 2008/112}, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2024 asp 1 s. 12\(2\)](#)
- s. 6(2A) inserted by [2024 asp 1 s. 12\(3\)](#)