



# Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

## PART 1

### DEFAMATION

#### *Jurisdiction*

#### **19 Actions against a person not domiciled in the UK**

- (1) This section applies to defamation proceedings brought in Scotland against a person who is not domiciled in the United Kingdom.
- (2) A court does not have jurisdiction to hear and determine proceedings to which this section applies unless the court is satisfied that, of all the places where the statement complained of has been published, Scotland is clearly the most appropriate place to bring proceedings in respect of the statement.
- (3) The references in subsection (2) to the statement complained of include references to any statement which conveys the same, or substantially the same, imputation as the statement complained of.
- (4) Nothing in this section limits the availability of, or otherwise affects, any plea of forum non conveniens in respect of proceedings to which this section applies.
- (5) Sections 41 and 42 of the Civil Jurisdiction and Judgments Act 1982 apply for the purpose of determining whether an individual, corporation or association is regarded as domiciled in the United Kingdom.
- (6) Nothing in subsections (1) to (5) has effect in relation to defamation proceedings begun before the commencement of this section.

#### **Commencement Information**

**II** S. 19 in force at 8.8.2022 by S.S.I. 2022/154, regs. 1(2), 2

**Changes to legislation:**

There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Cross Heading: Jurisdiction.