



# Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

## PART 3

### GENERAL

#### *Miscellaneous*

#### **35 Consequential modifications**

- (1) The Defamation Act 1952 is amended as follows—
  - (a) sections 3, 5, 6 and paragraph (b) of section 14 are repealed,
  - (b) in section 14 (application of Act to Scotland), in paragraph (d)—
    - (i) after “pursuer” insert “ and ”,
    - (ii) the words from “for” where it second occurs, to the end are repealed.
- (2) The Rehabilitation of Offenders Act 1974 is amended as follows—
  - (a) in section 8(6) (defamation actions: reports of court proceedings), after “1996” insert “, section 9 of the Defamation and Malicious Publication (Scotland) Act 2021 ”,
  - (b) in section 8(8) (defamation actions)—
    - (i) after paragraph (b), the word “and” is repealed,
    - (ii) for paragraph (c) substitute—
      - “(c) for references to a defence under section 2 of the Defamation Act 2013 there is substituted a reference to a defence under section 5 of the Defamation and Malicious Publication (Scotland) Act 2021, and
      - (d) for the reference to a defence under section 3 of the Defamation Act 2013 there is substituted a reference to a defence under section 7 of the Defamation and Malicious Publication (Scotland) Act 2021.”.
- (3) The Defamation Act 1996 is amended as follows—
  - (a) sections 1 to 4, 14, 15, 17(2) and schedule 1 are repealed,

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**Changes to legislation:** There are currently no known outstanding effects for the Defamation and Malicious Publication (Scotland) Act 2021, Section 35. (See end of Document for details)

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- (b) in section 18(2) (provisions extending to Scotland)—
  - (i) the words “section 1 (responsibility for publication),” are repealed,
  - (ii) the words “sections 2 to 4 (offer to make amends), except section 3(8),” are repealed,
  - (iii) the words “section 14 and 15 and Schedule 1 (statutory privilege)” are repealed.
- (4) The Defamation Act 2013 is amended as follows—
  - (a) sections 6, 7(9), 15 and 16(5) are repealed,
  - (b) in section 17 (short title, extent and commencement)—
    - (i) in subsection (2), the words “Subject to subsection (3),” are repealed,
    - (ii) subsections (3) and (5) are repealed,
    - (iii) in subsection (4), for “subsections (5) and” substitute “ subsection ”.

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**Commencement Information**

**II** [S. 35](#) 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, Section 35.