

17 March 2016



Our ref: A/5/7/59

Dear Consultee

### **DISCUSSION PAPER ON DEFAMATION (DISCUSSION PAPER NO 161)**

We invite comments on the Discussion Paper on Defamation which has been published today.

The paper covers a number of key areas of defamation law, including the defences of public interest, fair comment and truth, whether there should be a mechanism for filtering out defamation claims where little is at stake, and liability for publication of defamatory material online. Beyond this we examine the wider issues of the relationship between defamation and verbal injury; and defamation of a deceased person.

Consultation is critical in all our law reform projects to ensure that the final recommendations contained in our report would, if implemented, result in law which is just, principled, responsive and easy to understand. We would therefore be grateful to receive your views on any or all of the questions in this Discussion Paper; they will be fully considered and analysed in the course of reaching our final conclusions. The consultation period lasts till **17 June 2016**.

Where possible, we would prefer the electronic submission of comments. You can use the electronic response form for this Discussion Paper on our website at <http://www.scotlawcom.gov.uk/publications/discussion-papers-and-consultative-memoranda/2010-present/>. The form has a questionnaire format which allows you to comment on any of the paper's questions which interest you. The form can be downloaded and emailed to us at [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk), as can comments in other electronic formats. Alternatively, you may prefer to send your comments on the Discussion Paper by using the general comments form to be found on the website Contact us page (<http://www.scotlawcom.gov.uk/contact-us/>).

Please note that information about this Discussion Paper, including copies of responses, may be made available in terms of the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with the 2002 Act. We may also (i) publish responses on our website (either in full or in some other way such as reformatted or summarised); and (ii) attribute comments and publish a list of respondents' names.

Yours faithfully

Malcolm McMillan  
Chief Executive