

From: Mark Whittet

Sent: 16 June 2016 12:36

To: SLC info

Subject: 16 JUN: Letter in support of libel law reform in a small jurisdiction in a far away backward country...



Lord Pentland

The Law Commission

Meadows

Edinburgh

I write to urge you to implement the following reforms;

- **The inclusion of a serious harm test** that discourages trivial claims that can chill free expression and inundate Scottish courts with ‘vanity’ cases;
- **The creation of a statutory public interest defence** that protects the publication of information that benefits public debate and informs civil society across Scotland;
- **Restricting corporate and public bodies suing for defamation.** Corporate bodies do not have a private life, personal identity or psychological integrity. In the spirit of a law to protect citizens and the rights of citizen critics, corporate bodies and associations should be restricted in their ability to sue for defamation;
- **A single publication rule** to replace the multiple publication rule, which currently counts every hit on a website as a new publication of the material on it and therefore a potential fresh cause of defamation action. A single publication rule best reflects communication in the digital age;
- **Defamation law to be brought up to date for the digital age.** The law as it stands makes internet service providers (ISPs), forum hosts and similar entities liable for material published by them/on them. The law should ask claimants to approach authors of material before ISPs become liable for it, to prevent ISPs being forced to take material down in the face of defamation threats

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