

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Patient Safety Commissioner for Scotland Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Patient Safety Commissioner for Scotland Act 2023

2023 asp 6

Miscellaneous provisions

PROSPECTIVE

18 Protection from actions of defamation

- (1) For the purposes of the law of defamation—
- (a) any statement made to the Commissioner has absolute privilege,
 - (b) any statement in the Commissioner’s report on an investigation has absolute privilege,
 - (c) any other statement made by the Commissioner has qualified privilege.
- (2) In [this section](#)—
- (a) a reference to a statement being made to or by the Commissioner—
 - (i) includes a statement being made to or by (as the case may be) a member of the Commissioner’s staff,
 - (ii) does not include a statement made to or by (as the case may be) an individual when the individual is not acting in the individual’s capacity as the Commissioner or a member of the Commissioner’s staff,
 - (b) “statement” has the same meaning as in the Defamation and Malicious Publication (Scotland) Act 2021.

Commencement Information

II S. 18 not in force at Royal Assent, see [s. 24\(2\)](#)

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Changes and effects yet to be applied to :

- s. 18 coming into force by [S.S.I. 2024/110 reg. 2\(1\)](#)