

Defamation

Course Tutor:

NIK WILLIAMS

Duration: Half-Day Training Session

Aim of Training: To highlight the dangers of the unreformed and out-of-date defamation laws on free expression in Scotland, and what individuals from across society can do to protect themselves and be able to contribute to the national debate on key issues within the confines of the law. As more people are expressing themselves online via social media and new media outlets, a key aim will be focused on the defamation threats that can occur online.

Learning Outcomes:

- To increase awareness and literacy regarding existing defamation laws in Scotland;
- To highlight the key cases that have shaped the interpretation of defamation in Scots Law;
- To illustrate the threat to free expression caused by unreformed defamation laws;
- To outline how digital expression including blogging, social media and new media can open up a broader cross-section of society to the threat of defamation;
- To provide practical guidance as to avoiding allegations of defamation while still being able to contribute to key discussions both off- and online.

Key Topics:

- Basics of defamation:
 - Definition & meaning
 - Harm (thresholds & severity)
- Defamation in the digital age
- What defences are available:
 - Veritas
 - Reynolds test
 - Fair Comment
 - Privileges (absolute vs. qualified)
- Publication & republication:
 - Responsibilities & liabilities
 - Multiple Publication rule

Structure: To cover the topics outlined above, this interactive session will utilise a range of real case studies including *Sheridan v. News Group Newspapers Ltd.*, *Paulo Quadros* (Community Facebook case) & the recently announced case involving Andy Wightman MSP, alongside existing case law and fictional scenarios to enable the participants to explore issues related to defamation in a believable and understandable context.

Target Participants: While defamation has traditionally been a prominent issue for journalists, with social media and other web 2.0 platforms, a large number of individuals and organisations are able to communicate and share multimedia content on a range of potentially contentious issues, raising the spectre of defamation threats. As a result this training will be available to participants from a range of backgrounds, including but not limited to citizen and community bloggers and journalists, activists and campaigners, casual web users & a wide range of other groups.

Due to the interactive nature of this session, it will cater for participants from a range of backgrounds and will not require an advanced level of legal or journalistic expertise.