



The Scottish Parliament
Pàrlamaid na h-Alba

Roy Pedersen



By e-mail only

**Rural Economy and Connectivity
Committee**

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Dear Mr Pedersen,

I am writing in response to your letter of 27 March 2020 and must apologise firstly for the time it has taken to reply.

I note your reference to correspondence you received from CMAL's solicitors on 23 March, requesting certain actions of you in relation to statements you previously made when giving evidence to the Rural Economy and Connectivity Committee as part of its ongoing inquiry into the procurement and construction of ferry vessels in Scotland. You indicate that this correspondence included a request for the statements in question to be withdrawn and for a written apology to be provided to CMAL.

As regards the status of any statements made by witnesses while giving evidence to a Scottish Parliament committee, I would draw your attention to section 41 (Defamatory statements) of the Scotland Act 1998.

That section provides that, for the purposes of the law of defamation, any statement made in proceedings of the Parliament (which includes a committee of the Parliament) is absolutely privileged. Section 41 serves therefore to protect statements made in such proceedings against proceedings for defamation.

For ease of reference, section 41 is reproduced below:

“41. (1) For the purposes of the law of defamation –

- (a) any statement made in proceedings of the Parliament, and
- (b) the publication under the authority of the Parliament of any statement,

shall be absolutely privileged.

(2) In subsection (1), “statement” has the same meaning as in the Defamation Act 1996.”

You will appreciate that it would not be appropriate for the Parliament to provide you with formal legal advice about this matter. However, given that section 41 relates, specifically, to the matter on which you have written I felt that it was important to make you aware of it.

I trust you will find this reply of assistance.

Yours sincerely,

Edward Mountain
Convener