

15 December 2005

Your ref:

Our ref: L/1/5/9

Dear Consultee

DISCUSSION PAPER ON VARIATION AND TERMINATION OF TRUSTS (DP NO 129)

I am pleased to enclose a copy of the above mentioned discussion paper. It is published today and distributed to interested parties with an invitation to comment on its proposals. A summary of the paper is available in a news release, a copy of which accompanies this letter or is being emailed to you separately. (Both the discussion paper and the news release are also available on our website at www.scotlawcom.gov.uk)

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 proposals in this discussion paper; they will be fully considered and analysed in the course of reaching our final conclusions. Even if you happen to agree with all the proposals we would appreciate a brief note to that effect.

Where possible, we would prefer the electronic submission of comments. For example, you can use the downloadable electronic response form for this discussion paper on our website at http://www.scotlawcom.gov.uk/html/discussion_papers.html#dp129. The MS Word form has a questionnaire format which allows you to comment - briefly or at length - on any of the paper's proposals which interest you. The form can be downloaded and emailed to us at info@scotlawcom.gov.uk, as can comments composed 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 page (<http://www.scotlawcom.gov.uk/html/contact.html>). Please note that the consultation process for this project will conclude on **17 March 2006**; accordingly, we would be grateful if comments were submitted by then.

We draw to your attention the fact that (a) responses will be attributed and summarised on our website; (b) the names of all respondents will be listed in the final report following from this consultation; (c) some or all responses and the names of those who submitted them may be referred to and/or quoted in the final report following from this consultation or in other Commission publications; and (d) responses will be made available to a third party on request **unless** you specifically ask that any of the material referred to above, or any part of it, should be treated as confidential or we otherwise consider that it should be treated as confidential. Any third party request for access to a confidential response will be determined in accordance with the Freedom of Information (Scotland) Act 2002.

Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

MICHAEL LUGTON