

Spring 2022

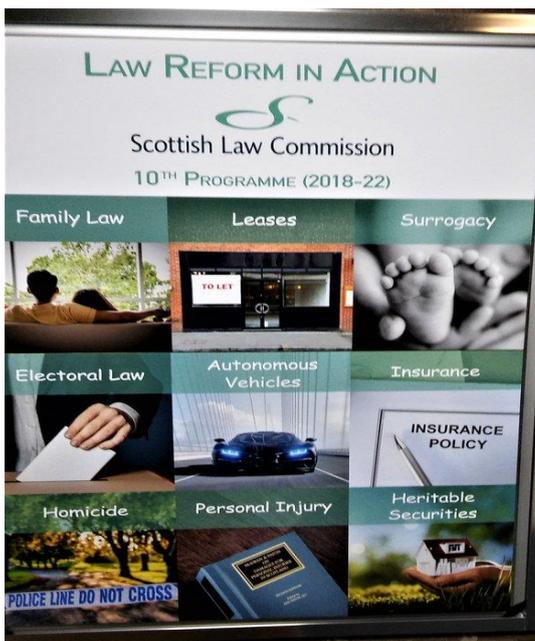
e-bulletin

Keeping you up to date with Scottish Law Commission news and consultations

Our current work

Our current law reform projects, which are set out in our 10th Programme of Law Reform, are listed opposite. Some are mentioned later in this Bulletin. For further information on any particular project please click on the link.

As our 10th Programme lasts until the end of 2022 we are now seeking suggestions for law reform topics for our 11th Programme; details of how to respond are set out on the next page. We welcome views, and the **closing date is 29 July**.



Scottish Law Commission only projects

- [Heritable securities](#)
- [Compulsory owners' associations \(tenements\)](#)
- [Aspects of the law of leases](#)
- [Homicide](#)
- [Aspects of family law](#)
- [Damages for personal injury](#)

Joint project with the Law Commission of England and Wales:

- [Surrogacy](#)

Statute law work

- [Consolidation of statutes](#)
- [Statute law repeals](#)

Current Programme of Law Reform

- [10th Programme](#)

News

11th Programme of Law Reform

We launched the consultation for our next Programme of Law Reform at an event on Thursday 5 May. A recording of presentations by the Chair, Lady Paton, and the other Commissioners can be viewed here: <https://www.youtube.com/watch?v=9Ai24ViK710>.

We would like to hear suggestions for law reform topics in connection with any area of Scots law which is felt in need of reform. It may be because the law is causing difficulties in practice, for example where it is unfair, unclear, unduly complex or out-of-date. It would be helpful to have details of the problems in practice which are caused by the current law, and of the benefits likely to flow from reform.

The consultation is open until 29 July and full details can be found here: <https://www.scotlawcom.gov.uk/law-reform/consultations/>.

Staff news

One of our legal assistants, **Lizzie Connaughton**, left at the end of 2021 after an extended time with us during which she was working on the final stages of our joint Report on Automated Vehicles.

We are delighted to welcome **Scott Macdonald** who took up post in February as an Executive Assistant.



The Commission's recruitment exercise for our 2022-23 cohort of legal assistants is now complete. We are grateful to all those who applied, and look forward to welcoming the successful candidates at the end of August.

Introduction of the Moveable Transactions (Scotland) Bill

The Moveable Transactions (Scotland) Bill, based on a Commission report from 2017, was introduced into the Scottish Parliament on 25 May 2022. Once passed into law it will lead to significant advances in the way businesses and individuals can use their moveable property (ie property other than land and buildings) to access finance. For example, a business may have tangible assets such as equipment and vehicles; it may also have intangible assets such as patents and other intellectual property. These assets could be used to secure a loan, rather like a house being used for mortgage finance. Currently Scots law is badly outdated, unclear, and unduly restrictive and it inhibits economic growth by making it harder for entrepreneurs to get the finance they need. The Bill will provide a new statutory scheme fit for modern conditions.

The Bill can be seen on the Scottish Parliament's website here: <https://www.parliament.scot/bills-and-laws/bills/moveable-transactions-scotland-bill/overview>.

Our work on Moveable Transactions can be seen here: <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/completed-projects/security-over-corporeal-and-incorporeal-moveable-property/>.

Consultation

Damages for Personal Injury

Our Discussion Paper on Damages for Personal Injury was published on 23 February 2022: https://www.scotlawcom.gov.uk/files/8716/4555/1018/Discussion_Paper_Damages_for_Personal_Injury.pdf. It seeks views from anyone with an interest in the issues raised in relation to four distinct areas of the law on damages for personal injury. The consultation period is open until 15 June 2022.

The Discussion Paper considers whether, in light of particular legal and societal developments, there is need for reform in:

- the law relating to damages for unpaid services provided to an injured person or personal services provided by an injured person, and whether claims should be restricted to “relatives” as defined in the current law;
- deductions from damages, in particular payments of money such as those under permanent health insurance plans, social security benefits and benefits in kind;
- provisional damages and the way they operate in the context of asbestos-related disease; and
- management of damages awarded for the benefit of children and whether children’s interests are sufficiently safeguarded.

The lead Commissioner for this project and Chair of the SLC, Lady Paton, has written an article entitled “Fair compensation?” in March’s edition of the Journal of the Law Society of Scotland (<https://www.lawscot.org.uk/media/372565/journal-march-2022.pdf>) which provides a summary of the issues covered by the consultation.

We would welcome views on any of the issues raised in the paper. All responses received will help us in reaching our final recommendations. More details about the project and access to the Discussion Paper and to the response form can be found on our project page here <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/damages-for-personal-injury/>.

Some recent and planned publications

Heritable Securities Project

Our second Discussion Paper, Heritable Securities: Default and Post Default (DP No 173), was published on 17 December 2021. The consultation period on the paper formally closed on 1 April 2022, and we will now take forward work on a third and final Discussion Paper dealing with sub-security arrangements and standard securities in respect of non-monetary obligations.

Further information on the project can be found on the project webpage:

<https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/heritable-securities/>.

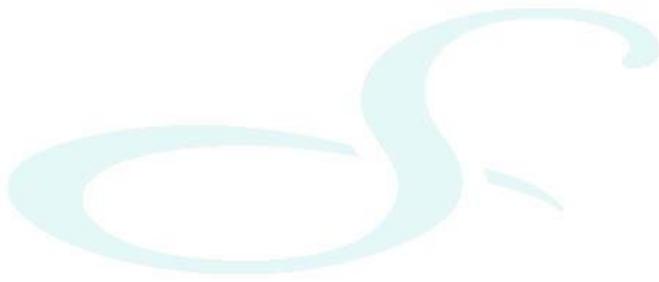
Automated Vehicles

Our Joint Report on Automated Vehicles, on which we worked with the Law Commission of England and Wales, was published on 26 January 2022. Full details of it and of the preceding consultation papers can be found on our project page here: <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/joint-projects/automated-vehicles/>.

Tenement law: compulsory owners’ associations

We received a reference from the Scottish Government on 10 January 2022 to make recommendations in relation to the creation of compulsory owners’ associations in tenement properties. This reference stems from the recommendations in the final report of the Scottish Parliament’s cross-party working group on tenement maintenance. More information on the project, including details on how to sign up to our project mailing list can be found at: <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/tenement-law-compulsory-owners-associations/>.

Over the summer we plan to publish reports, with draft legislation, in our projects on aspects of family law (cohabitation) and aspects of the law of leases (termination of commercial leases).



Further information

Further information about the Commission and our law reform work can be found on our website at www.scotlawcom.gov.uk. The website has full text versions of all of our reports and discussion papers as well as other material.

Please note our email address:
info@scotlawcom.gov.uk

Follow us on Twitter for regular updates and information: [@scotlawcom](https://twitter.com/scotlawcom).

To see videos about the Commission and our work:
<https://www.youtube.com/channel/UCMHecvTB9TgJE8G7t8RpYRA>.

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