



Scottish Law Commission

promoting law reform

news release • news release

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION
NOT FOR PUBLICATION OR BROADCAST
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PUBLIC CONSULTATION LAUNCHED ON PLANS FOR FUTURE LAW REFORM WORK

The Scottish Law Commission has today launched a public consultation exercise about plans for its future law reform work. This is the first time that it has directly sought views and suggestions from the general public about areas of the law that need reform.

Most of the Commission's work is carried out under programmes approved by Scottish Ministers. Each programme runs for about five years and identifies areas of the law which the Commission will examine during that period. Previous work of the Commission has resulted in major new laws passed by the Scottish Parliament, for example, abolishing feudal tenure of land and providing for the protection of the rights and interests of adults who are incapable of managing their own affairs.

The Commission is now consulting about areas of the law that might be covered in its next Programme of Law Reform, due to start in January 2005. Among the topics being considered are –

- the law of inheritance – a major issue concerns the way in which a deceased person's estate is shared among family members where the person has died without making a will;
- provocation, self-defence and related criminal defences – this area of the law is of considerable practical significance in the criminal justice system but the present rules have been criticised as being unsatisfactory.
- unincorporated associations – this concerns bodies ranging from sports clubs to residents' associations. There are a number of practical problems that this kind of association faces under the present law in entering into contracts, holding property or dealing with claims against the association and its members.

New projects on these, or on any other, topics would be in addition to ongoing work on subjects as diverse as land registration, trusts and the law on rape and sexual offences (which Scottish Ministers only last month asked the Commission to examine).

The Chairman of the Commission, Lord Eassie, said "One of our aims is to bring practical benefit by recommending changes in the law that will meet the needs of ordinary people, both in their personal and in their working lives. For this reason we are keen to hear from members of the public about areas of the law that they think are unfair, unduly complex or outdated and therefore in need of systematic reform."

A consultation leaflet, inviting suggestions for the Commission's future programme of work, is being distributed to a number of outlets including public libraries, local authority offices and citizens' advice bureaux. Views are requested by 31 August 2004. Copies of the leaflet may also be obtained direct from the Commission's office at 140 Causewayside, Edinburgh EH9 1PR (tel: 0131 668 2131, email: info@scotlawcom.gov.uk). Further information about the consultation exercise is available on the Commission's website at www.scotlawcom.gov.uk.

NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is Lord Eassie, a senior Scottish judge. The other Commissioners are Professor Gerard Maher QC, Professor Kenneth G C Reid, Professor Joseph M Thomson and Mr Colin J Tyre QC.
2. Further information can be obtained by contacting Jane McLeod, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, e-mail: jane.mcleod@scotlawcom.gov.uk.)