



Scottish Law Commission

promoting law reform

news release • news release

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION
NOT FOR PUBLICATION OR BROADCAST
BEFORE 0001 HOURS 30 APRIL 2009

CHANGING THE LAW – GET YOUR IDEAS HEARD

The Scottish Law Commission has today launched a public consultation exercise about plans for its future law reform work. The Commission is seeking views and suggestions from the general public about areas of the law that need reform. An online consultation is available on the Commission's website at www.scotlawcom.gov.uk and people are encouraged to submit their suggestions in this way.

Most of the Commission's work is carried out under programmes approved by Scottish Ministers. Each programme runs for 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 on bankruptcy and diligence in 2007, and on the law of the tenement in 2004.

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 2010. Among the topics being considered are –

Property law topics such as:

- heritable security (mortgages)
- security over corporeal moveable property (goods)
- leases – proprietary effects
- separate tenements (such as mineral rights and salmon fishings)
- tacit relocation in relation to commercial leases
- prescription and property

Public law topics such as:

- roads and other public rights of way
- compulsory purchase

Other possible topics:

- executries and administration of the estates of deceased persons
- the criminal liability of partnerships
- a Scottish contract code, based on the European draft Common Frame of Reference
- prescription generally.

New projects on these, or on any other, topics would be in addition to ongoing work on subjects as diverse as trust law; provocation, self-defence, coercion and necessity; assignation of, and security over, incorporeal moveable property (goods); and evidential issues.

The Chairman of the Commission, Lord Drummond Young, said "We aim to recommend reforms that will contribute to a modern legal framework for Scotland and thereby encourage economic growth. We also wish to achieve practical benefits for Scottish people by recommending changes that will meet their needs, in both their working and their personal lives. We look forward to hearing from members of the public about areas of the law that are thought to be unfair, unduly complex or outdated and 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 places including public libraries, local authority offices and citizens' advice bureaux. Views are requested by 31 July 2009. Copies of the leaflet may also be obtained from the Commission's office at 140 Causewayside, Edinburgh EH9 1PR (tel: 0131 668 2131, email: reform@scotlawcom.gov.uk).

Further information on the consultation proposals is available on the Commission's website.

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 the Hon Lord Drummond Young, a Court of Session judge. The other Commissioners are Professor George L Gretton, Patrick Layden QC TD, and Colin J Tyre QC. The Chief Executive is Malcolm McMillan.

2. Further information can be obtained by contacting the Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: reform@scotlawcom.gov.uk).