

Spring 2020

e-bulletin

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

Our current work

The Scottish Law Commission continues to operate during the Covid-19 crisis, working from home and communicating electronically.

Our current law reform projects are set out on this page. These include joint law reform projects with the Law Commission of England and Wales. For further information on any particular project, click on the link.



Scottish Law Commission only projects

- [Heritable securities](#)
- [Aspects of the law of leases](#)
- [Homicide](#)
- [Aspects of family law](#)
- [Damages for personal injury](#)

Joint projects with the Law Commission of England and Wales:

- [Insurance law](#)
- [Surrogacy](#)
- [Automated vehicles](#)
- [Electoral law](#)

Statute law work

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

News

Appointment: Commissioners

David Bartos and Dr Gillian Black

Lady Paton, Chair of the Scottish Law Commission, warmly welcomes the appointment of David Bartos and Dr Gillian Black as Commissioners. They started work at the Commission this month. Along with the rest of the Commission, they are working from home on law reform during the current period of Covid-19 restrictions.



Lady Paton

David Bartos will lead our project on aspects of leases, and he will be the lead Scottish Commissioner on the joint law reform project on automated vehicles.



David Bartos

Dr Black will lead our project on damages for personal injury, and she will be the lead Scottish Commissioner on the joint project on surrogacy.



Dr Gillian Black

Farewells:

David Johnston and Caroline Drummond

David Johnston's term of office as a Commissioner came to an end in January 2020. David was the lead Commissioner for our project reviewing aspects of the law on prescription, which culminated in our Report on Prescription in 2017. The recommendations in the Report were implemented in the Prescription (Scotland) Act 2018 passed by the Scottish Parliament. David was the lead Scottish Commissioner on our joint project on surrogacy, and the lead Commissioner for our project on damages for personal injury.

Caroline Drummond's term of office as a Commissioner came to an end in February 2020. Caroline was the lead Commissioner for our project on compulsory purchase, and thereafter the lead Scottish Commissioner on our joint project on autonomous vehicles, and the lead Commissioner on our project reviewing aspects of leases.

The Commission is very grateful to Caroline and David for their valuable contribution to the Commission's work over the last 5 years.

Publications

Electoral law

A [final Joint Report](#) on electoral law was published on 17 March 2020, bringing to a conclusion our joint project with the Law Commission of England and Wales.

The recommendations would improve the effectiveness of electoral law, including rationalising the existing legislative framework, introducing reforms to online campaign material and updating the conditions required for suspending a poll.

Annual Report

The Commission published our [Annual Report](#) for 2019, in February 2020. The Report outlines the wide-ranging law reform work being carried out by the Commission, and describes the progress made on our projects.

Implementation

Defamation and Malicious Publication (Scotland) Bill

The Scottish Government introduced the Defamation and Malicious Publication (Scotland) Bill to the Scottish Parliament in December 2019 as part of their legislative programme.

The Bill seeks to implement the recommendations in the Commission's 2017 Report on Defamation, with a view to modernising the law of defamation and making it fit for purpose in today's society.

The Bill is at Stage 1 in the Scottish Parliament. It can be found on the Parliament website [here](#). The Commission's Report is [here](#).

Moveable Transactions

The Economy, Energy and Fair Work Committee of the Scottish Parliament is carrying out an inquiry into reform of the law on moveable transactions. The Committee issued a call for views in February on the Commission's Report in 2017 ([Volume 1](#); [Volume 2](#); [Volume 3](#)) on Moveable Transactions. Written representations calling for reform of the law were received: see [here](#).

Current consultations

Aspects of Family Law: Cohabitation



In February 2020 the Commission published a [Discussion Paper](#) on Cohabitation.

The Discussion Paper focuses on sections 25 to 28 of the Family Law (Scotland) Act 2006 and considers, in particular, the definition of "cohabitant" and the law relating to claims for financial provision on the breakdown of a cohabiting relationship.

The Family Law team is holding a number of online consultation events (workshops, focus groups and seminars) to discuss the issues raised in the Discussion Paper and to seek views from legal and non-legal stakeholders on possible options for reform.

The Commission encourages responses from as many people and bodies as possible.

The consultation has been extended until 30 June 2020.



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.

Please note our email address:
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