

RESPONSE FORM

PREPARATION OF THE TENTH PROGRAMME OF LAW REFORM

We hope that by using this form it will be easier for you to respond to the questions set out in the consultation paper. Respondents who wish to address only some of the questions may do so. The form reproduces the questions as set out in the paper and allows you to enter comments in a box after each one. At the end of the form, there is also space for any general comments you may have.

Please note that information about this consultation paper, including copies of responses, may be made available in terms of the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with the 2002 Act.

We may also (i) publish responses on our website (either in full or in some other way such as re-formatted or summarised); and (ii) attribute comments and publish a list of respondents' names.

In order to access any box for comments, press the shortcut key F11 and it will take you to the next box you wish to enter text into. If you are commenting on only one or two of the questions, continue using F11 until you arrive at the box you wish to access. To return to a previous box press Ctrl+Page Up or press Ctrl+Home to return to the beginning of the form.

Please save the completed response form to your own system as a Word document and send it as an email attachment to info@scotlawcom.gsi.gov.uk. Comments not on the response form may be submitted via said email address or by using the [general comments form](#) on our website. If you prefer you can send comments by post to the Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR.

Name:

Mai / Mairghread Simpson Davies

Organisation:

Address:

Email address:

Questions

1. Do you have any suitable law reform projects to suggest?

Comments on Question 1 Yes, several - hopefully ones, you also consider suitable.

1)Reform of Law to ensure the wishes of a dead spouse/partner are respected/protected by the surviving spouse/partner. New Law would reduce litigation arising out of disputes where such wishes have not been respected - as illustrated with problems of mutual wills, as in the English case of Walters v Olins [2008] EWCA Civ 782 (4 July 2008)

2)On a similar vein, Special Destinations. Professor George Gretton has written articles detailing the concerns and difficulties/complications and litigation that can arise from the use of Special Destinations. (JLS March 1987 111-117) Or as David A Brand illustrates in his article, is it, "Time for Special Destinations to Die?", (SLT 2000 203).

3) Reform of Legal Time Limits - particularly relatively short time limits in Judicial Review, which restrict access to Justice, already acerbated by the cuts to Legal Aid. Perhaps, in certain circumstances, more discretion could be built into legislation.

4)Reform of Employment/Labour Law - in particular the protection given from Adult Bullying at Work - some protection is given by acts such as the Protection from Personal Harassment Act, but I would argue, that there is not currently sufficient protection.

2. Do you have any project to suggest that would be suitable for the Commission Bill process in the Scottish Parliament; or, in relation to reserved matters, for the House of Lords procedure for Commission Bills?

Comments on Question 2 Only suggestions for Reform, are those stated above - more details and article references etc, can be provided on request, if required.

3. If suggesting a new project:-

- (a) Please provide us with information about the issues with the law that you have identified:

(b) Please provide us with information about the impact this is having in practice:

(c) Please provide us with information about the potential benefits of law reform:

General Comments

Thank you for taking the time to respond to this consultation paper. Your suggestions and comments are appreciated and will be taken into consideration when preparing our Tenth Programme of Law Reform.