

Autumn 2021

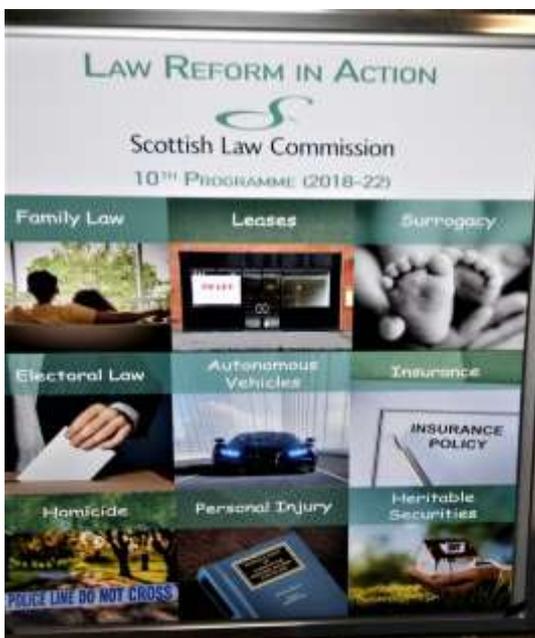
e-bulletin

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

Our current work

When we welcomed our four new legal assistants at the end of August – **Daniel Buchan, Rebecca Gale, Hannah Renneboog and Lucy Robertson** – we were hoping to be able to begin a ‘hybrid’ work pattern. In the event, ‘working from home’ remains our default but the legal assistants have settled in well and are contributing fully to our projects and to Commission life more generally.

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

- [Surrogacy](#)
- [Automated vehicles](#)

Statute law work

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

Current Programme of Law Reform

- [10th Programme](#)

News

Interim Chief Executive



Charles Garland has taken over on an interim basis following the retirement of our previous Chief Executive, Malcolm McMillan, at the end of June.

We are delighted to welcome back **Alastair Smith** who took up post in October as a Project Manager on the leases and automated vehicles projects. He had previously worked in that capacity for a number of years and he re-joins us after a career break.

Also in October our Office Administrator and Messenger, **Iain Ritchie**, retired. He had been with the Commission for nearly 25 years and is greatly missed. Iain was presented with a card and gift on his final day and a few colleagues were able to say a carefully distanced farewell in person.



Programme for Government

In their [Programme for Government](#), published in September, the Scottish Government wrote: “In addition to the introduction of a Moveable Transactions Bill in the first year of the Parliament, the Government is also giving consideration to a longer-term programme of implementation of Scottish Law Commission Reports to be introduced during this Parliament, such as Trusts, Judicial Factors, Contract law, Title Conditions, Cohabitation and Damages for Personal Injury.” We welcome this, particularly the news on the Moveable Transactions Bill, and we look forward to engaging with the implementation of a number of our recent Reports.

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/>

Legal Assistant Recruitment

The Commission will run its recruitment exercise early in 2022 for legal assistants for 2022/2023. We will post details on our website and look forward to receiving applications.

Commission Christmas Online Quiz

For the second year, Commissioners and staff have decided to make our Christmas get-together an online event. We look forward to a light hearted quiz and some time together before the festive break. But we also hope to revert to an in-person gathering as soon as we are safely able to do so.

Publications

Homicide

Our [Discussion Paper on the Mental Element in Homicide](#), seeking views on possible reform of the law in this area, was published on 27 May 2021. The consultation period for the Discussion Paper closed on 15 October (extended from 27 August).

The Discussion Paper considered a wide range of issues including:

- The current bipartite nature of Scots homicide law, which comprises the offences of murder and culpable homicide;
- The language of Scots homicide law and whether the offences of murder and culpable homicide might benefit from statutory redefinition;
- The applicability of and options for reform in relation to defences to a charge of homicide, including self-defence, necessity, coercion, provocation and diminished responsibility;
- Whether a new partial defence should be created for people who kill following prolonged domestic abuse.

Now that our consultation on the Discussion Paper is closed the homicide team is currently analysing the views of consultees and developing policy on the issues covered. We will, in due course, commence work towards publication of a Report. More detail and access to all our consultation and other papers can be found on our [project page](#), which will be updated from time to time as the project progresses.

Consultation

The draft Leases (Automatic Continuation etc.) (Scotland) Bill

In relation to our project on Aspects of Leases: Termination we are currently consulting on a draft of a Bill codifying and reforming the law of tacit relocation of leases and other termination-related matters.

Full details of the consultation, which runs until **Friday 28 January 2022**, can be found on our [current consultations page](#). We will thereafter proceed to publication of a Report and draft Bill later in 2022.

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/UCMHecvTB9TqJE8G7t8RpYRA>.

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