

## New Commissioner

Professor George Gretton has been appointed as a Commissioner for a five year term, as successor to Professor Kenneth Reid, who completed his term of office at the end of December.



Professor George Gretton

Professor Gretton, who is currently a member of the teaching staff at the University of Edinburgh Law School, will take up his appointment on 1 May.

## Honour for former Commissioner

After a long and distinguished period of service as a Commissioner, Professor Reid has returned to the Edinburgh University Law School, as Professor of Property Law. His work on property law reform was recognised in the Queen's Birthday Honours List: he received a CBE for services to law reform in Scotland at Buckingham Palace on 13 December.

## Newsletter Issue 2 January 2006

## New Chief Executive

After nearly five years as Secretary and subsequently Chief Executive, Jane McLeod returned to the Office of the Solicitor to the Scottish Executive on 17 September. She has been succeeded by Michael Lugton, a senior civil servant from the Scottish Executive whose previous post was Head of Constitution and Legal Services Group.

## Latest publication

- [Discussion Paper on Rape and Sexual Offences](#) – comments invited by 1 May

## Recent publications

- [Discussion Paper on Variation and Termination of Trusts](#) – comments invited by 17 March
- [Discussion Paper on Land Registration: Miscellaneous Issues](#) – comments invited by 31 March
- [Scoping Paper on Insurance Contract Law](#) – comments invited by 19 April

## Forthcoming publications

- Discussion Paper on Personal Injury Actions: Limitation and Prescribed Claims –to be published shortly
- Annual Report for 2005 due to be published in March

## News about current projects

### Rape and Sexual Offences

The discussion paper on this major project invites views on a wide range of proposals for reform of the law relating to rape and sexual offences: a summary is contained in a [news release](#). A report, taking account of comments received will be published along with a draft Bill around the middle of 2007.

### Interest on debt and damages

Our [discussion paper](#) on this project proposed the introduction of a statutory right to claim interest during the period when a claimant was deprived of the use of his money, whether the claim was for payment of a contractual debt, a non-contractual debt or damages. The responses, which were favourable to our proposals, have now been analysed, and our final recommendations will be worked up with a view to completing the project by the end of this year.

### Personal injury actions: limitation and prescribed claims

Our Discussion Paper on Personal Injury Actions: Limitation and Prescribed Claims – will be published shortly. It will invite comments on our proposals for reform of the provisions of the Prescription and Limitation (Scotland) Act 1973 concerning limitation in personal injury actions. The paper also considers the position of personal injury claims which have been extinguished by prescription.

### Leasehold tenure

This project has been considering whether leases of more than 175 years should be converted to ownership. Work is nearing completion and we expect to publish our report and draft Bill later this year.

### Land Registration

We have made good progress on our review of the Land Registration (Scotland) Act 1979. Our latest [Discussion Paper - on Miscellaneous Matters](#) – invites views on issues such as servitudes, overriding interests and the powers of the Keeper of the Register.

### Sharp v Thomson

This project concerns the protection of purchasers buying property from insolvent sellers and the issues highlighted by the House of Lords decision in the case of *Sharp v Thomson*. One of the main proposals in our [Discussion Paper](#) has largely been superseded by *Burnett's Trustee v Grainger* where the House of Lords declined to apply *Sharp v Thomson* to ordinary personal insolvency. We intend to publish a report later this year.

### Succession

We have started work on a new project on succession, a topic which we last reviewed some 15 years ago, although the recommendations made then have not been implemented. There is concern that the law does not reflect current social attitudes nor does it cater adequately for the range of family relationships which are common today. The project is focusing mainly on the rights of a surviving spouse or civil partner on intestacy, and on the protection of spouses, civil partners, cohabitants, children and other relatives from disinheritance. We plan to publish a discussion paper later this year.

### Trusts

We have recently published our latest [Discussion Paper - on Variation and Termination of Trusts](#) in which we propose reform of the law relating to variation and termination of private trusts and the reorganisation of non-charitable public trusts. A fifth discussion paper in this series – on the nature and constitution of Scottish trusts - will follow later this year.

## Judicial factors

Work is progressing on this project which is looking to replace the existing 19<sup>th</sup> century legislation on judicial factors with modern provisions. We are aiming to issue a discussion paper by end of this year.

## Insurance contract law

We are working with the Law Commission for England and Wales on this project. Insurance law has been criticised as outdated and unduly harsh to policyholders. The project will look at non-disclosure of material facts and breach of warranty - two areas which are thought to be causing particular difficulties in both consumer and business insurances. A joint [Scoping Paper on Insurance Contract Law](#), published on 18 January, invites views on other areas of insurance law which are problematic and which might also be reviewed. The two Commissions aim to publish a joint consultation paper by the end of 2006.

## Recruitment campaign

This year's recruitment campaign for legal assistant posts starting this autumn got under way in January. Information about the posts and application forms are available on our website. Applications should be submitted by Monday 27 February.

As part of our recruitment drive we took part in the law fairs at Aberdeen and Dundee Universities in October 2005 and the Edinburgh University law fair on 25 January. We will also be attending the Strathclyde University law fair on 22 February.

## Comments and further information

If you would like to comment on any of our projects, please e-mail us at

[Info@scotlawcom.gov.uk](mailto:Info@scotlawcom.gov.uk)

For more information about our work and publications go to our website at

[www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)



The Commission stand at the Aberdeen University law fair, October 2005