



# Scottish Law Commission

*promoting law reform*

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ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION  
NOT FOR PUBLICATION OR BROADCAST  
BEFORE 0001 HOURS ON TUESDAY, 11 DECEMBER 2018

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## TRUST LAW REFORM

We publish today a revised version of the Trusts (Scotland) Bill. This complements and develops law reform recommendations we made in our 2014 [Report on Trust Law](#) (SLC No 239; 2014). It updates the draft Bill published in that Report and makes various technical improvements and modifications.

We continue to believe that implementation of our recommendations for the modernisation of the law of trusts would be of great advantage to many people in today's society. Key stakeholders, with whom we consulted, are strongly supportive of reform.

As we pointed out in 2014, there are powerful reasons for reform. The current legislation is outdated; it goes back to 1921. It is archaic and difficult to work with.

Trusts have numerous uses. Although some trusts are administered by professional trustees, many others are administered by lay people. They are commonly used to protect vulnerable people, such as young children whose parents have died. It is important that there is a modern and accessible legal framework so that trusts can be administered efficiently and fairly.

Lord Pentland, Chairman of the Commission, said: "Trust law in Scotland needs to be brought up to date. I urge the Scottish Government to implement the detailed recommendations we made for improvement of the law in 2014. The recommendations in our Report and our revised Trusts (Scotland) Bill are designed to bring the Scots law of trusts into the modern era. This is for the benefit of all citizens in their family and private lives as well as in their commercial enterprises."

## FURTHER INFORMATION SECTION

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 Pentland, a Court of Session judge. The other Commissioners are Kate Dowdalls QC, Caroline S Drummond, David E L Johnston QC, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.

2. Further information can be obtained by contacting Charles Garland, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131; email [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk)).

3. The paper will be available on our website at <https://www.scotlawcom.gov.uk> as early as possible on 11 December 2018.