

Spring 2013

e-bulletin

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

Our current work

Work continues on our Eighth Programme of Law Reform, which sets out the main areas of our law reform work up to the end of 2014. The Commission also undertakes joint law reform projects with the Law Commission for England and Wales, and the Northern Ireland Law Commission. Our current law reform projects are set out below. For further information on any particular project, click on the link which takes you to the project page on our website.

Law reform projects

- [Adults with incapacity](#)
- [Compulsory purchase](#)
- [Contract law in light of the Draft Common Frame of Reference \(DCFR\)](#)
- [Consolidation of statutes](#)
- [Homicide](#)
- [Judicial factors](#)
- [Moveable transactions \(security over corporeal and incorporeal moveable property; assignation of incorporeal moveable property\)](#)
- [Trusts](#)



News

Implementing Scottish Law Commission reports: The Scottish Parliament

We warmly welcome the [Report](#) by the Standards, Procedures and Public Appointments Committee of the Scottish Parliament published on 18 April 2013 on implementing Commission reports. The Committee recommend changes to Standing Order rules to assist in improving the implementation rate of Commission reports. The changes would enable certain Commission Bills to be referred directly to the Subordinate Legislation Committee, and change the name of the Committee to reflect a new, wider role. We look forward to the response of the Parliament to the Report. The Commission hopes to work with the Scottish Government and the Scottish Parliament on implementing Commission Bills using the approach set out in the Committee Report.

Commission reports in the pipeline

We plan to publish our Report and draft Bill on Execution in Counterpart on Thursday 25 April 2013.

Our Report and draft Bill on the consolidation of Scottish Bankruptcy legislation will be published in the middle of May 2013.

Joint projects with the Law Commission for England and Wales (*and with the Northern Ireland Law Commission):

- [Electoral law](#) *
- [Insurance law](#)
- [Level crossings](#)
- [Regulation of health care professionals*](#)
- [Statute law repeals](#)
- [Unfair terms in consumer contracts](#)

The Commission's Annual Report 2012

We published our Annual Report 2012 in March. Our latest Annual Report details progress with law reform over the past year and looks ahead to 2013. [Read more](#) ...

Speech by Lady Clark of Calton at Forensic Science Society Conference

On 20 March 2013 Lady Clark of Calton, Chairman of the Scottish Law Commission, addressed a conference organised by the Forensic Science Society which deal with development and challenges in relation to expert evidence and the law, in a speech entitled "Expert evidence: viewed from the bench". [Read more](#) ...

Partnerships (Prosecution) (Scotland) Bill

This [Bill](#) for Scotland was introduced in the House of Lords by the Advocate General for Scotland under the special procedure for Law Commission Bills. It is based on the Bill attached to the Commission's [Report on Criminal Liability of Partnerships](#) (2011). The Bill passed its 3rd Reading in the House of Commons on 22 April, and is awaiting Royal Assent.

Unfair Terms in Consumer Contracts: a new approach?

On request from the Department for Business, Innovation and Skills, the Scottish Law Commission, jointly with the Law Commission for England and Wales, has advised on the reform of unfair terms legislation as it affects consumer contracts. The [Advice](#), published on 19 March 2013, also updates the recommendations made in our 2005 Report on Unfair Terms in Contracts, in so far as they affect contracts made between businesses and consumers. A [Summary](#) is also available.

The Advice recommends reform of the exemption for main subject matter and price set out in Regulation 6(2) of the Unfair Terms in Consumer Contracts Regulations 1999, along with reform of the grey list contained in Schedule 2 of the Regulations. We recommend that the Unfair Terms Directive should be copied out into the law of the UK rather than rewritten, subject to specific recommendations made elsewhere in the Advice. We also advise that the new Consumer Bill of Rights should replicate the substance of the provisions currently contained in the Unfair Contract Terms Act 1977 concerning terms and notices which purport to exclude or restrict a trader's liability for causing death or personal injury resulting from negligence or breach of duty. Further, we recommend that UCTA should no longer regulate business to consumer contracts,

even if it is a business dealing as a consumer, following consolidation of consumer provisions in the new Consumer Bill of Rights.

The Advice and Summary can be viewed on our [project page](#).

Further information

Further information about the Commission, Commissioners and staff, and our law reform work can be found on our website at

<http://www.scotlawcom.gov.uk/>.

The website has full text versions of all of our reports and discussion papers.

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UK Electoral Law project

Lady Clark of Calton, the Chairman of the Scottish Law Commission, announced a law reform project on electoral law across the UK. The project will be conducted with the Law Commission for England and Wales and the Northern Ireland Law Commission. [Read more ...](#)