



Scottish Law Commission

promoting law reform

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ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION
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SCOTTISH LAW COMMISSION ANNOUNCES SEVENTH PROGRAMME OF LAW REFORM

The Scottish Law Commission has today published its Seventh Programme of Law Reform which will form the main basis for its work over the next five years. The programme has been approved by Scottish Ministers and laid before the Scottish Parliament.

The programme was prepared following extensive consultation with the legal profession and other interested bodies. For the first time, the Commission also sought views from the public at large about areas of the law in need of reform. Two items, the law of inheritance and the law on unincorporated associations, are included in the Programme as a direct result of suggestions made by consultees.

The Seventh Programme incorporates ongoing work from the previous programme as well as identifying new projects to be undertaken. It comprises a mix of short, medium and long term projects on which the Commission will work from the beginning of 2005 to the end of 2009.

Items in the Seventh Programme

Four of the projects are carried forward from the previous programme:-

- Leasehold tenure (conversion of long leases)
- Land registration
- Trusts
- Judicial factors

In addition four new projects are identified:-

- **law of inheritance** - this project will examine the way a deceased person's estate is shared among family members where the person has died without making a will and also the extent to which family members should be protected against disinheritance;

- **assignment of, and security over, intangible assets** (such as insurance policies or book debts) – this area of the law is especially important in a commercial context, affecting the ease with which Scottish businesses can raise finance;
- **unincorporated associations** – this project will look at a number of practical problems that bodies such as sports clubs and residents' associations face in entering into contracts, holding property or dealing with claims against the association and its members;
- **provocation, self-defence, coercion and necessity** – these core defences are of considerable practical significance in the criminal justice system and the present rules are regarded by many as unsatisfactory.

The Commission's Chairman, Lord Eassie, said "We are very grateful to all those who participated in the consultation exercise. Their views have helped to shape our plans for the next five years and the result is a balanced programme of work which we believe will be useful to the community in Scotland. We have already made a start on one of the new projects, the law of inheritance, and look forward to making progress on the others."

The Commission's other law reform work

In addition to its work under the Programme the Commission will continue to deal with requests for advice received from the Scottish Executive and government departments. Four topics are currently referred to the Commission by Scottish Ministers:-

- *Sharp v Thomson* (examining the protection of buyers on the seller's insolvency)
- Interest on debt and damages
- Rape and other sexual offences
- Limitation in personal injury actions

There is also an ongoing need for the Commission to respond to work being carried out by the Law Commission for England and Wales. From time to time this may involve the two Commissions undertaking a joint examination of a particular topic.

NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is Lord Eassie, a senior Scottish judge. The other Commissioners are Professor Gerard Maher QC, Professor Kenneth G C Reid, Professor Joseph M Thomson and Mr Colin J Tyre QC.

2. Further information can be obtained by contacting Jane McLeod, Chief Executive, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel 0131 668 2131, Fax: 0131 662 4900, email: info@scotlawcom.gov.uk).

3. The paper may also be viewed on our website at www.scotlawcom.gov.uk or purchased from TSO Scotland Bookshop.