

Spring/Summer 2023

e-bulletin

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

Welcome

Welcome to the Scottish Law Commission's regular bulletin. We aim to keep you informed about what we have been up to and what we have coming up.

We have news on our recently published [11th Programme of Law Reform](#), on our move of premises, and on implementation of some of our reports. And more...

Our current law reform projects are listed opposite. Some are mentioned later in this Bulletin. For further information on any particular project please click on the link.

Current SLC projects:

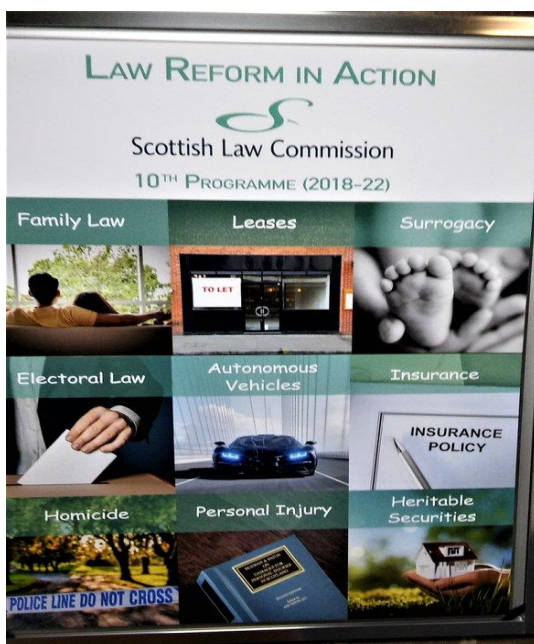
- [Heritable securities](#)
- [Compulsory owners' associations \(tenements\)](#)
- [Aspects of the law of leases](#)
- [Homicide](#)
- [Aspects of family law](#)
- [Damages for personal injury](#)

Statute law work

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

Current Programme of Law Reform

- [11th Programme](#)



News

Commissioner news

We said farewell at the end of May to Commissioner Kate Dowdalls KC. She has now become Sheriff Principal of South Strathclyde, Dumfries and Galloway, and we wish her all the best for her new role. Kate led the work which culminated in the [cohabitation report](#), which was published in November last year.



Move of premises

After 47 years at 140 Causewayside, we moved on 12 June to a newly refurbished area within Parliament House. Here is our new conference room:



Commonwealth Association of Law Reform Agencies (CALRAs)

In March the first CALRAs conference since the pandemic took place in Goa, India. The SLC was represented by Lady Paton and Charles Garland, and it was arranged by our former Chief Executive, Malcolm McMillan, who's the CALRAs Executive Secretary. Many jurisdictions were represented, and we had lots of valuable discussions about topics of common interest both in the conference itself and during breaks. Meeting up in person was a pleasure, and allowed firm links to be made for future development. Here are the CALRAs delegates:



We also attended the Commonwealth Lawyers Conference which followed on from the CALRAs one. Much larger, and representing a great range of interests across the Commonwealth, the Conference provided a good opportunity to meet up and contribute to varied discussions. Here is Lady Paton chairing a session on freedom of religion:



Our new contact details are:

Scottish Law Commission
Parliament House
11 Parliament Square
Edinburgh EH1 1RQ

Email: info@scotlawcom.gov.uk

Tel: 0131 244 6605

Automated vehicles in Edinburgh and Fife

The SLC and the Law Commission of England and Wales published its blueprint for new law on self-driving vehicles in 2022. This future may be closer than we think as David Bartos (pictured), our lead Commissioner on the project, discovered when he went on a test run of a new self-driving bus service. Having completed the journey between Inverkeithing and Hermiston Gait, Edinburgh, David commented, "The ride was perfectly normal and it was actually quite comforting to see the steering wheel move itself to take the bus round the sharp bend onto the M90."



Recent publications

11th Programme of Law Reform

On 31 May we published our [11th Programme of Law Reform](#), which covers the five year period from 2023 to 2027.

It was preceded by a public consultation. We invited suggestions about areas of Scots law which are felt in need of reform, perhaps because they are causing difficulties in practice through being unfair, unclear, unduly complex or out-of-date. Our thanks to all those who responded.

The Programme covers a number of projects on which work is already ongoing – which are shown in the links on the first page of this bulletin – as well as four new ones:

- Execution of documents;
- Law of limitation;
- Executry law; and
- Consolidation of nature conservation law.

Fuller details are given in the Programme.

Surrogacy

Our report on surrogacy, published jointly with the Law Commission of England and Wales, came out in March. We recommend the creation of a new pathway, with rigorous pre-conception screening and safeguarding, overseen by a Regulated Surrogacy Organisation. If the surrogate and intended parents are approved to enter the new pathway, the intended parents would be recognised as the legal parents at birth unless the surrogate had withdrawn her consent to the agreement within a prescribed period.

Full details of our report and draft bill are here:

<https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/completed-projects/surrogacy/>.

Implementation

Trusts and Succession (Scotland) Bill

The Trusts and Succession (Scotland) Bill was introduced into the Scottish Parliament on 22 November 2022. Lady Paton, the Chair, and Lord Drummond Young, the former lead Commissioner, gave evidence to the Delegated Powers and Law Reform Committee on 2 May, which can be viewed here:

<https://www.scottishparliament.tv/meeting/delegated-powers-and-law-reform-committee-may-2-2023>.

The Bill will implement our wide-ranging report on Trust Law from 2014. It will update and modernise the current law which is largely still to be found in the Trusts (Scotland) Act 1921. The uses to which trusts are put nowadays are in many cases very different from the position a century ago. It is also important that matters such as the duties of trustees are set out in a clear way, which is no longer the case with the 1921 Act.

The Bill can be found on the Scottish Parliament's website here: <https://www.parliament.scot/bills-and-laws/bills/trusts-and-succession-scotland-bill>, and details of our Report are here: <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/completed-projects/trusts/>.

Moveable Transactions (Scotland) Act

The Moveable Transactions (Scotland) Act was passed in May and received Royal Assent on 13 June.

It is based on a [Commission report](#) from 2017. Once in force it will bring significant advances in the way businesses and individuals can use their moveable property (ie property other than land and buildings) to access finance.

The Act can be found on the Scottish Parliament's website here: <https://www.parliament.scot/bills-and-laws/bills/moveable-transactions-scotland-bill/overview>.

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/UCMHecvTB9TgJE8G7t8RpYRA>.

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