

Your ref:

Our ref: L/1/5/15

7 May 2008

Dear Consultee

### **DISCUSSION PAPER ON TRUSTEES' LIABILITY TO THIRD PARTIES (DP No 138)**

I enclose a copy of the Commission's Discussion Paper on Trustees' Liability to Third Parties, which is published today. Comments on the paper are invited by **31 August 2008**.

Consultation is critical in all our law reform projects to ensure that the final recommendations contained in our report would, if implemented, result in law which is just, principled, responsive and easy to understand. We would therefore be grateful to receive your views on any or all of the proposals in this discussion paper; they will be fully considered and analysed in the course of reaching our final conclusions. Even if you agree with our proposals but do not wish to make any further comments, a brief note to that effect would also be most helpful as an indication that our proposals are on the right lines.

Where possible, we would prefer the electronic submission of comments. For example, you can use the downloadable electronic response form for this discussion paper on our website at [http://www.scotlawcom.gov.uk/html/discussion\\_papers.html#dp138](http://www.scotlawcom.gov.uk/html/discussion_papers.html#dp138). The MS Word form has a questionnaire format which allows you to respond – briefly or at length – to any of the paper's questions. The form can be downloaded and e-mailed to us at [info@scotlawcom.gov.uk](mailto:info@scotlawcom.gov.uk), as can comments composed in other electronic formats. Alternatively, you may prefer to send your comments on the discussion paper by using the general comments form to be found on the website Contact page (<http://www.scotlawcom.gov.uk/html/contact.html>).

**Please note** that, in accordance with our Publication Scheme, (i) responses to this paper will be made available to third parties on request in paper form once the responses have been considered at a Commission meeting unless a respondent has asked for a response to be treated as confidential or the Commission considers that a response should be treated as confidential; (ii) subject to the following, any summary of responses to this paper will be made available to third parties on request in paper form once it has been considered at a Commission meeting; any summary will not be made available in relation to projects where the subject matter is considered by Commissioners to be of a sensitive nature; any summary being made available will not include reference to any response where either the respondent has asked for the response to be treated as confidential or the Commission considers that the response should be treated as confidential. Any request for information which is not available under the Commission's Publication Scheme will be determined in accordance with the Freedom of Information (Scotland) Act 2002.

**Also, please note** that some or all responses to this paper and the names of those who submitted them may be referred to and/or quoted in the final report following from this consultation or in other Commission publications and the names of all respondents to this paper will be listed in the relative final report unless the respondent specifically asks that, or the Commission considers that, the response or name, or any part of the response, should be treated as confidential.

Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

Yours sincerely

MALCOLM McMILLAN

Chief Executive