



The Rt Hon Lady Paton
Chairman, Scottish Law Commission
140 Causewayside
Edinburgh
EH9 1PR

MoJ ref: 107366

19th
July 2023

Dear Lady Paton,

PROGRESS ON IMPLEMENTATION OF THE SCOTTISH LAW COMMISSION REPORTS IN RESERVED AREAS OF SCOTTISH LAW

I am writing to update you on progress that has been made in implementing the recommendations of the Scottish Law Commission in partnership with the Law Commission for England and Wales, or otherwise, pertaining to reserved areas of Scots law.

I am issuing this update to coincide with the eighth report to Parliament on the implementation of the Law Commission proposals which was published on 20 July 2023. An update on each of the joint projects we are currently working on is set out below.

Regulation of Health and Social Care Professionals

This joint project set out proposals for a new single legal framework for the regulation of health care professionals and, in England only, the regulation of social workers. The Law Commission published its final report with a draft Bill on the 2 April 2014 and the Government published its response on 29 January 2015, noting the need for further work on refining the Law Commission's recommendations to achieve the priorities of better regulation, autonomy and cost-effectiveness while maintaining a clear focus on public protection. The Government has already taken measures so that people can continue to be confident they are receiving high quality care. It made improvements to the way doctors, nurses and midwives are investigated when there are concerns about their ability to treat patients safely.

Building on this, the Government published a consultation paper on 31 October 2017, which built on the Commission's report and closed at the end of January 2018. The Government response to the consultation, setting out proposed next steps, was published in July 2019. This was followed by a further detailed policy consultation which was launched on 24 March 2021 and closed on 16 June 2021. This set out the Government's plans to reform the legal framework for healthcare professionals in the UK through a series of secondary legislation (Section 60) Orders, starting with legislation for the General Medical Council, which will also bring Physician Associates and Anaesthesia Associates into regulation.

The Department of Health and Social Care is also taking forward some wider reforms to the regulatory for healthcare professionals.

Electoral Law

The Law Commission and Scottish Law Commission published a joint final report on Electoral law on 16 March 2020. It recommended that electoral law should be rationalised into a single, consistent legislative framework with consistent electoral laws across all elections (except where differences are necessary due, for example, to different voting systems). It is also recommended that the process for challenging elections should be modernised, and that existing electoral offences should be simplified and updated.

The Government has not formally responded to the report. The Elections Bill currently before Parliament does not consolidate electoral law in the way recommended by the Law Commission. It does however introduce a digital imprint regime, requiring a person paying for digital political material to include information on their identity and on whose behalf they are promoting the material, which was a recommendation made by the final report.

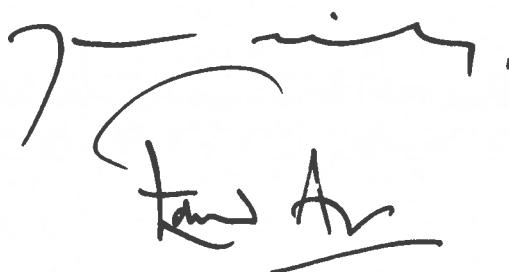
Automated Vehicles

This joint project sets out to promote confidence in the laws around the safe use of automated vehicles, and in the UK as a vibrant, world-leading venue for the connected and automated vehicle industry. The Law Commission and the Scottish Law Commission published three joint consultation papers in 2019, 2020 and 2021. These identified pressing problems in the law that may be barriers to the use of automated vehicles, from road traffic legislation which focuses on "the driver", vehicle standards, criminal offences, and public transport.

The Law Commission's report was published on 26 January. Its recommendations cover initial approval and authorisation of self-driving vehicles, ongoing monitoring of their performance while they are on the road, misleading marketing, and both criminal and civil liability.

The Department for Transport welcomed the publication of the report in January and the Government has since committed to legislating on self-driving vehicles. The Government is considering the detail of the Law Commissions' recommendations as a priority and will publish a formal response in due course.

I have arranged for a copy of this letter to be placed in the Library of the House.

A handwritten signature in black ink, appearing to read "T. Argar". Below the signature, the name "EDWARD ARGAR" is printed in capital letters, followed by "MP" in smaller letters.

RT HON EDWARD ARGAR MP