



Scottish Law Commission

*promoting law reform*

(SCOT LAW COM No. 268)

annual report | 2024





Scottish Law Commission

*promoting law reform*

The Commission was established under the Law Commissions Act 1965

### Our function

To recommend reforms to improve, simplify and update the law of Scotland

### Our role

To play a leading role in developing the law for the people of Scotland so that it is just, principled, responsive and easy to understand

annual report | 2024

## Chair, Commissioners and Chief Executive



Lady Paton (Chair)



David Bartos



Professor Gillian Black



Professor Frankie McCarthy



Ann Stewart

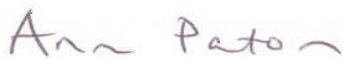


Rachel Rayner  
(Chief Executive)

## Annual Report 2024

To: Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs

We are pleased to submit to the Scottish Ministers our Annual Report for the year to 31 December 2024.



ANN PATON, *Chair*



DAVID BARTOS



GILLIAN BLACK



FRANKIE McCARTHY



ANN STEWART



Rachel Rayner, *Chief Executive*  
26 March 2025

Laid before the Scottish Parliament by the Scottish Ministers under section 3(3) of the Law Commissions Act 1965.

March 2025

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# Contents

|                                          |    |
|------------------------------------------|----|
| Chair, Commissioners and Chief Executive | 2  |
| Annual Report 2024                       | 3  |
| Chair's foreword                         | 6  |
| Publications 2024                        | 8  |
| Implementation of our Reports 2024       | 9  |
| Law reform projects                      | 12 |
| Consolidation and statute law repeals    | 25 |
| Promoting law reform                     | 27 |
| Publications planned for 2025            | 28 |
| Commissioners and staff                  | 29 |
| The Commission's running costs 2024      | 30 |

## Chair's foreword



2024 was a good year for the Scottish Law Commission. January 2024 saw the culmination of a major Commission project when the much-needed Trusts and Succession (Scotland) Act 2024 received the Royal Assent. The Act clarifies, modernises, and simplifies the 100-year-old Scots law of trusts, and represents a significant advance for businesses, charities, and other interests and institutions in Scotland. Later, in December 2024, the Judicial Factors (Scotland) Act was passed by the Scottish Parliament, to receive the Royal Assent in January 2025. This too was a much-needed Bill emanating from a Commission Report. Our particular thanks go to Siobhian Brown MSP, Minister for Victims and Community Safety; the Convener and Members of the Delegated Powers and Law Reform Committee; and all the officials concerned, for their work and support in achieving these statutes. We also thank Lord Drummond

Young and Patrick Layden KC, former Lead Commissioners in those projects, for their unstinting work and support.

Further legislation is expected following the introduction in the Scottish Parliament in December 2024 of another Commission Bill, namely the Leases (Automatic Continuation etc) (Scotland) Bill, which simplifies and modernises Scots law concerning the termination of commercial leases.

Joint work involving both the Scottish Law Commission and the Law Commission of England and Wales was rewarded by the passing of the Automated Vehicles Bill in the Westminster Parliament, with Royal Assent being granted in May 2024, so becoming the Automated Vehicles Act 2024.

2024 also proved to be a productive year for publications on several topics included in our Eleventh Programme (2023-2027). A Report and draft Bill on Damages for Personal Injury (Scot Law Com No 266) was published on 4 December 2024. Three Discussion Papers were published – in April 2024, Tenement Law: Compulsory Owners' Associations (Scot Law Com No 176) and Aspects of Leases: Tenancy of Shops (Scotland) Act 1949 (Scot Law Com No 177); and in October 2024 Civil Remedies for Domestic Abuse (Scot Law Com No 178). The Commission's Annual Report for 2023 was published in March 2024.

Throughout 2024, there was continuing outreach by the Commission to other jurisdictions and law reform bodies. In June 2024 I had a meeting in London with the newly-appointed Chair of the Law Commission of England and Wales, Sir Peter Fraser, *inter alia* to finalise a protocol for joint consolidation projects. In November 2024, an in-person Conference of Law Reform Agencies took place in Jersey, involving Law Commission Chairs from England and Wales,

Scotland, Ireland, and Jersey. In addition to contact with other jurisdictions, Commissioners throughout 2024 gave seminars, webinars, talks and articles on their individual projects, keeping the profile of the Commission high.

June 2024 marked the first anniversary of the move from 140 Causewayside to the new premises in Parliament House. Commissioners and staff continue to enjoy all the advantages offered by the refurbished premises.

During the year, there were important changes to personnel. On 30 April 2024 we were delighted to welcome Ann Stewart from Shepherd & Wedderburn as a part-time Commissioner leading our new project on Execution of Documents. In July 2024 we were sorry to lose Charles Garland, our Interim Chief Executive. However, on 12 July 2024 we were glad to see Rachel Rayner, an acknowledged expert in legislation and Parliamentary procedures, take up post as Chief Executive in his place. In August 2024 our talented legal assistants moved on to the next stages in their careers, and four new legal assistants – Rebecca Farquhar, Natalie Fowler, Rachael Irvine and Julia Lopatka – began work at the Commission.

All at the Commission are indebted to our administrative staff Wilma Campbell, Scott Macdonald, and Gordon Speirs, for their major contribution to the running of the organisation, and in particular for their help with publications. Thanks too to our library staff and committee, who have successfully made the transfer from the hard-copy library at Causewayside to the hybrid library at Parliament House. Finally thanks to the Commissioners and all the staff at the Commission, for their hard work and commitment throughout the year.

Two postscripts: 2025 will be the 60th anniversary of the creation of the Scottish Law Commission, and we hope to mark that anniversary with suitable celebrations. We would also like to take this opportunity to give our warmest congratulations and good wishes to our former Commission Chair, Lord Pentland, on his appointment as Lord President of the Court of Session, and to Lord Beckett, a member of a Commission Advisory Group, on his appointment as Lord Justice Clerk.

*Ann Paton*

**The Rt Hon Lady Paton**  
*Chair*

## Publications 2024

| PUBLICATION                                                                                              | DATE OF PUBLICATION |
|----------------------------------------------------------------------------------------------------------|---------------------|
| <b>Annual Report 2023</b><br><b>(Scot Law Com No 265)</b>                                                | 7 March 2024        |
| <b>Discussion Paper on Tenement Law: Compulsory Owners' Associations</b><br><b>(DP No 176)</b>           | 25 April 2024       |
| <b>Discussion Paper on Aspects of Leases: Tenancy of Shops (Scotland) Act 1949</b><br><b>(DP No 177)</b> | 30 April 2024       |
| <b>Discussion Paper on Civil Remedies for Domestic Abuse</b><br><b>(DP No 178)</b>                       | 22 October 2024     |
| <b>Report on Damages for Personal Injury</b><br><b>(Scot Law Com No 266)</b>                             | 4 December 2024     |

## Implementation of our Reports 2024

The Commission's statutory function is to provide independent advice to Government on the reform of Scots law. Our recommendations for reform are contained in Reports, which usually include a draft Bill that would give effect to our recommendations. Most of our Reports deal with matters devolved to the Scottish Parliament and are submitted to the Scottish Ministers. Where the subject matter involves areas of law reserved to the UK Parliament, our Reports are submitted to UK Ministers.

Implementation of Commission recommendations is a matter for the Scottish Government and the Scottish Parliament or, where appropriate, the UK Government and the UK Parliament. The following developments towards implementation took place in 2024.

### Moveable Transactions

Some of the secondary legislation needed to implement the Moveable Transactions (Scotland) Act 2023 was laid before the Scottish Parliament in December 2024 ahead of the Act coming into force on 1 April 2025. The Act largely implements the recommendations in our Report on Moveable Transactions (Scot Law Com No 249; 2017).

### Trusts and Succession

The Trusts and Succession (Scotland) Act 2024 received Royal Assent on 30 January 2024. This Act broadly implements the recommendations in our Report on Trust Law (Scot Law Com No 239; 2014), together with two recommendations on succession from our Report on Succession (Scot Law Com No 215; 2009).

### Judicial Factors

The Judicial Factors (Scotland) Bill was passed by the Scottish Parliament on 10 December 2024. The Judicial Factors (Scotland) Bill implements the recommendations in our Report on Judicial Factors (Scot Law Com No 233; 2013). Former lead Commissioner Patrick Layden KC supported the passage of the Bill.

### Automated Vehicles

The Automated Vehicles Act 2024 was introduced into the House of Lords at Westminster on 9 November 2023 and received Royal Assent on 20 May 2024. Once fully in force it will broadly implement the recommendations in our joint Report with the Law Commission of England and Wales on Automated Vehicles (Scot Law Com No 258, Law Com No 404; 2022).

### Leases - Automatic Continuation

The Leases (Automatic Continuation etc.) (Scotland) Bill was introduced into the Scottish Parliament on 11 December 2024. It will implement the recommendations in our Report on Aspects of Leases: Termination (Scot Law Com No 260; 2022). It has been allocated to the Delegated Powers and Law Reform Committee as an SLC Bill.

## Future Bills

The Minister for Victims and Community Safety wrote to the Chair in September 2023 to indicate that, after initial consideration, Scottish Government officials will begin detailed work on three further SLC Reports, namely those on:

- Contract Law (Scot Law Com No 252; 2018);
- Aspects of Leases: Termination (Scot Law Com No 260; 2022) (introduced in December 2024); and
- Cohabitation (Scot Law Com No 261; 2022).

## Overall implementation figures

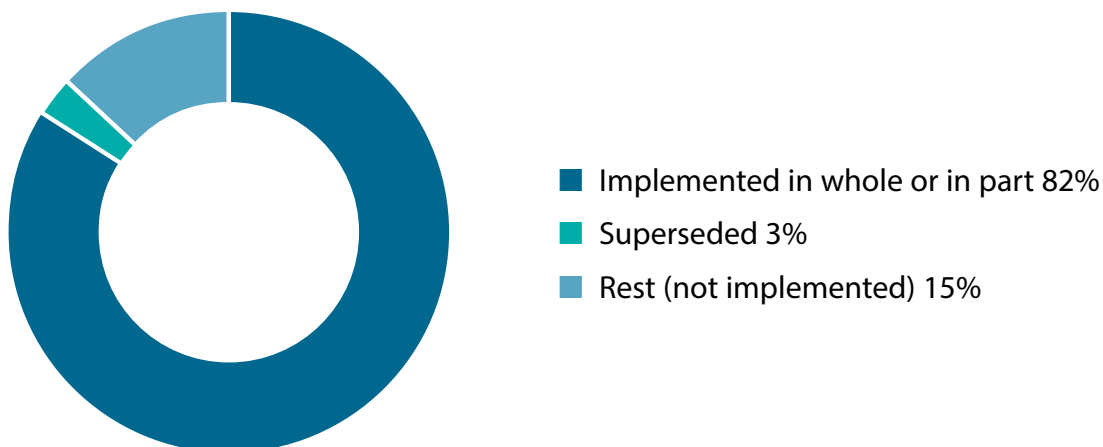
The overall position on implementation of Scottish Law Commission Reports from 1965 to December 2024 is:

- Law reform Reports published: 195
- Implemented in whole or in part: 161 (82%)
- Superseded: 5 (3%)

A table providing information about implementation of our Reports can be found on the [Publications page](#) of our website.

[Scottish Law Commission: Implementing legislation \(scotlawcom.gov.uk\)](https://scotlawcom.gov.uk)

## Implementation rate of Commission Reports





**From left to right:  
David Bartos, Professor Gillian Black, Lady Paton (Chair), Ann Stewart  
and Professor Frankie McCarthy**

## Law reform projects

The Commission's law reform work is based on our programmes of law reform and references from Scottish Ministers and from UK Ministers.

### Programmes of law reform

In May 2023 we published our Eleventh Programme. This covers the period of five years from the start of 2023 to the end of 2027. It outlines our current and future law reform projects, and was published following extensive consultation with the legal profession and other interested parties, including members of the public. The Programme was approved by Scottish Ministers and laid before the Scottish Parliament. It can be found on our website: [www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)

### How we undertake our law reform projects

Our approach to law reform projects includes:

- Research into the existing Scots law and review of comparative law
- Analysis of problems with the current law
- Development of policies for reform
- Consultation on proposed reforms
- Consideration of consultation responses
- Review of policy in the light of consultation
- Publication of a Report to Ministers with recommendations for reform, including in most cases a draft Bill to implement the recommendations. Implementation of the recommendations in our Reports requiring legislation is taken forward in the Scottish Parliament or, in reserved areas of law, in the UK Parliament at Westminster.
- Role of advisory groups – to assist us with our projects we often set up advisory groups of people with expertise in the relevant areas of law. These small groups provide valuable assistance and guidance to our project teams.

## Projects included in our Eleventh Programme of Law Reform

### Item 1 – Tenement law: compulsory owners' associations

#### Project Team



**Professor Frankie McCarthy**, Commissioner  
**Stephen Crilly**, Project Manager  
**Rebecca Farquhar**, Legal Assistant

On 10 January 2022 the Commission received a reference from Scottish Ministers in relation to the establishment of compulsory owners' associations in Scottish tenement properties.

This reference followed from the Final Recommendations Report of the Scottish Parliamentary Working Group on the Maintenance of Tenement Scheme Property published in June 2019.

The Scottish Government's annual Scottish Housing Condition Survey has consistently flagged high levels of disrepair in Scotland's housing stock. Addressing disrepair in tenement buildings raises particular challenges due to the legal, technical and cultural obstacles which are not present in the case of single ownership properties.

The Scottish Parliamentary Working Group was convened to explore solutions to these difficulties. Among other things, they recommended that the introduction of compulsory owners' associations to Scotland's tenements would provide benefits in terms of leadership and effective decision making for flat owners as well as the ability to enter into contracts as a collective.

The focus of the project team in the early part of the year was on completing a Discussion Paper for the project. This was published on 25 April 2024. The paper set out our initial proposals for the establishment, formation and operation of compulsory owners' associations, and sought feedback on 79 consultation questions.

Consultation on the Discussion Paper was open until 1 August 2024. During that time the team undertook a number of activities to publicise the paper and to engage with stakeholders. These included: an event at the Scottish Parliament to mark the publication of the Paper, two online webinars which were open to the public and five other online and in-person events for stakeholder groups. In total our promotion events reached nearly 500 people.

We received approximately 60 responses to the Discussion Paper from a wide variety of consultees including individual flat owners, local authorities, legal practitioners and academics, and a number of representative bodies in the property management and construction fields.

The latter part of the year saw the project team take forward work on analysing the consultation responses received with a view to finalising policy proposals. Work will continue on the project as we instruct Parliamentary Counsel's Office to prepare a draft Bill which will be published alongside our final report. We aim to publish that in spring 2026, in line with the timescale requested in the Government's reference letter.

## Item 2 – Heritable securities

### Project Team



**Professor Frankie McCarthy**, Commissioner  
**Stephen Crilly**, Project Manager  
**Rebecca Farquhar**, Legal Assistant

The reform of the law of heritable securities, first mooted in our Eighth Programme of Law Reform, was begun in our Tenth Programme and has been carried over to our Eleventh Programme.

It is a major project aimed at reviewing the law of security over heritable property (land, and associated rights).

The law was last systematically reformed by the Conveyancing and Feudal Reform (Scotland) Act 1970, and that remains the main legislation. It created the standard security over land, sometimes termed a 'mortgage'. The Act was a great improvement, but is not without difficulty.

Our project aims to bring the law up to date, so that it better reflects the considerable societal and economic changes which have taken place since 1970. The reforms we have proposed in the project's three Discussion Papers will develop the law to ensure the efficient operation of modern property markets and the economy more generally.

During the course of the year the project team have focussed on consultation response analysis and policy development work. This has principally been in relation to our first and third Discussion Papers which, respectively, dealt with pre-default matters (including, for example, how standard securities are created and how they interact with leases and other real rights) and complex technical issues (for example sub-security arrangements).

During the year the team prepared a third of four policy papers which was considered by Commissioners in the summer of 2024. Work then began on preparation of the final policy paper, which will focus on post-default matters.

### Item 3 – Aspects of leases

#### Project Team



**David Bartos**, Commissioner

**Julie Bain and Alastair Smith**  
Project Managers

**Julia Lopatka**, Legal Assistant

The reform of aspects of leases was included in our Tenth Programme of Law Reform and was carried over into the Eleventh Programme. The project is proceeding in stages, focusing on those areas of the law which are most in need of reform. We have concentrated primarily on commercial leases, since residential, agricultural, crofting and allotment leases are already subject to significant statutory regulation.

We published our report on Aspects of Leases: Termination (Scot Law Com No 260) in October 2022.

The Scottish Government began detailed work on our Report in 2023 and the Leases (Automatic Continuation etc.) (Scotland) Bill was introduced in the Scottish Parliament on 11 December 2024.

Responses to the Commission's earlier work on the termination of commercial leases highlighted a lack of consensus concerning the possible repeal of the Tenancy of Shops (Scotland) Act 1949. Accordingly, completion of our review of the 1949 Act and the making of recommendations for its reform or repeal were included in our Eleventh Programme. The 1949 Act applies when leases to retail, food and drink hospitality, or hair and beauty businesses, expire. It is also relevant for leases of wholesale units and warehouses. The 1949 Act gives most tenants of such leases a limited right to seek renewal of the lease. The Act is outdated and largely ineffective.

We began work on the 1949 Act project in 2023, conducting detailed comparative legal research and forming and liaising with our Advisory Groups. On 30 April 2024 we published a [Discussion Paper on Aspects of Leases: Tenancy of Shops \(Scotland\) Act 1949](#) (Scot Law Com No 177). In the Discussion Paper we summarised the history of the Act and outlined the problems associated with it. We proposed four possible options for the future of the Act:

- (1) retention of the Act in its current form;
- (2) reform of the Act to remove its deficiencies;
- (3) replacement of the Act with a mandatory notice-to-quit scheme; or
- (4) repeal of the Act without replacement.

The consultation was open for a three month period during which time we publicised the project and engaged with business and legal stakeholders, including delivering a number of seminars, attending roundtable meetings, posting a short YouTube video and arranging for publicity of consultation on stakeholders' websites or newsletters. We received 28 responses and anticipate publishing a Report in early 2025.



**Project Managers**  
**From left to right: Stephen Crilly, Graham McGlashan, Mariel Kaney, Lorraine Stirling and Julie Bain**

## Item 4 – Homicide

### Project Team



**The Rt Hon Lady Paton**, Chair  
**Graham McGlashan**, Project Manager  
**Rachael Irvine**, Legal Assistant

This medium-term project to review the law on the mental element in homicide was announced in our Tenth Programme of Law Reform and was continued into the Eleventh Programme.

During 2024 we continued work on the project, developing policy in light of responses to the consultation on our Discussion Paper on the Mental Element in Homicide (DP No 172). We have also regularly engaged with our Advisory Group over the course of 2024 to inform the development of our emerging proposals.

By the end of 2024 we made significant progress in drafting a Report with recommendations for law reform in this area and an accompanying draft Bill. We aim to publish our final Report and draft Bill in autumn 2025.



**Librarian**  
**Emma McLarty**

## Item 5 – Aspects of family law

### Project Team



**Professor Gillian Black**, Commissioner  
**Lorraine Stirling**, Project Manager  
**Natalie Fowler**, Legal Assistant

The Aspects of family law project began at the start of our Tenth Programme of Law Reform, with a review of the law of financial provision at the end of a cohabiting relationship. A Report on Cohabitation was published in November 2022.

The project has continued into the Eleventh Programme, with a review of the civil remedies available to victim/survivors of domestic abuse. We published a Discussion paper seeking views on options for reform of the law in this area on 23 October 2024 (DP No 178).

Currently, the law on civil remedies for domestic abuse is spread over many different statutes, as well as the common law. It is therefore confusing for practitioners to advise on and for victim/survivors of domestic abuse to understand.

Our Discussion Paper considers how the law in this area can be simplified, updated, and made more effective. It does not however extend to a review of the criminal law. We put forward proposals for reform of the existing law and for the introduction a new law, which would form a comprehensive regime of civil protection against domestic abuse.

In the discussion paper we consulted on the creation of a statutory delict of domestic abuse, together with the introduction of a statutory definition of domestic abuse in civil law for the first time in Scotland. The proposed definition would be harmonised with the definition of abusive behaviour in the Domestic Abuse (Scotland) Act 2018, and it could also explicitly encompass economic, immigration, and tech abuse, which are not always recognised by victim/survivors, the courts and others, as forms of domestic abuse.

As part of this proposed regime, the Discussion Paper set out a bespoke set of remedies for victim/survivors, when the delict of domestic abuse is established in court, including: protection orders, orders for damages, a barring order to exclude the perpetrator from the home, orders for the delivery of documents, property and personal effects, and an order regulating the care and responsibility for a pet. We also address ancillary matters, such as defences, enforcement and third party orders.

A chapter of our Discussion Paper focuses on children and young people and how they are impacted by domestic abuse within their family environment, in their own relationships, and in relation to child contact and residence orders. We make a number of proposals for change.

Access to justice issues are also considered, focusing on the availability of special measures to victim/survivors in court and on communication between the civil and criminal courts. Again, we made several proposals for change.

The consultation period for responses to our Discussion Paper is due to close on 5 February 2025.

## Item 6 – Surrogacy

This project was a joint project on surrogacy with the Law Commission of England and Wales. We published a joint report with the Law Commission of England and Wales on 29 March 2023 entitled “Building families through surrogacy: a new law”. It is now for the UK Government to decide what steps to take next in respect of the report.

## Item 7 – Damages for personal injury

### Project Team



**The Rt Hon Lady Paton**, Chair  
**Mariel Kaney**, Project Manager  
**Rachael Irvine**, Legal Assistant

The Damages for personal injury project was carried over from our Tenth Programme of Law Reform. In December 2024, we published our Report and draft Bill (Scot Law Com 266: 2024).

The Report recommends the amendment of three statutes: the Prescription and Limitation (Scotland) Act 1973; the Administration of Justice Act 1982; and the Children (Scotland) Act 1995. The recommendations were the product of a consultation exercise in 2022 which generated 32 responses from a range of individuals and stakeholders including legal professionals, insurers, organisations, academics, politicians, and members of the public. Following this consultation exercise, the team worked closely with our Advisory Groups to develop policy.

The recommendations in the Report include:

- In the context of claims for personal injury, updating the definition of “relative” to reflect modern society.
- Extending the class of persons entitled to damages for services rendered to an injured person to include for example, friends and neighbours.
- Clarifying what qualifies as a “contribution” towards a permanent health insurance scheme, for the purpose of determining whether a payment made to an injured person under that scheme should be deducted from an award of damages.
- Confirming that injured persons are entitled to opt for private medical treatment, care, accommodation, and equipment, rather than rely on NHS or local authority support.
- Resolving the pleural plaques time-bar problem, so that an asymptomatic condition such as pleural plaques will no longer result in a time-bar preventing recovery of damages for a later-developing symptomatic condition such as mesothelioma.
- Requiring increased supervision by the courts where damages are awarded to young children.

Further details about the recommendations and the draft Bill can be found in the Report and accompanying Executive Summary.

## Item 8 – Execution of documents

### Project Team



**Ann Stewart**, Commissioner

**Mariel Kaney**, Project Manager

**Natalie Fowler**, Legal Assistant

A Project to review the law relating to the Execution of Documents forms part of our Eleventh Programme of Law Reform. A significant number of respondents to the Commission's Consultation on the Eleventh Programme provided support for a review of the law in this area, citing many persistent practical difficulties with the law as it currently operates.

The principal legislation in this area, the Requirements of Writing (Scotland) Act 1995, will be the focus of the Project. It is the product of a previous Scottish Law Commission Project: the Report on Requirements of Writing (Scot Law Com No 112; 1988).

Other legislation including elements of the Electronic Documents (Scotland) Regulations 2014 and the Legal Writings (Counterparts and Delivery) (Scotland) Act 2015 will also be considered.

While it has only been 36 years since the last major review of the law, it is clear from the consultation responses and our discussions with key stakeholders that the time is right for further review. In a modern digital environment, the speed at which, and the ways in which parties wish to transact, their expectations for clarity, simplicity and ease of use, and the exponential growth of technological advances, in particular the development of electronic signatures, provide new possibilities for the execution of documents in Scotland. It is an exciting time to be reviewing signing requirements as recent announcements from the Science and Technology Secretary of the UK Government regarding the availability of "digital identities" further support the potential for improvements to the process for accessing and using electronic signatures.

New Commissioner, Ann Stewart, was appointed in April 2024 to lead the project. A series of scoping meetings with key stakeholders was held during the second half of 2024, and an Advisory Group of legal experts from a variety of practice areas has been identified to assist us throughout the course of the Project. The initial phase of scoping the Project is now complete.

During the course of 2025, the team will be working on drafting a Discussion Paper for public consultation.

## Items 9 to 11

Work on items 9 to 11 has not yet commenced. Those projects are, respectively:

- Limitation;
- Executry law; and
- Consolidation: nature conservation.



**Our 2024-25 Legal Assistants**

**From left to right: Rachael Irvine, Rebecca Farquhar, Natalie Fowler and Julia Lopatka**



**From left to right:  
Professor Gillian Black, Ann Stewart, David Bartos, Rachel Rayner (Chief Executive)  
Lady Paton (Chair) and Professor Frankie McCarthy**

## References from Scottish Ministers

In addition to our work on topics included in our programmes of law reform, we also sometimes undertake work in response to references from Ministers. Our project on tenement law, described above, was received as a reference.

## Joint projects

The Commission also undertakes joint law reform projects with the Law Commission of England and Wales.

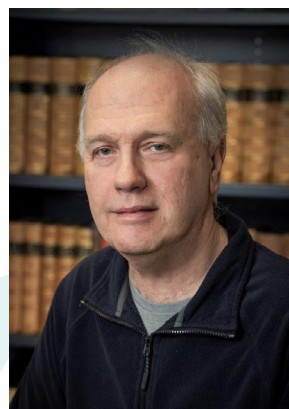
## Joint projects with the Law Commission of England and Wales

### Insurance contract law

The Consumer Insurance (Disclosure and Representations) Act 2012, and the Insurance Act 2015 as amended by the Enterprise Act 2016, Part 5, have given effect to all of our recommendations to date in our joint project on insurance with the Law Commission of England and Wales.

As noted in recent Annual Reports, there is one remaining issue which the Commissions wished to address, namely insurable interest in the context of life-related insurance. In 2018 we consulted on a working draft of a Bill the aim of which was to address issues in the current law of insurable interest which appear to be hindering the development of socially useful life-related insurance products. Since then, competing priorities at the lead Commission, the Law Commission of England and Wales, have meant that it has not yet been possible to bring this project to a conclusion. We will consider the continued case for this work as and when conditions and resources allow.

Further information about our law reform projects is available on the law reform projects page on our website [www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)



**Executive and Administrative Assistants**  
**Wilma Campbell, Scott Macdonald and Gordon Speirs**

## Progress on our law reform projects: summary

### Projects under our Eleventh Programme

| PROJECT                                                                              | POSITION AT THE END OF 2024                                                                                                                                                                         |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tenement law: compulsory owners' associations</b><br>(Eleventh Programme, item 1) | A Discussion Paper was published in April 2024, and a consultation undertaken. Work on preparing a draft Bill will be taken forward in 2025.                                                        |
| <b>Heritable securities</b><br>(Eleventh Programme, item 2)                          | Following publication of three earlier discussion papers policy development work continued during the year and three out of four policy papers have now been considered by Commissioners.           |
| <b>Aspects of leases</b><br>(Eleventh Programme, item 3)                             | A Discussion Paper on reform options relating to the Tenancy of Shops (Scotland) Act 1949 was published in April 2024. A Report is scheduled for publication in early 2025.                         |
| <b>Homicide</b><br>(Eleventh Programme, item 4)                                      | Significant progress has been made in drafting a Report with recommendations for law reform in this area accompanying draft Bill. We aim to publish our final Report and draft Bill in autumn 2025. |
| <b>Aspects of family law</b><br>(Eleventh Programme, item 5)                         | A Discussion Paper reviewing the law on civil remedies of civil remedies for domestic abuse was published in October 2024, followed by a consultation.                                              |
| <b>Surrogacy</b><br>(Eleventh Programme, item 6)                                     | See table below under "Joint projects with the Law Commission of England and Wales".                                                                                                                |
| <b>Damages for personal injury</b><br>(Eleventh Programme, item 7)                   | Our Report and draft Bill were published on 4 December 2024.                                                                                                                                        |
| <b>Execution of Documents</b><br>(Eleventh Programme, item 8)                        | The initial phase of scoping the project is now complete. During the course of 2025, the team will be working on drafting a discussion paper for public consultation.                               |

## References from Scottish Ministers

The project on compulsory owners' associations in tenements was received as a reference in January 2022. It now forms item 1 of our Eleventh Programme.

## Joint projects with the Law Commission of England and Wales

| PROJECT                | POSITION AT THE END OF 2024                                                           |
|------------------------|---------------------------------------------------------------------------------------|
| Surrogacy              | A joint Report and draft Bill was published in March 2023.                            |
| Insurance contract law | Work is suspended due to other priorities at the Law Commission of England and Wales. |

## Consolidation and statute law repeals

### Consolidation

|                                     |
|-------------------------------------|
| <i>Project Team</i>                 |
| <b>The Rt Hon Lady Paton, Chair</b> |

Consolidation is an important way of tidying up the statute book. Work on consolidation involves preparing a draft Bill to bring together earlier enactments on an area of law with the aim of making the legislation easier to use.

Any consolidation project undertaken by the Commission requires agreement with the Scottish Government, including in particular the provision of support and resources for any project. A Government policy lead is required to provide policy direction and guidance on the area being consolidated; and a significant legislative drafting resource has to be provided to prepare any Bill.

## Statute law repeals

*Project Team*

**The Rt Hon Lady Paton, Chair**

One of the Commission's functions is to recommend the repeal of obsolete legislation. We undertake this work jointly with the Law Commission of England and Wales.

The purpose of repealing obsolete legislation is to modernise and simplify the statute book, reduce its size and make it easier for people to use. This in turn helps to avoid unnecessary costs. It also helps to avoid people being misled by outdated legislation that appears to be current law.

The Commissions present their proposals to Government as statute law repeals Reports, published with a draft Bill.

Since 1965, 19 such Bills have been enacted, repealing more than 3,000 Acts. The Commissions last published a Report, the Twentieth Report and Draft Statute Law (Repeals) Bill, on 3 June 2015. The Report proposes the repeal of more than 200 old laws that are cluttering up the statute book.

The Bill awaits implementation by the UK Government. The Commission is not in the meantime carrying out any further statute law repeal work.

## Promoting law reform

The Commission works to promote law reform, not only in Scotland and the UK but internationally.

As the independent law reform body for Scotland we liaise closely with Scottish Ministers: in particular the Cabinet Secretary for Justice and Home Affairs, the Minister for Victims and Community Safety, and the Minister for Parliamentary Business; and with Scottish Government officials. We assist them in the implementation of Commission recommendations in devolved areas.

In relation to reserved areas of Scots law we liaise with UK Ministers, the Office of the Secretary of State for Scotland, and with the Advocate General for Scotland and her officials.

The Commission has strong links with the Scottish Parliament. For example the former lead Commissioner, Patrick Layden KC, gave evidence to the Delegated Powers and Law Reform Committee on the Judicial Factors (Scotland) Bill.

The Commission continues to engage closely with the legal profession in Scotland, in particular the Law Society of Scotland and the Faculty of Advocates. We also derive much assistance from academics and others with an interest in our project work. We are very grateful to all who serve as members of our advisory groups on law reform projects, and to those who respond to our consultations. Their contributions significantly enhance the law reform process.

The Commission has a close relationship with the Law Commission of England and Wales with whom we carry out joint law reform projects. We also liaise regularly with law reform bodies in Northern Ireland, Ireland and Jersey. Our Chair, Lady Paton met with the Chair of the Law Commission of England and Wales, Sir Peter Fraser in June 2024 and in November 2024, attended an in-person Conference of Law Reform Agencies, involving Law Commission Chairs from England and Wales, Scotland, Ireland, and Jersey.

## Publications planned for 2025

The Commission's Eleventh Programme of Law Reform commenced in 2023. A number of ongoing projects from the Tenth Programme are being continued.

The Commission aims to publish:

- a Report on the Tenancy of Shops (Scotland) Act 1949
- a Report on the mental element in homicide in autumn 2025

## Commissioners and staff

(as at 31 December 2024)

### Commissioners

The Rt Hon Lady Paton, *Chair*\*

David Bartos

Professor Gillian Black

Professor Frankie McCarthy

Ann Stewart\*

### Chief Executive

Rachel Rayner

Charles Garland (until July 2024)

### Project Managers (Solicitors)

Julie Bain\*

Stephen Crilly

Mariel Kaney

Graham McGlashan

Alastair Smith\*

Lorraine Stirling

\* Part-time Commissioner or staff member

### Legal Assistants

Rebecca Farquhar

Natalie Fowler

Rachael Irvine

Julia Lopatka

### Librarian

Emma McLarty

### Executive Assistants

Wilma Campbell

Scott Macdonald

### Administrative Assistant

Gordon Speirs

## The Commission's running costs 2024

The Scottish Law Commission is funded by the Scottish Government. In addition to the expenditure figures below we report any spending on matters such as public relations, overseas travel, hospitality and entertainment, and external consultancy on our website as required by section 31 of the Public Services Reform (Scotland) Act 2010.

| EXPENDITURE                                                                                                                                                                           | YEAR TO 31 DECEMBER 2024 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Salaries – Commissioners</b><br>(including national insurance contributions, superannuation payments and pensions to former Commissioners)                                         | £634,316                 |
| <b>Salaries – Chief Executive and legal staff</b><br>(including national insurance contributions and superannuation payments)                                                         | £897,742                 |
| <b>Salaries – Administrative staff</b><br>(including national insurance contributions and superannuation payments)                                                                    | £142,894                 |
| <b>Accommodation</b><br>(including maintenance, rates and utilities)                                                                                                                  | £100,000                 |
| <b>Printing and publishing</b><br>(including costs of library purchases and database subscriptions, binding, maintenance of equipment, publishing costs, photocopying and stationery) | £19,950                  |
| <b>IT, telephone and postage</b><br>(including the provision and maintenance of the IT system)                                                                                        | £31,265                  |
| <b>Travel and subsistence</b>                                                                                                                                                         | £1,133 <sup>1</sup>      |
| <b>Miscellaneous</b><br>(including payment of professional membership fees and document storage)                                                                                      | £13,003                  |
| <b>Total</b>                                                                                                                                                                          | £ 1,840,303              |

<sup>1</sup> This figure excludes some travel and subsistence costs that were settled in 2024 but applied to the preceding years of 2022 and 2023. Any travel and subsistence expenses incurred in 2022 and 2023 were included in those years' Annual Reports.

## Scottish Law Commission [www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)

For more information about the Commission please contact:

Rachel Rayner, Chief Executive

**Scottish Law Commission**

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This Report is available on our website.



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