



Scottish Law Commission

promoting law reform

(SCOT LAW COM No. 271)

annual report | 2025





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 | 2025

Chair, Commissioners and Chief Executive at 31 December 2025



Lady Paton (Chair)



Professor Gillian Black



Professor Frankie McCarthy



Ann Stewart



Rachel Rayner
(Chief Executive)

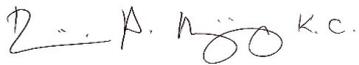
Annual Report 2025

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 2025.



GILLIAN BLACK



ROISIN HIGGINS KC



FRANKIE McCARTHY



ANN STEWART



Rachel Rayner, *Chief Executive*
9 March 2026

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

March 2026

SG/2026/76
Scot Law Com No. 271

© Crown copyright 2026



You may re-use this publication (excluding logos and any photographs) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>; or write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey, TW9 4DU; or email: psi@nationalarchives.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available on our website at: www.scotlawcom.gov.uk

Any enquiries regarding this publication should be sent to us at: info@scotlawcom.gov.uk

ISBN: 978-1-0686139-8-2

Produced for the Scottish Law Commission by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA

Contents

Chair, Commissioners and Chief Executive at 31 December 2025	2
Annual Report 2025	3
Commissioners' foreword	6
Publications	8
Implementation of our Reports	9
Law reform projects	10
Consolidation and statute law repeals	17
Promoting law reform	18
Commissioners and staff	19
The Commission's running costs 2025	20
#60Billsfor60years	21

Commissioners' foreword

This year has been one of celebration, achievement and change for the Scottish Law Commission.

In 2025 we marked the 60th anniversary of the Scottish Law Commission. The Law Commissions Act 1965, which established both the Scottish Law Commission and the Law Commission of England and Wales, received Royal Assent on 15 June 1965. The world has changed significantly since then, but the need to improve, simplify and modernise the law of Scotland remains as important as ever.

In June 2025, the Scottish Parliament debated a motion congratulating all of the Commissioners and staff of the Scottish Law Commission, past and present, on the Commission's 60th anniversary. The motion was lodged by the Convenor of the Delegated Powers and Law Reform Committee, which has considered a number of Commission-derived Bills. Members from across the Parliament, including the Minister for Victims and Community Safety, offered thoughtful reflections and warm praise. There was clear recognition of the positive impact the Commission's work has had over the past 60 years.

A highlight of our anniversary celebrations was a conference, "*Law Reform – Shaping Society?*", held at Edinburgh Law School in June. We were delighted to welcome four distinguished speakers. Lord Hodge, Deputy President of the UK Supreme Court, opened the conference by commending the comprehensive, independent and collaborative nature of the Law Commission's work. Dr Alisdair MacPherson of the University of Aberdeen and Lady Wise, Senator of the College of Justice, reflected on the Commission's contributions to commercial and property law, and family law, respectively. Professor James Lee of King's College London brought the event to a close with a thoughtprovoking presentation on what law reformers, including the Commission, can learn from the Scottish experience.

To mark our anniversary, we also ran a social media campaign highlighting 60 Acts containing provisions derived from Commission Reports: *#60Billsfor60Years*. The campaign showcased the breadth of the Commission's work. The Acts featured in the campaign are listed at the end of this Report.

In 2025, the Commission published three reports on law reform:

- Report on Tenement Law: Compulsory Owners' Associations (Scot Law Com No. 270)
- Report on the Mental Element in Homicide (Scot Law Com No. 269)
- Report on the Tenancy of Shops (Scotland) Act 1949 (Scot Law Com No. 267).

Each report makes recommendations that will help shape the future development of Scots law.

We were also pleased to see continued progress in the implementation of our previous recommendations. The Contract (Formation and Remedies) (Scotland) Bill was introduced in the Scottish Parliament in September 2025. The Bill implements the Commission's 2018 Report Review of Contract Law: Formation, Interpretation, Remedies for Breach, and Penalty Clauses (Scot Law Com No. 252). We are extremely grateful to Professor Hector McQueen, the lead Commissioner for the project, for his expertise and continuing support. At the end of the year,

the Scottish Government's consultation on family law included proposals on financial provision on the cessation of cohabitation, derived from our 2022 Report on Cohabitation (Scot Law Com No. 261).

The year also brought change. Lady Paton concluded her extended term as Chair at the end of December 2025. We are deeply grateful for her leadership, kindness and support, for her work leading our damages and homicide projects, and for guiding us through the move to Parliament House. Lady Paton is greatly missed, and we wish her every happiness in her retirement.

David Bartos completed his term as Commissioner in April 2025, following publication of the Tenancy of Shops (Scotland) Act 1949 Report. In August, we also said farewell to our legal assistants—Rebecca Farquhar, Natalie Fowler, Rachael Irvine and Julia Lopatka—as they moved on to the next stage.

We were delighted that Roisin Higgins joined us as a Commissioner at the start of 2026 and we look forward to the appointment of our new Chair.

Professor Gillian Black

Roisin Higgins KC

Professor Frankie McCarthy

Ann Stewart



Publications

PUBLICATION	DATE OF PUBLICATION
Report on Tenement Law: compulsory owners' associations (Scot Law Com No 270)	11 December 2025
Report on the Mental Element in Homicide (Scot Law Com No 269)	25 September 2025
Annual Report 2024 (Scot Law Com No 268)	26 March 2025
Report on the Tenancy of Shops (Scotland) Act 1949 (Scot Law Com No 267)	18 February 2025

In 2026, the Commission aims to publish a discussion paper on Execution of Documents.

Implementation of our Reports

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 2025.

We are pleased that the Scottish Government gave a commitment to a programme of implementation of Scottish Law Commission Reports in this parliamentary session, (ending March 2026) and this resulted in five Bills implementing our Reports being introduced. We hope that the next Government and Parliament will be keen to continue implementing our Reports.

Leases (Automatic Continuation etc.) (Scotland) Bill

This Bill was introduced into the Scottish Parliament on 2 October 2025. The Bill implements our Report on Aspects of Leases – Termination of Leases, published in 2022. However, in September the Scottish Ministers withdrew the Bill. Whilst we were disappointed to see this, we appreciate that once our reports are published it is for the Scottish Government, or in relation to some reports the UK Government, to decide when and how to respond to the reports. We are grateful to David Bartos for his assistance with the Bill.

Contract (Formation and Remedies) (Scotland) Bill

This Bill was introduced into the Scottish Parliament on 2 October 2025. The Bill implements our Report on Review of Contract Law: Formation, Interpretation, Remedies for Breach, and Penalty Clauses which was published in 2018. The Bill restates the law on how contracts are created and makes some changes, such as the abolition of the "postal acceptance rule". The Bill also makes changes to the law relating to remedies for breach of contract to deal with uncertainties created by the common law. Professor Hector MacQueen was the lead Commissioner for the Report and we are grateful for his continued assistance with the Bill.

Consultation on Cohabitation

In December 2025, the Scottish Government launched a consultation on changes to several areas of family law. This included a consultation on our recommendations for changes to be made to the law of financial provision on cessation of cohabitation included in our Report on Cohabitation (Scot Law Com No. 261) published in 2022.

A table providing information about implementation of our Reports can be found on our website - [Scottish Law Commission :: Implementing legislation](#).

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 - [Scottish Law Commission :: Eleventh Programme of Law Reform](#)

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.
- 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

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.

Having consulted on initial proposals for reform in 2024, the team spent this year working with Parliamentary Counsel to produce a draft Tenements (Amendment) (Scotland) Bill to accompany our final Report for Scottish Ministers. The Report and draft Bill were published on 11 December 2025 ([Scot Law Com 270 2025: Tenement law: compulsory owners' associations](#)).

The Report and draft Bill set out an appropriate legislative basis for implementing the Working Group's recommendation in relation to tenement owners' associations should the Scottish Government be minded to progress it.

Our recommendations include:

- The establishment of owners' associations in tenement properties by operation of law at specified points in time;
- The imposition of four "key duties" on each owners' association, namely:
 - A duty to appoint a manager for the association;
 - A duty to hold an annual general meeting;
 - A duty to approve a budget in respect of association costs for each financial year; and
 - A duty to apply to have certain information noted on the property registers in respect of the tenement;
- The power to enforce the "key duties" via a remedial management process following an order from the First-tier Tribunal for Scotland;
- Having tenement disputes dealt with principally in the First-tier Tribunal rather than the sheriff court, as at present; and
- A default set of association rules governing the operation of the association, together with provision to move towards a more standardised form of tenement title conditions by which flat owners can modify the default rules.

Item 2 – Heritable securities

Our project on 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 team have focussed on consultation response analysis and policy development work. This has principally been in relation to our second Discussion Paper which dealt with default and post-default matters (including, for example, when a security holder should be entitled to exercise the remedies available to them under a standard security, which remedies should be available to a security holder and which protections should be in place for debtors who find themselves in breach of their obligations.)

During the year, the team prepared a fourth and final policy paper for the project which was considered by Commissioners in early December 2025. Work then began on preparing instructions for Parliamentary Counsel to produce a draft Bill which will accompany the final Report for the project. Work will continue on the draft Bill and Report throughout 2026.

Item 3 – Aspects of leases

Work on aspects of leases was included in our Ninth and Tenth Programmes and is recognised as a substantial project requiring to be undertaken in stages. The first stage culminated in our Report on Aspects of Leases: Termination (Scot law Com No 260).

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.

We began work on the Tenancy of Shops (Scotland) Act 1949 project in 2023. In 2024 we published a Discussion Paper on Aspects of Leases: Tenancy of Shops (Scotland) Act 1949 (Scot Law Com No 177) in which we consulted on proposals for the 1949 Act's reform, replacement or repeal. On 18 February 2025 we published our [Report on Aspects of Leases: Tenancy of Shops \(Scotland\) Act 1949](#) (Scot Law Com No 267) in which we recommended the repeal of the 1949 Act.

Item 4 – Homicide

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.

The current law of homicide in Scotland is almost entirely common law and some of that law is founded on outdated concepts that are no longer suited to the modern day, such as the sexual infidelity limb of the partial defence of provocation. A series of High Court cases from the early 21st century brought other difficulties within the law into sharp focus and highlighted the need for further reform.

Over its lifetime, our project considered how the law of homicide could be made fit for contemporary Scotland. Our Discussion Paper on the Mental Element in Homicide (DP No 172) was published in May 2021.

During 2025 we continued work on the project, finalising policy in light of responses to the consultation on our Discussion Paper and engaging with our Advisory Group. We published our final Report on the Mental Element in Homicide together with a draft Bill on 25 September 2025 and so the project is now complete.

The Report seeks to simplify, clarify and modernise the law of homicide in Scotland and improve legal certainty by making a number of recommendations including:

- Removing the vague and emotive concept of “wickedness” from the definition of murder, without changing the type of criminal conduct properly recognised as murder;
- Requiring that murder can only be committed where a person causes the death of another person and either (a) intends to cause the death or (b) assaults the person and behaves with an utter disregard for whether the person, or any other person, lives or dies. The proposed definition seeks to provide a clear distinction between the crimes of murder and culpable homicide and requires some form of intentional conduct on the part of the perpetrator;
- Proposing a statutory definition of culpable homicide reflecting the current common law offence;
- Clarifying that Scots homicide law does not have a doctrine of constructive malice (which automatically attributes liability for murder where the killing occurs in the course of some other crime, such as robbery) thus confirming that individuals cannot be held liable for murder in cases where they do not act with the necessary mental element for murder;
- Removing the outdated and gendered defence of sexual infidelity provocation, so that such infidelity can no longer provide a basis for the partial defence of provocation. Instead, only physical violence will be deemed a provocative act that can reduce a murder conviction to one for culpable homicide.

Item 5 – Aspects of family law

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. 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. We published a Discussion Paper seeking views on options for reform of the law in this area on 23 October 2024 (DP No 178). The consultation period closed in March 2025 and we continued to receive responses into May and June 2025.

Our Discussion Paper considered how the law in this area can be simplified, updated, and made more effective. It did not extend to a review of the criminal law. We put forward proposals for the introduction of a new statutory delict of domestic abuse which would form a comprehensive regime of civil protection against domestic abuse. We consulted on the creation of this new delict, 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.

As part of this proposed new 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 addressed ancillary matters, such as defences, enforcement and orders against associates of perpetrators of domestic abuse who carry out abuse of victim/survivors on the perpetrator's behalf.

A chapter of our Discussion Paper focused 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 made a number of proposals for change. Access to justice issues were 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. We also reviewed and proposed amendments to the existing law, including exclusion orders in the Matrimonial Homes (Family Protection) (Scotland) Act 1981.

Since the consultation period closed, the team has been analysing responses to the consultation (including from practitioners, academics, the judiciary, support groups, and victim/survivors), consulting with our Advisory Group, and working up our recommendations for change. We are currently in the process of preparing instructions for a draft Bill which will implement our recommendations. We have also started to draft our final Report which will set out our final recommendations and explain how these were informed by consultee responses and how they will improve the law in this area. We hope to publish our Report and draft Bill in 2027.

Item 8 – Execution of documents

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 37 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 in relation to "digital identities" further support the potential for improvements to the process for accessing and using electronic signatures.

During the course of 2025, the team have focused on engaging with key stakeholders and preparing our Discussion Paper for publication in 2026.

Item 10 – Executry

Our project on executry law concerns the law relating to the administration of a deceased person's property (their estate). This includes the process of confirmation; ingathering and distributing assets and the duties and obligations of executors. The current system is widely recognised as outdated, fragmented and difficult to navigate, with many of the core statutes dating from the 19th century or earlier. The project therefore aims to modernise executry law so that it is clearer, more efficient, and better suited to the needs of families, practitioners and the courts.

A review of executry law was announced in the Commission's Eleventh Programme of Law Reform, following responses received as part of our consultation exercise for new projects. In particular, the Law Society of Scotland provided a detailed account of the practical difficulties affecting this area. In addition, the consultation for the Eighth Programme of Law Reform, conducted in 2009, also generated responses which supported a review of executry law, demonstrating long-standing support for reform of this area.

Throughout 2025 we carried out a preliminary scoping exercise to identify the key legal issues which could benefit from reform and modernisation. We put in place an advisory group of legal experts to support our work on the project as it develops. We held a series of scoping meetings with stakeholders.

We will continue to engage with interested parties as the project evolves. The results of this engagement, together with our own detailed research, will inform a Discussion Paper which we intend to publish in late 2027. The Discussion Paper will seek views on any key issues and preliminary proposals that we might have. This public consultation will remain open for approximately three months.

When we have analysed responses to that Discussion Paper, and carried out any further research required, we expect to be in a position to provide the Scottish Government with a final Report detailing our recommendations and providing a draft Bill for their consideration. Although it is difficult to be certain about timescales, we would hope to publish this approximately two years after consultation closes.

Items 9 and 11

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

- Limitation;
- Consolidation of nature conservation law

Progress on our law reform projects: summary

Projects under our Eleventh Programme

PROJECT	POSITION AT THE END OF 2025
Tenement law: compulsory owners' associations (Item 1)	Our Report and draft Bill were published on 11 December 2025.
Heritable securities (Item 2)	Policy in relation to the matters covered in the three Discussion Papers published for the project has been agreed. Work to instruct Parliamentary Counsel for a draft Bill has begun.
Aspects of leases (Item 3)	Our Report on Tenancy of Shops (Scotland) Act 1949 was published on 18 February 2025.
Homicide (Item 4)	Our Report and draft Bill were published on 25 September 2025.
Aspects of family law (Item 5)	Following detailed analysis of consultee responses to our Discussion Paper, the team is in the process of preparing instructions for a draft Bill and drafting a Report containing our final recommendations for change of the law.
Surrogacy (Item 6)	A joint Report with the Law Commission of England and Wales was published on 28 March 2023.
Damages for personal injury (Item 7)	Our Report and draft Bill were published on 4 December 2024.
Execution of Documents (Item 8)	Work is ongoing on a discussion paper which will be published in 2026.
Executry (Item 10)	Work is ongoing on a discussion paper which we intend to publish in late 2027.

Further information about our law reform projects is available on the law reform projects page on our website - [Scottish Law Commission :: Law reform projects](#).

Consolidation and statute law repeals

Consolidation

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.

A project on the consolidation of nature conservation law is included in our Eleventh Programme of Law Reform. Work is still to commence on this project.

Statute law repeals

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 jointly 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.

Consumer duty

The Commission is subject to the consumer duty under the Consumer Scotland Act 2020, which came into force on 1 April 2024. It requires us, when making decisions of a "strategic" nature about how to exercise our functions, to have regard to the impact of those decisions on consumers in Scotland, and the desirability of reducing harm to them. The Commission will mainly be making decisions of a strategic nature when deciding which projects to include in its law reform programme or whether to agree to a referral of a project from Ministers. Work on planning the consultation for the next programme of law reform will start in 2026 and in undertaking that work we will ensure that we have regard to the impact of the proposed programme on consumers in Scotland and the desirability of reducing harm to them.

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 Minister for Victims and Community Safety 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 continues to engage closely with the legal profession in Scotland, in particular the Law Society of Scotland and the Faculty of Advocates. We were pleased to attend a meeting with the Public Policy Committee of the Law Society of Scotland in October 2025 to discuss our work.

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.

In May we were delighted to host visitors from Botswana who are involved in the development of law reform in Botswana and to discuss the issues that law reform involves.

The Commission has a close relationship with the Law Commission of England and Wales and in June we were pleased to host a visit from their Chair, Sir Peter Fraser, and one of their joint-Chief Executives. In September 2025, Lady Paton attended an in-person Conference of Law Reform Agencies, involving representatives from Law Commissions from England and Wales, Scotland, Ireland, and Jersey.

Commissioners and staff

(as at 31 December 2025)

Commissioners

The Rt Hon Lady Paton, Chair*

Professor Gillian Black

Professor Frankie McCarthy

Ann Stewart*

Chief Executive

Rachel Rayner

Project Managers (Solicitors)

Julie Bain*

Stephen Crilly

Mariel Kaney

Graham McGlashan

Alastair Smith*

Lorraine Stirling

* Part-time Commissioner or staff member

Legal Assistants

Catherine Marney

Beth Morley

Alexandros Ortiz

Ailidh Robinson

Librarian

Emma McLarty

Executive Assistants

Wilma Campbell

Scott Macdonald

Administrative Assistant

Gordon Speirs

The Commission's running costs 2025

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 2025
Salaries – Commissioners (including national insurance contributions, superannuation payments and pensions to former Commissioners)	£575,368
Salaries – Chief Executive and legal staff (including national insurance contributions and superannuation payments)	£900,180
Salaries – Administrative staff (including national insurance contributions and superannuation payments and support from Scottish Legal Information Centre)	£157,733
Accommodation (including maintenance, rates and utilities)	£109,767
Printing and publishing (including costs of library purchases and database subscriptions, binding, maintenance of equipment, publishing costs, photocopying and stationery) (£19,307
IT, telephone and postage (including the provision and maintenance of the IT system)	£31,014
Travel and subsistence	£1,177
Miscellaneous (including payment of professional membership fees and document storage)	£17,375
Total	£1,811,921

#60Billsfor60years

The Acts highlighted in this campaign are set out below. They are just a snapshot of some of the Acts that contain provisions derived from Commission Reports.

1. Double Jeopardy (Scotland) Act 2011
2. Damages (Scotland) Act 2011
3. Sexual Offences (Scotland) Act 2009
4. Title Conditions (Scotland) Act 2003
5. Automated Vehicles Act 2024
6. Moveable Transactions (Scotland) Act 2023
7. Defamation and Malicious Publication (Scotland) Act 2021
8. Trusts and Succession (Scotland) Act 2024
9. Land Registration etc. (Scotland) Act 2012
10. Abolition of Feudal Tenure etc (Scotland) Act 2000
11. Family Law Act 1986
12. Private International Law (Miscellaneous Provisions) Act 1995
13. Tenements (Scotland) Act 2004
14. Criminal Justice (Scotland) Act 1995
15. Medical Act 1983
16. Legitimation (Scotland) Act 1968
17. Prescription and Limitation (Scotland) Act 1973
18. Consumer Protection Act 1987
19. Matrimonial Homes (Family Protection) (Scotland) Act 1981
20. Bankruptcy (Scotland) Act 1985
21. Law Reform (Miscellaneous Provisions) (Scotland) Act 1985
22. Requirements of Writing (Scotland) Act 1995
23. Contract (Scotland) Act 1997
24. Bankruptcy and Diligence etc. (Scotland) Act 2007
25. Legal Writings (Counterparts and Delivery) (Scotland) Act 2015
26. Contract (Third Party Rights) (Scotland) Act 2017
27. Divorce (Scotland) Act 1976
28. Family Law (Scotland) Act 1985
29. Companies (Floating Charges and Receivers) (Scotland) Act 1972
30. Adoption (Scotland) Act 1978
31. Unfair Contract Terms Act 1977
32. Adults with Incapacity (Scotland) Act 2000
33. Age of Legal Capacity (Scotland) Act 1991
34. Bankruptcy (Scotland) Act 2016
35. Civil Evidence (Scotland) Act 1988
36. Supply of Goods (Implied Terms) Act 1973
37. Recognition of Divorce and Legal Separations Act 1971
38. Town and Country Planning (Scotland) Act 1972
39. Damages (Scotland) Act 1976
40. Presumption of Death (Scotland) Act 1977
41. Administration of Justice Act 1982
42. Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980
43. Education (Scotland) Act 1980
44. Incest and Related Offences (Scotland) Act 1986
45. Matrimonial and Family Proceedings Act 1984
46. Prescription and Limitation (Scotland) Act 1984
47. Law Reform (Husband and Wife) (Scotland) Act 1984
48. Children (Scotland) Act 1995
49. Law Reform (Parent and Child) (Scotland) Act 1986
50. Vulnerable Witnesses (Scotland) Act 2004
51. Court of Session Act 1988
52. Extradition Act 1989
53. Carriage of Goods by Sea Act 1992
54. Crofters (Scotland) Act 1993
55. Damages Scotland Act 1993
56. Third Parties (Rights against insurers) Act 2010
57. Coinage Act 1971
58. Partnerships (Prosecution) (Scotland) Act 2013
59. Law Reform (Miscellaneous Provisions) (Scotland) Act 1968
60. Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

Scottish Law Commission www.scotlawcom.gov.uk

For more information about the Commission please contact:

Rachel Rayner, Chief Executive

Scottish Law Commission

Parliament House, 11 Parliament Square, Edinburgh EH1 1RQ

Tel: 0131 244 6605 E-mail: info@scotlawcom.gov.uk

Freedom of Information enquiries: FOI@scotlawcom.gov.uk

Website: www.scotlawcom.gov.uk

This Report is available on our website.

Produced for the Scottish Law Commission by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA

This publication is available on our website at <http://www.scotlawcom.gov.uk>

ISBN: 978-1-0686139-8-2

PPDAS1727266 (03/26)