

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION  
NOT FOR PUBLICATION OR BROADCAST  
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### **SCOTTISH LAW COMMISSION PUBLISHES ITS ANNUAL REPORT FOR 2013**

**The Commission's Annual Report 2013 is published today. The Report welcomes a new process for certain law reform Bills in the Scottish Parliament, outlines progress on the Commission's law reform projects and gives details of the Commission's publications in 2013.**

In the Foreword, Lady Clark states that this is her last Annual Report to Scottish Ministers as Chairman of the Commission, given her appointment last year as a Judge of the First Division of the Inner House of the Court of Session. Her successor as Chairman of the Commission, the Hon Lord Pentland, was appointed Chairman with effect from the beginning of January 2014.

Lady Clark notes that two Acts of the UK Parliament taking forward Commission recommendations received Royal Assent in 2013. First, the Statute Law (Repeals) Act 2013, taking forward the Bill contained in a joint Report by the Law Commission for England and Wales and the Scottish Law Commission, received Royal Assent in January 2013.

Second, the Partnerships (Prosecution) (Scotland) Act 2013 received Royal Assent in April 2013. The Act is based on a draft Bill attached to the Commission's Report on Criminal Liability of Partnerships, published in December 2011. The Bill was introduced in the House of Lords using a special procedure for Law Commission Bills. This was a significant step - the first use of this House of Lords procedure for a Bill for Scotland recommended by the Scottish Law Commission alone.

Lady Clark noted in particular an important development in 2013 for the Commission and for law reform in Scotland: "I particularly welcome an announcement by the Scottish Parliament in 2013 putting in place a new process for certain Commission Bills at Holyrood. This involved an extended remit for a Committee, now called the Delegated Powers and Law Reform Committee, to take the lead in relation to such Commission Bills. This is a significant development for the Commission and for law reform, and equally so for the Government and the Parliament."

Lady Clark was also pleased to note that the First Minister's announcement of the Scottish Government's Programme for Government for 2013-14 included three Bills taking forward Commission reports: a Bill on aspects of the law of damages on the basis of proposals from a number of Commission reports; a Bill to consolidate the legislation on bankruptcy; and a Bill on conclusion of contracts, taking forward the Commission's Report on Execution in Counterpart. The Cabinet Secretary for Justice indicated that the proposed Government Bill on conclusion of contracts would be put forward as a candidate Bill for the new law reform process in the Scottish Parliament.

Lady Clark also noted that during 2013 the Commission agreed to a reference from the Cabinet Secretary for Justice on the not proven verdict.

The Commission also agreed to a reference from Scottish Ministers on section 53 of the Title Conditions (Scotland) Act 2003. This followed a recommendation from the Justice Committee of the Scottish Parliament that the Commission be asked to take forward this review.

### **Publications in 2013**

Three significant Scottish Law Commission reports were published in 2013. They are: a Report on Formation of Contract: Execution in Counterpart, part of the Commission's ongoing review of contract law; a Report on the Consolidation of Bankruptcy legislation in Scotland; and a Report on Judicial Factors. The Commission also published two Reports jointly with the Law Commission for England and Wales: a Report on Level Crossings, and a Report on Consolidation of the legislation relating to Co-operative and Community Benefit Societies. Also published was Advice, jointly with the Law Commission for England and Wales, to the Department of Business, Innovation and Skills on Unfair Terms in Consumer Contracts.

### **Progress on law reform projects in 2013**

The Annual Report outlines the progress made by the Commission in 2013 on a wide range of law reform projects. Most of the work stems from the Commission's Eighth Programme of Law Reform. The Report also describes progress on joint projects with the Law Commissions for England and Wales and Northern Ireland.

### **Future law reform publications**

The Commission aims to publish Reports in 2014 on trust law, and on adults with incapacity; and early in 2015, on moveable transactions. It is also expected to complete joint projects, by publishing a Report with the Law Commission for England and Wales on insurance contract law; and, with the Law Commission for England and Wales and the Northern Ireland Law Commission, on the regulation of health care professionals. A joint consultation paper on electoral law will be published in autumn 2014. The Commission also expects to publish further discussion papers during 2014 on third party rights in contract, and on breach of contract, as part of the continuing review of contract law; and on compulsory purchase law.

## **NOTES TO EDITORS**

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman during 2013 was the Hon Lady Clark of Calton, a Court of Session Judge. (The Chairman of the Commission, as from 1 January 2014, is now the Hon Lord Pentland). The other Commissioners are Laura J Dunlop QC, Patrick Layden QC TD, Professor Hector L MacQueen, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.

2. Further information can be obtained by contacting Malcolm McMillan, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk)).

3. The paper may also be viewed on our website at <http://www.scotlawcom.gov.uk/> or purchased from TSO (<http://www.tsoshop.co.uk/>).