



Scottish Law Commission

promoting law reform

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BEFORE 0001 HOURS 14 MARCH 2013

SCOTTISH LAW COMMISSION PUBLISHES ITS ANNUAL REPORT FOR 2012

The Commission's Annual Report 2012 is published today. There is a Foreword by the Chairman, Lady Clark of Calton. The Report outlines progress on the Commission's law reform projects and gives details of its publications in 2012.

In her first Annual Report as Chairman of the Scottish Law Commission, Lady Clark of Calton states: "My vision of the Commission is not as an academic institute but I value the strong academic tradition of the Commission". She considers that the role and value of the Commission's work is helped by Commissioners having a detailed understanding of the practical application of the law and the problems which arise in the law. Lady Clark states: "I will encourage all Commissioners and staff to actively engage with the public, practitioners, pressure groups and people with relevant policy and legal expertise."

Lady Clark particularly welcomes the enactment in 2012 by the Scottish Parliament of the Long Leases (Scotland) Act which implements the Commission's Report on Conversion of Long Leases, published in 2006, and the Land Registration etc. (Scotland) Act which is based on the Commission's Report on Land Registration, published in 2010. She also welcomes the enactment in 2012 by the UK Parliament of the Consumer Insurance (Disclosure and Representations) Act, based on a joint Commission Report with the Law Commission for England and Wales.

Lady Clark draws attention to the Commission's proactive work with the UK Government, expressing her thanks in particular to the Advocate General for Scotland, Lord Wallace of Tankerness. This co-operation led to the introduction in the UK Parliament of a Bill to implement the Commission's Report on Criminal Liability of Partnerships. The Bill was introduced using a special procedure for Law Commission Bills in the House of Lords; this is the first time the procedure has been used for a Bill for Scotland promoted by the Scottish Law Commission alone.

Lady Clark also notes that in December 2012 the Commission received a reference from the Scottish Government and from the UK Government to undertake a law reform project on electoral law. This will be a tripartite project with the Law Commissions for England and Wales, and Northern Ireland.

Publications in 2012

The Commission published two Reports in 2012, on Similar Fact Evidence and the *Moorov* Doctrine, and on Prescription and Title to Moveable Property; and 2 joint Reports with the Law Commission for England and Wales, a Report on Statute Law Revision, and a Report on Consumer Redress for Misleading and Aggressive Practices. The Commission also published 2 discussion papers in the course of the year and one joint consultation paper with the Law Commission for England and Wales. The Commission also issued on their website one consultation paper; and one joint issues paper, along with the Law Commission for England and Wales.

Progress on law reform projects in 2012

The Annual Report outlines the progress made by the Commission made in 2012 on a wide range of law reform projects. Most of the work stems from the 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 5 reports within the period of the next 12 months or so, on a variety of topics. Reports are expected on execution in counterpart; judicial factors; the consolidation of bankruptcy legislation in Scotland; trust law; and adults with incapacity. The Commission also expects to publish joint reports with the Law Commission for England and Wales on level crossings law, and insurance contract law; together with joint advice on unfair terms in consumer contracts.

NOTES TO EDITORS

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lady Clark of Calton, a Court of Session judge. 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, Chief Executive, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: info@scotlawcom.gsi.gov.uk).
3. The Annual Report 2012 is available on our website at <http://www.scotlawcom.gov.uk/> or can be purchased from TSO (<http://www.tsoshop.co.uk/>).