

Autumn 2013

e-bulletin

Keeping you up to date with Scottish Law Commission news and consultations

Our current work

Work continues on our Eighth Programme of Law Reform, which sets out the main areas of our law reform work up to the end of 2014. The Commission also continues to undertake joint law reform projects with the Law Commission for England and Wales, and the Northern Ireland Law Commission. Our current law reform projects are set out below. For further information on any particular project, click on the link which takes you to the project page on our website.

Scottish Commission only projects

Current projects

- [Adults with incapacity](#)
- [Compulsory purchase](#)
- [Contract law in light of the Draft Common Frame of Reference \(DCFR\)](#)
- [Consolidation of statutes](#)
- [Moveable transactions \(security over corporeal and incorporeal moveable property; assignation of incorporeal moveable property\)](#)
- [Trusts](#)

Recently completed project

- [Judicial Factors](#)



News

The Scottish Law Commission welcomed Scottish Government plans to introduce law reform Bills, and put forward candidate Bill for new Parliamentary procedures

The Scottish Law Commission welcomed the announcement by the First Minister in September that the Scottish Government intend to introduce a Bill in the Scottish Parliament to reform aspects of the law relating to damages for personal injuries; a bankruptcy consolidation Bill; and a Bill on conclusion of contracts to implement the Commission's Report on Formation of Contract: Execution in Counterpart. The latter Bill will be put forward as a candidate for the new Scottish Parliamentary procedures (see the item below).

New process for certain Commission Bills

The Scottish Parliament decided earlier this year to provide more Parliamentary time for certain Commission Bills. The Parliament accepted the recommendations and draft changes to Standing Orders proposed by the Standards, Procedures and Public Appointments Committee. See the [Official Report for 28 May](#). The changes took effect on 5 June 2013.

Joint projects with the Law Commission for England and Wales (*and with the Northern Ireland Law Commission):

Current joint projects

- [Electoral law](#) *
- [Insurance law](#)
- [Regulation of health care professionals](#)*
- [Statute law repeals](#)
- [Consolidation of statutes](#)

Recently completed joint projects

- [Level crossings](#)

Further information

Further information about the Commission, Commissioners and staff, and our law reform work can be found on our website at

<http://www.scotlawcom.gov.uk/>.

The website has full text versions of all of our reports and discussion papers.

Update/Unsubscribe

Remove or update your details by clicking [here](#).

Current consultation

Consolidation: Co-operative and Community Benefit Societies

The Law Commission for England and Wales and the Scottish Law Commission are seeking views on a draft Bill to consolidate the legislation relating to co-operative and community benefit societies.

Views are invited by 15 November 2013. Click [here](#) for more information about the project.

Report on Level Crossings

The Commission's joint [Report](#) with the Law Commission for England and Wales on Level Crossings was published on 26 September.

This was a complex project involving a wide range of areas of the law: railways, roads, health and safety, land, access rights, and compulsory purchase. The recommendations in the Report aim to reform the legal framework so that it is more coherent, accessible and up-to-date, allowing for better regulation and a dedicated closure procedure.

Part 5 of the Report deals with rights of way and access issues in relation to Scotland.

The joint Consultation Paper that preceded the Report can be found here ([SLC Discussion Paper 143](#)).

Report on Judicial Factors

The Commission's [Report](#) on Judicial Factors was published on 29 August.

The Commission's Report contains a set of recommendations which, if implemented, would put in place an updated and comprehensive regime that would be of benefit to all concerned. The new regime would bring clarity (for example, as to the powers and duties of a judicial factor and the appropriate processes to be followed), accessibility and efficiency to this vital but outmoded area of the law. Furthermore, the flexibility introduced by the regime would mean that the solution of appointing a judicial factor could become more attractive in a wider range of circumstances.