

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION
NOT FOR PUBLICATION OR BROADCAST
BEFORE 0001 HOURS 22 MAY 2014

THE SCOTTISH LAW COMMISSION: NINTH PROGRAMME OF LAW REFORM
CHANGING THE LAW – ANY SUGGESTIONS?

The Scottish Law Commission has today launched a public consultation on the law reform work that it should carry out in the future.

The Commission is seeking views on which areas of Scots law are most in need of reform. Reform may be needed because the law is causing difficulties in practice, for example where the law is unfair, unclear, unduly complex or out-of-date.

The Commission's remit covers all of Scots law; it extends to reserved and devolved areas of the law.

Most of the Commission's work is carried out under Programmes of Law Reform, approved by Scottish Ministers. Each Programme runs for a specified period of several years, and sets out a number of law reform projects which the Commission will examine during that period.

Work carried out by the Commission in recent years has resulted in major new laws passed by the Scottish Parliament: for example, legislation on land registration, on long leases, and on double jeopardy; and, in the UK Parliament, on the criminal liability of partnerships.

The Commission is now preparing its next Programme of Law Reform, the Ninth Programme. This is due to start in 2015.

A number of projects under the Commission's current Programme, the Eighth Programme of Law Reform, will be carried forward into the Ninth Programme in 2015. These are –

- Compulsory purchase law – a Discussion Paper is to be published by the end of 2014.
- Moveable transactions (ie assignment of, and security over, incorporeal moveable property and security over corporeal moveable property) – to be completed in 2015.

- The continuing review of contract law; this might extend to a review of stand-alone areas such as the law on set-off.
- Heritable securities.
- Homicide.
- The Commission continues to carry out law reform work jointly with other Law Commissions, such as the current joint review of electoral law which will continue in 2015 and beyond.
- The Cabinet Secretary for Justice has also made a reference to the Commission, at the request of the Justice Committee of the Scottish Parliament, to undertake a review of section 53 of the Title Conditions (Scotland) Act 2003.
- The Cabinet Secretary for Justice has announced that he intends to refer to the Commission a review of the not proven verdict.

The Chairman of the Commission, Lord Pentland, said:

“We aim to recommend reforms that will achieve real practical benefits for Scottish people and Scottish businesses. We look forward to receiving suggestions about areas of Scots law that are thought to be unfair, unduly complex or outdated and in need of law reform.”

An online consultation page is available on the Commission’s website at: <http://www.scotlawcom.gov.uk/>. Consultees are encouraged to submit their suggestions using the online form.

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 Lord Pentland, 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 the Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: info@scotlawcom.gsi.gov.uk).