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**GROUND-BREAKING DEAL-MAKING BILL:  
FIRST LAW REFORM BILL FOR A NEW PROCESS IN THE SCOTTISH PARLIAMENT**

The Scottish Parliament have chosen the first law reform Bill to go through a new Parliamentary process designed to implement Scottish Law Commission reports.

This opens a new era for law reform in Scotland, with the establishment of a process dedicated to Commission Bills.

The Legal Writings (Counterparts and Delivery) (Scotland) Bill has been referred to the Delegated Powers and Law Reform Committee, as the lead Committee in considering the provisions of the Bill.

The Scottish Parliament decided in May 2013 to give a new law reform role to the Subordinate Legislation Committee, re-naming the Committee the Delegated Powers and Law Reform Committee. The Parliament accepted recommendations for changes to the Standing Orders to allow certain Scottish Law Commission Bills to be referred to that Committee.

Establishing the new law reform process, and putting the first Bill forward for it, comes at a significant time for the Scottish Law Commission. The Commission celebrates its 50<sup>th</sup> anniversary next year, in 2015.

The new process recognises the valuable role of the Scottish Law Commission in recommending reforms to improve, simplify and update the law of Scotland. The changes reflect the importance of finding opportunities for the Parliament to consider Bills that would implement Scottish Law Commission recommendations.

The Bill will make two significant improvements to Scots law and practice when executing documents, and so will make Scotland a better place to do business.

Lord Pentland, the Chairman of the Scottish Law Commission, said:

“The Scottish Law Commission are delighted that the Scottish Parliament has chosen the first Bill implementing a Commission report to go through the new Parliamentary law reform process. The Commission look forward to a successful first use of the new process, with this Bill which provides for innovations in Scots law and practice in executing documents.”.

## Background

The Commission issued a news release when the Legal Writings (Counterparts and Delivery) (Scotland) Bill was introduced to the Scottish Parliament by the Scottish Government. It can be found [here](#).

The Scottish Parliament decided in May 2013 to provide more Parliamentary time to consider and implement Scottish Law Commission Bills, by agreeing to changes to the Standing Orders which would enable certain Commission Bills to be referred to the Subordinate Legislation Committee; re-naming that Committee as the Delegated Powers and Law Reform Committee. The Commission issued a news release about the Parliament’s decision; it can be found [here](#).

A Bill must meet certain criteria in order to qualify for the new Parliamentary process. These criteria were set by the Presiding Officer: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/64215.aspx>

The Legal Writings (Counterparts and Delivery) (Scotland) Bill: provides that a document which is to be signed by two or more parties can be “executed in counterpart”, ie that each party can sign its own copy of the document, which will then be delivered to the other party or parties (or their nominee where there are several of them). The Bill also permits delivery of paper legal documents by electronic means, meaning that the document will take legal effect upon such delivery: thus resolving a current doubt as to whether faxing or emailing a copy of a signed paper document can make it legally effective. Further background information is given on the Commission’s website at the following [link](#).

The Bill can be viewed at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/76414.aspx>

## 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 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/>).