




Scottish Law Commission
promoting law reform

(SCOT LAW COM No 242)



ninth programme
of law reform



Scottish Law Commission

promoting law reform

The Commission was established under the Law Commissions Act 1965

Our function

To recommend reforms to improve, simplify and update the law of Scotland

Our role

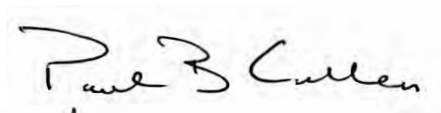
To play a leading role in developing the law for the people of Scotland so that it is just, principled, responsive and easy to understand

ninth programme
of law reform

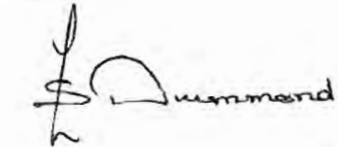
Ninth Programme of Law Reform

To: Michael Matheson MSP, Cabinet Secretary for Justice

We have the honour to submit for approval by the Scottish Ministers our Ninth Programme of Law Reform, which took effect from 1 January 2015.



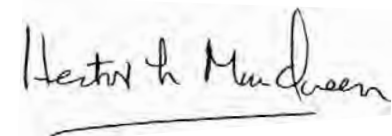
PAUL B CULLEN, *Chairman*



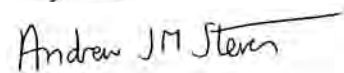
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Malcolm McMillan, *Chief Executive*
2 February 2015

Laid before the Scottish Parliament by the Scottish Ministers under section 3(2) of the Law Commissions Act 1965

February 2015

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The Scottish Law Commission was set up by section 2 of the Law Commissions Act 1965¹ for the purpose of promoting the reform of the law of Scotland. The Commissioners are:

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NOTES

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¹ Amended by the Scotland Act 1998 (Consequential Modifications) (No. 1) Order 1999 (SI 1999/1820).

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Chairman's foreword

It gives me great pleasure to present the Scottish Law Commission's Ninth Programme of Law Reform. The Programme includes a number of important new projects on which we intend to work over the next three years. The content of the Programme has been developed against the backdrop of an extensive consultation exercise, in which we sought views from a wide range of stakeholders across Scottish civil society. The consultation generated a substantial number of responses from many organisations and individuals. We have given careful consideration to all of the proposals and are extremely grateful to everyone who took the time and trouble to contribute to the consultation process. We believe that the Programme will make an important contribution towards the Scottish Government's strategic objectives.

We propose to undertake projects on the law of defamation, proprietary aspects of the law of leases and certain issues in the law of prescription. The law of defamation has recently been reformed in England and Wales and is currently being reviewed in Northern Ireland. We believe that it is now appropriate to conduct a searching examination of the current state of Scots law on the subject to see whether it is fit for the internet age. Freedom of speech and the right to privacy are fundamental values in our society; the law of defamation has a central part to play in safeguarding both these rights. It is vital to ensure that this area of the law is up to date.

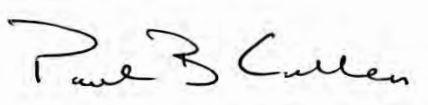
So far as the law of leases is concerned, there are a number of features of the law which we think would benefit from consideration for reform. The project will focus on the proprietary aspects of leases and will take a selective approach as to where law reform is most needed.

Finally, we intend to consider certain issues in the law of prescription. A number of aspects have remained unchanged since the Prescription and Limitation (Scotland) Act 1973 and have given rise to difficulties in practice. We believe that these areas would benefit from review.

There are fuller descriptions of the new projects later in the Programme.

In addition to these new projects, we will be continuing work on a number of items of work carried forward from the Eighth Programme. These are compulsory purchase law and procedure, moveable transactions, our review of the law of contract, and heritable securities.

We look forward greatly to starting work on the new topics in the Ninth Programme and in doing so we intend to continue to engage fully with the many stakeholders (professional, academic, members of the business community and the public) who provide such willing assistance to us in our work of law reform. In all our work we will remain committed to our core task of simplifying, updating and improving Scots law.



THE HON LORD PENTLAND
Chairman

Chapter 1 Introduction

Background

1.1 The Commission has a duty under section 3 of the Law Commissions Act 1965 to prepare and submit to Scottish Ministers programmes for the examination of different branches of the law with a view to reform. This is the ninth such programme submitted for approval.¹ This Programme, as with the last four, represents a rolling programme. It includes ongoing work from the Eighth Programme as well as identifying new projects to be undertaken. The Programme covers a period of three years, from the beginning of 2015 until the end of 2017. A period of three years will enable the Commission to complete certain substantial projects, address a small number of focussed new projects, and then re-assess our priorities.

1.2 We are also required² to make a recommendation as to the agency by which any examination of branches of the law should be carried out. We recommend that the projects identified in this Programme should be undertaken by this Commission rather than by any other agency.

Eighth Programme: completed projects and ongoing work

1.3 As background, we highlight in the table at Appendix A the projects that we have undertaken in terms of the Eighth Programme, which commenced in January 2010 and ran until the end of 2014. The table indicates the Eighth Programme projects that we have completed and also the work which will continue into the Ninth Programme.

Ninth Programme: project selection criteria

1.4 For the purpose of selecting new projects for this Programme we adopted the following criteria:

- *importance*: the extent to which the law is unsatisfactory (for example, unfair, unclear, inefficient, unduly complex or outdated); and the potential benefits likely to accrue from undertaking reform of the law;
- *suitability*:
 - (a) whether the issues concerned are predominantly legal rather than political; and whether there is any other body better placed to examine the topic in question; and
 - (b) whether a Bill on the topic may be suitable for the special Parliamentary law reform processes, in particular the new procedure in the Scottish Parliament;
- *resources*: the expertise and experience of Commissioners and legal staff and, in relation to projects where there may be a substantial role for a consultant, the availability of adequate funding; and the need for a mix of projects in terms of scale and timing in order to achieve a balance of workload among Commissioners and facilitate effective management of the Programme.

¹ The previous programmes are: Scot Law Com No 1 (1965); Scot Law Com No 8 (1968); Scot Law Com No 29 (1973); Scot Law Com No 126 (1990); Scot Law Com No 159 (1997); Scot Law Com No 176 (2000); Scot Law Com No 198 (2005); Scot Law Com No 220 (2010).

² See 1965 Act, s 3(1)(b).

Consultation

1.5 We consulted widely in preparing this Programme. In May 2014 we issued a consultation letter, setting out our initial proposals for the Programme. We noted that a number of existing projects in the Eighth Programme would be carried forward into the Ninth Programme. These are compulsory purchase law and procedure; moveable transactions; the review of contract law; and heritable securities. We also proposed that a review of the law on homicide should not be a priority for the Ninth Programme. The Eighth Programme included this project, but work on it was suspended due to other priorities. We consulted the Scottish Government on the future of this project and, noting the absence of significant pressure for such a review, do not include the project in the Ninth Programme.

1.6 We sought comments and new suggestions for law reform topics. We also held meetings with the Law Reform Committee of the Law Society of Scotland, and the Law Reform Committee of the Faculty of Advocates, to discuss the possible content of the Programme.

1.7 Our website contained an online section about the Programme. The online page sought comments and suggestions using an online form.

1.8 We received a total of 38 responses, from a range of consultees which included judges, representative bodies, public officials, solicitors and academic lawyers. We are most grateful to all who took part in our consultation.

1.9 We gave careful consideration to all the contributions that we received. A number of topics put to us did not meet our project selection criteria – for example, where the issues were more political than legal. Certain other topics suggested are worthy candidates for a law reform project. But we have limited capacity, and have had to select topics for inclusion in this Programme. In doing so we gave due weight to the support on consultation for particular topics.

1.10 There is clearly much work required on law reform. We commend to Scottish Ministers and the Scottish Parliament the value of continuing to implement law reform measures, in order to maintain a modern and efficient system of law for Scotland.

Basis of the Ninth Programme

1.11 We have continued the previous practice of classifying projects broadly - as medium-term or long-term for the purposes of this Programme. A project is:

- *medium-term*, where we intend to complete it by the end of the Programme, ie by the end of 2017;
- *long-term*, where the project will most likely be carried into the next Programme, because either the project is a substantial one or work on it will commence in the later stages of this Programme.

1.12 When classifying projects it should be borne in mind that priorities during a Programme can change, for a variety of reasons. Our resources may be re-directed due to other requirements, such as responding to a reference from Ministers, or undertaking joint projects with the Law Commission for England and Wales; or the legal questions arising in a project may turn out to be more complex and as a result the project takes longer to complete than anticipated.

Advice to Government departments and the Scottish Ministers

1.13 From time to time we accept references for advice made to us by the Scottish Ministers or a UK Government department. Such requests are sometimes for an urgent review of the law, requiring us to focus resources on the topic and produce recommendations within a short period of time. In addition Ministers sometimes ask individual Commissioners, because of their expertise in a particular area of law, to serve on a working group; and equally the Government may ask for informal advice from us on current legal issues. In practice such references may have to be given priority over our Programme work and so affect progress on the Programme.

1.14 During the period of the Eighth Programme, we considered a reference from the Scottish Ministers on Similar Fact Evidence and the *Moorov* Doctrine. Our Report was submitted in April 2012.³

Joint work with the Law Commission for England and Wales and the Northern Ireland Law Commission

1.15 We take account of the work being carried out by the Law Commission for England and Wales. The Law Commission is currently working under its Twelfth Programme of Law Reform.⁴ Some of its work may have an effect on the law of Scotland and, if so, we consider whether or not to give advice on Scots law or undertake a project as a joint one with the Law Commission. Such projects are not formally within this Programme.

1.16 We also undertake joint law reform projects with both the Law Commission for England and Wales and the Northern Ireland Law Commission.

1.17 We set out in Appendix B the joint projects completed during the period of the Eighth Programme. We mention below the joint projects which will continue into the period of the Ninth Programme.

Insurance law

1.18 We are assisting the Law Commission for England and Wales with a major project on insurance contract law which has been carried over into its Twelfth Programme of Law Reform.

Electoral law

1.19 We have been working with the Law Commission for England and Wales and the Northern Ireland Law Commission on a joint law reform project to review UK legislation in relation to

³ Scot Law Com No 229.

⁴ Law Com No 354.

electoral law. The project follows a reference to this Commission from the UK Cabinet Office as regards reserved areas of Scots law, and from Scottish Ministers as regards devolved areas.

1.20 Electoral law in the UK has grown to be complex, voluminous and fragmented. Recent years have seen a steady increase in the numbers and types of election. One issue arising from this is that each type of election brings its own set of rules and systems, and combining different types of election into one electoral event introduces yet more layers of electoral law. The overall aim of the project is to ensure that the law governing elections is modern, fit for purpose, and meets the expectations of voters.

1.21 We published a joint Consultation Paper on Electoral Law⁵ in December 2014. An overarching theme of our proposals is that election law should be set out in a consistent and holistic way; election-specific divergence should be scaled back with the result that only differences justified by principle (such as the use of a different voting system), or political policy, should be retained.

1.22 Following the analysis of consultees' responses in spring 2015, it is hoped to publish substantive law reform recommendations in the second half of the year. There would then be a further review point. If, at that time, the Commissions and the respective Governments decided to continue with the project, the aim would be to publish a final report, together with a substantial draft Bill, in 2017.

Consolidation and statute law repeals

1.23 One of our functions under the Law Commissions Act 1965 is to undertake work on consolidation of legislation. The work involves bringing together a number of enactments on an area of law into a single Act, with a view to making the provisions more accessible and generally tidying up the statute book. In carrying out work of this nature we are heavily dependent on having drafting resources available to us. We are also dependent on involvement and support from the Scottish Government Directorate responsible for the policy area in question, as they provide policy instructions on the legislation and on technical amendments; and also on the availability of legislative time in the Scottish Parliament for this kind of legislative housekeeping.

1.24 During the Eighth Programme we undertook a project to consolidate the legislation relating to bankruptcy in Scotland. The project followed a suggestion by the Accountant in Bankruptcy, which was supported by the Scottish Government. We submitted our Report, with a draft consolidation Bill, in April 2013.⁶

1.25 We are aware that there are important areas of the Scottish statute book that are in need of consolidation. Several areas have been suggested by consultees. We have brought these to the attention of the Scottish Government. We would like to see consolidation work continue during this Programme. This would require continued support from the Government, and time for consideration of consolidation Bills in the Scottish Parliament.

⁵ SLC Discussion Paper No 158; LC Consultation Paper No 218; NILC No 20 (2014).

⁶ Scot Law Com No 232.

1.26 The Commission also undertakes work on the repeal of obsolete or otherwise unnecessary legislation. This work is complementary to our work on consolidation as it plays an important part in keeping legislation up to date.

1.27 We undertake this work in conjunction with the Law Commission for England and Wales. Draft Repeals Bills are prepared by the Law Commission team and we assist in relation to the Scottish aspects of the repeals, undertaking consultation with interested bodies on repeals that extend to Scotland. In addition we identify appropriate Scottish provisions that are suitable for repeal.

Chapter 2 Ninth Programme of Law Reform

Preliminary

2.1 Our Ninth Programme of Law Reform is set out in this Chapter, for approval by Scottish Ministers. This Programme will run for a period of three years, from the beginning of 2015 until the end of 2017.

2.2 If during the Programme we consider that we should undertake work on any other topic, we will request approval from Scottish Ministers to a modification of the Programme, or seek a reference from Ministers under section 3(1)(e) of the Law Commissions Act 1965.

2.3 A list of the projects in the Ninth Programme is given in the table below, along with the classification of each project as medium or long-term. The Programme comprises four projects carried forward from the Eighth Programme. These are moveable transactions (being security over corporeal and incorporeal moveable property and assignation of incorporeal moveable property), contract, compulsory purchase and heritable securities. There are also three new projects, namely defamation, proprietary aspects of leases and aspects of the law of prescription: items 5 to 7 in the table. Each of these projects is described in more detail below. We are confident that Bills suitable for the new procedure in the Scottish Parliament will emerge from certain of these projects.

Item No	Project	Classification of project
1	Moveable transactions (Security over corporeal and incorporeal moveable property; assignation of incorporeal moveable property)	Medium-term
2	Law of contract in light of the DCFR	Long-term
3	Compulsory purchase	Long-term
4	Heritable securities	Medium-term
5	Defamation	Medium-term
6	Proprietary aspects of leases	Long-term
7	Aspects of the law of prescription	Medium-term

Moveable transactions (Security over corporeal and incorporeal moveable property; assignation of incorporeal moveable property)

2.4 In our Seventh Programme⁷ we proposed a project on the assignation of, and security over, incorporeal moveable property. In our Eighth Programme we expanded the project to cover security over corporeal moveable property. In all three of these areas Scots law is generally considered to be outmoded and not fit for the requirements of modern commerce.

⁷ Scot Law Com No 198.

2.5 We published a Discussion Paper in 2011 which was generally well-received. Since then, with the assistance of our advisory group, we have been working on a substantial draft Bill to implement our new scheme. This has involved careful study of international comparators, including article 9 of the Uniform Commercial Code of the USA, the Personal Property Securities Acts (of several jurisdictions including New Zealand) and the Draft Common Frame of Reference Book IX. We hope to publish our report early in the Ninth Programme.

The law of contract in the light of the DCFR (Draft Common Frame of Reference)

2.6 This topic was included in our Eighth Programme of Law Reform, where it was designated as a long-term project. The aim is to review the law of contract in the light of the publication in 2009 of the Draft Common Frame of Reference: Principles, Definitions and Model Rules of European Private Law (the DCFR). The DCFR provides a contemporary statement of contract law, based on comparative research from across the European Union and written in clear English (and translated into some other languages). It may be seen as an instrument to provide an important area of Scots law with a systematic health check, giving a basis for treatment where the law is found to be ailing or otherwise in need of remedial treatment. The DCFR is thus a good working platform for a series of discrete and relatively limited projects on contract law with significance for the wellbeing of the Scottish economy.

2.7 We have published three Discussion Papers and one Report. We are pleased to record that the Scottish Ministers decided to introduce legislation based on the draft Bill appended to our Report on Formation of Contract: Execution in Counterpart in 2013.⁸ The Legal Writings (Counterparts and Delivery) (Scotland) Bill was introduced in May 2014 and is expected to be enacted in 2015.

2.8 As our work on the law of contract is not complete, the project is being carried forward into the Ninth Programme.

2.9 In the first year of the Ninth Programme, we expect to publish:

- A Report on Third Party Rights in Contract. We heard that the law on third party rights was causing difficulties in practice. We therefore brought forward plans to publish a Discussion Paper on that topic, which we did in March 2014;⁹ we aim to publish a Report and draft legislation early in 2015. Our view at this stage is that a legislative solution to the difficulties would be relatively easy to achieve.
- A Discussion Paper on Remedies for Breach of Contract, which will include a consideration of penalty clauses.

2.10 In addition, we have in mind to examine the law of "set-off" (which may possibly be covered in the work on breach of contract), illegal contracts and (at least in so far as it does not concern consumers, whose interests are to be covered by the Consumer Rights Bill currently

⁸ Scot Law Com No 231.

⁹ SLC Discussion Paper No 157.

before the UK Parliament) implied terms in contracts of hire and for services. We would also like to examine the law on error. Those topics on which we have consulted will all be the subject of a final Report or series of Reports.

Compulsory purchase

2.11 Compulsory purchase involves a two stage process. The first is authorisation – the decision by a competent authority that compulsory purchase is in the public interest. The second stage is the implementation of that decision. The Commission’s project is concerned with the second stage.

2.12 The statute law relating to the implementation of compulsory purchase, and the assessment of compensation for the person dispossessed, is very largely antiquated and obscure, with much of it still contained in the Lands Clauses Consolidation (Scotland) Act 1845. There has been strong support from a wide range of different interests in Scotland for a reform project in this area.

2.13 We published a Discussion Paper in December 2014. The Discussion Paper examines the current law on the implementation of compulsory purchase in Scotland, and reaches the view that the only sensible reform would be a comprehensive new statute, which would replace all of the existing statutory provisions. The Discussion Paper suggests a new structure for the legislation, in relation both to implementation and to the assessment of compensation. It discusses in detail the options for reform of the various aspects of the current law, and makes proposals, or asks questions, as to how they might be improved.

2.14 The consultation period will run until 19 June 2015. Thereafter, the Commission’s current aim is to present Scottish Ministers with a report, accompanied by draft legislation which would, if implemented by the Scottish Parliament, give effect to the recommendations in the report.

Heritable securities

2.15 In our Eighth Programme we proposed reviewing the law of heritable securities as a long-term project. Commitments in relation to other property law projects have prevented work starting on heritable securities and so this project is being carried forward into our Ninth Programme. We do not expect to commence work on this until after completion of the moveable transactions project.

2.16 The law of heritable securities is about the securing of debt over heritable property – land and buildings. (The English term, “mortgage”, is often used by non-lawyers.) The security is created by registration in the Land Register. (For the declining number of properties still in the Register of Sasines, the security is recorded in that Register.) If the debtor defaults on the loan, the security can be enforced. Enforcement generally means the sale of the property. The law applies to heritable property of all types – residential, commercial, agricultural etc. But for residential property the debtor protection rules are stricter than for other types of property.

2.17 The law was systematically reformed by the Conveyancing and Feudal Reform (Scotland) Act 1970 and that remains the main source of the law. Though the 1970 Act represented a great improvement on the previous law, time has shown that it was not perfect. In particular, the rules

about enforcement are complex and hard to understand as the decision in *Royal Bank of Scotland v Wilson* [2010] UKSC 50 has demonstrated. A section-by-section review of the 1970 Act also reveals numerous technical problems. Individually they are generally minor but taken together there is an opportunity for significant technical improvement.

Defamation

2.18 The consultation exercise in preparation for the Ninth Programme of Law Reform generated a substantial level of support for a law reform project designed to examine the current state of Scots law on defamation. Both the Law Society of Scotland and the Faculty of Advocates supported the inclusion of such a project, as did a significant number of stakeholders with practical experience of defamation work. The general view was that Scots law on defamation was out of date. This is unfortunate because the law of defamation plays a central part in promoting and safeguarding freedom of speech and hence in upholding the values of a modern democracy.

2.19 We consider it to be essential that our law takes full account of the rapid pace of technological change, which has transformed communications in the internet age. These and other developments have given rise to major challenges for the rights to freedom of expression and to respect for private life. It is important that the modern law strikes the correct balance.

2.20 This is an area of the law where the European Convention on Human Rights has exerted major influence through decisions of the Strasbourg Court. There have also been important developments in England and Wales, not least the passing of the Defamation Act 2013. That measure made significant changes to defamation law in England and Wales. The reforms included the introduction of a requirement to show serious harm before a statement could be considered defamatory; reformulation of the defences of truth, honest opinion and publication on matters of public interest; and the introduction of greater protection for operators of websites. We wish to consider whether it would now be appropriate for Scots law to be reformed along similar lines and whether wider change would be desirable. We note also that the Northern Ireland Law Commission has been working on a project on this area of law and in December 2014 published its Consultation Paper on Defamation Law in Northern Ireland.

Proprietary aspects of leases

2.21 In our Eighth Programme of Law Reform¹⁰ we identified topics which we were not able to take forward at that time but which could be considered for our Ninth Programme. One of these was the law of leases of heritable property. We recognised that this would be a very substantial project, which should perhaps be undertaken in stages. Therefore we put forward the specific suggestion of proprietary aspects of leases. This received support from consultees who responded to consultation on the proposals for our Eighth Programme and it is clear to us from the responses to consultation on our Ninth Programme that there continues to be support for such a project.

2.22 The law of leases can be broadly divided into three areas: (1) agricultural; (2) commercial; and (3) residential. The first and third of these are already subject to detailed statutory regulation. It is only commercial leases which have little legislation dedicated to them. While our project

¹⁰ [Eighth Programme of Law Reform](#), paras 1.13-1.14.

would be general in scope we would not intend to disturb existing statutory rules relating to specific types of lease.

2.23 The project will take a focussed and selective approach as to where law reform is most needed. We have been advised by consultees that uncertainties in the current law lead to increased costs and act as a disincentive to investment particularly in the commercial leasing sector.

2.24 It is likely that the project would include a review of the Leases Act 1449 and (at least some of) the Registration of Leases (Scotland) Act 1857. These are the pieces of current legislation dealing with the creation of leases as proprietary (real) rights. The 1449 Act is the second oldest statute still in force in Scotland and applies to short leases (leases of 20 years or less). The 1857 Act regulates long leases (leases of over 20 years).

2.25 We also intend to consider issues relating to termination of leases, but we will generally exclude matters already covered by our Report in 2003 on Irritancy in Leases in Land¹¹ which has yet to be implemented. We intend to review the effect on sub-leases of premature termination of the head-lease, for example by irritancy (termination by breach) or by renunciation (termination by voluntary surrender). We think that the operation of the doctrine of confusion, whereby rights can be extinguished by coming into the hands of the same person, would also benefit from review in the context of leases. Thus, for example, the effect on a lease and any sub-leases if the tenant acquires ownership of the property would benefit from examination.

Aspects of the law of prescription

Scope of the project

2.26 We intend to limit the scope of this project to reviewing certain issues in the law of prescription. The points below have remained unchanged since enactment of the Prescription and Limitation (Scotland) Act 1973, cause some difficulties in practice, and merit review. These areas will form the core of the project; although we may also wish to address related or connected aspects.

Scope of the negative prescription(s): review the obligations which fall under section 6

2.27 Some obligations to make payment by virtue of a statutory duty appear not to fall under the five-year prescription and may therefore be open-ended. This applies for example to payments made under planning or legal aid legislation. It would be worth considering whether as a general rule sums due under an enactment should be subject to prescription.

2.28 A related issue is whether damages under section 8 of the Human Rights Act 1998 are subject to prescription under section 6 of the 1973 Act.

¹¹ Scot Law Com No 191.

Starting date for obligations to pay damages under the five-year prescription (sections 6 and 11(3))

2.29 Until the decision of the Supreme Court in *Morrison v ICL Plastics* [2014] UKSC 48, the Scottish courts had followed a consistent line in interpreting section 11(3) as giving creditors five years to sue from the date when they first knew (or should have known) of both the loss and that it was caused by negligence. The law is now different; one of the justices in *Morrison* expressed the view that the change in the law as previously understood is an issue worthy of consideration by the Scottish Law Commission (at para 101).

2.30 In 1989 the Commission published its Report on Prescription and Limitation of Actions (Latent Damage and Other Related Issues)¹² which recommended that section 11(3) should be redrafted. No legislation has followed. The earlier work by the Commission would need to be revisited, but it would certainly be of assistance in taking a new project forward.

Suspension of the five-year prescription on grounds of fraud or induced error (section 6(4))

2.31 In recent years creditors have frequently sought to argue that prescription should not run against their claims on the ground that for at least part of the period since prescription began to run they had failed to claim owing to the fraud of the debtor or error induced by the debtor. When this argument can properly be advanced would benefit from renewed scrutiny.

¹² Scot Law Com No 122.

Appendix A

Eighth Programme projects

Item No	Project	Classification/stage of project
1	Moveable transactions (Security over corporeal and incorporeal moveable property; assignation of incorporeal moveable property)	Ongoing
2	Trusts	Completed – Report submitted July 2014 (Scot Law Com No 239)
3	Judicial factors	Completed – Report submitted June 2013 (Scot Law Com No 233)
4	Homicide	Suspended
5	Criminal liability of partnerships	Completed – Report submitted November 2011 (Scot Law Com No 224)
6	Law of contract in light of the DCFR	Ongoing
7	Adults with incapacity	Completed – Report submitted September 2014 (Scot Law Com No 240)
8	Compulsory purchase	Ongoing
9	Heritable securities	To be commenced
10	Prescription and corporeal moveable property	Completed – Report submitted April 2012 (Scot Law Com No 228)

Appendix B

Joint reports with the Law Commission for England and Wales and the Northern Ireland Law Commission completed during the Eighth Programme

All Reports were joint Reports with the Law Commission for England and Wales, except the Report marked * which was a joint Report with the Law Commission for England and Wales and the Northern Ireland Law Commission

Consumer Redress for Misleading and Aggressive Practices	Joint Report submitted February 2012 (Scot Law Com No 226/Law Com No 332)
Statute Law Repeals: Nineteenth Report	Joint Report submitted March 2012 (Scot Law Com No 227/Law Com No 333)
Level Crossings	Joint Report submitted September 2013 (Scot Law Com No 234/Law Com No 339)
Consolidation of legislation relating to Co-operative and Community Benefit Societies	Joint Report submitted December 2013 (Scot Law Com No 235/Law Com No 341)
*Regulation of Health Care Professionals	Joint Report submitted March 2014 (Scot Law Com No 237/Law Com No 345/NILC 18 (2014))
Insurance Contract Law: Business Disclosure; Warranties; Insurers' Remedies for Fraudulent Claims; and Late Payment	Joint Report submitted July 2014 (Scot Law Com No 238/Law Com No 353)



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