



RESPONSE FORM

PREPARATION OF THE NINTH PROGRAMME OF LAW REFORM

We hope that by using this form it will be easier for you to respond to the questions set out in the consultation paper. Respondents who wish to address only some of the questions may do so. The form reproduces the questions as set out in the paper and allows you to enter comments in a box after each one. At the end of the form, there is also space for any general comments you may have.

Please note that information about this consultation paper, including copies of responses, may be made available in terms of the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with the 2002 Act.

We may also (i) publish responses on our website (either in full or in some other way such as re-formatted or summarised); and (ii) attribute comments and publish a list of respondents' names.

In order to access any box for comments, press the shortcut key F11 and it will take you to the next box you wish to enter text into. If you are commenting on only one or two of the questions, continue using F11 until you arrive at the box you wish to access. To return to a previous box press Ctrl+Page Up or press Ctrl+Home to return to the beginning of the form.

Please save the completed response form to your own system as a Word document and send it as an email attachment to info@scotlawcom.gsi.gov.uk. Comments not on the response form may be submitted via said email address or by using the [general comments form](#) on our website. If you prefer you can send comments by post to the Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR.

Name: Nicholas Grier

Organisation: Edinburgh Napier University

Questions

1. Do you have any suitable law reform projects to suggest?

Comments on Question 1

Yes. I have suggested it before but the timing was not good. I think a law good law reform project would be the consolidation of the law relating to diligence.

2. Do you have any project to suggest that would be suitable for the law reform process in the Scottish Parliament; or, in relation to reserved matters, for the House of Lords procedure for Commission Bills?

Comments on Question 2

3. If suggesting a new project:-

- (a) Please provide us with information about the issues with the law that you have identified:

I think the problem at present is that the law relating to the various diligences is all over the place. Some of it is in the common law, some in several different statute, some in rules of court, and it would make practitioners' and legal advisers' lives, not to mention debtors' lives, much easier if all the law were in the one place, accessible and intelligible.

- (b) Please provide us with information about the impact this is having in practice:

Scotland's legal system will not grind to a halt if diligence is not rationalised and consolidated. But it might nevertheless make debt recovery easier and more efficient thus cutting the cost for debtor and creditor alike.

- (c) Please provide us with information about the potential benefits of law reform:

General Comments

Thank you for taking the time to respond to this consultation paper. Your suggestions and comments are appreciated and will be taken into consideration when preparing our Ninth Programme of Law Reform.