



**The Hon Lord Pentland**  
Chairman, Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

27 July 2018

Dear Paul,

**PROGRESS ON IMPLEMENTATION OF THE SCOTTISH LAW COMMISSION REPORTS IN  
RESERVED AREAS OF SCOTTISH LAW**

I am writing to update you on progress that has been made in implementing the recommendations of the Scottish Law Commission in partnership with the Law Commission for England and Wales, or otherwise, pertaining to reserved areas of Scots law.

I am issuing this update to coincide with the seventh report to Parliament on the implementation of the Law Commission proposals which was published in July 2018. An update on each of the projects you are currently working on is set out below.

**Insurance Contract Law: Business Disclosure, Warranties, Insurers' Remedies for Fraudulent Claims, and Late Payment**

The joint recommendations on insurance contract law were presented to Government on 15 July 2014 and included suggested reform of the law in four main areas of insurance law which included the duty of disclosure in business and other non-consumer insurance; the law of insurance warranties; insurer's remedies for fraudulent claims; and the late payment of insurance claims.

The majority of these were implemented in the Insurance Act 2015, a special procedure bill which received Royal Assent on 12 March 2015. The key provisions of the 2015 Act then came into force on 12 August 2016. The recommendations on damages for late payment of insurance claims were implemented through in the Enterprise Act 2016, which received Royal Assent on 5 May 2016. Those provisions came into effect on 4 May 2017.

## Regulation of Health and Social Care Professionals

This joint project set out proposals for a new single legal framework for the regulation of health care professionals and in England only, the regulation of social workers. The Commission's final report and draft Bill were published on 2 April 2014 and in a Written Ministerial statement on 29 January 2015, the Government accepted a number of those recommendations, noting the need for further work on refining the recommendations to achieve the priorities of better regulation, autonomy and cost-effectiveness while maintaining a clear focus on public protection. The Government has already taken measures so that people can continue to be confident they are receiving high quality care. It has made improvements to the way doctors, nurses and midwives are investigated when there are concerns about their ability to treat patients safely.

Building on this, the Government published a consultation paper on 31 October 2017, which built on the Commission's report and closed at the end of January 2018. The responses to that consultation are currently being analysed and will be published in due course.

## Level Crossings

This project was launched to examine the legal framework governing the level crossing network in Great Britain and made recommendations to modernise, simplify and clarify the law to allow for better regulation and improvements in safety through the reduction of risk for those who use them.

The joint report was published on 25 September 2013 and included a draft Bill and regulations that recommended a streamlined closure procedure to close some in the public interest, modernise safety regulation, impose a duty to consider the convenience of all users, clarify the law and remove outdated provisions.

The Government provided a response to the report in October 2014, accepting both the case for reform and the majority of the Commissions' recommendations, but laid out a timetable for further consideration with stakeholders before reaching a detailed conclusion. In May this year, the Department for Transport was able to confirm that Ministers had concluded that while reform was needed, the best way to achieve the required changes would be through administrative, rather than legislative reform.

I have arranged for a copy of this letter to be placed in the Library of the House.

Yours sincerely,



**RT HON LORD KEEN OF ELIE QC**