

December 2019

e-bulletin

Keeping you up to date with Scottish Law Commission news and consultations

Our current work

Our current law reform projects are set out below. These include joint law reform projects with the Law Commission of England and Wales. For further information on any particular project, click on the link.

Scottish Law Commission only projects

- [Heritable securities](#)
- [Aspects of the law of leases](#)
- [Homicide](#)
- [Aspects of family law](#)
- [Damages for personal injury](#)

Joint projects with the Law Commission of England and Wales:

- [Insurance law](#)
- [Surrogacy](#)
- [Automated vehicles](#)
- [Electoral law](#)

Statute law

- [Consolidation of statutes](#)
- [Statute law repeals](#)

News

Appointment: Commissioner: Professor Frankie McCarthy

The Commission are delighted at the recent appointment of Professor Frankie McCarthy as a Commissioner. Professor McCarthy will lead the current project on the law relating to heritable securities.



Professor Frankie McCarthy

Farewells:

Dr Andrew Steven

Dr Andrew Steven's term of office as a Commissioner came to an end in August. The Commission are very grateful to Dr Steven for his immense contribution to the Commission's work on property law over the last 8 years. In particular, Dr Steven was the lead Commissioner for the Moveable Transactions project, delivering one of the Commission's most substantial Reports and a Bill in 2017.

Gregor Clark CB, Parliamentary Counsel

Late summer saw the departure from the Commission of our consultant Parliamentary Counsel, Gregor Clark CB.

The Commission greatly value the legislative drafting which Gregor provided to the Commission on a wide range of topics since he joined us in 2006. Highlights of his work include consolidation of bankruptcy legislation in Scotland, which culminated in the successful passage of the Bill as the Bankruptcy (Scotland) Act 2016; and the substantial draft Moveable Transactions (Scotland) Bill attached to our Report in 2017.

Implementation

Defamation and Malicious Publication (Scotland) Bill

The Scottish Government introduced the Defamation and Malicious Publication (Scotland) Bill to the Scottish Parliament earlier this month.

Lady Paton, Chair of the Commission, said:

“I welcome this important Bill which has been introduced by the Scottish Government as part of their legislative programme. The Bill seeks to implement the recommendations in the Commission’s 2017 Report on Defamation, with a view to modernising the law of defamation and making it fit for purpose in today’s society.”

The Bill can be found on the Scottish Parliament website [here](#). The Commission’s Report is [here](#).

Moveable transactions

The Commission welcomed the Scottish Government’s Programme, which stated that the Government intend to carry out a focussed consultation on aspects of the Commission’s Report on Moveable Transactions in 2017 ([Volume 1](#); [Volume 2](#); [Volume 3](#)).

The Economy, Enterprise and Fair Work Committee of the Scottish Parliament took evidence on the Commission’s Moveable Transactions Bill on 26 November 2019. Dr Andrew Steven, who was the lead Commissioner for the Report and Bill, gave evidence. Former Commissioner Professor George Gretton, and 3 members of the Commission’s advisory group also gave evidence. See the [Official Report](#).

Judicial factors

The Scottish Government carried out a consultation this autumn on modernising the law in relation to judicial factors. The Government consulted on the Bill attached to the Commission’s [Report](#) on Judicial Factors in August 2013.

Trust law

In October 2019 the Commission hosted a meeting of interested parties to discuss ways in which trusts are used today in the commercial and public spheres. Lord Drummond Young, former Chairman of the Commission and the lead Commissioner for the Trusts project, made a presentation, outlining the many ways in which trusts are useful in modern practice. He put forward a persuasive case for implementing the Commission’s 2014 [Report](#) on Trust Law.



The Rt Hon Lord Drummond Young, former Chairman and the Rt Hon Lady Paton, current Chair

Current consultations

Automated vehicles

In October 2019 the Commission and the Law Commission of England and Wales published a second joint consultation paper in the Autonomous Vehicles project, focussing on passenger services and public transport.

The consultation is open until 16 January 2020.



An AV industry event in Glasgow this year, attended by our Legal Assistant, Scott Cormack



Further information

Further information about the Commission and our law reform work can be found on our website at www.scotlawcom.gov.uk. The website has full text versions of all of our reports and discussion papers.

Please note our new email address:
info@scotlawcom.gov.uk

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