

Spring 2024

e-bulletin

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

Welcome

Welcome to the Scottish Law Commission's regular bulletin. We aim to keep you informed about what we have been up to and what we have coming up.

Our current law reform projects are listed below. Some are mentioned later in this Bulletin. For further information on any particular project please click on the link.



Project managers at the Scottish Law Commission

*(l to r) Mariel Kaney, Julie Bain, Stephen Crilly,
Alastair Smith, Graham McGlashan, Lorraine Stirling*

Current SLC projects:

- [Heritable securities](#)
- [Compulsory owners' associations \(tenements\)](#)
- [Aspects of the law of leases](#)
- [Homicide](#)
- [Aspects of family law](#)
- [Damages for personal injury](#)
- [Execution of documents](#)

Statute law work

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

Current Programme of Law Reform

- [11th Programme](#)

News

Commissioner news

Welcome to Ann Stewart, who joined the Commission on 30 April!



Ann is leading the new project on execution of documents, which is one of the topics included in our 11th Programme of Law Reform. She is a part-time Commissioner, and also continues in her role as a professional support lawyer at Shepherd and Wedderburn where she has worked for the last 22 years. She brings a wealth of experience to the Commission.

Imperial Service Medal

In May Iain Ritchie, our former Office Administrator and Messenger, received his Imperial Service Medal following his retirement in 2021. The Medal is awarded on a discretionary basis to those who retire from the administrative grade after at least 25 years' meritorious service. We were delighted to see Iain back with us on Thursday 30 May 2024, accompanied by Lesley, his wife, for the presentation of his well-deserved award. Continued happy retirement to you both!



Recent publications

Annual Report

Our [Annual Report for 2023](#) was published in March. It details the implementation to date of the Commission's recommendations, and contains a forward look at publications planned for this year. It also describes the work done by the Commission to promote law reform, such as the hosting of the annual meeting of the UK, Ireland, and Jersey law reform bodies last November (as reported in our previous bulletin). Topics discussed at that meeting included training and retaining staff with suitable legal expertise, and various issues around implementation.

Discussion Paper on Tenement law: compulsory owners' associations

Our [discussion paper](#) was published in April, and marks a significant stage in a project which was referred to us by the Scottish Government in 2022.

It is part of a wider piece of work on tenements in Scotland, for which a Scottish Parliament Working Group was set up. The Group made three recommendations, one of which is that the owner of every tenement flat in Scotland should be required to enter into an association with the owners of the other flats in the same building. It is this project which has been referred to us. The key purpose of the association would be to manage maintenance and repair of the building. Our project aims to set out an appropriate legislative basis for implementing this recommendation. The consultation is open until 1 August 2024 and all responses are welcome. Our project page has details of webinars on the reform proposals.

Discussion Paper on Aspects of leases: Tenancy of Shops (Scotland) Act 1949

Our [discussion paper](#) on the Tenancy of Shops (Scotland) Act 1949 was also published in April. This is the second topic in our umbrella project on leases, the first being termination of commercial leases, on which we published a report in 2022.

The 1949 Act gives certain tenants the right to apply for a renewal of their lease beyond its end date. The Act appears unsatisfactory in various respects and we ask for views as to whether it should be repealed, or reformed, or whether it should be left as it is. These questions will affect a wide range of tenants and landlords as well as their advisers and business associations, and we look forward to receiving responses to our consultation. Our project page contains details of webinars where we explain the options going forward.

Implementation

Trusts and Succession (Scotland) Act 2024

As reported in our [previous bulletin](#), this legislation was unanimously passed by the Scottish Parliament in December 2023, and it has now received royal assent.

Judicial Factors (Scotland) Bill

The Judicial Factors (Scotland) Bill was introduced into the Scottish Parliament on 5 December 2023. It is based on a [Commission report](#) from 2013. A judicial factor is an officer appointed by the court to collect, hold and administer property in accordance with the relevant law, and all judicial factors are supervised by the Accountant of Court. The main legislation, dating from the 19th century, is in need of modernisation. The lead Committee, the Delegated Powers and Law Reform Committee, took evidence at Stage 1 from the SLC, including evidence from the former lead Commissioner, Patrick Layden KC.

The Bill can be found on the Scottish Parliament's website here: <https://www.parliament.scot/bills-and-laws/bills/judicial-factors-scotland-bill>.

Automated Vehicles Act 2024

The Automated Vehicles Bill was introduced into the House of Lords on 8 November 2023 in implementation of the joint report from this Commission and the Law Commission of England and Wales published in 2022. It sets out the legal framework for the safe deployment of self-driving vehicles in Great Britain, and builds on provisions on legal liability which are contained in the Automated and Electric Vehicles Act 2018. The Automated Vehicles Act received royal assent on 20 May.

At a practical level there has been a trial running for some time now in Scotland in the form of a bus service between Fife and Edinburgh which, for much of the route, runs autonomously. Some information on both that service and the Automated Vehicles Bill can be found here:

<https://www.lawscot.org.uk/members/journal-hub/articles/a-driving-force-for-safety/>.

The legislation can be found on the UK Parliament's website here: <https://bills.parliament.uk/bills/3506>, and information about the project, including a link to our joint report, can be seen here:

<https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/completed-projects/automated-vehicles/>.

Other projects

As we have reported before, we have been made aware that Scottish Government officials are to begin work on three further Commission reports, namely those on an Improved Scheme for Financial Provision on Cohabitation Breakdown (2022); on Aspects of Leases: Termination (2022); and on Review of Contract Law (2018). However, there are no decisions about any bills at this stage. Further details can be seen in the letter from the Minister for Victims and Community Safety to Lady Paton here:

https://www.scotlawcom.gov.uk/files/3916/9720/0227/Correspondence_from_the_Minister_for_Victims_and_Community_Safety_to_Lady_Paton_-_5_September_2023.pdf.



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 as well as other material.

Follow us on X (formerly Twitter): [@scotlawcom](https://twitter.com/scotlawcom), and see videos about the Commission and our work: <https://www.youtube.com/channel/UCMHecvTB9TgJE8G7t8RpYRA>.

Scottish Law Commission
Parliament House
11 Parliament Square
Edinburgh EH1 1RQ

Tel: 0131 244 6605

Email: info@scotlawcom.gov.uk

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