

Minister for Victims and Community Safety submission of 3 October 2023

PE1973/F: End the use of Sheriffs Discretion when ruling on civil cases and provide clear legal guidance on division of assets

I am grateful to the Clerks of the Committee for writing to my officials on 7 September 2023 following the Committee's consideration of this Petition at the Committee's meeting on 6 September.

The Committee is seeking confirmation of whether the Scottish Government intends to bring forward a Bill on cohabitation following the Scottish Law Commission (SLC) Report on An Improved Scheme for Financial Provision on Cohabitation Breakdown (2022) during this parliamentary session (that is, prior to the 2026 election). The Committee has also asked for the anticipated timescale for introduction if we do.

I am unable to provide a timescale for bringing forward a potential Bill in this area. This depends on future decisions about the Scottish Government's legislative programmes, which will be announced to Parliament in due course in the normal way through future Programmes for Government by the First Minister. As you may know, this year's [Programme for Government](#) published on 5 September includes our commitment to introduce legislation implementing the SLC's recommendations made in its Report on Judicial Factors (2013). This will be the third SLC Bill introduced this session.

In line with our wider ambition of giving consideration to implementing a number of SLC reports this Parliamentary session, I have recently written to Lady Paton, the Chair of the SLC advising that, after initial consideration, my officials will begin detailed work on the SLC Report on cohabitation and two other SLC Reports. The work on cohabitation will include an assessment of whether it would be helpful for us to consult on the Commission's recommendations in this area.

I will continue to consider whether and when there would be a suitable opportunity to take forward the recommendations contained in the report on cohabitants' rights as other commitments allow.

SIQBHIAN BROWN