

Annex

List of unimplemented SLC Reports (from 2006 to present, in reverse date order)

* indicates a report published jointly with the Law Commission for England and Wales (“LCEW”)

Title	SLC Number and year	Comments
Electoral Law *	No 256; 2020	Although there was no draft bill attached to the final report there remains a strong case for legislation both at Holyrood and Westminster. (Northern Irish election law was considered at consultation stage but institutional difficulties precluded this from being fully considered in the report.)
Section 53 of the Title Conditions (Scotland) Act 2003	No 254; 2019	The draft bill is short – only 7 sections – and would address a provision in the 2003 Act which has attracted much criticism for its lack of clarity
Review of Contract Law: Formation, Interpretation, Remedies for Breach, and Penalty Clauses	No 252; 2018	The draft bill contains provisions on two main areas: formation of contract, and remedies for breach of contract. Other topics within our review of contract law have been reported on separately and are already implemented (by the Legal Writings (Counterparts and Delivery) (Scotland) Act 2015 and the Contract (Third Party Rights) (Scotland) Act 2017)
Moveable Transactions	No 249; 2017	This substantial and widely supported report requires implementation in order to meet a pressing commercial need
Statute Law Repeals *	No 243; 2015	Periodically the SLC and the LCEW prepare reports recommending the repeal of obsolete legislation. The main purpose is to keep the statute book in good order by removing ‘spent’, and often ancient Acts. A bill would be introduced at Westminster rather than in Holyrood.
Adults with Incapacity	No 240; 2014	The SG published proposals for reform in 2018
Trust Law	No 239; 2014	The case for law reform remains urgent; the principal Act is now 100 years old and Scots trust law is falling behind that of other jurisdictions, to the prejudice of this country
Regulation of health care professionals *	No 237; 2014	This is a largely reserved area, and the report was the work of the SLC, the LCEW and the Northern Ireland Law Commission. There was a UK government consultation in 2017 resulting in a commitment to take further action including the drafting of secondary legislation
Level Crossings *	No 234; 2013	The UK government has decided to make changes by way of administrative rather than legislative reform
Judicial Factors	No 233; 2013	The SG held a consultation in 2019 and agreed to take forward legislative reform, with the timing depending on Parliamentary time
Similar Fact Evidence and the <i>Moorov</i> doctrine	No 229; 2012	This was one element in a three-headed reference from the SG; the reports on the other two heads, on Crown Appeals and Double Jeopardy, have both been implemented (by the Criminal Justice and Licensing (Scotland) Act 2010 and the Double Jeopardy (Scotland) Act 2011)

Prescription and Title to Moveable Property	No 228; 2012	The SG has indicated that it is disinclined to accept the recommendations
Unincorporated Associations	No 217; 2009	This is a reserved area and so would require legislation to be brought forward in Westminster
Succession	No 215; 2008	There has been partial implementation, mainly of technical provisions, in the Succession (Scotland) Act 2016, but a number of substantial recommendations remain unimplemented. The SG consulted on this most recently in 2019
Crown Appeals	No 212; 2008	This has been partially implemented (by sections 73-76 of the Criminal Justice and Licensing (Scotland) Act 2010)
<i>Sharp v Thomson</i>	No 208; 2007	No indication has been given of an intention to legislate
Personal Injury Actions – limitation and prescribed claims	No 207; 2007	There has been some consultation carried out by the SG following the report
Variation and Termination of Trusts	No 206; 2007	Now covered in the Trust Law Report (No 239; 2014), so this report is superseded
Interest on Debt and Damages	No 203; 2006	SG has decided not to take forward the recommendations relating to interest on debt