Submission from Glasgow City Council

1. What are the advantages and disadvantages of the approach taken in the Bill? Are there any provisions not included in the Bill which you considered should be?

The Council support the Bill.

At times it can be problematic to get all parties to a transaction to sign the same principal copy of a legal document on time, especially in transactions involving multiple parties based in different geographical locations. This causes delay, practical difficulties and, in some cases, financial loss to one or more parties.

Changing the governing law of the legal document to English law, which allows execution in counterpart, would not be a suitable option for a Scottish local authority. In addition, this option would not be applicable to Scottish property transactions, as the governing law for such transactions is lex situs (the law of the place where the property is situated), namely Scots law.

Providing an optional method by which parties may execute a legal document in counterpart under Scots law and, in addition, allowing documents created and signed on paper to be delivered for legal purposes by electronic means, will significantly expedite matters and will afford greater flexibility to all parties to a transaction.

In the opinion of the Council, there are no disadvantages to the approach taken in the Bill.

The Council do not believe that there are any further provisions that require to be added to the Bill.

2. How will the Bill improve the process of the execution of legal documents in Scotland?

The process of the execution of legal documents in Scotland will become more efficient and less time-consuming. It will provide greater flexibility to all parties to a transaction.

3. Do you consider that the Bill will precipitate an increase in the use of Scots Law to govern transactions?

Yes.

4. What are the financial implications of the Bill?

Having reviewed the Bill and its accompanying documents, the Council believe that there will be minimal financial or resource implications, such as the costs associated with making legal and administrative staff aware of the changes to the law affected by the Bill.
Referring to the Financial Memorandum prepared by the Scottish Government, the Council note that the Government do not anticipate any costs related to the proposals to be borne by local authorities. The Council agree that local authorities and other public sector bodies will be able to benefit from the efficiencies and savings if the Bill becomes law.

5. *Are there any equality issues arising from the Bill?*

The Council are not aware of any equality issues arising from the Bill.

6. *What is your view of the potential environmental impact of the Bill?*

The need for parties travelling by various modes of transport to sign legal documents will be greatly reduced, thereby making a positive impact on the environment.