# Parliamentary Bureau – Designation of Bills at Stage 1

## Digital Assets (Scotland) Bill

### Introduction

1. The Digital Assets (Scotland) Bill was introduced in the Parliament on 30 September by the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP.

### Discussion

2. The Bill seeks to clarify Scots private law by confirming the status of digital assets as objects of property which are capable of being owned. The Bill implements a number of recommendations from the Digital Assets in Scots Private Law: Expert Reference Group.

3. The Bill seeks to provide greater legal certainty for individuals and for businesses including those investing in digital assets, for technology and financial start-ups, as well as for the legal sector.

4. The Bill confirms that certain kinds of digital asset can be objects of property in Scots private law, with reference to defined statutory characteristics. These digital assets are categorised as incorporeal moveable property by the Bill.

5. The Bill also confirms how ownership of digital assets, that are objects of property, can be established and confirms the rules governing the acquisition (including the voluntary transfer) of ownership of these types of digital asset.

6. Finally, one of the effects of the Bill is to ensure the relevant general principles of Scots private law will continue apply to these digital assets, so far as those principles are consistent with the nature of those assets and subject to provision in any legislation.

7. The Bill falls within the remit of the following committees—

   *Economy and Fair Work Committee*
   The remit of the Economy and Fair Work Committee includes to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic (with the exception of Gaelic). The Bill has been introduced by the Deputy First Minister. Digital economy, strategy and participation fall within the responsibilities of the Minister for Business and Employment, who reports to the Deputy First Minister. The remit of the Economy and Fair Work Committee is therefore engaged.

   *Equalities, Human Rights and Civil Justice Committee*
   The remit of the Equalities, Human Rights and Civil Justice Committee includes matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs. Given the Bill makes provision in respect of Scots private law and the civil law, the remit of the Equalities, Human Rights and Civil Justice Committee is therefore engaged.

8. It is understood that the Economy and Fair Work Committee has the main interest in the Bill.

9. Lack of formal designation does not, of course, prevent the Equalities, Human Rights and Civil Justice Committee from considering the Bill if it subsequently decides to do so.

### Recommendation

10. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9.6.1, that the Economy and Fair Work Committee be designated as lead committee.

11. A draft motion can be found below.

### Draft Parliamentary Bureau motion on the Digital Assets (Scotland) Bill:

**Designation of Lead Committee**: That the Parliament agrees that the Economy and Fair Work Committee be designated as the lead committee in consideration of the Digital Assets (Scotland) Bill at Stage 1.

## Contract (Formation and Remedies) (Scotland) Bill

### Introduction

12. The Contract (Formation and Remedies) (Scotland) Bill was introduced in the Parliament on 2 October 2025 by the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP.

13. The Contract (Formation and Remedies) (Scotland) Bill is based on recommendations from the Scottish Law Commission's Report on Review of Contract Law: Formation, Interpretation, Remedies for Breach, and Penalty Clauses. The Bill seeks to improve and simplify contract law by introducing a statutory set of rules that apply to all contracts. These rules cover include how a contract is agreed and what happens if the terms of the contract are not met.

### Discussion

14. The Bill appears to engage the remits the following committees:

*Delegated Powers and Law Reform Committee (DPLRC)*
The Bill is considered to meet the definition of a Scottish Law Commission Bill set out in Rule 9.17A (further detail on this is provided in the Annex). As such, the Bills fall within the remit of the DPLRC, which is set out in Rule 6.11.1 of Standing orders (paragraph (g) of that Rule refers specifically to Scottish Law Commission (SLC) Bills).

*Economy and Fair Work Committee*
The remit of the Economy and Fair Work Committee includes to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic. Contract law

impacts on day-to-day economic life in relation to all types of transactions for businesses, organisations and individuals. The remit of this committee is therefore also engaged.

*Equalities, Human Rights and Civil Justice Committee*
The remit of the Equalities, Human Rights and Civil Justice Committee includes to consider and report on matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Bill was introduced by the Cabinet Secretary for Justice and Home Affairs, and relates to a matter of civil justice reform. The remit of this committee is also engaged.

15. The Bill is considered to meet the criteria set out in Rule 9.17A and the Presiding Officer's determination under Rule 9.17A(b). Therefore, it is recommended that the DPLRC be designated as lead committee.

16. We are not aware of any interest on the part of the Economy and Fair Work Committee or Equalities, Human Rights and Civil Justice Committee in being formally designated as a secondary committee. Lack of formal designation does not, of course, prevent any committee from considering the Bill if it subsequently decides to do so.

## Recommendation

17. The Bureau is invited to consider recommending to the Parliament by motion under Rule 9.6.1, to designate the Delegated Powers and Law Reform Committee as the lead committee for consideration of the Contract (Formation and Remedies) (Scotland) Bill at Stage 1.

18. A draft motion can be found below.

Draft Parliamentary Bureau motion on the Contract (Formation and Remedies) (Scotland) Bill:

**Designation of Lead Committee:** That the Parliament agrees that the Delegated Powers and Law Reform Committee be designated as the lead committee in consideration of the Contract (Formation and Remedies) (Scotland) Bill at Stage 1.

Parliamentary Business Team
October 2025