Thank you for your letter of 7 December 2018. It was good to meet you and your colleagues on your visit here recently. I am most grateful for the interest you and they are taking in the Commission's work, particularly on the challenging question of how to ensure that our proposals are effectively implemented and properly scrutinised by the Scottish Parliament.

I note also, with interest, in the draft Official Report of the meeting of your Committee on 11 December 2018, the suggestion of a formal process being set up for the purpose of reviewing the existing criteria for referral of Scottish Law Commission Bills to the Committee. If I may say so, I consider that that would be an excellent way in which to take matters forward. If the suggestion is taken up, it is a process in which the Scottish Law Commission would be interested in taking part, along with the Committee and the Minister for Parliamentary Business and Veterans.

As you are aware, I demit office at the end of this year. It is gratifying to know that I leave the important matter of the future referral of Scottish Law Commission Bills to your Committee in safe hands, and I will brief my successor accordingly.

Without wishing to pre-empt any process which is to follow, it seems to me that consideration might usefully be given to (a) removing the reference to there having to be "a wide degree of consensus among key stakeholders" and (b) deleting the exclusion of any measure relating directly to criminal law reform. The latter change would allow your Committee to consider our unimplemented Report from 2012 on Similar Fact Evidence and the Moorov doctrine.

I would also tentatively suggest that some possible candidates for future consideration by your Committee might be our Bills on judicial factors, on trusts and (more recently) on moveable transactions. Each of these is currently with the Scottish Government for consideration. While the Committee has thus far considered relatively small Commission Bills, there is no reason, in my view, why larger Bills, such as trusts and moveable transactions, should not be taken on in the future.

Of course, primary responsibility for responding to the Commission's recommendations and for deciding whether to take forward legislation based on them lies with the Scottish Government. The Parliamentary authorities also have an important part to play in the allocation of business.
I hope you find these thoughts to be of some assistance.

In conclusion, I wish to express my personal thanks for the interest which the Delegated Powers and Law Reform Committee has taken in the Commission's work during my term of office.

Yours sincerely,

Paul Cullen

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