Economy and Fair Work Committee
Wednesday 3 December 2025
34th Meeting, 2025 (Session 6)

Digital Assets (Scotland) Bill (Stage 1)

Note by the Clerk

Background

1. The Digital Assets (Scotland) Bill ("the Bill") was introduced by the Scottish Government on 30 September 2025. The Bill, and its accompanying documents, can be found here on the Parliament's website.

2. The Economy and Fair Work Committee has been designated as lead committee for scrutiny of the Bill at Stage 1.

3. The role of the Committee at Stage 1 is report to the Parliament on the general principles of the Bill, to inform the chamber debate. The scope of this Bill is to confirm the status of digital assets as objects of property which are capable of being owned, bringing clarification to Scots private law. Private law is the branch of the law which deals with disputes between individuals and/or organisations.

Digital Assets (Scotland) Bill

4. The Bill will confirm—

   - a definition of digital assets;
   - that digital assets will generally be treated by the law as incorporeal moveable property;
   - how ownership of digital assets can be established;
   - the rules governing the voluntary transfer of ownership; and
   - the general principles of Scots private law will apply to digital assets.

5. The Bill takes forward some recommendations from the Digital Assets in Scots Private Law: Expert Reference Group, and from the Scottish Government's Digital assets in Scots private law: consultation.

6. Two SPICe briefings have been published. The first, Digital Assets in Scots Law (2025), in advance of the Bill being introduced, by Dr Alisdair MacPherson and Professor Burcu Yüksel Ripley as part of SPICe's academic fellowship scheme. The second briefing, published after the Bill was introduced, considers the Bill as introduced, including relevant terminology and concepts.

Committee Role and Scrutiny

7. The Committee considered and agreed its approach to Stage 1 scrutiny at its meeting on 8 October 2025 and launched a call for views, which closed in November. 15 responses were received and are available online.

8. This is the second evidence session. A further evidence session is scheduled for 10 December and the Minister has been invited to attend the meeting on 17 December.

9. The Committee will then report on the Bill's general principles with a recommendation to the Parliament on whether they should be agreed.

Evidence session

10. Today, the Committee will hear from two panels. The Committee will recall that Dr Alisdair MacPherson and Professor Burcu Yüksel Ripley are appointees to the Parliament's Academic Fellowship Scheme. The scheme is managed through SPICe and enables academics to provide the Parliament with specialist knowledge, in this case on digital assets in Scots law. However today Dr MacPherson and Professor Yüksel Ripley are attending as witnesses in their professional capacities for the Law Society of Scotland and the University of Aberdeen respectively.

    Panel one —

    - Professor William Buchanan, Director, and Peter Ferry, CEO, Scottish Centre of Excellence in Digital Trust and DLT; and
    - Jamie Gray, Partner, Burness Paull LLP

    Panel two —

    - Dr Alisdair MacPherson, Senior Lecturer in Commercial Law, Law Society of Scotland;
    - Dr Hamish Patrick, Partner and Head of Financial Sector, Shepherd and Wedderburn;
    - Usman Tariq KC, Faculty of Advocates; and
    - Professor Burcu Yüksel Ripley, Personal Chair, University of Aberdeen.

Clerks to the Committee
November 2025