



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

The Right Honourable Lord Carloway, Lord
President of the Court of Session,

Email only

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15 May 2024

Dear Lord President,

Judicial Factors (Scotland) Bill

As you are likely aware, the Delegated Powers and Law Reform Committee is currently scrutinising the Judicial Factors (Scotland) Bill, based on a report and draft Bill from the Scottish Law Commission.

Following a suggestion from the Faculty of Advocates in response to the Committee's call for views, the Committee has sought views during oral evidence on the possibility of adding into the Bill an additional power for judicial factors to seek directions from the court. A similar power can be found in section 69 of the Trusts and Succession (Scotland) Act 2024.

While the Committee has not yet come to any view on the merits of this proposal, when it raised the issue with the Minister during her [oral evidence to the Committee](#) on 7 May 2024, she responded "Before the committee reaches any conclusion on the issue, however, I urge you to seek the views of the Lord President in that regard".

Given the Minister's remarks, to aid the Committee in its consideration of this issue ahead of coming to a final view in its Stage 1 report, I would be grateful if you could share any views you have as to the merits of adding such a power to the Bill.

I would be grateful for a response to this letter by Thursday 30 May 2024.

Yours sincerely

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee