



Delegated Powers and Law Reform Committee

Lady Ann Paton
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10 October 2022

Dear Lady Paton,

As you know the Committee is continuing to take evidence on the Moveable Transactions (Scotland) Bill. At its meeting on 4 October 2022, the Committee heard from several legal and consumer representatives on the Bill.

I am writing in relation to the following dialog between Myles Fitt of Citizens Advice Scotland and myself during the meeting:

Myles Fitt: ...As a consumer organisation, we believe that consumers have no place in the bill and should be removed from it. Consumer need and behaviour are very different from business need and behaviour. Our position has very wide and strong support from the money advice sector, including StepChange, Money Advice Scotland, Christians Against Poverty and the Money Advice Trust, as well as a great number of money advisers that we have spoken to over the past several months. We think that removing consumers from the bill would alleviate all the concerns over unintended consumer detriment, while achieving the bill's main aim of making the law more modern and less restrictive for businesses.

The Convener: Thank you for that. Were the concerns that you just raised, as well as those in your written submission, raised directly with the SLC when it was going through the process and when it produced a draft bill a number of years ago? Did Citizens Advice contact the SLC to raise those concerns?

Myles Fitt: You raise an interesting point about engagement in the entire process. I did a bit of homework on the subject, going back 10 years to the start, and there were 67 opportunities for organisations to engage—or 67 moments when there was engagement by stakeholders. Only one of those was a consumer organisation, which happened to be Citizens Advice Scotland a couple of years ago, in relation to the Economy, Energy and Fair Work Committee's inquiry. The rest were all academics, lawyers, legal firms or

financial industry representatives. Organisations that represent the consumer or the money advice sector have barely been involved in the process. Now that the issue has come up as part of a bill that has been introduced, we will see lots more interest. That explains why it has now grown into a bit of an issue. We engaged with the process a couple of years ago and put forward the view that consumers should not be in the bill

The full transcript of the evidence session can be found in [the Official Report of the meeting](#).

Given Mr Fitt's comments on the level of engagement by the Scottish Law Commission up until the publication of its Moveable Transactions' report in December 2017, I would be grateful if you could provide a note on which consumer and money advice organisations the Commission engaged with as part of its work and, if possible, when these links occurred. This will help the Committee gain a fuller understanding of the timeline of all such engagement ahead of your 2017 report.

I would be grateful if you were able to respond by **Monday 24 October 2022**. While I appreciate this is a relatively short turnaround time, it will greatly assist the Committee ahead of its next evidence session on the Bill.

I look forward to hearing from you.

Yours sincerely

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