

12. CONSULTATION ON THE UNINCORPORATED ASSOCIATIONS AND PARTNERSHIPS (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services concerning a consultation on the proposed reform of Scots Law on two topics:-

- (i) Non-profit making unincorporated associations and
- (ii) Criminal liability of partnerships.

Appendix 1 to the report was an Introduction to Consultation, and Appendix 2 outlined the 12 consultation questions.

The report advised that an opportunity existed for the Council to contribute to the implementation of two Scottish Law Commission reports on reserved matters of Scots Law. The Bill, if taken forward, would have the desired effect on (i) encouraging the continuance of the good work done by many unincorporated associations, whose members or office-bearers were otherwise exposed to a disproportionate level of financial and other risks that they might be unaware of and (ii) addressing the apparent loophole in the current law relating to the inability to prosecute a Scottish Partnership once it was dissolved.

The report recommended that the Council Executive note the content of the proposed consultation response and approve the consultation response to be submitted to the Scotland Office.

Decision

To approve the terms of the report.