

**PE1701/H**

Scottish Law Commission submission of 1 October 2019

I refer to your letter dated 29 August 2019 in connection with the above Petition.

The Commission notes the call to legislate to allow for the adoption of individuals who are over the age of 18 years. The Commission agrees with the Law Society of Scotland that the proposal would require research into the implications of changing the law, and that a comparative study of the position in different jurisdictions would be useful.

The Commission has not carried out any research or consultation into this matter. The Commission is therefore not in a position to comment on the issue, or on the depth of support for reform.

I should explain that the Commission carries out reviews of particular areas of the law of Scotland in terms of a Programme of Law Reform. Each Programme is prepared following a public consultation and discussions with key stakeholders. This process focuses on the areas of law which are most in need of reform at any particular time, and the extent of support for reform. The process also helps to identify the law reform projects that the Commission is best placed to address in terms of our current expertise and resources.

The Commission is currently working on our Tenth Programme of Law Reform. The Tenth Programme began in 2018, and runs for a period of 5 years until the end of 2022. A consultation exercise was carried out in 2017 to prepare the Programme. The Programme was approved by Scottish Ministers, and laid before the Scottish Parliament. The Programme can be found on the Commission's website. For convenience, a link to the Programme is attached.

<https://www.scotlawcom.gov.uk/law-reform/tenth-programme-of-law-reform-consultation/>

The consultation in 2017 produced strong and persuasive support from a range of consultees for reform of a number of areas of family law. The Tenth Programme therefore includes a project to review aspects of family law. Two possible topics within the area of family law suitable for the Commission to consider are identified in the Programme. These are first, aspects of adult relationships, specifically financial provision for cohabitants whose relationship breaks down; and second, remedies for domestic abuse.

While there was some support from consultees for a review of the law on adoption, no specific mention was made of the adoption of individuals who are over the age of 18.

The Commission will in due course carry out a consultation on possible law reform projects for the next Programme of Law Reform. The consultation will be announced on the Commission website. The Commission will be very interested in suggestions from bodies and individuals for possible law reform projects during that consultation.