

# Digital Assets in Scots Private Law Consultation

November 2024

## **Ministerial foreword**

Scotland is a well-established, globally competitive financial services hub and is the UK's second financial centre after London, employing over 140,000 people. Our well-connected ecosystem is known globally for deep specialism in areas including asset management, banking, savings and pensions, with emerging areas of strength such as FinTech, AI, Green Finance driving innovation and growth.

Scotland also has an independent legal system, distinct from other UK jurisdictions, with Scots law able to trace its origins back to Roman law. Our laws need to be fit for purpose, so it is important that Scots private law supports and keeps pace with developments in innovation and financial technology. In some instances there is a need for legislative change to achieve reform, which is true of digital assets.

Digital assets are transforming the financial sector and present new economic opportunities; however, their legal status as property under Scots law requires greater clarity and certainty. The Scottish Government appointed an Expert Reference Group to review the existing legal framework to advise if legislative change was necessary. The Group is of the view that reform to our private law would be beneficial and provided several recommendations on how this could be achieved.

This paper is informed by those recommendations. The Scottish Government is open to views on how to best take forward our proposed reforms to Scots private law in respect of Digital Assets, and I look forward to considering each response carefully which will help inform our policy approach.

## **Introduction**

1. This consultation seeks your views on options for possible legislative changes to Scots private law to clarify the status of digital assets as property.
2. Any future reforms would be for the purpose of delivering change to provide greater legal certainty for businesses including those investing in digital assets, for technology and financial start-ups, as well as for the legal sector.
3. It is important that Scotland's legal system keeps pace with developments across the digital and tech landscape, to help support economic growth and to allow Scotland to remain attractive for investment.
4. It is also important that Scotland's legal system keeps pace with appropriate legal developments elsewhere in the UK and in private international law, so that Scots law is accessible to businesses operating both domestically and internationally.
5. Any future reforms would be intended to complement measures delivered by the Scottish Government in response to technological innovation and developments engaging private law, including the Moveable Transactions (Scotland) Act 2023 and the Legislative Consent Memorandum in respect of the Electronic Trade Documents Act 2023.
6. The status of digital assets has been the subject of consideration by an Expert Reference Group ("ERG") established by the Scottish Government and chaired by the Rt Hon Lord Hodge, Deputy President of the UK Supreme Court.
6. The findings and recommendations of the ERG have been welcomed by Scottish Ministers and have informed this consultation.

## Glossary

Term	Definition
Bitcoin	The first decentralised cryptocurrency using blockchain technology. It uses open-source, peer-to-peer technology to operate with no central authority of banks. Instead, managing transactions and the issuing of bitcoins is carried out collectively by the network.
Blockchain	A method of recording data in a structured way. Data (which might be recorded on a distributed ledger or structured record) is usually grouped into timestamped “blocks” which are mathematically linked or “chained” to the preceding block, back to the original or “genesis” block.
Cryptocurrency	A digital currency, using some form of Distributed Ledger Technology, in which value is transferred, stored or traded electronically on a decentralised system using cryptography, and not any central bank or actor. A cryptocurrency is a subset of crypto assets.
Digital Asset	Any asset that is represented digitally or electronically. There are many different types of digital assets, not all of which will be capable of being classed as moveable property. In this context, it is used in a broad sense.
Distributed Ledger	A digital store of information or data. A distributed ledger is shared (that is, distributed) among a network of computers (known as nodes) and may be available to other participants. Participants approve and eventually synchronize additions to the ledger through an agreed consensus mechanism.
Distributed Ledger Technology	Technology systems that enable the operation and use of a distributed ledger. DLT systems and processes allow computers to update records in a synchronized way across a DLT network.
Equity securities	Also referred to as 'stocks' or 'shares', these represent ownership usually in the form of shares of capital stock, which includes both common and preferred stock.
Fungible	A subjective quality of things that parties are willing to accept as mutually interchangeable with other things of a similar kind, quality, and grade. For example, pound coins are generally treated as a class of fungible things because one pound coin is generally accepted by counterparties as equivalent to and interchangeable with another pound coin.
Non-Fungible Token (NFT)	These are crypto assets that represent the proof of title to a unique digital asset. They are digital tokens that are the equivalent of certificates of ownership for virtual (and sometimes physical) assets, such as works of art, collectibles, or music.

## **Section 1: Digital Assets – the Legal Landscape**

What are Digital Assets?

Before we consider how best Scots private law should accommodate digital assets as property, it is first necessary to identify what is meant by a “digital asset.”

The term digital asset is primarily a descriptive term used to refer to a wide variety of things including digital records, email accounts, information on social media accounts, crypto-assets and non-fungible tokens. Importantly, some types of digital asset are increasingly relevant to financial markets, being used for an expanding variety of purposes, including payments, investments, and linking to, or embodying, debt, and equity securities.

From a technological perspective, a digital asset can be characterised as a string of data, manifested in a readable sequence of characters. Digital assets can be generated by transactions between participants on a distributed ledger system, such as a blockchain. The participants treat the assets as digital forms of value which they trade among themselves by making transactions on the blockchain.

One of the most well-known examples of a digital asset is cryptocurrency, which facilitates payment transactions, and which is used as a kind of investment; however, digital assets are not only used to make payments and can be used as a means of storing intangible content, such as computerised artwork, video or contract documents. The variety of digital assets and the uses they are put to are wide and likely to continue to expand and develop alongside technological advances and commercial innovation.

In this consultation we are seeking views on the types of digital assets that should engage property rights in Scots private law, as well as proposed rules to help establish ownership.

What is Property in Scots Private Law?

Property law has been described in case law and by legal writers as the law of things, and of rights in things. To enjoy the full protections of Scots private law, digital assets must be recognised as property. Traditionally, our private law has recognised two overarching types of property – heritable property (which relates to land, buildings and rights in these) and moveable property (which relates to everything that is not heritable). These two types of property are then further divided into sub-categories depending on whether they can be classified as either corporeal property or incorporeal property.

Corporeal property means things with a tangible existence in space (e.g., coins or banknotes). Incorporeal property refers to all other kinds of thing or right which lack that characteristic of tangibility. One of the most common kinds of incorporeal property consists in networks of legally constituted rights between persons. An example is bank money, which is the account-holder’s right against the bank to draw

funds from their account. Identification of the relevant legal classification for an asset informs what rights and obligations may attach to property and consequently what rules become applicable, for example in relation to transfers of ownership, trusts, security and succession.

If digital assets were to have a place in the larger scheme of property law, then it seems they would be treated as a kind of incorporeal moveable property. Like other incorporeals, they lack a tangible existence in space. But they are different from many familiar kinds of incorporeal moveables, such as bank money, in that they do not consist in networks of legally constituted rights between persons. In some respects, there are similarities between the way people deal with digital assets and the way they deal with corporeal moveables. These differences and similarities may make it helpful to clarify the kinds of property rules that should apply to them.

### The Importance of Legal Certainty

Digital assets are often recorded on and transferred through distributed ledger technology, such as a blockchain. With estimates that the value of the blockchain technology market in Scotland is likely to reach £4.48 billion by 2030<sup>1</sup>, the Scottish Government places importance on ensuring that the legal system can adapt to new challenges and opportunities in this area.

In September 2024, Scotland's key financial centres moved up rankings in the internationally recognised Global Financial Centres Index<sup>2</sup>, with Edinburgh moving to #29 while Glasgow moved to #37. The Scottish Government wishes to maintain and develop a business-friendly environment and to encourage economic growth, including across the FinTech sector, specialist digital asset trading businesses and asset management.

If there is a lack of legal certainty about whether digital assets clearly fall within the existing legal categorisations of property, there is a risk that this legal uncertainty could deprive such businesses of value which contributes to the profitability of their operations, as well as leading to uncertainty for their creditors that digital assets can be a means of obtaining payment of debts. It is important that investors and innovators have legal clarity and confidence, otherwise asset owners may choose to locate in other jurisdictions or, should they remain in Scotland, agree that their dealings are governed by laws other than Scots law.

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<sup>1</sup> [Teaser | Blockchain in Scotland \(dkv.global\)](#)

<sup>2</sup> [The Global Financial Centres Index - Long Finance](#)

## Advice and Research - Expert Reference Group

In 2019, at the request of Scottish Ministers, an Expert Reference Group<sup>3</sup> (“ERG”) was set up to provide legal clarification on Scotland’s path to accommodating digital assets within Scots private law, including the status and treatment of crypto assets and related technologies. The ERG, chaired by the Rt Hon Lord Hodge, Deputy President of the UK Supreme Court, was comprised of a range of legal and academic stakeholders, including representation from FinTech Scotland (Scotland’s award winning FinTech Cluster Management Organisation) and from the Financial Conduct Authority.

The ERG worked closely with the Law Commission of England and Wales, which at the time was undertaking its own project on digital assets, which concluded with the publication of its final report in June 2023<sup>4</sup>. The Law Commission of England and Wales proposed primary legislation to address a similar lack of legal clarity in England and Wales through the establishment of a ‘third category’ of personal property rights capable of accommodating certain digital assets such as crypto-tokens.

Having regard to developments in England and Wales and the historically separate and distinct legal system in Scotland and having carried out a consultation with interested parties, the ERG submitted its findings and recommendations to the Scottish Government. The ERG’s primary recommendation is that Scotland develops its own legislation to clarify the status of digital assets as property in Scots private law. The purpose of such legislation would be to ensure that Scots private law can appropriately support the needs of Scotland’s fast-growing financial services and digital sectors.

The ERG proposed that an Act of the Scottish Parliament could clarify the kinds of digital asset that can be objects of property in Scots private law and outline key features of how this would operate in property law. [The Expert Reference Group on Digital Assets in Scots Private Law’s recommendations](#) have been welcomed by Scottish Ministers.

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<sup>3</sup> [Digital Assets in Scots Private Law: Expert Reference Group - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2019/06/Digital-Assets-in-Scots-Private-Law-Expert-Reference-Group.pdf)

<sup>4</sup> [Law Commission Documents Template \(cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com\)](https://www.lawcommission.gov.uk/consultations/cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/)

## Section 2: Recommendations for Legislative Reform

### Primary Legislation

The Scottish Government considers that primary legislation would be the most effective and appropriate means to accommodate digital assets in Scots private law. The Scottish Government is not currently aware of any litigation in Scottish courts that has considered the status of digital assets, meaning that Scots law cannot rely on a body of case law to provide the legal answers needed about digital assets. Scotland is a relatively small jurisdiction, and it is not expected that this situation will change in the near future.

By comparison, litigation in England and Wales in recent years has generated a substantial body of case law confirming that digital assets can be a kind of property and that defines some of their legal characteristics. Judgments delivered by those courts are not binding in Scotland because of the separate and distinct legal systems in our different jurisdictions; however, even with these developments in case law, legal practitioners and the judiciary in England and Wales welcomed the possibility of English and Welsh legislation to confirm and support the emerging views in case law. The Law Commission of England and Wales produced a draft Bill (The Property (Digital Assets Etc.) Bill)<sup>5</sup> which was introduced by the UK Government into the House of Lords on 11 September 2024.

Legislation is a more efficient means to facilitate greater legal certainty and, in turn, assist businesses than the organic development of case law over time. A legislative underpinning of digital assets as property in Scots law can be achieved by the Scottish Government introducing a Bill into the Scottish Parliament.

### Scope of Possible Primary Legislation

We propose that any future primary legislation could be developed with a narrow scope of application, with the intention that a Bill could define digital assets as property and set out provisions to establish how transfers of ownership would operate within Scots property law. A Bill could also contain provisions to clarify that the general principles of Scots private law continue to apply to digital assets, so far as those principles are consistent with the characteristics of digital assets, such as the ability of digital assets to be held on trust.

The Property (Digital Assets Etc.) Bill contains a clause confirming that it extends to England and Wales only; that legislation will therefore not alter Scots private law. Matters of Scots private law are not reserved to the UK Parliament, and they are therefore within the legislative competence of the Scottish Parliament. Alignment with developments in England and Wales, where both appropriate, accounting for the difference between the relevant areas of Scots law and English and Welsh law, and

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<sup>5</sup> [Property \(Digital Assets etc\) Bill \[HL\] - Parliamentary Bills - UK Parliament](#)

desirable, will aid cross-border consistency and guard against disruption in trade and financial services provision.

The focus of the possible future reforms being consulted on here is on the need to recognise and clarify the status of digital assets as property within Scots property law. Nevertheless, this recognition will bring consequential clarification in other areas of Scots private law where these assets are of relevance, such as contract law and succession, for example. So, although the scope of the legislation may be narrow, and any future Bill would not make provision in relation to reserved matters (such as the currency, financial services, financial markets and most matters relating to insolvency) the benefits of clarification will be widespread.

### Statutory Definition of Digital Assets as Property

The ERG proposed that a definition should not be too prescriptive and that it be technologically neutral. The Scottish Government is inclined to accept this proposal, as it is anticipated that this would mean that any future Bill would not be quickly superseded by advances in technology. With a key driver for possible future legislation being that existing legal classifications of property do not clearly or easily accommodate developments in digital technology, we are keen to mitigate the potential for a statutory definition to become redundant quickly due to further developments in the fast-paced worlds of both financial practice and technological innovation. Likewise, a more prescriptive legislative definition could act as an unintended barrier that impedes innovation and technological advances.

This approach would also align with that adopted in cross-jurisdictional statements of relevant private law principles, notably by The International Institute for the Unification of Private Law (UNIDROIT) in its Instrument “The UNIDROIT Principles on Digital Assets and Private Law”<sup>6</sup>. It will be a benefit for Scots law to be accessible to businesses operating internationally, and for there to be consistency with other legal and regulatory regimes, where possible and appropriate.

The technical analysis undertaken by the ERG identified that, despite their incorporeal character, digital assets share many features of corporeal moveable property in the way they are held and transferred. In other words, digital assets can behave more like coins and banknotes than debts and other incorporeal moveable rights, such as the right to draw money from a bank. The ERG recognised digital assets as being incorporeal but also that there are analytical differences between them and other more familiar kinds of incorporeal property. Property law would need to allow for these differences.

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<sup>6</sup> [Digital Assets and Private Law - UNIDROIT](#)

Based on this analysis, the ERG concluded digital assets should be defined with reference to two limiting characteristics:

- i) Be capable of existing independently.

Independent existence means that a digital asset can be created as a virtual entity that exists independently of the law and of any person who may have rights in relation to it. The ability of digital assets to have an independent existence is one of the main ways that they are analogous to the kinds of corporeal things that are already legally recognised as property.

- ii) Be rivalrous.

Rivalrous in character means that the use or consumption of a digital asset by one person will prejudice the use or consumption of that same asset by another person. Again, rivalrousness is a characteristic of corporeal things that are recognised as property. This criterion also distinguishes a digital asset, which is constituted by data, from what is referred to as 'ordinary data.' Digital assets, such as cryptocurrencies or non-fungible tokens, are secured and verified through blockchain and similar technologies. The use of these assets by one individual stops simultaneous use by another, similar to the exclusivity found in traditional forms of property. In contrast, ordinary data, such as photos and documents, can be easily duplicated and shared without affecting the original version. A photo or document can be replicated multiple times, and its use by one person does not prevent others from using it.

Under this proposal, unless a digital asset met these two limiting characteristics, it would not be an object of property in Scots private law.

Applying these characteristics to a commonly understood digital asset, like a cryptocurrency, it is possible to define Bitcoin as property. A Bitcoin is capable of independent existence, since it is created as a unique data set that once created does not require a person or a legal right to continue to exist, fulfilling the first criterion. The cryptographic protections of a Bitcoin prevent it from being copied to make valid ledger transactions, meaning the holder can only spend it once. It is for that reason rivalrous.

Taking this view, many things that are commonly described as "digital assets" (such as information stored on social media platforms and email accounts) would not meet the requirement of independent existence necessary for them to be treated as objects of property. These assets usually depend on the digital provider's continuous service and exist within contractual arrangements, such as licence agreements. Email messages or social media postings can usually be duplicated and used by other people without excluding others so they would not be considered rivalrous. They could be copied without diminishing the use made of them by the person who holds the account with the service provider. User stories **annexed** to

this consultation give further examples of how the possible reforms being consulted on could apply in real life situations.

We welcome also views on a suitable legal term to use to define digital assets that are recognised to be property. In other words, is it necessary to make a distinction and refer to such property as a “digital object” (or another term) given the common usage of the descriptive term “digital asset”? A contrary view could be that developments across the United Kingdom (and internationally) make use of the term digital assets and retaining this as a legal term could assist Scottish legislation to work in alignment with the legal rules and practice in England and Wales as is deemed appropriate.

### Recognition of Digital Assets as Property in Scots law

The ERG recommended that there be a provision in legislation which states that digital assets (as defined above) are moveable things that are capable of being owned. The purpose of such a provision would be to put beyond legal dispute that such digital assets are recognised as property in Scots law.

### Rules on the Transfer of Ownership of Digital Assets

Having identified the kinds of digital asset to be recognised as property, the Scottish Government would then want to consider other provisions that could be included in the possible future primary legislation to support the ownership of this property. The analysis undertaken by the ERG identified the ability to control a digital asset as a starting point to identifying ownership. The ERG’s analysis of the existing understanding from legal practice led them to conclude that while digital assets are incorporeal in nature, there were strong analogies with corporeal moveable assets in the way they are transferred. Putting in place statutory provisions would enable legislation to bridge fundamental gaps around acquiring and transferring ownership that would otherwise be left to case law to develop.

The ERG proposed that any future primary legislation could establish two rules governing the ownership of digital assets.

#### Rule One

Ownership of a digital asset may be voluntarily transferred when the owner transfers control over it to another person, with the intention of making that other person its owner.

This rule would confirm that, when accompanied by the required intention, the transfer of control over a digital asset would result in the change of ownership of it. This would be consistent with the approach taken by UNIDROIT. As rule one would also require that the current owner intend to make the other person the owner when transferring control, this would preclude an ownership transfer in a situation where an owner transfers control of digital assets to an agent to hold and administer digital

assets on their behalf for an indeterminate period, as the necessary intention to transfer ownership would be absent. It would also mean a person whose digital assets was stolen would remain the owner of it.

The rule also clarifies that assignation is not a suitable method to transfer ownership of digital assets. Assignation is a means to transfer a right or claim from one person to another, most commonly the right to payment of a debt. In other words, if a person has a right to be paid for services, they can assign that right to payment to another person. Whereas generally assignation is possible for things that are incorporeal moveable rights, because they consist in legally-constituted networks of rights (e.g., debts owed to a person), this would not be the case for digital assets as they do not consist in legally-constituted rights.

## Rule Two

A person who acquires control of a digital asset and does so in good faith and for onerous consideration acquires ownership of it, notwithstanding that the transferor from whom it was acquired was not the owner.

Rule two would extend protections to a good faith acquirer who purchases a digital asset in exchange for value. This will help provide markets and transactions with greater certainty.

## Preservation of General Principles

Finally, the ERG has recommended that any future primary legislation could include a set of provisions to state that general principles of Scots private law continue to apply to digital assets that are property, so far as those principles are consistent with their characteristics. This would clarify, for example, that digital assets which qualify as property could be sold and purchased through legal contracts and those contracts would be governed by the general principles of Scots contract law unless disapplied to the extent permitted by law. In addition, the ERG has recommended that a provision could be included in any future primary legislation to clarify that digital assets can be held on trust, to remove any doubt as to whether digital assets can facilitate custody arrangements and structures involving trusts.

### **Section 3: Consultation Questions**

#### Question One

Is primary legislation the most effective way to resolve uncertainty about the status of digital assets in Scots private law?

If you do not agree, please explain your reasons.

#### Question Two

Should any possible future primary legislation have a narrow scope of application by being limited to a statutory definition of digital assets as property, rules governing the transfer of ownership, and provisions confirming that the principles of Scots private law continue to apply to digital assets?

If you do not agree, please explain your reasons.

#### Question Three

For the purposes of Scots property law, should digital assets be classified as incorporeal moveable things?

If you do not agree, please explain your reasons.

#### Question Four

Should any future statutory definition of the category of digital assets considered an object of property be technologically neutral and avoid being too prescriptive?

If you do not agree, please explain your reasons.

#### Question Five

The ERG proposed that digital assets be defined with reference to two limiting characteristics. The first characteristic would be that the digital asset is capable of independent existence. Should this be a defining criterion?

If you do not agree, please explain your reasons.

#### Question Six

The second characteristic would be that the digital asset is of rivalrous nature, in that the use or consumption of the digital asset by one person will prejudice the use or consumption of that same asset by another person. Should this be a defining criterion?

If you do not agree, please explain your reasons.

### Question Seven

Should any possible future primary legislation refer to the category of digital assets which are to be classed as objects of property for the purposes of Scots property law as “digital assets”, without creating any other defined term to describe this category, such as “digital objects”?

If you do not agree, please explain your reasons and what defined term or terms you would consider more appropriate to use.

### Question Eight

Should control over a digital asset generally be the basis for establishing ownership of that asset?

If you do not agree, please explain your reasons.

### Question Nine

Should the voluntary transfer of the ownership of a digital asset require the transfer of control over that asset from the current owner to another person, coupled with the current owner intending to transfer ownership to that other person?

If you do not agree, please explain your reasons.

### Question Ten

Should a person who acquires control of a digital asset in good faith and for onerous consideration be recognised in Scots property law as acquiring the ownership of that digital asset, even where the transferor from whom they acquired the digital asset was not the owner?

If you do not agree, please explain your reasons.

### Question Eleven

Should any possible future primary legislation make provision confirming that the principles of Scots private law continue to apply to digital assets, so far as those principles are consistent with the characteristics of those assets?

If you do not agree, please explain your reasons.

## Question Twelve

Should any possible future primary legislation make provision to clarify that digital assets which qualify as property may be held on trust?

If you do not agree, please explain your reasons.

## Question Thirteen

Should any possible future primary legislation contain any other substantive provisions within devolved competence which are not set out in this consultation? If so, please explain what additional provisions you consider would be needed and why they would be needed.

## Annex: User Stories

1. **As a** cryptocurrency investor,  
**I want** my Bitcoin to be legally recognised as property that can be used as collateral,  
**So that** I can secure a traditional loan from a financial institution without having to liquidate my Bitcoin holdings.

### Scenario:

- Charlie, a UK-based crypto investor, owns 10 Bitcoins.
- Under the current legal framework, Charlie faces challenges in using this Bitcoin to obtain a traditional loan, as banks often refuse to accept crypto-assets due to legal uncertainty about their status as property.
- With the proposed digital assets bill recognising Bitcoin as a form of property, Charlie can now use this Bitcoin as collateral for a loan with a UK bank.
- If Charlie defaults on the loan, the bank can take legal action to seize the Bitcoin, similar to other assets used traditionally in collateral arrangements.

2. **As a** social media user,  
**I want** to manage and develop my social media accounts within various platforms,  
**So that** I can enhance my online presence and personal or business branding.

### Scenario:

- Alex, an avid social media enthusiast, has invested significant effort and resources into building their profiles across multiple platforms.
- However, Alex's accounts would not be considered personal property because they lack independent existence; they rely on the continuous operation of the social media service provider for these accounts to exist and could potentially vanish if the provider ceased operations or were deleted by the provider.
- They are also not rivalrous; the social media accounts Alex has developed are on platforms accessible to anyone, meaning that others can create similar profiles and content, not restricting usage by others.
- If the accounts were stolen or compromised, Alex might not have the same legal recourse options as those available for traditional property.

## **Responding to this Consultation**

We are inviting responses to this consultation by Thursday 5 February 2025.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/financial-services/digital-assets-in-scots-private-law-consultation/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 5 February 2025.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Financial Services  
Scottish Government  
Directorate of International Trade and Investment  
Atlantic Quay, 150 Broomielaw  
Glasgow  
G2 8LU

## **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted,

please send them to the contact address above or at [digitalassets@gov.scot](mailto:digitalassets@gov.scot).

### **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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