



Is Legislation Working? New System of Scrutiny Proposed

Earlier this year, the Law Commission conducted a consultation on the potential for developing a more formal system for reviewing laws after they have been brought into force and encouraging better regulation. On 25 October 2006 the Commission will present its final report on post-legislative scrutiny to Parliament.

Sir Terence Etherton, Chairman of the Law Commission, said:

There has been overwhelming support for the principle that there should be a more systematic approach to post-legislative scrutiny and that the process for such scrutiny should be controlled by Parliament. The real issue is how best to drive this forward. We have suggested that Parliament consider setting up a new joint Parliamentary committee on post-legislative scrutiny. Enhancing post-legislative scrutiny could improve the accountability of governments for the legislation they pass and ultimately lead to better and more effective law.

The main benefits of post-legislative scrutiny are: to see whether legislation is working in practice as intended; to contribute to better regulation; to improve the focus on implementation and delivery of policy aims; and to identify and disseminate good practice so that lessons may be drawn from the successes and failures revealed by the scrutiny work.

Although ad hoc post-legislative scrutiny does take place, at present there is no systematic practice of reviewing laws after they have been brought into force to ensure that they are working as intended. As well as a new joint Parliamentary committee, the Law Commission has suggested ways in which there could be greater commitment to post-legislative scrutiny by Government departments, building on mechanisms already in place, including enhancing regulatory impact assessments for this purpose.

Notes for Editors

1. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
2. The consultation on Post Legislative scrutiny was launched on 29 January 2006 and closed on 28 April 2006. More details are available at http://www.lawcom.gov.uk/post_leg_scrutiny.htm
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