

TENTH PROGRAMME OF REFORM CONSULTATION

The Law Commission was established to keep the law of England and Wales under review with a view to its systematic development and reform. Our aim is to achieve more accessible, intelligible and modern law. We would like you to help us identify new projects for inclusion in our next programme of work. **Please respond by 30 March 2007.**

The Law Commission was established in 1965 and is required from time to time to submit to the Lord Chancellor programmes of law reform. There have to date been nine programmes of law reform. The Tenth Programme will replace the current programme in April 2008.

In formulating the next programme the Commissioners will wish to identify projects that will provide real public benefit. Whilst our statutory duty requires us to keep all the law under review, inevitably we have to make choices about which projects would make the best use of our resources. In making our decisions, we will be using the following criteria:

Importance

The extent to which the law is unsatisfactory (for example, unfair, unduly complex, unclear, inaccessible or outdated); and the potential benefits likely to accrue from undertaking reform, repeal or consolidation of the law.

Suitability

Whether the changes and improvements in the law are suitable to be put forward by a body of lawyers after legal (including socio legal) research and consultation. This would tend to exclude subjects where the considerations are shaped primarily by political judgements.

Resources

The qualification and experience of the Commissioners and their legal staff; the funding likely to be available to the Commission; and the need for a good mix of projects in terms of the scale and timing so as to enable effective management of the programme.

It is open to anyone to suggest to the Commission an area of the law that is need of reform. We tend to consider reform of particular branches of the law (as opposed to looking at the operation of a particular statute for example), but we will consider any proposal that is made to us applying the criteria set out above. We are particularly interested in projects that will assist the drive for better regulation by reducing regulatory burdens on business and the public.

Set out below are the projects in the Ninth Programme that

- (1) we will have commenced but we will not have concluded before the Ninth Programme comes to an end and which will be carried over into the Tenth Programme;
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- (2) those projects which are unlikely to have commenced but which Commissioners feel should be carried over into the Tenth Programme; and
- (3) those projects which are unlikely to have been commenced and which will have to be considered alongside potential new projects for inclusion in the Tenth Programme.

We will let you know whether any proposal you propose to us for inclusion in the programme has been accepted and, if not, why we felt unable to do so. Please describe as clearly as possible the area of the law you think needs reforming, and describe the problems caused by the present law (including a brief assessment of the impact it has in terms of the numbers of people disadvantaged, or on whom the law operates unfairly etc, and, if they can be quantified, the costs which might be saved by reform).

Please send your response to our Chief Executive Steve Humphreys at the above address or by email to tenthprogramme@lawcommission.gsi.gov.uk. We are also running a pilot web discussion forum from 5 February 2007 where you will be able to put forward your views and comment on the views of others. This will be accessible through our web site at www.lawcom.gov.uk. To register your interest in taking part in the web forum please email us at the above address.

NINTH PROGRAMME PROJECTS

In progress and carried over into Tenth Programme:

Insurance Contract Law

Remedies against Public Authorities

Capital and Income in Trusts: Classification and Apportionment

Codification of the Criminal Law

Judicial Review of Crown Court decisions

Easements and Land obligations

Projects not started but likely to be carried over into the Tenth Programme:

Consumer Law

Transfer of Title to Goods by Non Owner

Projects not started that will be considered for priority alongside potential new projects:

Codification of Criminal Evidence

Feudal Land Law

The Rights of Creditors Against Trustees and Trust Funds
