

THE LAW COMMISSION

**ANNUAL REPORT
FOR 1999**

"Law for the 21st Century"

A SUMMARY

12 April 2000

HIGHLIGHTS OF THE ANNUAL REPORT FOR 1999

Foreword

In the Foreword, the Chairman of the Law Commission, Mr Justice Carnwath, refers to the varied range of the work it carried out during a busy year.

Nine law reform publications were issued during the year (see below), which included proposals to increase the level of damages for non-pecuniary loss in personal injury cases, which led to the recent case of *Heil v Rankin* in the Court of Appeal.

Two new Acts based on Commission proposals reached the statute book during a year which also saw its proposals on the powers of trustees included in the Queen's Speech.

Current work is covered by the Commission's Seventh Programme, and includes reviews of the law of partnerships, parts of the criminal law as it may be affected by the Human Rights Act 1998, and the case law of the Strasbourg Court relating to the award of damages. By the end of the year, the Commission plans to have completed a major project on land registration.

Four of the Commission's previous reports were accepted by the Government during the year, in whole or in part. However, the Commission continues to be concerned at the lack of progress over implementing its major reports on criminal law reform.

Part I – Overview of the Year

The overview summarises the position on the acceptance and implementation of the Commission's reports. It describes progress on ten unimplemented reports.

The role of the Commission's reports as aids to clarifying and developing the law is mentioned, especially in relation to a comment made by the Court of Appeal during the year.

The Commission continues to press for the improvement of Parliamentary procedures which would expedite the consideration of its law reform Bills, and it looks forward to co-operating with the new Ministerial Committee on Law Reform chaired by David Lock MP.

Other areas covered include codification of the criminal law, and human rights.

A Seventh Programme of Law Reform was approved during the year, and at the end of the year two Commissioners whose terms of office had been completed were succeeded by two new appointees.

Parts II to VI

Parts II to VI of the report summarise the Commission's work during the year, including:

FINAL REPORTS ISSUED IN 1999

- ◆ **Damages for Personal Injury: Non-Pecuniary Loss**
An increase in the level of damages awarded for non-pecuniary loss in personal injury cases. These proposals led to the recent case of *Heil v Rankin* before the Court of Appeal.
- ◆ **Damages for Personal Injury: Medical, Nursing and other Expenses; Collateral Benefits**
Clarification of and amendments to the law on damages for services such as nursing care provided to a personal injury victim, covering also the question of deducting benefits from damages and interest on damages.
- ◆ **Claims for Wrongful Death**
An increase in the level of "bereavement damages" and extension of the list of those who can claim damages for financial loss resulting from another's death.
- ◆ **Trustees' Powers and Duties (Joint Report – Scottish Law Commission)**
Reform of the law in Great Britain governing trustees' powers to invest trust funds. These proposals were included as part of the Government's legislative programme in the Queen's Speech. The Bill is now progressing through Parliament.
- ◆ **Company Directors: Regulating Conflicts of Interests and Formulating a Statement of Duties (Joint Report – Scottish Law Commission)**
The introduction of a statutory statement of the principal duties of a company director, and certain amendments to Part X of the Companies Act 1985.
- ◆ **Statute Law Revision: A Report on the Chronological Table of Private and Personal Acts (Joint Report – Scottish Law Commission)**
Published to coincide with the Chronological Table of Private and Personal Acts.

CONSULTATION PAPERS ISSUED IN 1999

- ◆ Illegal Transactions: The Effect of Illegality on Contracts and Trusts
- ◆ Offences of Fraud and Deception
- ◆ Double Jeopardy
- ◆ Bail and the Human Rights Act 1998

CONSOLIDATION BILL COMPLETED IN 1999

- ◆ **Powers of Criminal Courts (Sentencing)** – jointly (in part) with the Scottish Law Commission.

This report was published to coincide with the introduction of the Bill in the House of Lords on 1 March 2000.

WORK IN PROGRESS, INCLUDING

- Limitation of actions
- Illegal transactions
- Partnership law
- Electronic commerce
- Third parties (rights against insurers)
- Fraud
- Trade secrets
- Evidence of previous misconduct
- Bail in criminal proceedings
- Consent as a defence
- Assisting and encouraging crime
- Double jeopardy
- Prosecution appeals
- Land registration
- Termination of tenancies
- Homesharers' property rights
- Trust formalities
- Damages and the Human Rights Act
- Statute Law (Repeals) Bill

Part VIII Onwards

Parts VII and VIII describe the breadth of the Commission's outside contacts during the year, and its resources.

Appendix A summarises the Commission's role and methods, especially for those unfamiliar with the Commission.

Appendix B lists the main Law Commission reports which have been implemented since 1985.

Appendix C lists 23 reports which await Government decision and/or presentation to Parliament.

Appendix G shows the cost of the Commission – £4.3m in 1999.