

# **The Law Commission**

## **Annual Report for 2000**

**"A Year of Transition"**

### **Summary**

27 March 2001

# Summary of Contents

**Part I** provides an overview of the year 2000.

**Parts II – VI** describe the work of the law reform and statute law teams.

**Part VII and VIII** describe the 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 21 reports which await Government decision and/or presentation to Parliament.

**Appendix D** gives a list of visitors to the Commission from overseas.

**Appendix E** gives a list of useful contact points at the Commission.

**Appendix F** shows the cost of the Commission in 2000.

An extract from the **Chairman’s Foreword** follows:

The year has seen both activity and change at the Commission. Our work on some of our most substantial law reform projects (including Land Registration and Limitations) is nearing completion, and others are well under way. We have also been discussing with your own and other Departments a range of possible new projects for inclusion in the 8th Programme, which we will be presenting for your approval later this year.

We were joined by Professor Hugh Beale and Judge Alan Wilkie QC at the beginning of the year, to lead our Common Law and Criminal Law teams respectively. During the year, new appointments were made to fill the other two Commissioner positions. Professor Martin Partington, who began work at the beginning of the current year, will lead a new Administrative Justice team. Stuart Bridge, a fellow of Queen’s College Cambridge, will succeed Charles Harpum in July this year, as leader of the Property and Trust Law team. One of the great strengths of the Commission since its foundation has been its ability to attract senior lawyers of the highest calibre. I am delighted that the appointments made by you over the last two years have continued this tradition.

The year has also seen a small but significant change in the emphasis of some of our work, in terms of its expected outcome. There are many types of essential law reform which demand primary legislation. In previous reports we have repeatedly emphasised the problem of securing legislative time for law reform projects which are not at the centre of the political agenda. As you have acknowledged, the “scrupulousness” of the study and consultation which precedes Law Commission recommendations can ease the passage of legislation through Parliament. We shall continue to press the Government for improvements to the legislative machinery, in line with its commitment to keeping the law “up to date, relevant and useful”.

At the same time we have been studying ways of reforming the law through other means. Our report on Damages for Non-pecuniary Loss, followed by the landmark Court of Appeal decision in *Heil v Rankin*, showed the possibilities of using our work as an instrument to assist reform through the courts. The Human Rights Act 1998 is likely to provide more opportunities for this kind of project. Our paper on Damages under the Human Rights Act 1998 was an example. Its purpose, as you made clear when approving the terms of reference, was not legislation, but "to inform the judiciary, practitioners and public bodies".

Another current development, which may assist the process of law reform without primary legislation, is the Regulatory Reform Bill. We have been involved in discussions with the Government in the formulation of these proposals, which are designed to enable burdensome legislation to be reformed by Statutory Instrument. The precise limitations of the new procedures will have to be worked out in due course, when the Bill becomes law.

### **Current Major Law Reform Projects**

Land registration

Bail and human rights

Limitation of actions

Evidence of previous misconduct

Limited partnerships

Property rights of those who share homes

Unfair contract terms

Housing law

Compulsory purchase orders

E-commerce

Illegal transactions

Reform of Third Parties (Rights against Insurers) Act 1930

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**The Annual Report (LC268) is available on the Library page of the Commission's website at <http://www.lawcom.gov.uk>**