



# NEWS FROM THE LAW COMMISSION

## The Law Commission Launches a New Law Reform Programme

On 23 October 2001 we publish our new programme of law reform.<sup>1</sup>

The Law Commission exists

- **For the purpose of promoting the reform of the law.**<sup>2</sup>

The aims of the Commission are to make the law

- **Fairer          Simpler          More Modern          Cheaper to Use.**

### (1) Future work

The new programme sets out our future work. It is designed to meet real needs of modern society. It includes:

- ◆ **Housing law**  
First, we are going to simplify the current multiplicity of forms of housing tenancy. Secondly, we expect to deal with harassment and unlawful eviction. Far greater clarity in the law is needed: to ensure its fairness, speed and effectiveness, and to improve people's understanding of their rights and responsibilities.
- ◆ **Codification of criminal law**  
To make it available to the public in a simple, intelligible and up-to-date form.
- ◆ **Unfair terms in contracts**  
We aim to make the current legislation more easily understood, to extend its protection to small businesses, and to reduce the confusion it causes to consumers and the difficulties and cost it causes to business.
- ◆ **Partnership**  
There are 700,000 partnerships in the UK, employing nearly 3 million people: we are reviewing the legislation, which is about 100 years old, with a view to replacing it with a modernised partnership law.
- ◆ **Compulsory purchase and compensation**  
The current law is widely acknowledged to be extremely complicated. We hope to recommend changes to provide greater fairness, speed and effectiveness in an area of law affecting large numbers of ordinary people in what are often times of considerable stress.

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<sup>1</sup> Eighth Programme of Law Reform (2001) Law Com No 274, HC 227.

<sup>2</sup> Law Commissions Act 1965, s 1(1).

- ◆ **Trust law**  
Trust law has been overhauled in recent years by the implementation of several reports of ours. We are now working on some of the main outstanding areas of difficulty.
- ◆ **Property rights of those who share homes**  
This is an area which affects a large and growing number of people. We aim to simplify the law to make it more coherent and predictable, and to reduce the length of any legal proceedings.
- ◆ **Termination of tenancies**  
We are considering the right of a landlord to re-enter property to terminate a tenancy.
- ◆ **Aspects of e-commerce**

## **(2) Update on our previous work**

The published programme also gives an account of the Law Commission's work during the previous programme, just over two years. The Commission issued 27 publications, including 11 final reports. They included:

- ◆ **A series of reports on the law of damages**  
One recommended an increase in the level of damages for personal injury. Those recommendations had a substantial effect upon a test case in which the Court of Appeal set new and higher levels of damages.
- ◆ **Land registration**  
This was the largest report ever published by the Commission, and the Bill is already going through Parliament. It will replace all the current legislation, which dates back as far as 1925. It will introduce a coherent modern system, and enable conveyancing to take place electronically.
- ◆ **Double jeopardy and prosecution appeals**  
Our report recommended
  - (1) important but carefully limited changes to the law, which prevents a person from being prosecuted twice for the same offence
  - (2) changes so that in certain cases there could be an appeal against an acquittal resulting from a ruling by the trial judge.
- ◆ **Damages under the Human Rights Act**  
Our report was designed to inform judges and others rather than to reform the law.
- ◆ **Limitation of actions**  
We recommended common limitation periods for all claims as far as possible, instead of the current range of different and confusing periods.
- ◆ **Trustees' powers and duties**  
This has been enacted as the Trustee Act 2000, introducing the most significant changes to trustee law since 1925.

### **(3) Implementation of our reports**

The report also summarises the extent to which Law Commission reports are implemented. Since we were established, about two-thirds of our law reform reports have been implemented: over 100 of our reports have been enacted, in full or in part. However, only four were implemented by the 1997/2001 Parliament.

#### **During the period of the last Programme:**

6 of our law reform reports were implemented (in full or in part)

9 were accepted by the Government (in full or in part) and await implementation

1 was rejected by the Government

## **FURTHER NOTES**

The Commissioners are:

Mr Justice Carnwath CVO (*Chairman*)

Professor Hugh Beale (*Common law*)

Mr Stuart Bridge (*Property and trust law*)

Professor Martin Partington (*Housing and administrative justice*)

Judge Alan Wilkie QC (*Criminal law*)

The Commission's law reform work will be carried out by the following teams:

#### **Common Law**

E-mail: common.lawcomm@gtnet.gov.uk

Unfair terms in contracts

E-commerce

Compound interest

Illegal transactions

#### **Housing and Administrative Justice**

E-mail: housingandadmin@lawcommission.gsi.gov.uk

Housing in the rented sector

Compulsory purchase and compensation

Partnership law

    general partnership

    limited partnership

Publication of local authority reports

#### **Criminal Law**

E-mail: criminal@lawcommission.gsi.gov.uk

Codification of the general principles of criminal law

Fraud

Liability for assisting and encouraging crime

#### **Property and Trust Law**

E-mail: property.lawcomm@gtnet.gov.uk

Trust law: three aspects

Termination of tenancies

Property rights of those who share homes

Easements