



LATEST NEWS

The Leslie Scarman Lecture

On 13 February 2008 the second Leslie Scarman lecture was delivered in the Great Hall, Lincoln's Inn. We were delighted to have Professor Aharon Barak, the former President of the Supreme Court of Israel, as the guest speaker.

Professor Barak spoke to a packed Hall on the subject: "Human Rights and the Battle on Terror: A Judicial Point of View".

The lecture was followed by a dinner.

A DVD recording of the lecture and the question-and-answer session is available free of charge.

Please contact:

communications@lawcommission.gsi.gov.uk.

Tenth programme

The draft of the proposed tenth programme has been submitted to the Lord Chancellor. We are awaiting his approval and we hope to publish it soon.

EXTERNAL RELATIONS

We regularly meet a wide range of individuals, including Government ministers, and judicial and other visitors from overseas. The Chairman and the Chief Executive and in some cases one of our Commissioners are normally involved. During the past three months, we have met:

- Baroness Scotland, Attorney General
- Baroness Ashton, Leader of the House of Lords
- Society of Legal Scholars
- Socio-Legal Studies Association
- Association of Law Teachers
- The Chairman and Members of the Scottish Law Commission
- The Chairman and Chief Executive of the Northern Ireland Law Commission
- Sir Geoffrey Palmer, Chairman of the New Zealand Law Commission

In January, our Senior Parliamentary Draftsman attended a European Commission Quality of Legislation seminar in Brussels.

In March, we received eight overseas visitors from the Chevening Fellowship. In recent years, this has become a regular event. We welcome this opportunity to raise the profile of the Law Commission and awareness of our work overseas.

PROJECTS UPDATE

The "What's New" section and the "A-Z of Projects" on our website <http://www.lawcom.gov.uk> will keep you up-to-date with all the latest developments.

Codification of the criminal Law

We are revisiting Part 1 of the draft Criminal Code that we published in 1989, in particular the following topics:

- conspiracy and attempts – we published a consultation paper on 10 October 2007;
- intoxication – we hope to publish a report and draft Bill by mid-2008.

Bribery

On 9 March, the Government asked us to consider the options for further reform of the law of bribery. Our previous work on this subject was in 1998. Our new review takes into account the issues and views that subsequently emerged, and considers the full range of structural options for a scheme of bribery offences.

We published a consultation paper on 30 November 2007. We intend to publish a report and draft Bill by the end of 2008.

The consultation paper is available on our website at <http://www.lawcom.gov.uk/bribery.htm>.

The High Court's jurisdiction in relation to criminal proceedings

We distributed a discussion paper in July 2005. In this we invited comments on a number of issues relevant to resolving the problems experienced in interpreting the exclusionary words "relating to trial on indictment" in the Supreme Court Act 1981, section 29(3).

We published a consultation paper on 30 October 2007. We intend to publish a report and draft Bill in 2009.

The consultation paper is available on our website at http://www.lawcom.gov.uk/judicial_review.htm.

Remedies against public bodies

On 10 October 2006, we published a scoping report. This project is concerned with remedies against public bodies both in public law and in tort. The scoping paper sets out the basis on which we will proceed with the substantive project. Publication of the consultation paper has been delayed until later in 2008, to allow us to gather more information from Government departments

Further information is available on our website at <http://www.lawcom.gov.uk/remedies.htm>.

Housing dispute resolution

In June 2007 we published a consultation paper on Housing: Proportionate Dispute Resolution – the Role of Tribunals. The main issue in the paper was whether a specialist

tribunal should be established to resolve housing disputes.

Consultation is now closed. We hope to publish a report by mid-2008.

More information is available on our website at http://www.lawcom.gov.uk/housing_disputes.htm.

Encouraging responsible letting

This project takes a broad approach to the question of how the private rented sector can be appropriately regulated, with the aim of ensuring that landlords and tenants adhere to their obligations. On 13 July 2007 we published a consultation paper.

In January 2008 our public law team manager and head of communications attended a Landlords' Forum in Cardiff to raise awareness of the housing law projects.

Consultation is now closed. We hope to publish a report by mid-2008.

More information is available on our website at http://www.lawcom.gov.uk/housing_renting.htm.

Insurance contract law

We have received over 100 responses to our first consultation paper on non-disclosure, misrepresentation and breach of warranty. We would like to thank all our respondents for the care and thought they have given to these topics. We will put a summary of responses on our website in May 2008.

We published, jointly with the Scottish Law Commission, an issues paper on insurable interest in January 2008. It is not a formal consultation paper although we should be pleased to receive views. For life insurance we tentatively propose extending the categories of people able to insure others' lives. For indemnity insurance we point out the confused state of the current law and discuss whether the concept of insurable interest is needed at all.

Copies of our first consultation paper (380 pages), a summary (19 pages) and the issues paper on insurable interest are available on our website at http://www.lawcom.gov.uk/insurance_contract.htm.

Consumer remedies for faulty goods

We have started a new project to simplify the remedies available to consumers when they buy goods which turn out to be faulty.

It has been argued that the present law is particularly complex. In 2002, the traditional UK remedies of rejection and damages were overlain by four new European remedies: repair, replacement, rescission and reduction in price.

Even trained advisers complain that they find it difficult to understand how these six remedies relate to each other.

This is a joint project with the Scottish Law Commission, which was referred to us by the

Department for Business, Enterprise and Regulatory Reform in December 2007.

We published an introductory paper in February. We are planning a consultation paper for Summer 2008.

Easements, covenants and profits à prendre

We are due to publish a consultation paper on the general law of easements, covenants and profits à prendre on 28 March. The paper will address the characteristics of such rights, how they are created, how they come to an end and how they can be modified.

The consultation period will run until 30 June.

Further information is available on our website at <http://lawcom.gov.uk/easements.htm>.

Capital and income in trusts: classification and apportionment

This trust project recommenced at the beginning of this year, having been suspended since a consultation in 2004.

The project considers the classification of trust receipts and expenses as capital and income and the requirement that trustees keep a fair balance between different beneficiaries.

The consultation paper is available on our web site at <http://www.lawcom.gov.uk/citcat.htm>.

Statute Law Repeals

We published our latest Statute Law Repeals report in January. It includes our proposals to repeal obsolete enactments relating to areas such as the armed forces, county gaols, the former East India Company, London, rating and turnpikes.

The report included a draft Statute Law (Repeals) Bill to give effect to our proposals. The Bill is expected to receive its Second Reading in the House of Lords on 18 March.

Consolidation

We are currently working on consolidations of the law relating to charities, private pensions and the Health Service Commissioner for England.

We are reviewing work so far done on a consolidation of the law relating to elections.

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We welcome your comments and suggestions on this newsletter.

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