



LATEST NEWS

Engaging our stakeholders

The High Court's jurisdiction in relation to criminal proceedings

On 30 October we launched our consultation paper at a well attended evening event in the Painted Room at the RCJ.

Insurance contract law

We prepared the scenario for a mock trial organised by the British Insurance Law Association. It was held on 14 November and attended by lawyers and representatives of the insurance industry. The case was conducted under our proposed regime, but the advocates made submissions under the current law as well, which gave everyone a comparative insight into the workings of both regimes. This will make a valuable contribution to our analysis stage of the project.

Conspiracy and attempts

We organised a conference on 15 November at King's College, London, at which Professor Horder and several invited speakers addressed the issues covered in our recent consultation paper.

Bribery

We have organised a conference on 15 December at the Home Office, at which Professor Horder and several invited speakers will address the issues covered in our recent consultation paper.

Cohabitation

We were pleased to see that Mary Creagh MP opened a blog on the [ePolitix website](#) which was largely supportive of our recommendations. We have followed with interest the comments that have appeared.

A new project

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.

The present law is particularly complex. The traditional UK remedies of rejection and damages have been overlain by four new European remedies: repair, replacement, rescission and reduction in price.

Even trained advisers 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 are planning a consultation paper for Summer 2008.

Tenth programme

Following extensive consideration of the many consultation responses we received, Commissioners have recently agreed the draft of the proposed

tenth programme. This will be put to the Lord Chancellor and the Ministerial Committee early in 2008.

The tenth programme is scheduled to begin on 1 April 2008.

Lectures by the Chairman

Sir Terence Etherton has given two lectures recently.

On 1 November, he gave the Sir William Dale Annual Lecture at the Institute of Advanced Legal Studies on the subject "*The Law Commission in the 21st Century: Fitness for Purpose in a Changed Environment.*"

On 14 November, he gave the Bar Law Reform Committee Annual Lecture on "*Law Reform in England and Wales: a shattered dream or triumph of political vision?*"

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:

- Rt Hon Jack Straw MP, Lord Chancellor and Secretary of State for Justice.
- Rt Hon Michael Wills MP, Minister of State, Ministry of Justice.
- David Heath MP, Liberal Democrat Spokesman for Justice.
- Baroness Usha Prashar, Chair of the Judicial Appointments Commission.
- Dr Warren Young, Deputy President of the New Zealand Law Commission.
- Mr Gi-myung Nam, Minister of Government Legislation, Korea.
- Dr Colin Huntley, Parliament of Western Australia.

In November our Senior Parliamentary Draftsman participated in a seminar in Brussels, organised by the Dutch Academy for Legislation in association with the Quality of Legislation team in the European Commission Legal Service, on the subject of best practices in codification and consolidation in the context of European law.

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;
- intoxication – we hope to publish a report and draft Bill early in 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 will take into account the issues and views that subsequently emerged, and will consider the full range of structural options for a scheme of bribery offences.

We published a consultation paper on 30 November.

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

Assisting and encouraging crime

Part 2 of the Serious Crime Act 2007, which received royal assent on 30 October, implements the recommendations in our first report in July 2006 (covering inchoate liability for encouraging or assisting the commission of an offence).

We published our recommendations on secondary liability in a second report (on participating in crime) on 10 May.

This report is available on our website at http://www.lawcom.gov.uk/docs/participating_crime.pdf.

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.

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 spring 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

On 29 June 2007 we published a consultation paper on Housing: Proportionate Dispute Resolution – the Role of Tribunals. The main issue in the paper is whether a specialist tribunal should be established to resolve housing disputes.

Consultation is now closed and we expect to publish a report in spring 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.

Consultation is now closed and we expect to publish a report in spring 2008.

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

Insurance contract law

We have received around 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 February or March 2008.

Meanwhile we will publish an issues paper on insurable interest before the end of 2007.

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

Easements and covenants

We intend to publish a consultation paper on the general law of easements and covenants in Spring 2008. 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.

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 will recommence in the New Year, having been suspended since a consultation in July 2004. The project considers the classification of trusts receipts and expenses as capital and income and the requirement for trustees to 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 shall be publishing our latest Statute Law Repeals report early in 2008. It will include 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 will include a draft Statute Law (Repeals) Bill to give effect to our proposals. We expect the Bill to be introduced into Parliament at or shortly after publication of the report.

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: communications@lawcommission.gsi.gov.uk.