



CHECKS ON THE EFFECTS OF LEGISLATION

As the body charged with keeping all the law under review, the Law Commission is concerned with whether our existing laws serve their purposes. There is no systematic practice of reviewing laws after they have been brought into force to ensure they are working as intended.

We have today published a consultation paper on the potential for developing a more formal system of reviewing laws (post-legislative scrutiny) and encouraging better regulation. We believe that this could ultimately improve the accountability of governments for the legislation they pass and lead to better and more effective law.

The Honourable Mr Justice Toulson, Chairman of the Law Commission, said:

Each year over 10,000 pages of new legislation are introduced either by Acts of Parliament or by orders made under Acts of Parliament. If European directives are added, the figure is doubled. There is a need to take stock and reflect on the effects of new laws to see if they are working, and if they are not, to discover why. Parliament must be able to address how any problems can be remedied cost-effectively and to learn lessons for the future on the best methods of regulation.

The project is concerned more with the legislative process than with substantive law. This makes it an unusual project for the Law Commission. It is crucial that we receive views from parliamentarians and the public on how to carry out proper scrutiny of laws after they have been brought into force. We are also asking who should be responsible for this scrutiny work, and which laws should be scrutinised in this way.

ENDS

Editor's Notes

1. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
2. The consultation paper and further information is available from the Law Commission website at: http://www.lawcom.gov.uk/post_leg_scrutiny.htm
3. We are inviting responses to the consultation, which closes on 28 April 2006.
4. Please see the poster below, currently being displayed in the Royal Courts of Justice exhibition on the History of Law Reform.
5. For all press queries please contact:

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The need for post-legislative scrutiny

The Law Commission has been charged with keeping the law under review and making recommendations for reform.

As part of this, we are naturally concerned at the volume of legislation passed by Parliament each year, and whether the laws being passed accurately reflect the policies agreed by the law-makers. We are also concerned that new laws may have unintended consequences, which make the law less certain and more complex.

Usually, the Law Commission works exclusively on reviewing the actual black letter of the law. However, at the moment we are also looking at the process for ensuring Acts of Parliament do what they are intended to do.

We are currently looking at the purpose and process of ‘post-legislative scrutiny’, by which we mean the review of Acts of Parliament once they have been brought into force. We are consulting on the potential for developing a more formal system of reviewing laws, which could have the potential to improve the accountability of governments for legislation and lead to better and more effective law.

We hope that this project will lead to proposals on how the scrutiny of laws after they have been made Acts of Parliament could be carried out, who should be responsible for scrutinising them, and which laws should be scrutinised in such a way. We would like to get views from parliamentarians, lawyers and the public.

If you would like to find out more, or would like to get involved with the consultation process, go to: www.lawcom.gov.uk/post_leg_scrutiny.htm

The table below demonstrates the number of pages of legislation that has been produced. This number has increased by over 250 per cent per annum in less than 40 years. In addition to this huge increase in the number of pages of legislation produced each year, the size of the page also increased by 11%.

Pages of legislation between 1965 and 2003

	1965	2003
New laws	83	45
Pages	1,817	4,030
Consolidation Acts*	14	None
Pages	683	-
Statutory Instruments	2,201	3,354
Pages	6,322	11,977
EU legislation	None	-
EU Directives	-	122
EU Regulations	-	2,348
Total EU pages	-	11,000
Total pages	7,500	26,400

* Acts which draw together acts on similar subjects in order to make the law more intelligible.