

# **The Law Commission**

(LAW COM. No. 210)

## **TWENTY-SEVENTH ANNUAL REPORT 1992**

*Laid before Parliament by the Lord High Chancellor pursuant to section 3(3)  
of the Law Commissions Act 1965*

---

*Ordered by The House of Commons to be printed  
10 March 1993*

---

LONDON: HMSO

£9.70 net

The Law Commission was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

The Commissioners are:

The Honourable Mr Justice Brooke, *Chairman*  
Mr Trevor M. Aldridge, QC  
Mr Jack Beatson  
Mr Richard Buxton, QC  
Professor Brenda Hoggett, QC

The Secretary of the Law Commission is Mr Michael Collon and its offices are at Conquest House, 37-38 John Street, Theobalds Road, London WC1N 2BQ.

**THE LAW COMMISSION**  
**TWENTY-SEVENTH ANNUAL REPORT: 1992**

**CONTENTS**

	<i>Paragraph</i>	<i>Page</i>
<b>PART I: THE PAST YEAR IN OUTLINE</b>	1.1	1
<b>PART II: THE YEAR UNDER REVIEW</b>		
<b>LAW REFORM REPORTS AND CONSULTATION PAPERS</b>	2.1	6
<b>REPORT ON PROGRESS</b>	2.3	6
<b>Public Law and Regulatory Law</b>		
Judicial Review and Statutory Appeals	2.4	6
Fiduciary Duties and Regulatory Rules	2.5	7
<b>Contract Law</b>		
Sale of Goods	2.6	7
Contributory Negligence as a Defence in Contract	2.7	7
Contracts for the Benefit of Third Parties	2.8	8
<b>Damages in Civil Litigation</b>	2.9	8
<b>Restitution</b>	2.13	9
<b>Criminal Law</b>		
The Criminal Code	2.14	9
Offences against the Person and General Defences	2.17	10
Intoxication	2.21	11
Assisting and Encouraging Crime	2.23	12
Conspiracy to Defraud	2.25	12
The Form of Counts in an Indictment	2.27	12
Binding Over	2.28	13
Jurisdiction in Offences of Fraud with a Foreign Element	2.30	13
Computer Offences	2.32	13
<b>Evidence</b>		
Corroboration of Evidence in Criminal Trials	2.33	14
The Hearsay Rule in Civil Proceedings	2.34	14
<b>Family Law</b>		
General	2.35	14
The Children Act 1989	2.41	16
The Ground for Divorce	2.42	16
The Effect of Divorce on Wills	2.43	17
Domestic Violence and Occupation of the Family Home	2.44	17
Relationship Breakdown Working Party	2.46	18

	<i>Paragraph</i>	<i>Page</i>
Adoption Law Review	2.47	18
Access to and Reporting of Family Proceedings	2.49	18
<b>Mentally Incapacitated Adults</b>	<b>2.50</b>	<b>19</b>
<b>Property Law</b>	<b>2.52</b>	<b>19</b>
Draft Law of Property (Miscellaneous Provisions) Bill	2.54	19
Part II of the Landlord and Tenant Act 1954	2.56	20
Forfeiture of Tenancies	2.58	21
<b>Law of Trusts</b>		
Delegation by Individual Trustees	2.60	21
Rule against Perpetuities	2.62	22
Trusts of Land	2.63	22
<b>Statute Law</b>		
Consolidation	2.65	22
Statute Law Revision	2.72	23
Chronological Table of Local Legislation	2.75	24
 <b>PART III: GENERAL</b>		
Responsibilities for Commission Projects	3.1	25
Lawyers	3.2	25
Library	3.4	25
<i>Law under Review</i>	3.6	25
Meetings	3.7	25
 <b>APPENDIX 1: Implementation of Law Commission Reports</b>		<b>27</b>
 <b>APPENDIX 2: Responsibilities for Commission Projects</b>		<b>30</b>
 <b>APPENDIX 3: Visitors from Overseas</b>		<b>31</b>
 <b>APPENDIX 4: List of the Law Commission's Publications</b>		<b>32</b>
A. Papers Issued for Consultation		32
B. Reports and Programmes		39
C. Joint Working Group Report		56
D. Publications by the Conveyancing Standing Committee		56
E. Periodicals		56
F. Other Publications		56
 <b>APPENDIX 5: The Cost of the Commission</b>		<b>57</b>

**THE LAW COMMISSION**  
**TWENTY-SEVENTH ANNUAL REPORT**

*To the Right Honourable the Lord Mackay of Clashfern,  
Lord High Chancellor of Great Britain*

We have the honour to present, pursuant to section 3(3) of the Law Commissions Act 1965, our Twenty-Seventh Annual Report for the year 1992.

**PART I**

**THE PAST YEAR IN OUTLINE**

1.1 During the course of 1992 we submitted to you two reports which contained recommendations for law reform.

1.2 In our report on Domestic Violence and Occupation of the Family Home<sup>1</sup> we were concerned with remedies for two distinct but inseparable problems: how to provide protection for one member of a family against molestation or violence by another, and how to regulate the occupation of the family home where a relationship has broken down, whether temporarily or permanently. The general effect of our recommendations was that there should be a single consistent set of remedies which would be available in all courts which have jurisdiction in family matters.

1.3 In our report on Business Tenancies<sup>2</sup> we reviewed the working of Part II of the Landlord and Tenant Act 1954 which provides protection for tenants of properties let for business purposes. We found that the law on the whole was working well, but we made a number of recommendations for reform on points of detail which ought to increase the usefulness of the Act and eliminate unnecessary formalities.

1.4 We hope that during 1993 we may be able to deliver to you reports or recommendations in relation to legislation on non-fatal offences against the person, conspiracy to defraud, the sale of goods in bulk, contributory negligence as a defence in contract, hearsay in civil proceedings, restitution, delegation by individual trustees, the law relating to the effect of divorce on wills and, possibly, binding over. In addition we hope to deliver to you this year draft Bills which will encapsulate our recommendations in two fields of property law in which we delivered our report and recommendations to you some years ago. These relate to Forfeiture of Tenancies<sup>3</sup> and Trusts of Land.<sup>4</sup>

1.5 It is therefore possible that by the end of 1993 you will have received from us reports in nine law reform matters, and two draft Bills implementing earlier reports.

---

<sup>1</sup> Law Com. No. 207. A fuller description of the contents of this report is to be found in para. 2.44 below.

<sup>2</sup> Law Com. No. 208. A fuller description of the contents of this report is to be found in paras. 2.56 to 2.57 below.

<sup>3</sup> Codification of the Law of Landlord and Tenant: Forfeiture of Tenancies, (1985) Law Com. No. 142.

<sup>4</sup> Transfer of Land: Trusts of Land, (1989) Law Com. No. 181. A draft Bill was in fact annexed to this report, and it is now being redrafted for the reasons described in paras. 2.63 to 2.64 below.

1.6 We reminded you in our last Annual Report<sup>5</sup> that in 1991 no Law Commission Bills were included in the Government's legislative programme. In 1992, once again, no Law Commission Bills formed part of that programme.

1.7 Two private Peers' Bills based on Law Commission reports did, however, become law in 1992. The Access to Neighbouring Land Bill was introduced by Lord Murton of Lindisfarne in November 1991 with active Government support, and this passed through both Houses and received the Royal Assent on 16 March 1992, just before the General Election.<sup>6</sup> This Act gave effect to the main recommendation made in our report to your predecessor, Lord Hailsham of Marylebone, in September 1985<sup>7</sup> that a person who wishes to carry out works on his own land should where necessary be able to obtain access to adjoining land. However, we were sorry to note that pressure from certain landowning interests in the context of private members' legislation forced changes to our recommendations in two significant respects: the circumstances in which access may be granted, and the conditions which may be attached to an access order.

1.8 The Carriage of Goods by Sea Bill was introduced by Lord Goff of Chieveley during the last Parliament and fell by the wayside when that Parliament was dissolved. However, we were pleased to see that when Lord Goff reintroduced it in this Parliament, with the support not only of Ministers but of all interested parties, it passed quickly through both Houses and received the Royal Assent on 16 July 1992. It was thus enacted a little over a year after our joint report with the Scottish Law Commission, on which it was based,<sup>8</sup> was published and it is now law.<sup>9</sup> The Commission was pleased to assist the Department of Transport and Lord Goff on both occasions when the Bill was presented to Parliament. In contrast to Lord Murton's Act, the Act follows the wording of the Bill which was drafted by the two Commissions.

1.9 At the time we submit this report to you, we are hopeful that 1993 may see a change in the story of the last few years when, in every field other than family law, more and more of our published reports have accumulated with little sign that they would be implemented. Our report on Jurisdiction over Offences of Fraud and Dishonesty with a Foreign Element, which was published in April 1989,<sup>10</sup> forms Part I of the Criminal Justice Bill which was introduced in the House of Lords during the present session of Parliament and is now before the House of Commons.

1.10 In addition, we welcome the proposed introduction of a Bill based on two of our unimplemented property reports.<sup>11</sup> We understand that, if introduced, this Bill may be accepted as suitable for consideration under the new special standing committee procedures in the House of Lords which have flowed from the acceptance of the Report of the Select Committee on the Committee Work of the House of Lords which was chaired by Earl Jellicoe.<sup>12</sup>

---

<sup>5</sup> Twenty-Sixth Annual Report 1991, (1992) Law Com. No. 206, para. 1.2.

<sup>6</sup> The Act entered into force on 31 January 1993.

<sup>7</sup> Rights of Access to Neighbouring Land, (1985) Law Com. No. 151, Cmnd. 9692.

<sup>8</sup> Rights of Suit in Respect of Carriage of Goods by Sea, (1991) Law Com. No. 196, Scot. Law Com. No. 130.

<sup>9</sup> The Act entered into force on 16 September 1992.

<sup>10</sup> Law Com. No. 180.

<sup>11</sup> Property Law: Title on Death, (1989) Law Com. No. 184, Cm. 777; and Transfer of Land: Implied Covenants for Title, (1991) Law Com. No. 199. The draft Bill is described more fully in paras. 2.54 to 2.55 below.

<sup>12</sup> HL Paper 35-I, 10 February 1992.

1.11 Under these procedures, which we welcomed with enthusiasm when they were first suggested to us,<sup>13</sup> Bills which are not contentious in a party political sense or very controversial may be considered in the House of Lords by a special standing committee, who may receive evidence on them.

1.12 It remains to be seen whether the use of these procedures will achieve more success in the task of carrying into law the Commission's unimplemented reports and recommendations without significant dilution on points of principle which will impair their usefulness. We have included in this report<sup>14</sup> a bar chart which illustrates vividly the problems which are created if for any reason blockages occur between the time when one of our reports is published and the time when our recommendations in that report go before Parliament for consideration. Irrespective of what may happen in 1993, there will remain, as you know, a very serious backlog of Law Commission reports awaiting Parliamentary consideration. This is particularly sad for those who remember that this Commission was originally created nearly 30 years ago in an effort to overcome the obstacles to the effective promotion of law reform measures which existed in those days.

1.13 Our task is to make the law more simple and accessible. Over three million pounds of taxpayers' money is now being spent each year at the Commission in the pursuit of these aims. Every criminal lawyer and every conveyancer, to take only two examples, knows on a daily basis how much money is spent needlessly by public or private sector organisations or by ordinary citizens, because relevant parts of our criminal law or property law are arcane or abstruse. Part of our continuing task is to identify and remove what is arcane and to clarify and simplify what is now abstruse.

1.14 And it is not only money that is being wasted. Time, which is equally precious, is also wasted if parts of our law are unclear or unnecessarily complicated or out of touch with modern needs. Avoidable waste of time causes unreasonable and unfair delays both in the administration of justice and in the transaction of business which requires the involvement of lawyers, and these in turn cause personal hardship to many people.

1.15 There has been, so far as we know, no systematic analysis of the avoidable cost of operating important parts of a country's legal systems with outdated laws. As you will know, one of our recent reports<sup>15</sup> and one of our current criminal law reform projects<sup>16</sup> involve areas of criminal law which are seriously out of date and where there is general agreement among those concerned with the practical operation of the law that reform is needed. For example, everyone who has anything to do with the operation of sections 18, 20 and 47 of the Offences Against the Persons Act 1861, which contain our criminal law's main armoury against violent crime, knows that they have long since earned their retirement from active service. However, nobody has ever calculated the continuing cost to the nation which is caused when so many people have to work with obsolescent laws.

---

<sup>13</sup> HL Paper 35-II, pp. 237-239.

<sup>14</sup> See Appendix 1.

<sup>15</sup> Criminal Law: Corroboration of Evidence in Criminal Trials, (1991) Law Com. No. 202, Cm. 1620.

<sup>16</sup> Legislating the Criminal Code: Offences against the Person and General Principles, Consultation Paper No. 122.

1.16 One day's business in the Crown Court now costs just under £7,000,<sup>17</sup> and over 16,000 defendants under these three sections were dealt with in the Crown Court alone in 1991. We have no means of knowing how much time is wasted in individual cases, either in the Crown Court or on appeal, because of difficulties caused by the quaint Victorian wording of these sections. Nor do we know exactly how much time and money are wasted in criminal appeals because of the troublesome rules about corroboration warnings, the abolition of which we recommended in our Corroboration Report.<sup>18</sup> A recent small study of cases in the Criminal Division of the Court of Appeal showed that cases involving the failure by the trial judge to provide a corroboration warning in his summing up "cropped up regularly".<sup>19</sup>

1.17 What we do know<sup>20</sup> is that in 1990-91 the full court in the Criminal Division of the Court of Appeal heard 578 appeals against conviction, of which 260 were allowed; that the total cost of the Criminal Appeal system in 1990-91, excluding judge-time costs of single judge work, was about £7 million; and that only about half of the division's time is spent on sentencing appeals. A guess-estimate based on these figures and a knowledge of the system might suggest that on average each conviction appeal costs about £13,000; and of course if such an appeal is allowed, the expense incurred by the taxpayer in the original Crown Court trial can be regarded as spent to no purpose.

1.18 In making these comments we are not seeking to apportion blame on anyone, and we are very grateful to you for the changes you have made within your Department which have simplified the relationships between those who work at the Commission and those who are responsible for the task of considering and taking forward the measures we recommend. This task is complicated by the fact that not only your Department is involved. A number of different Government Departments have the responsibility for considering our reports, depending on the branch of law involved, and we know all about the competing pressures on Departmental and Parliamentary time. But we would hope that the new thinking which has ushered in the Citizens' Charter, the Courts Charter and all the other charters which set out the quality of service which citizens are entitled to expect will embrace the right of citizens in a civilised country to expect that the laws which govern things which are very important in their lives - protection of home and family, protection from violence, or the buying and selling and renting of property, for instance - should be as clear and straightforward to operate as human ingenuity and the work of this Commission can make them.

1.19 We have already touched on the continuing work we are undertaking in connection with the codification of the criminal law.<sup>21</sup> Professor John Smith's work in connection with this project was only one example of the remarkable contributions he has made over so many years to the clarification and rationalisation of the criminal law, and we were delighted to see these acknowledged in the New Year's Honours by his appointment to the rank of Knight Bachelor.

---

<sup>17</sup> This estimate is contained in Home Office: Costs of the Criminal Justice System 1992.

<sup>18</sup> See n. 14, para. 1.15 above. Our recommendations relate to the evidence of witnesses in two particular categories, accomplices and the victims of sexual offences. They do not relate to current suggestions that confession evidence should be corroborated.

<sup>19</sup> See Mandelson, *Miscarriages of Justice and the Accessibility of the Court of Appeal*, [1991] Crim LR 323, 329.

<sup>20</sup> The information which follows is derived from your Department's evidence to the Royal Commission on Criminal Justice.

<sup>21</sup> See n. 15, para. 1.15 above.



1.20 Outside consultants continue to provide us with expert help in a variety of fields, and their names are mentioned in Part II in connection with the individual projects on which they are working. We are grateful to them all.

1.21 The end of 1992 saw the end of Sir Peter Gibson's term of office as our Chairman. He took up his appointment on 1 January 1990 and his learning, courtesy and consideration soon won him the loyalty and admiration of all who work at the Commission. As the first judge from the Chancery Division of the High Court to be appointed to this post, his insights and experience were of considerable value in property and private law, but his scholarship and a keen eye for the practical informed all aspects of our work. He worked to promote law reform and the Law Commission in many different ways, but he devoted particular attention to the problems of implementing our reports. He also placed great store on ensuring that our work was carried out in close co-operation with our Scottish colleagues.<sup>22</sup> We see him go with great regret.

1.22 His fellow Commissioners are very pleased to welcome as the seventh Chairman of the Law Commission Sir Henry Brooke, a judge of the Queen's Bench Division of the High Court.

1.23 We should like, once again, to express our appreciation of all the work undertaken by the Commission's staff, lawyers and non-lawyers alike. We owe a great deal to them all for what we have achieved in a very productive year.

---

<sup>22</sup> See para. 3.7 below.

**PART II**  
**THE YEAR UNDER REVIEW**

**LAW REFORM REPORTS AND CONSULTATION PAPERS**

2.1 We list below the two reports which we submitted to you during 1992:

- (i) Family Law: Domestic Violence and Occupation of the Family Home, Law Com. No. 207.
- (ii) Landlord and Tenant: Business Tenancies: A Periodic Review of the Landlord and Tenant Act 1954 Part II, Law Com. No. 208.

2.2 During 1992 we issued the following four consultation papers:

- (i) Legislating the Criminal Code: Offences against the Person and General Principles, Consultation Paper No. 122.
- (ii) Landlord and Tenant: Responsibility for State and Condition of Property, Consultation Paper No. 123.
- (iii) Fiduciary Duties and Regulatory Rules, Consultation Paper No. 124 (issued together with a brief summary).
- (iv) Structured Settlements and Interim and Provisional Damages, Consultation Paper No. 125.

In addition, during the first two months of 1993 we will have issued three more such papers. These will be:

- (i) Administrative Law: Judicial Review and Statutory Appeals, Consultation Paper No. 126.
- (ii) Criminal Law: Intoxication and Criminal Liability, Consultation Paper No. 127.
- (iii) Mentally Incapacitated Adults and Decision-Making: A New Jurisdiction, Consultation Paper No. 128.

**REPORT ON PROGRESS**

2.3 There follows a description of the substance of these reports and papers, and a summary of other work in progress or in contemplation.

**Public Law and Regulatory Law**

*Judicial Review and Statutory Appeals*

2.4 Work is continuing on our examination of the procedures and forms of relief available by way of judicial review, and of those governing statutory appeals and applications to the High Court from the decisions of inferior courts, tribunals and other bodies. We published a

consultation paper in January 1993.<sup>1</sup> The fact that we were conducting this review received wide publicity, and we have already established contact with many groups who have direct involvement with these procedures. We hope to follow up these initial contacts during the consultation period.

### *Fiduciary Duties and Regulatory Rules*

2.5 We are examining the principles which should govern the way in which statutory and self-regulatory controls can co-exist in harmony with the fiduciary duties which are owed by those who carry on certain types of professional and business activity. The main focus of our work is concerned with those who provide financial services. We published a consultation paper on this topic in May 1992,<sup>2</sup> and the consultation period ended on 30 September 1992. In our paper we sought views on three main options for reform. First, a requirement that courts should take into account the provisions of any reasonable regulatory rules when they determine whether a person has complied with his duties as a fiduciary. Secondly, the creation of a new power for the courts to exonerate fiduciaries who have in their view acted honestly and reasonably. And thirdly, a reform of the rule that knowledge which is possessed in one part of a single corporate entity or partnership is automatically treated as being known to all parts of that entity or partnership. We received a large number of responses which we are now in the process of analysing. We have also had meetings with a number of interested groups. These included the Law Society's Company Law Committee, the Securities and Investments Board, the Securities and Futures Association, the British Merchant Bankers Association, the Pension Law Review Committee, the Legal Risk Review Committee, and the Treasury, which has now taken over responsibility for financial services from the Department of Trade and Industry. We hope to be able to produce a report early in 1994. We are being assisted on this project by Professor D.D. Prentice of Pembroke College, Oxford.

### **Contract Law**

#### *Sale of Goods*

2.6 Work is continuing on the second element of our review of the law relating to the sale of goods in bulk which is contained in section 16 of the Sale of Goods Act 1979. The Scottish Law Commission continues to take the lead on this aspect of the review and it prepared an analysis of the responses to the supplementary consultation paper on insolvency aspects of this subject. This project was discussed at the joint meeting of the two Commissions in December 1992,<sup>3</sup> and we hope to report in the first half of 1993.

#### *Contributory Negligence as a Defence in Contract*

2.7 We have now resumed work on this project, in which we are examining the question whether a plaintiff's damages should be reduced where his loss has been caused partly by the defendant's breach of contract and partly by his own conduct. We hope to produce a report during the course of 1993.

---

<sup>1</sup> Administrative Law: Judicial Review and Statutory Appeals, Consultation Paper No. 126.

<sup>2</sup> Fiduciary Duties and Regulatory Rules, Consultation Paper No. 124. A summary of the Consultation Paper was also published.

<sup>3</sup> See para. 3.7 below.

## *Contracts for the Benefit of Third Parties*

2.8 We had a good response from legal, professional and consumer interests, to our consultation paper,<sup>4</sup> in which we had provisionally recommended a reform of the rule that non-parties may not bring claims on a contract made for their benefit. We examined these issues at a conference organised for us by the Institute of Advanced Legal Studies on 2 and 3 April. The consultation period was extended until the end of November 1992 as a result of representations by certain sections of the construction industry. Sir Wilfrid Bourne, KCB, QC, is now preparing an analysis of the responses received on consultation. We are at present unlikely to be able to report until 1994 because of more urgent pressures on staff time.

## **Damages in Civil Litigation**

2.9 We are engaged in reviewing the principles which govern the present remedy of damages for monetary and non-monetary loss, and the effectiveness of that remedy. Since the announcement of the damages review, we have established contact with many groups who have an interest in this topic. In March 1992, in collaboration with the Torts group of the Society of Public Teachers of Law and the Faculty of Law at the University of Manchester, we organised a conference on *Compensation for Personal Injuries - Prospects for the Future*. At this conference papers were presented on structured settlements, multi-party litigation, the function of non-pecuniary damages, and punitive damages, and there was also a general discussion of our programme item.

2.10 We published the first of a series of consultation papers, on *Structured Settlements and Interim and Provisional Damages*, in November 1992,<sup>5</sup> on which we are inviting comments by the end of March 1993. In this paper we provisionally suggest a number of improvements to the existing system of voluntary structured settlements and we invite views upon them. In particular we suggest the removal of the disincentives which now exist to deter certain types of defendants - for example, public authorities and mutual insurers - from structuring an award. We consider the possibility that a power may be given to the court to order that damages be paid in the form of a structured settlement. We also examine the present method of calculating lump sum awards of damages. We provisionally conclude that actuarial evidence of life expectancy should receive greater judicial recognition, and that courts should make more use of information from the financial markets in determining the sum to award. Mr R. Bowles of the University of Bath assisted us with the economic aspects of the subject.

2.11 We plan to issue two further consultation papers in 1993. The first of these papers will consider different types of non-compensatory damages, such as exemplary and restitutionary damages. A draft of this paper has already been prepared with the assistance of Mr K.M. Stanton of the University of Bristol and, on United States law, of Professor D. Owen of the University of South Carolina. The second paper will examine non-pecuniary loss including damages for bereavement, pain and suffering and loss of amenity, nervous shock, and various difficulties which have come to light in the operation of the Fatal Accidents Acts.

2.12 We are also well advanced with our programme for empirical research in which we are studying how awards of damages are in fact being used by victims of personal injury. Professor Hazel Genn of Queen Mary and Westfield College, London, who acts as our consultant on this project, is managing and co-ordinating this aspect of our work. The main survey is being carried

---

<sup>4</sup> Privity of Contract: Contracts for the Benefit of Third Parties, Consultation Paper No. 121.

<sup>5</sup> Consultation Paper No. 125.

out by Social and Community Planning Research, an independent institute which specialises in social surveys.

## Restitution

2.13 We issued a consultation paper in 1991<sup>6</sup> on the question whether the rule precluding recovery of payments made under a mistake of law should be abolished, and the circumstances in which *ultra vires* payments made to and by public authorities should be recoverable. Professor S.L. Arrowsmith of the University College of Wales, Aberystwyth, who is acting as our consultant on this project, prepared an analysis of the responses we received. We explained in our last Annual Report<sup>7</sup> that we had deferred any further work on this project until the decision of the House of Lords in *Woolwich Equitable Building Society v. I.R.C. (No. 2)*<sup>8</sup> was known. This occurred in July 1992, when a majority of the House reformulated the law by recognising that a citizen who makes a payment in response to an unlawful demand for tax or any similar unlawful demand by a public authority has a prima facie right to restitution. We had provisionally concluded that there should be such a right, but that it should be subject to a number of safeguards. Lord Goff of Chieveley suggested in his speech that the Commission should collaborate with public authorities, in particular the Inland Revenue, in the task of reformulating the appropriate limits to recovery in accordance with a coherent system of principles,<sup>9</sup> and we are now pursuing this suggestion. We have also had discussions with the Scottish Law Commission who intend to publish a discussion paper on the topic. We hope to be able to report by the end of 1993.

## Criminal Law

### *The Criminal Code*

2.14 Parliament has imposed on the Commission the important duty of promoting the codification of the law.<sup>10</sup> From its earliest days the Commission has seen the codification of the criminal law as a central feature of that work<sup>11</sup> and this is an objective that has been achieved in almost all other common law jurisdictions. In 1980 the Commission welcomed the initiative of a sub-committee of the Society of Public Teachers of Law to prepare a codified statement of the current state of English criminal law, incorporating proposals for amendment that had already been made by the Commission and other law reform bodies, as a means of promoting the idea of codification. That statement was published in 1985,<sup>12</sup> and the very strong support that it

---

<sup>6</sup> Restitution of Payments made under a Mistake of Law, Consultation Paper No. 120.

<sup>7</sup> Twenty-Sixth Annual Report 1991, (1992) Law Com. No. 206, para. 2.12.

<sup>8</sup> [1992] 3 W.L.R. 366.

<sup>9</sup> *Ibid.* at 395.

<sup>10</sup> Law Commissions Act 1965, section 3(1).

<sup>11</sup> Second Programme of Law Reform, (1968) Law Com. No. 14, item XVIII: "*There should be a comprehensive examination of the criminal law with a view to its codification*".

<sup>12</sup> Criminal Law: Codification of the Criminal Law: A Report to the Law Commission, (1985) Law Com. No. 143.

evoked for the general principle of codification<sup>13</sup> emboldened the Commission to publish its own Code, drafted along similar lines, in 1989.<sup>14</sup>

2.15 Codification is important for two quite different reasons. The criminal law controls the exercise of state power against citizens, and the protection of citizens against unlawful behaviour, and it is important that its rules should be determined by Parliament and not by the sometimes haphazard methods of the common law. This can be achieved only if the law is put into statutory form in a comprehensive manner. It is also important, as we suggest in Part I of this report,<sup>15</sup> from the standpoints of efficiency, economy and the proper administration of justice, that the law should be stated in clear and easily accessible terms. Many parts of the criminal law continue to be obscure and difficult to determine with certainty, and too much reliance has to be placed on the interpretation of case-law or on combinations of the common law and of legislative provisions which put only part of the applicable law on a statutory basis. We repeat what we said in our Code Report:

Obscurity and mystification may in turn lead to inefficiency: the cost and length of trials may be increased because the law has to be extracted and clarified, and there is greater scope for appeals on misdirections on points of law.<sup>16</sup>

2.16 The 1989 Code Report provides a sound framework for further work in codification of the law. This work must now be done for two reasons. First, we have to recognise that the likelihood of Parliament being able to find time to consider, in a single Bill, a proposal as large as a complete Code is very remote. It is therefore necessary to progress in stages towards the long-term objective of the enactment of a complete Code. Secondly, the Draft Code of 1989 is in essence a restatement of the present law, in code form, incorporating some of the law reform proposals which were already in being at the time it was prepared. It is now necessary to consider whether any further reforms are required. The existence of the Draft Code has greatly simplified that process, because it has put the criminal law in a coherent overall structure and, by the disciplines which are created when the law is set out in a codified form, it has shown clearly where reform is required.

### *Offences against the Person and General Defences*

2.17 In 1990 we decided to pursue a policy of putting forward proposals for the implementation of discrete parts of the Code. These proposals would also serve as significant measures of law reform in their own right. Accordingly, in April 1992 we published a consultation paper on non-fatal offences against the person.<sup>17</sup> This paper also included a formulation of some general principles and defences which are applicable throughout the criminal law. This consultation paper took a novel form. Because of the progress which had already been made through the Code exercise, we felt able to publish our proposals in the form of a fully drafted Bill. This was accompanied by an extensive commentary, aimed at concentrating the attention of readers on how the proposals might operate in practice. This course proved to be fully justified by the extent and quality of the responses that we received.

---

<sup>13</sup> See Law Com. No. 177, para. 2.12.

<sup>14</sup> Criminal Law: A Criminal Code for England and Wales, (1989) Law Com. No. 177.

<sup>15</sup> See paras. 1.13 to 1.17 above.

<sup>16</sup> Law Com. No. 177, para. 2.5.

<sup>17</sup> Legislating the Criminal Code: Offences against the Person and General Principles, Consultation Paper No. 122.

2.18 The consultation paper had three main aspects. First, it proposed reforms in the present law relating to non-fatal offences against the person, a branch of the law which has long been regarded as confusing, irrational and difficult to use. Secondly, it proposed the repeal or removal of a number of archaic, outdated or unnecessary provisions that have been inherited, through the medium of the Offences Against the Person Act 1861, from the legislation of earlier centuries. Thirdly, it restated some general defences and other principles which play an important role throughout the criminal law in as simple a statutory form as possible, and suggested some comparatively modest reforms to these where appropriate. In drafting the consultation paper we were greatly assisted by Professor Edward Griew, a member of the original SPTL Code team.<sup>18</sup>

2.19 We are now in the process of analysing the large number of responses we received, with a view to publishing a final report in 1993. We can say now, however, that the weight of response was very strongly in favour of codification of these parts of the law, and, in particular, in favour of the statutory reform of the present law of non-fatal offences against the person. Many of our respondents regarded this reform as being a matter of real urgency. We are seeking to respond to that urgency by finalising our proposals as soon as possible.

2.20 We are also now considering what ought to be the next substantial part of the criminal law to be subjected to this treatment. In making a decision we will have to balance the twin objectives of building a long-term structure for the eventual enactment of a complete code, and of attending to areas of the law which need immediate reform.

#### *Intoxication*

2.21 We have just referred<sup>19</sup> to the benefit of the discipline of codification in revealing difficulties and incoherences in the law that might otherwise not receive proper attention and clarification. This was borne out by our experience with the current rules of English law which relate to the effect of intoxication on criminal liability. We had originally hoped that we would be able to rationalise the present rules in a form suitable for inclusion in a code, but when we were preparing Consultation Paper No. 122, our attempts to draft a statutory formula which adequately explained all the aspects of the present law convinced us that that task was impossible. This experience then led us to conclude that there must be a thorough review of the present law, and of the policy on which it appears to be based, in an effort to put it all on a simple, rational and comprehensive basis.

2.22 Throughout 1992, therefore, we have been working on a consultation paper on *Intoxication and Criminal Liability*.<sup>20</sup> This paper, which is now complete, reviews the present law and the objectives that it seeks to achieve, discusses various solutions which have been proposed in other jurisdictions to what has been recognised as an intractable problem, and puts forward for consideration two possible solutions, between which the Commission is at present undecided. The first possible solution is that, as is the case in some jurisdictions in Australia and elsewhere, there should be no special rules in respect of intoxication, but that the intoxicated state of the accused should be taken into account with all other factors in determining whether there existed at the time of the offence the mental element necessary for the crime charged. The other possibility is that, in order to deal with persons who commit acts forbidden by the criminal law when in a state of intoxication, there should be introduced a special new offence of committing certain kinds of damage when intoxicated. The terms and implications of this second proposal,

---

<sup>18</sup> See para. 2.14 above.

<sup>19</sup> Para. 2.16 above.

<sup>20</sup> Consultation Paper No. 127, to be published on 5 February 1993.

which was first advanced in outline by the Butler Committee on Mentally Abnormal Offenders,<sup>21</sup> are explored in detail in the consultation paper.

### *Assisting and Encouraging Crime*

2.23 The present rules on "aiding and abetting" were set out in the Draft Code, in accordance with the established policy of restating the common law without amendment. We recognised, however, in our commentary on the Code, that those rules have been subjected to searching criticism in modern times.<sup>22</sup> This issue was also raised in Appendix C to our working paper on *Conspiracy to Defraud*,<sup>23</sup> when we invited views on the question whether we should give serious consideration to the reform of the law in this area.

2.24 The response to this working paper suggested that the Commission ought to return to this subject, which it had previously considered, without reaching any conclusions as to law reform, in the early 1970s.<sup>24</sup> Work on this topic has turned out to emphasise many of the conceptual and policy difficulties which are inherent in the present law, and for this reason our review has taken rather longer than we had originally hoped. This stage of the work is, however, now near its end, and during 1993 we expect to publish a comprehensive consultation paper which will cover not only the law on aiding and abetting, but also the offence of incitement which is closely related in policy terms. In our consultation paper we will be seeking views on a range of options on how to resolve the difficult issues affecting criminal liability for encouraging or assisting others to commit criminal offences.

### *Conspiracy to Defraud*

2.25 The Commission has been concerned with this issue since 1972, as part of its general work on inchoate crime. We have analysed the responses to our consultation on the subject,<sup>25</sup> and given careful policy consideration to the results. However, it seemed possible during the course of the year that our work might impact on work which was proceeding elsewhere on the problems caused by long criminal trials, including fraud trials, where charges of conspiracy to defraud play a significant role. For this reason we have not so far thought it appropriate to produce our final proposals on the future of conspiracy to defraud. However, we have now returned to the topic, and we have some confidence that we will be able to report during 1993.

2.26 While we regret this delay, we took account of the fact that, whilst there is much criticism of conspiracy to defraud on a theoretical and conceptual basis, no respondent to Working Paper No. 104 was able to point to any case where a charge of conspiracy to defraud had been used in a manner that was considered unjust or oppressive. We will of course be much concerned with the practical implications of retaining the offence of conspiracy to defraud, and of any possible alternative to that crime, when we report.

### *The Form of Counts in an Indictment*

2.27 The Criminal Law team has continued during the year to work, as agents for your Department, on a project in which we are considering how counts in an indictment might be

---

<sup>21</sup> (1975) Cmnd. 6244.

<sup>22</sup> Law Com. No. 177, para. 9.4.

<sup>23</sup> (1987) Working Paper No. 104.

<sup>24</sup> Codification of the Criminal Law: General Principles, Parties, Complicity and Liability for the Acts of Another, (1972) Working Paper No. 43. This Working Paper was not followed by a report.

<sup>25</sup> Criminal Law: Conspiracy to Defraud, (1987) Working Paper No. 104.



drafted in a form which, more clearly than at present, indicates to the jury the nature and limits of the matters that the prosecution seeks to prove, and thus sets a clear written agenda for the trial. A statement of principles, and specimen counts for a wide variety of offences, have now been drawn up for wider consideration as appropriate. A paper on this project was prepared for the Royal Commission on Criminal Justice, and Mr Buxton gave oral evidence to members of that Commission.

### *Binding Over*

2.28 The Commission has been seised of this topic ever since it was referred to us by Lord Hailsham in 1980. It was originally expected that binding over would be treated at the same time as the Commission's more general work on Public Order Offences. In the event, however, this did not happen;<sup>26</sup> and since that time the extensive provisions of the Public Order Act 1986, and in particular section 5 of that Act, have embraced in the form of specific criminal offences much of the conduct that was in 1980 thought to necessitate the continuation of binding over provisions.

2.29 In the interests of directing resources where they were most urgently required, we again decided that, in the absence of immediate pressure for reform of this area of the law, work on the completion of this project should be deferred because of the other more urgent matters listed in this report. We are now reviewing the present state of this project but we cannot indicate a date for the completion of this work, because this will depend on the results of this review.

### *Jurisdiction in Offences of Fraud with a Foreign Element*

2.30 The proposals which are made in our report on this subject<sup>27</sup> were included in Part I of the Criminal Justice Bill now before Parliament. Over the last eighteen months we have assisted the Home Office in consideration of various policy issues and in the preparation of the necessary legislation.

2.31 The process of preparing amendments to the present law included the amendment of two current statutes,<sup>28</sup> and the formulation of changes to principles governing the courts' jurisdiction which are still only to be found in the common law. This was a complicated business, and it required legislation of some complexity.<sup>29</sup> During this process we often reflected how much simpler the reform of the law would be if the whole of the criminal law were to be placed on a common and codified basis.

### *Computer Offences*

2.32 The Computer Misuse Act 1990, based on our report on *Computer Misuse*,<sup>30</sup> has continued to be the subject of interest in the international legal community as well as in this country. Throughout 1992 Mr Buxton continued to serve as a member of the OECD Committee

---

<sup>26</sup> See our Report on Criminal Law: Offences Relating to Public Order, (1983) Law Com. No. 123, which does not deal with binding over.

<sup>27</sup> Criminal Law: Jurisdiction over Offences of Fraud and Dishonesty with a Foreign Element, (1989) Law Com. No. 180.

<sup>28</sup> Criminal Law Act 1977 and Criminal Attempts Act 1981.

<sup>29</sup> See Law Com. No. 180, pp. 34-48.

<sup>30</sup> Criminal Law: Computer Misuse, (1989) Law Com. No. 186, Cm. 819.

of Experts responsible for drafting the Guidelines for the Security of Information Systems which were adopted by the 24 member countries of OECD in November 1992.

## Evidence

### *Corroboration of Evidence in Criminal Trials*

2.33 The present rules as to the corroboration of evidence in criminal trials, whose abolition we recommended in our 1991 report,<sup>31</sup> continue to cause difficulty. *R. v. Royle and Hall*<sup>32</sup> is but the latest example of a mistake made by a judge when trying to apply the very complex rules as to what evidence does, and what does not, count as potentially corroborative. Our proposals have continued to attract considerable interest, and Mr Buxton was invited to deliver a paper on them to the Sixth International Conference of the Society for the Reform of the Criminal Law in Vancouver, Canada, in August 1992.

### *The Hearsay Rule in Civil Proceedings*

2.34 We are now engaged in drafting a Bill to give effect to our recommendations for the reform of the hearsay rule in civil proceedings. We plan to submit our report in the early part of 1993.

## Family Law

### *General*

2.35 Since 1968 the Commission's programme has included the comprehensive examination of family law with a view to its systematic reform and eventual codification.<sup>33</sup> A great deal of progress has now been made.<sup>34</sup> In particular, the introduction of a uniform code of law relating to children, which was enacted in the Children Act 1989, has led to the creation of an integrated structure of more specialist courts dealing with family matters. A similar uniform code of law was recommended in our recent report on Domestic Violence and Occupation of the Family Home.<sup>35</sup> The reform and integration of the law and procedure was also recommended in connection with divorce and judicial separation in our Report on the Ground for Divorce.<sup>36</sup>

2.36 The Government is considering those two reports as part of its Review of the Family Justice System.<sup>37</sup> The Commission's Family Law team is also taking part in two other items

---

<sup>31</sup> Criminal Law: Corroboration of Evidence in Criminal Trials, (1991) Law Com. No. 202, Cm. 1620.

<sup>32</sup> [1993] Crim LR 57.

<sup>33</sup> Second Programme of Law Reform, (1968) Law Com. No. 14, item XIX; superseded by Fourth Programme of Law Reform, (1989) Law Com. No. 185, item 6.

<sup>34</sup> A short account of the Commission's work during its first twenty years appears in the Twentieth Annual Report 1984-1985, (1986) Law Com. No. 155, paras. 1.25 - 1.29. A list of the Reports completed under item XIX of the Second Programme of Law Reform appears in the Appendix to the Fourth Programme of Law Reform, (1989) Law Com. No. 185, pp. 22-23.

<sup>35</sup> (1992) Law Com. No. 207; see paras. 2.44 to 2.45 below.

<sup>36</sup> (1990) Law Com. No. 192; see further para. 2.42 below.

<sup>37</sup> *Hansard* (H.L.), 4 March 1992, vol. 536, *Written Answers*, cols. 25-26, and *Hansard* (H.C.), 4 March 1992, vol. 205, *Written Answers*, cols. 171-172.

in that review.<sup>38</sup> One of the main aims of the Review is to continue the process of developing a unified jurisdiction with uniform procedures in family matters. This may require some further work on unifying the substantive remedies, and this could appropriately be done as part of the Commission's own programme. One example is the law relating to financial provision and property division on family breakdown,<sup>39</sup> which is still governed by quite different statutes in the magistrates' family proceedings courts<sup>40</sup> and in the higher courts.<sup>41</sup>

2.37 During 1992 the Scottish Law Commission published its own Report on Family Law.<sup>42</sup> This makes recommendations "designed to put Scottish family law into such a form that the usual consolidation procedure in Parliament could be used to produce a single, comprehensive Act which would be arranged in a logical, coherent way".<sup>43</sup> We have been studying the report with great interest, in order to decide what comparable work remains to be done in England and Wales.

2.38 There are perhaps three broad areas in which further work might be appropriate in order to complete the codification process. The first is the law of marriage itself. It is now nearly twenty years since the Commission made recommendations to rationalise the law relating to the formalities of marriage,<sup>44</sup> and nothing has happened in the intervening years to improve its simplicity, intelligibility or effectiveness.<sup>45</sup> There is still a need for that area of the law, together with the law relating to capacity to marry, to be modernised and codified. In this connection, we were interested to note that the Council of Europe is considering the law relating to transsexuals with a view to making recommendations to member states.

2.39 The second is the remaining part of the common law and statute law which defines legitimacy. The Family Law Reform Act 1987 was designed to secure that all *children* were treated alike by the law, irrespective of whether or not their parents were married to one another.<sup>46</sup> Distinctions are still drawn, however, between the rights and responsibilities of their

---

<sup>38</sup> See paras. 2.47 and 2.49 below.

<sup>39</sup> See also The Law Society, Maintenance and Capital Provision on Divorce - Recommendations for Reform of the Law and Procedure made by the Family Law Committee (1991).

<sup>40</sup> Domestic Proceedings and Magistrates' Courts Act 1978, implementing the Commission's report on Matrimonial Proceedings in Magistrates' Courts, (1976) Law Com. No. 77.

<sup>41</sup> Matrimonial Causes Act 1973, consolidating the Matrimonial Proceedings and Property Act 1970, which implemented the Commission's report on Financial Provision in Matrimonial Proceedings, (1969) Law Com. No. 25; subsequently amended and extended, principally by the Matrimonial and Family Proceedings Act 1984, implementing the Commission's recommendations on the policy of the law in its report on The Financial Consequences of Divorce, (1981) Law Com. No. 112.

<sup>42</sup> (1992) Scot. Law Com. No. 135.

<sup>43</sup> *Ibid.*, para. 1.1.

<sup>44</sup> Report on the Solemnisation of Marriage in England and Wales, (1973) Law Com. No. 53.

<sup>45</sup> See Solemnisation of Marriage in England and Wales, Report of Joint Working Party of the Law Commission and the Registrar General, Annex to Law Com. No. 53, para. 6.

<sup>46</sup> See Family Law: Illegitimacy, (1982) Law Com. No. 118, and Illegitimacy (Second Report), (1986) Law Com. No. 157.

parents. This is done by reference to the common law and the Legitimacy Act 1976.<sup>47</sup> There may well be scope, therefore, for drawing these distinctions in such a way that the "status" of legitimacy, and its counterpart of illegitimacy, can be formally abolished, as the Scots have already recommended.<sup>48</sup>

2.40 The third is the law relating to cohabitation outside marriage, on which the Scots have also made recommendations.<sup>49</sup> This Commission has given preliminary consideration from time to time to the need for reform in this area, particularly in relation to contracts and property rights.<sup>50</sup> This is a complex and difficult subject, not least because the circumstances of cohabiting couples vary so widely. Our recent practice, therefore, has been to consider cohabitation in the context of the particular remedy or rule of law which we have had under review.<sup>51</sup> However, the time may now be ripe for a more systematic consideration of the subject as a whole.

#### *The Children Act 1989*

2.41 The Children Act 1989, which came into force on 14 October 1991, continues to attract a great deal of interest both at home and abroad. Professor Hoggett was invited to contribute to the meeting of the Family Law section of the 59th Deutscher Juristentag, held in Hanover in September 1992, which was discussing whether the German law relating to children should now be reformed in similar ways.

#### *The Ground for Divorce*

2.42 The Government is still considering our report on the Ground for Divorce<sup>52</sup> together with the role which might be played by conciliation and mediation services, and how these might be organised and funded. In October 1992 Professor Hoggett was invited to speak about our proposals, as rapporteur on the subject of "Legal Provisions to Prevent or Reduce Disputes in Divorce Cases", at the Second European Conference on Family Law, organised by the Council of Europe in Budapest.

---

<sup>47</sup> The common law and the Legitimacy Act 1976 also apply to those few provisions relating to legitimacy and illegitimacy which remain from before the 1987 Act. Section 30 of that Act gave power to the Lord Chancellor, by order, to remove references to legitimacy and illegitimacy from previous enactments, by applying the general principle of construction in section 1 of that Act without otherwise altering their effect. No such orders have yet been made.

<sup>48</sup> (1992) Scot. Law Com. No. 135, para. 17.10.

<sup>49</sup> *Ibid.*, Part XVI; see also *The Effects of Cohabitation in Private Law*, (1990) Scot. Law Com. Discussion Paper No. 86.

<sup>50</sup> Fourteenth Annual Report 1978-1979, (1980) Law Com. No. 97, para. 2.32; Seventeenth Annual Report 1981-1982, (1983) Law Com. No. 119, para. 2.45; Eighteenth Annual Report 1982-1983, (1984) Law Com. No. 131, para. 2.42; Nineteenth Annual Report 1983-1984, (1985) Law Com. No. 140, para. 2.35.

<sup>51</sup> *Distribution on Intestacy*, (1989) Law Com. No. 187, paras. 58-61; *Domestic Violence and Occupation of the Family Home*, (1992) Law Com. No. 207, paras. 3.8 *et seq.*, 4.5-4.9, 6.1-6.12, 6.13-6.14.

<sup>52</sup> (1990) Law Com. No. 192.

### *The Effect of Divorce on Wills*

2.43 Our work on the ground for divorce prompted us to consider whether there was a case for reforming the law governing the effect of divorce on wills.<sup>53</sup> We do not suggest any change in the general principle that the only effect of divorce on a will made before the testator's divorce is that the divorced spouse should no longer benefit from it or act as executor under it. We do, however, question whether it might not be better to put this principle into effect by a rule deeming the former spouse to have pre-deceased the testator, rather than by the present rule that such gifts should lapse. Since the task of finding the best method of giving effect to the testator's intentions is largely a technical issue, we distributed an informal consultation paper<sup>54</sup> in November 1992 to individuals and organisations who seemed most likely to have an interest in it. Letters inviting views also appeared in the legal press. We hope to be in a position to make recommendations or offer advice to you in the course of 1993.

### *Domestic Violence and Occupation of the Family Home*

2.44 Our report on Domestic Violence and Occupation of the Family Home<sup>55</sup> was published in May 1992, a little later than intended owing to the dissolution of Parliament. We recommended that there should be a single code of family law remedies available in all courts which possess jurisdiction in family matters. There should be two types of remedy, a non-molestation order and an occupation order, and both should be sufficiently flexible to take account of the needs of a particular case. Non-molestation orders should give protection against violence or other forms of molestation between spouses, cohabitants and others with a family or household connection. Occupation orders should regulate the occupation of the family home, and the law should distinguish between applicants who are and those who are not otherwise entitled to occupy it. Furthermore, when considering whether to make such orders, including orders ousting one party from the home, courts should be obliged to focus their attention more clearly upon the harm which would be suffered by the applicant or the respondent, or any children who are affected, as the case may be, if the order is or is not made. We also recommended that the court should attach a power of arrest to an order whenever there has been violence or threatened violence between the parties, unless the applicant will be adequately protected without it; that the power to remand in custody or on bail after arrest, which is at present only available in magistrates' courts, should be extended to the higher courts; that common criteria should be laid down for granting orders *ex parte*; and that in cases where the police have already intervened, they should have power to apply for civil remedies on behalf of a victim. Finally, we recommended that the power to transfer tenancies which is at present available as between spouses who divorce should become available as between cohabitants when their relationship breaks down.

2.45 Following the publication of our report and a report of the National Inter-Agency Working Party convened by Victim Support<sup>56</sup> the House of Commons Home Affairs Committee

---

<sup>53</sup> Currently contained in the Wills Act 1837, s.18A, inserted by the Administration of Justice Act 1982, s.18(2), as a result of but not entirely in accordance with the recommendations of the Law Reform Committee in their Twenty-Second Report on the Making and Revocation of Wills, (1980) Cmnd. 7902.

<sup>54</sup> The Effect of Divorce on Wills, a Consultation Paper (1992), unpublished but available from the Law Commission.

<sup>55</sup> (1992) Law Com. No. 207.

<sup>56</sup> Domestic Violence, Report of a National Inter-Agency Working Party, Victim Support (1992).

conducted a short inquiry into domestic violence, and the Commission was pleased to respond to an invitation to submit written evidence to the Committee.<sup>57</sup>

#### *Relationship Breakdown Working Party*

2.46 The Commission has participated in the Working Party established by the Department of the Environment to consider the implications of relationship breakdown for public sector housing law and practice. The Working Party has been considering the results of a research study, commissioned by the Department from the Social Policy Research Unit at York University, in order to provide information for the Working Party and generally to investigate the housing effects of relationship breakdown. We expect that a paper containing these results and the recommendations of the Working Party will be submitted to Ministers in the near future. We are pleased that the Working Party has recommended the implementation of the proposals in our report on Domestic Violence and Occupation of the Family Home<sup>58</sup> which relate to the transfer of tenancies between cohabitants and to the new criteria we suggested for occupation and ouster orders.<sup>59</sup>

#### *Adoption Law Review*

2.47 The Commission's Family Law team has continued to assist with the Review of Adoption Law, which is being carried out by an interdepartmental working group chaired by the Department of Health, of which Professor Hoggett is a member. The team carried out the bulk of the legal research and analysis which was needed for the review. After the end of the consultation period on the final discussion paper in March 1992,<sup>60</sup> we helped the review to formulate its policy for reform. On 19 October a report to Ministers was published containing 45 main recommendations,<sup>61</sup> and this report was the subject of an adjournment debate in the House of Commons on 12 November.<sup>62</sup> The report addressed such major issues as openness in adoption, alternatives to adoption, grounds for dispensing with parental agreement, the degree of involvement of the child, and the court process.

2.48 One of the team was a member of the UK delegation at the Hague Conference on Private International Law in February 1992. This was the final meeting of the special Commission before the Diplomatic Conference to be held in May 1993, when it is hoped that a draft Convention on international co-operation and the protection of children in respect of inter-country adoption will be agreed.

#### *Access to and Reporting of Family Proceedings*

2.49 As part of your Department's Review of the Family Justice System, a sub-committee of the Family Law and Administration Working Party was created, to examine the law governing

---

<sup>57</sup> Home Affairs Committee; Domestic Violence, Memoranda of Evidence (House of Commons, Session 1992-1993, HC 245-i, HMSO).

<sup>58</sup> (1992) Law Com. No. 207.

<sup>59</sup> *Ibid.* paras. 6.1-6.12, 4.22-4.37 and 3.3-3.7.

<sup>60</sup> Discussion Paper No. 4: Intercountry Adoption (1992).

<sup>61</sup> Review of Adoption Law, Report to Ministers of an Inter-departmental Working Group (Department of Health, 1992).

<sup>62</sup> *Hansard* (H.C.), 12 November 1992, vol. 213, cols. 1043-1074.

the privacy and publicity of family proceedings. Professor Hoggett has acted as adviser to the group and the Family Law team has contributed to a consultation paper which describes the law as it now stands and various options for reform. We hope that the paper will be published soon.

### **Mentally Incapacitated Adults**

2.50 We received more than 120 responses to our consultation paper, *Mentally Incapacitated Adults and Decision-Making: An Overview*,<sup>63</sup> published in April 1991. Analysing these has been a substantial task. Because of the breadth of the project we have decided to divide it into a number of discrete topics although we hope to take these forward in a consistent manner within a coherent framework. We have identified three such topics. The first is the lack of any integrated "private law" jurisdiction covering not only the management of an incapacitated person's property and affairs but also decisions relating to personal care and welfare. Next there are the confusing and fragmented remedies which are at present available to public authorities to protect incapacitated people from abuse and neglect. Finally, there is the question how far the law relating to medical treatment of incapacitated people is in need of reform. A consultation paper on the first of these issues has been approved for publication.

2.51 During 1992 we had a useful exchange of views with interested organisations and we are grateful for this assistance. We also had helpful meetings with the Official Solicitor's Department and with the National Audit Office, which is currently reviewing the work of the Public Trust Office. We are planning to hold a series of meetings during 1993 with interested bodies and individuals, in order to consider more specific proposals in each of the areas of concern we have identified. This should help us to formulate our final recommendations during 1993, which should lead to a report next year.

### **Property Law**

2.52 The law relating to property covers a very wide field, and the Commission's Property Law team has been working on three items in the Commission's Fourth Programme, the law of landlord and tenant, the law relating to the transfer of land and the law of trusts.<sup>64</sup> In each case, our preferred approach has been to select and work on discrete reform projects within these broad areas, rather than to attempt any all-embracing reform covering a whole area of law at one time. By this means we can produce useful recommendations for modernising and simplifying the law without unreasonable delay, while paving the way to eventual codification.

2.53 We also hope that this approach will make the task of Parliamentary implementation easier. If we subdivide broad areas of law it is possible to propose reforms in shorter Bills and to focus Parliamentary discussion in each case on a particular area of perceived difficulty.

### ***Draft Law of Property (Miscellaneous Provisions) Bill***

2.54 With this in mind, we welcome the proposed introduction of a Law of Property (Miscellaneous Provisions) Bill. This draft Bill would implement the recommendations in two fairly recent reports. In our report on Title on Death<sup>65</sup> we proposed four main changes in the law. First, a power would be created whereby a land charge might be registered against the name of a property owner who had died. Secondly, all personal representatives should be obliged

---

<sup>63</sup> (1991) Consultation Paper No. 119.

<sup>64</sup> Fourth Programme of Law Reform, (1989) Law Com. No. 185, items 3, 4 and 8.

<sup>65</sup> (1989) Law Com. No. 184.

to join in any contract to sell the land of a deceased owner. Thirdly, the property of an intestate, to whose estate no grant of representation had been made, should be vested in the Public Trustee. And finally new provision should be made for the service of notices relating to property whose owner had died. Our other report, on Implied Covenants for Title,<sup>66</sup> recommended reforms to the system of statutory guarantees which people can choose to adopt when they are parties to documents creating transfers of property.<sup>67</sup> We recommended that the wording of the implied covenants should be made very much simpler. We also proposed to extend this system of statutory guarantees to leases, to remove difficulties which had cropped up in relation to the capacity in which a party conveys property, and to recognise and allow for the practice of drawing conveyances in Welsh. The particular importance of the reforms in this report is that they adopt the approach of registered conveyancing<sup>68</sup> by considering title to land in terms of the current owner's entitlement and liability, rather than by reference to a historical chain of events which can involve any number of former owners in continuing liability.

2.55 The draft Bill differs in wording, but not in any fundamental respect, from the Bills appended to our reports. The final drafting work on the Bill was carried out by Parliamentary Counsel working at the Commission, and our Property Law team co-operated with your Department in giving instructions to Counsel.

#### *Part II of the Landlord and Tenant Act 1954*

2.56 In November 1992 our report<sup>69</sup> on the legislation which gives business and professional tenants the right to renew their leases was published. The Landlord and Tenant Act 1954 has not been reformed in any fundamental respect since it was first enacted, although it was amended to a certain extent by the Law of Property Act 1969, following an earlier Law Commission report.<sup>70</sup> Our consultation revealed satisfaction with the general working of the Act, although a number of suggested improvements to it received wide support. Accordingly, our recommendations for reform were limited to improvements within the framework of the present legislation, and a draft Bill appended to the report incorporated these recommendations. In addition, we set out, in a separate Appendix, all the relevant provisions of the Act in the form in which they would appear after amendment, and we also noted the repeals which would be made.

2.57 The aim of our recommendations was to reinforce the smooth working of the 1954 Act. There were four main groups of proposals. First, tenants should no longer be required to start court proceedings merely to safeguard their renewal rights. It was apparent that in a large number of cases proceedings were launched simply as a precautionary measure, thereby wasting significant amounts of time, money and court resources. We accordingly proposed that the parties to a lease should be given the opportunity to agree to extend the statutory period within which proceedings might be started, with safeguards for each party if the other dragged its feet. Secondly, we recommended that either party should be able to apply for an order for interim rent.

---

<sup>66</sup> (1991) Law Com. No. 199.

<sup>67</sup> Law of Property Act 1925, s.76, Sched. 2.

<sup>68</sup> Under the Land Registration Act 1925, now being adopted throughout the country: Registration of Title Order 1990.

<sup>69</sup> Business Tenancies: A Periodic Review of the Landlord and Tenant Act 1954 Part II, (1992) Law Com. No. 208.

<sup>70</sup> Report on the Landlord and Tenant Act 1954 Part II, (1969) Law Com. No. 17.



At present, only landlords can apply for such an order. This statutory provision assumes that an interim rent will necessarily be higher than the current contractual rent, an assumption which is not always justified. Thirdly, we recommended that the parties should be able to contract out of the statutory renewal provisions without court approval. It appeared to us that the obligation that parties must obtain a consent order before they could safely contract out of the Act's provisions was adding little or nothing to the protection which could be afforded if the parties incorporated into their agreement a form of statutory notice. Again, time, money and court resources would be saved if applications to the court were not required in these circumstances. Fourthly, there should be a widening of the scope of a party's duty to provide information on notice, which forms a preliminary part of the procedure for renewal, and this duty should also be reinforced by an express sanction in the event of non-compliance.

### *Forfeiture of Tenancies*

2.58 In 1985 we recommended reforms to the law which governs the forfeiture of tenancies.<sup>71</sup> In our report we proposed a scheme of landlords' termination orders. This scheme would replace the present law of forfeiture which is confusing, antiquated and sometimes unjust. However, we published that report eight years ago without accompanying our recommendations with a draft Bill, and it is now clear that proposals which are presented in that way have a smaller chance of being implemented. This is most unfortunate in this case, given the importance of the matter on which we were reporting. The aim of our present project is to draft a Bill which will embody our earlier recommendations, and to publish it with a short explanatory report.

2.59 However, we were not able to complete our work on this project during 1992 because of the need to give priority to the completion of our report on Part II of the Landlord and Tenant Act 1954, and because of competing calls on Parliamentary Counsel's time. A new draft of the proposed Bill was completed in August 1992 and we are now engaged in detailed consideration of this draft. We expect to complete our work on this project before the end of 1993.

### **Law of Trusts**

#### *Delegation by Individual Trustees*

2.60 In 1991 we published a consultation paper entitled *The Law of Trusts: Delegation by Individual Trustees*.<sup>72</sup> In this paper we examined the rules which allow an individual trustee - as distinct from the whole body of trustees who are appointed to administer a trust - to delegate his powers and discretions. We noted that overlapping statutory provisions now existed,<sup>73</sup> and we examined the safeguards which should be provided for beneficiaries and the need for different rules to accommodate different situations. Responses to that consultation paper were received and analysed during 1991.

2.61 Work on the project had to be suspended during the first half of 1992 because of resource constraints. The team then resumed work on the project, and it is now preparing a paper analysing the policy options for reform in the light of the responses we received. We hope to be able to agree the policy for our final report in the near future.

---

<sup>71</sup> Codification of the Law of Landlord and Tenant: Forfeiture of Tenancies, (1985) Law Com. No. 142.

<sup>72</sup> Consultation Paper No. 118.

<sup>73</sup> Trustee Act 1925, s.25; Enduring Powers of Attorney Act 1985, s.3(3).

### *Rule against Perpetuities*

2.62 In this project we are considering whether there is now a need to reform the complex rules by which property interests must vest within specified periods of time. We are also considering the associated rules which restrict the periods during which money may be accumulated, with a view to preparing and publishing a consultation paper on these two topics. During 1992, however, we were compelled to defer the completion of this paper by the need to divert resources to the Trusts of Land project,<sup>74</sup> and we are not yet in a position to give any firm indication when the consultation paper may be completed. Once the Trusts of Land project has been completed, we will reconsider the timetable for this work in the light of the resources which are then available and the calls being made upon them.

### *Trusts of Land*

2.63 We published our recommendations for fundamental changes to the law relating to Trusts of Land in 1989.<sup>75</sup> In particular we proposed the replacement of the dual system of settled land<sup>76</sup> and trusts for sale<sup>77</sup> by a unified system of Trusts of Land. Your Department's examination of our report led to suggestions for some modifications of our proposals, mainly in relation to the transition from the present arrangements to the proposed new system. Certain possible problems with the draft Bill were also identified. At your request, we agreed that our Property Law team should undertake further work, which would lead up to the preparation of a new version of the Bill.

2.64 This further work is in essence a technical exercise designed to implement the changes to transitional and consequential provisions and to cure the difficulties which were identified. The new draft will, however, keep intact the basic policy for reform which we recommended in our 1989 report. Our Property Law team has now reconsidered the original draft Bill and prepared instructions to Parliamentary Counsel for the new version, and substantial progress has been made towards the completion of a first draft of the new Bill. We hope to be in a position to deliver the new draft to you by the middle of 1993.

### **Statute Law**

#### *Consolidation*

2.65 Four consolidation Bills completed all their Parliamentary stages and passed into law before the general election in April 1992. These included the three Bills which consolidated the law relating to social security for the whole of Great Britain. They received the Royal Assent on 13 February 1992 as the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 and the Social Security (Consequential Provisions) Act 1992. They embodied amendments giving effect to joint recommendations of this Commission and of the Scottish Law Commission.<sup>78</sup> The fourth was the Taxation of Chargeable Gains Act 1992,

---

<sup>74</sup> See para. 2.63 below.

<sup>75</sup> Transfer of Land: Trusts of Land, (1989) Law Com. No. 181.

<sup>76</sup> Under the Settled Land Act 1925.

<sup>77</sup> Mainly governed by the Law of Property Act 1925.

<sup>78</sup> Report on the Consolidation of the Legislation Relating to Social Security, (1991) Law Com. No. 203, Scot. Law Com. No. 132.

drafted by Miss Lesley Furlonger, formerly a deputy Parliamentary Counsel, which received the Royal Assent on 6 March 1992.

2.66 Four other consolidation Bills introduced in early 1992 were lost on the dissolution of Parliament and were reintroduced in the new Session. Three of these, having passed the House of Lords in the previous Session, were taken formally through all their stages in that House and completed their passage through the Commons to receive the Royal Assent on 16 July: the Protection of Badgers Act 1992, the Trade Union and Labour Relations (Consolidation) Act 1992 and the Tribunals and Inquiries Act 1992. The Radioactive Substances Bill, although considered by the Joint Committee on Consolidation Bills in the previous Session, had to be referred again to that Committee in order to comply with the requirements of the Consolidation of Enactments (Procedure) Act 1949 under which it was proceeding.

2.67 In the present session of Parliament two new consolidation Bills have been introduced, the Clean Air Bill, which incorporates amendments giving effect to joint recommendations of this Commission and of the Scottish Law Commission,<sup>79</sup> and the Charities Bill.

2.68 A Bill consolidating the law relating to occupational pension schemes has been prepared for the Department of Social Security by Mrs Leates, a former deputy Parliamentary Counsel. This Bill, too, may incorporate amendments made in pursuance of joint recommendations of this Commission and of the Scottish Law Commission. It is likely to be introduced early in 1993.

2.69 Further work has been done on the consolidation of the legislation relating to the armed forces, and work has been resumed on the consolidation of the legislation relating to the National Health Service. Work has also begun on a number of other consolidations: friendly societies, powers of criminal courts, value added tax, vehicles excise duty and protection of animals.

2.70 Pre-consolidation amendments of the legislation relating to merchant shipping will be provided for by the Merchant Shipping (Registration, etc.) Bill, a private member's Bill which is now awaiting Second Reading in the House of Commons. If these amendments are made it is expected that work on the consolidation Bill may be completed in time for it to be introduced early in the next Session of Parliament.

2.71 Work on the consolidation of the Education Acts is still suspended pending the passing of this Session's Education Bill. A first draft has been produced of a Bill to consolidate the legislation on stamp duties, but the date of its introduction still depends on factors outside our control. Some preliminary work has also been done on a consolidation of the Solicitors Acts.

#### *Statute Law Revision*

2.72 Work has now been completed on a joint report by the two Law Commissions recommending a draft Statute Law (Repeals) Bill, and we hope to submit this report to you in the near future. Reasoned repeal proposals by the statute law revision team have been incorporated in the Charities Bill and the Welsh Language Bill.

2.73 In the field of local legislation proposals to rationalise the legislation of Bedfordshire, Warwickshire, the county and city of Nottingham and the former Derwent Valley Water Board have been incorporated in the draft Statute Law (Repeals) Bill. The research on the project to

---

<sup>79</sup> Report on the Consolidation of Certain Enactments Relating to Clean Air, (1992) Law Com. No. 209, Scot. Law Com. No. 138.

rationalise the local legislation of Greater Manchester has now been completed by Mr J.S. Phipps (Chief Executive of Leicester City Council, 1973-1982), and consultation with the relevant local authorities and statutory undertakers concerned will be undertaken in the course of 1993. Work has recently started on a project to rationalise the local legislation of Gloucestershire, Hereford and Worcester, and Shropshire. Mr Phipps is conducting the research and preliminary consultation for this project too, and we are most grateful to him for his continuing help in this field.

2.74 The Statute Law (Repeals) Act 1989 (Commencement) Order 1992<sup>80</sup> brought into force on 1 June 1992 the repeal of the enactments relating to appeals from Malaysia to the Judicial Committee of the Privy Council.

### *Chronological Table of Local Legislation*

2.75 A basic requirement of any legal system is the availability of reliable and detailed information as to the extent to which particular Acts of Parliament continue to form part of the law of the land. This information is provided in relation to public general Acts by the *Chronological Table of the Statutes*, which has been published in cumulative form since 1870. The purpose of the *Chronological Table of Local Legislation* is to provide a similar working tool covering the substantial inherited body of local, private and personal Acts passed since 1539, and in particular the series of public local Acts which began in 1797. The scope of the project covers some 37,000 Acts of Parliament and the publication of this work of reference will be an important addition to the infrastructure of the statutory system. The Law Commission regularly receives inquiries regarding the status of particular enactments from both lawyers and librarians. In many cases these inquiries are in the context of privatisation proposals.

2.76 The first stage of the project (2 vols., 781 pp.) was published in 1985. The next stage will cover all the available information on primary legislation in the series of local Acts which began in 1797. The basic research on this stage was completed in 1992, mainly as a result of work done by law students in their summer vacation. During 1992 a preliminary second stage text (2,680 pp.) covering the research period 1797-1973<sup>81</sup> has also been completed. Work is now in progress on the preparation of a final text, which will cover the entire period from 1797 to the present day.

---

<sup>80</sup> S.I. 1992, No. 1275.

<sup>81</sup> The effects on local legislation of Acts passed after 1973 are recorded in section 4 of the *Chronological Table of the Statutes*, HMSO.

## **PART III**

### **GENERAL**

#### **Responsibilities for Commission Projects**

3.1 The responsibilities for projects falling within particular fields of law are shown in Appendix 2, which reflects the position at the end of December.

#### **Lawyers**

3.2 During the first half of the year a number of legal posts remained to be filled, but satisfactory recruitment has resulted in our having a full complement of lawyers for almost the whole of the second half of the year. Three lawyers from the Government Legal Service work in each of our four law reform teams, and also in the statute law revision team; of our 16 research assistants, no less than five are here for a second year, which provides a very desirable element of continuity.

3.3 While for most of 1992 we have had the assistance of five Parliamentary Counsel, only four of these have been draftsmen serving on secondment from the Office of the Parliamentary Counsel, and at one time the number of these went down to three.

#### **Library**

3.4 Following the completed conversion of the library catalogue, its functions have been further enhanced by the installation of new terminals which give instantaneous access to the central computer in your Department's Headquarters at Trevelyan House. The database of this computer includes the catalogues of the libraries of the Law Commission, LCD Headquarters and the Supreme Court. It includes information not only on items in stock, but also on items currently on order. The new terminals have made the database more accessible and searches can now be carried out more quickly.

3.5 We are grateful to LCD Headquarters, the Supreme Court and many other Government libraries for loans and photocopies of items not available in Conquest House. We continue to pay a subscription to the Institute of Advanced Legal Studies which allows our legal staff and research assistants access to and use of photocopying facilities in the Institute library.

#### ***Law Under Review***

3.6 The Commission continues to publish this quarterly bulletin which gives details of Government or Government-sponsored law reform projects. It has now been published for six full years and has a world-wide circulation, particularly in the common law countries.

#### **Meetings**

3.7 Until quite recently it was thought desirable for this Commission and the Scottish Law Commission to have a full joint meeting at least once a year, principally to discuss projects which the two Commissions were undertaking jointly. The number of these joint projects has been substantially reduced in recent years, but there are still a number of topics on which our work can with advantage be co-ordinated, particularly in the field of common law. Our Chairmen and other individual Commissioners have always maintained close relations with their opposite numbers in Scotland. Last year we were delighted to receive an invitation to a full joint meeting,

which took place in Edinburgh on Monday 7 December. Two of the main items on the agenda were the review of section 16 of the Sale of Goods Act 1979, and the different views we each held in some respects on the reform of the law on Restitution. We were left in no doubt about the value of such meetings. We were most grateful to our Scottish hosts, and we hope before long to repay their hospitality in London.

3.8 Our annual meeting with the Society of Public Teachers of Law took place on Friday 12 June. On Wednesday 28 October members of the Bar Law Reform Committee visited us for our annual discussion of law reform topics, and the following week we welcomed the President, Vice-President and members of the Council of The Law Society for a similar meeting. We have also welcomed a number of visitors from overseas, a full list of whom can be found in Appendix 3.

*(Signed)* HENRY BROOKE, *Chairman*  
TREVOR M. ALDRIDGE  
JACK BEATSON  
RICHARD BUXTON  
BRENDA HOGGETT

MICHAEL COLLON, *Secretary*  
23 February 1993

## APPENDIX 1

### IMPLEMENTATION OF LAW COMMISSION REPORTS

In Part I of this Report<sup>1</sup> we mentioned the difficulties which are created when there are blockages in the flow of our recommendations for law reform between the time when one of our reports is published and the time when it is implemented. This year we thought that it would be helpful if we illustrated the position graphically, so that it is easier to see the scale of the problem and to spot the areas of law where the most serious delays have been occurring.

In the two-page bar-chart we have prepared we have listed all the reports containing recommendations for law reform which we have submitted since 1984, subject to two exceptions which we mention below. We have also included one report, Private International Law: Foreign Money Liabilities,<sup>2</sup> which was submitted towards the end of 1983.

In the bar-chart we have allowed in each case two years as a standard period for the consideration of the report by the relevant Department and by Parliament. This is followed by a darker line which shows the period up to the date of implementation, if any. The white sections of the bars start when Royal Assent was given to an Act of Parliament which implemented the recommendations in our report in whole or in part. If recommendations pass quickly into law then the first section of the bar will be proportionately shorter.

We have omitted from the chart our reports on the Criminal Code<sup>3</sup> and Offences against Religion and Public Worship.<sup>4</sup> We omitted the first because it formed the basis for the further work on discrete parts of the Code which is now taking place. We omitted the second because we understand that although its recommendations were not formally rejected, there is no prospect of them being implemented. None of our other law reform reports during the period since January 1984 has been rejected: if any had been they would not have appeared in the chart.

Although a white bar on the chart might suggest that our recommendations have now all passed into law, this is not always the case. Our report on Covenants Restricting Dispositions, Alterations and Change of User<sup>5</sup> was implemented only in part.<sup>6</sup>

The chart shows that the greatest problems lie in the field of property law and private international law, although significant backlogs are beginning to build up in the three other main areas of the Commission's work. This picture is in sharp contrast to the equivalent picture which would have appeared 20 years ago: of the 30 law reform reports submitted between 1966 and 1973, 28 were implemented in an average time of two years.

---

<sup>1</sup> Para. 1.12 above.

<sup>2</sup> (1983) Law Com. No. 124.

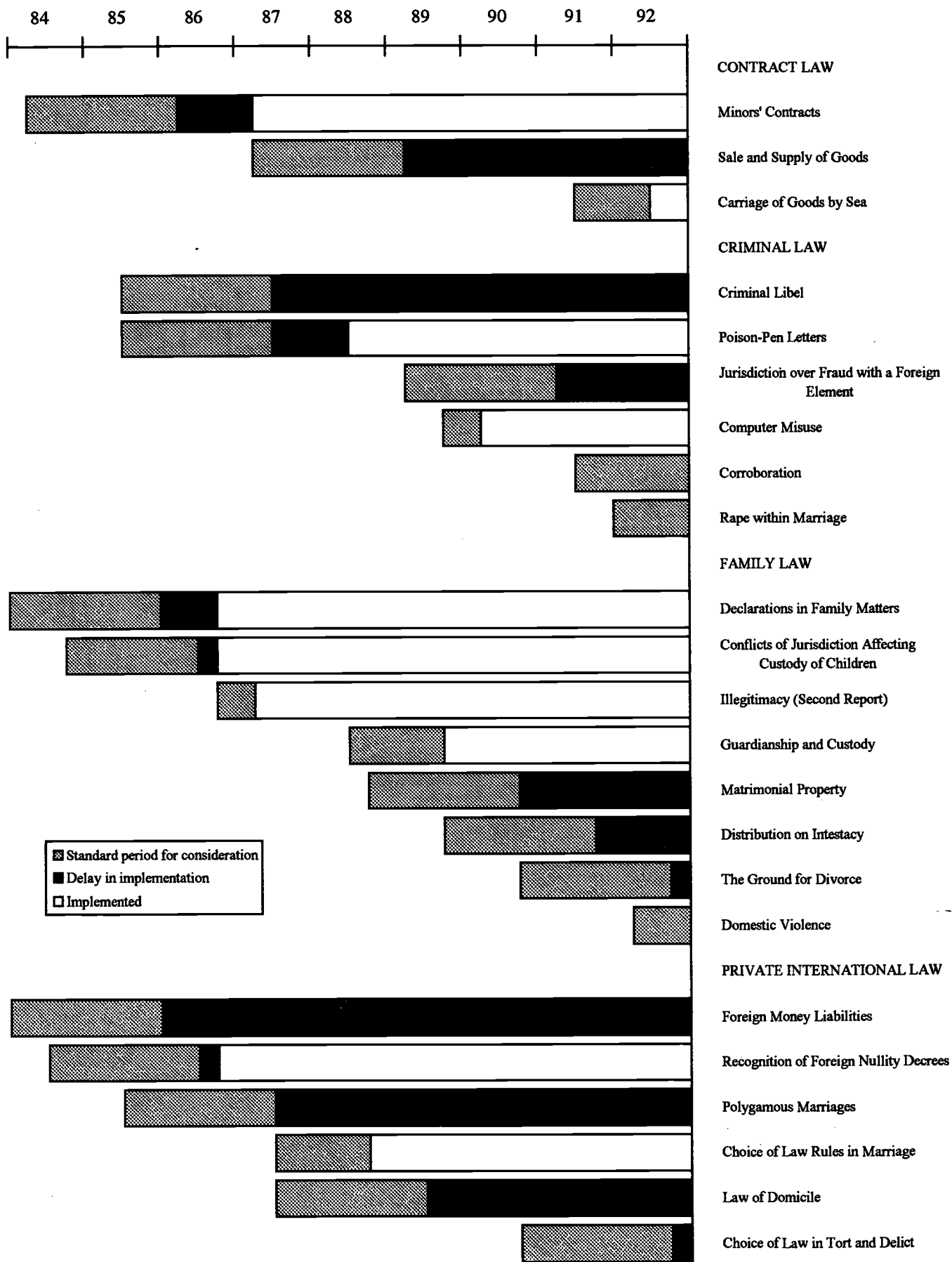
<sup>3</sup> (1989) Law Com. No 177.

<sup>4</sup> (1985) Law Com. No. 145.

<sup>5</sup> (1985) Law Com. No. 141.

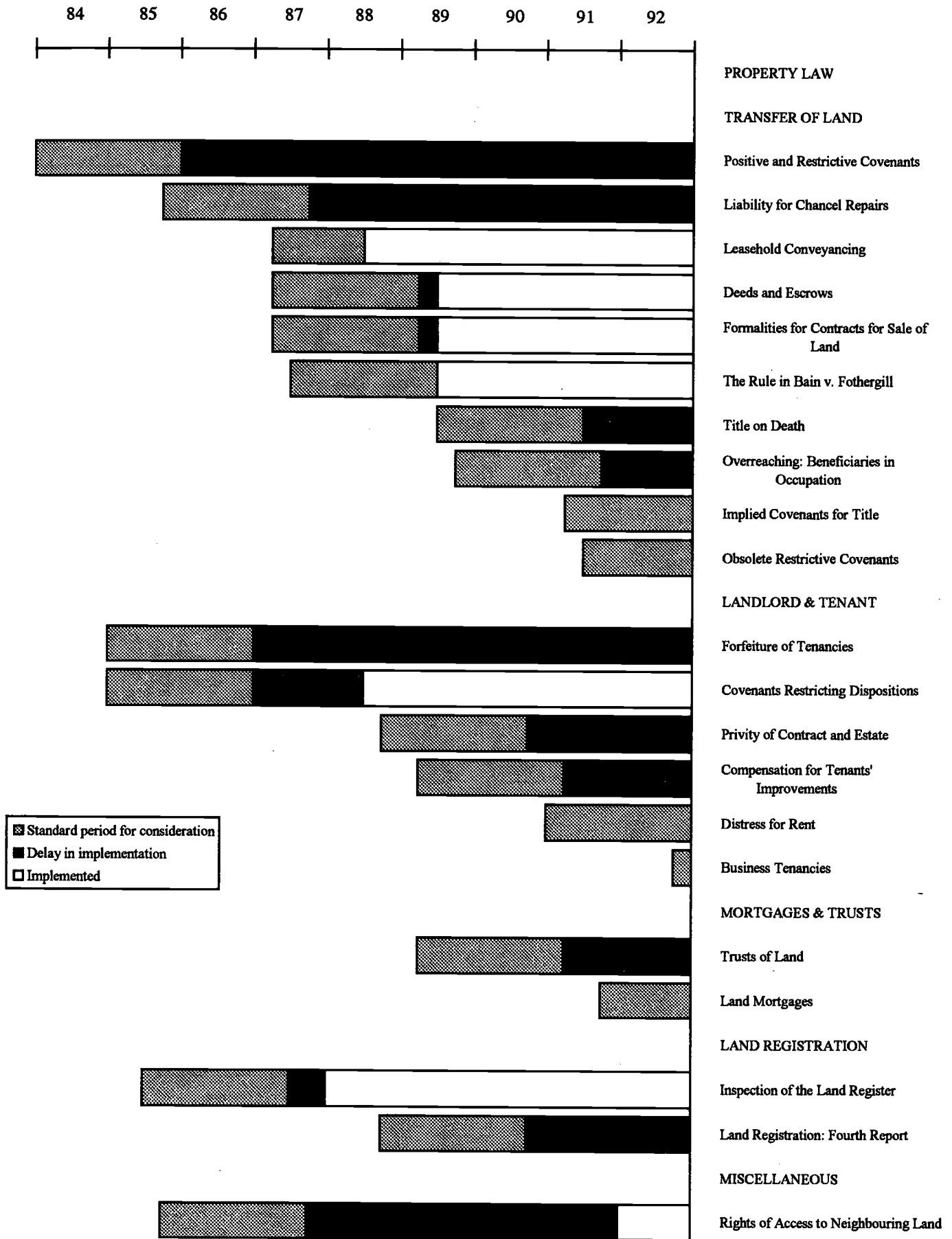
<sup>6</sup> By the Landlord and Tenant Act 1988.

# THE LAW COMMISSION: IMPLEMENTATION OF REPORTS (January 1984 - December 1992)





# THE LAW COMMISSION: IMPLEMENTATION OF REPORTS (January 1984 - December 1992)



## APPENDIX 2

### RESPONSIBILITIES FOR COMMISSION PROJECTS

#### Common Law and Public Law

Mr J Beatson, Mrs M Hodgson,<sup>1</sup> Mrs H Garlick,<sup>2</sup> Mrs R I Innes, Ms U Cheer, Mr N Hext, Ms A Hillman, Mr J A Kimbell, Ms I Maclean.

#### Criminal Law

Mr R J Buxton QC, Mr R Zackon, Mr A Cope, Miss C Haskell, Miss M Bhagat, Mr B J A Fitzpatrick, Ms L A Merrett.

#### Family Law and Mentally Incapacitated Adults

Professor B M Hoggett QC, Mrs S Hutcheson,<sup>3</sup> Mrs J M Jenkins, Ms T Cockrell, Ms C L Johnston, Mr P D Bates, Mr N D Lambe, Ms T Wearing.

#### Property and Trust Law

Mr T M Aldridge QC, Mr A Akbar, Mrs S A Jones, Mr M P Hughes, Mr A Bushby, Mr M Garvin, Mr N Hopkins.

#### Statute Law

*Consolidation:* Chairman, Mr G B Sellers CB, Mr P J Davies, Mr A J Hogarth, Miss C T Balfour Davies, Sir Henry de Waal KCB, QC, Ms M E Atraghji.

*Statute Law Revision (including Local Legislation):* Chairman, Mr R H Streeten CBE, Mr R D Maitland, Mr A M Rowland, Mrs T G Orange, Ms E M Wells.

---

<sup>1</sup> Until November 1992.

<sup>2</sup> From November 1992.

<sup>3</sup> Until March 1992.

### APPENDIX 3

#### VISITORS FROM OVERSEAS

Among the visitors to the Law Commission during 1992 were:

*Members of the Indian Delegation to the Indo-British Legal Forum*

The Honourable Mr Justice M H Kania (Chief Justice of India)

Mr Justice M N Venkatachalia

Mr Justice A M Amhadi

Mr Justice P D Desai

Mr T R Andhyarujina (Senior Advocate)

Mr Ashok Desai (Senior Advocate)

Mr Dipanker Gupta

Professor C F G Sunaryati Hartono (Director, National Law Development Agency, Ministry of Justice, Jakarta, Indonesia)

Mr G L B Persaud (Legislative Drafting Adviser to the Attorney General, Trinidad and Tobago Law Commission)

The Hon Mr Justice B E Ross-Jones (Chief Justice, Family Court of Australia)

Professor Helene Shapo (North Western University Law School)

Ms Loane Skene (Principal Research Officer, Law Reform Commission of Victoria)

Mr B E D de Speville (Secretary, Law Reform Commission of Hong Kong)

Mr Huang Tai-yun (Research Fellow and Deputy Section Chief, Ministry of Justice, People's Republic of China)

## APPENDIX 4

### LIST OF THE LAW COMMISSION'S PUBLICATIONS

#### A. Papers issued for consultation

<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
<b>1966</b>		
1	Transfer of Land: Root of Title to Freehold Land	Law Com. No.9.
2	Draft Proposals on Powers of the Court of Appeal to Sit in Private and Restrictions upon Publicity in Legitimacy Proceedings	Law Com. No.8.
3	Restrictive Covenants	Law Com. No.11.
4	Should English Wills be Registrable?	
5	Liability of Trade Vendors of New Dwelling Houses to First and Subsequent Purchasers (First Paper)	Law Com. No.40.
6	Liability of Vendors and Lessors for Defective Premises (Second Paper)	Law Com. No.40.
<b>1967</b>		
7	Provisional Proposals for Amendments to the Landlord and Tenant Act 1954, Part II (Business Tenancies)	Law Com. No.17.
8	Provisional Proposals Relating to Obligations of Landlords and Tenants	Law Com. No.67.
9	Family Law: Matrimonial and Related Proceedings - Financial Relief	Law Com. No.25.
10	Proposals for Changes in the Law Relating to Land Charges affecting Unregistered Land and to Local Land Charges	Law Com. Nos.18 and 62.
11	Powers of Attorney	Law Com. No.30.
12	Proof of Paternity in Civil Proceedings	Law Com. No.16.
13	Exploratory Working Paper on Administrative Law	Law Com. No.20.
14	Interpretation of Statutes (Joint Working Paper-Scottish Law Commission Memorandum No.6)	Law Com. No.21.
<b>1968</b>		
15	Family Law: Arrangements for the Care and Upbringing of Children	
16	Provisional Proposals Relating to Termination of Tenancies	Law Com. No.142.
17	Codification of the Criminal Law: General Principles. The Field of Enquiry (See Law Com. No.143)	Law Com. No.177.

<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
18	Provisional Proposals Relating to Amendments to sections 12-15 of the Sale of Goods Act 1893 and Contracting Out of the Conditions and Warranties implied by those sections (Joint Working Paper - Scottish Law Commission Memorandum No.7)	Law Com. No.24.
19	Loss of Services	Law Com. Nos.25 and 56.
20	Nullity of Marriage	Law Com. No.33.
21	Polygamous Marriages	Law Com. No.42.
<b>1969</b>		
22	Restitution of Conjugal Rights	Law Com. No.23.
23	Malicious Damage to Property	Law Com. No.29.
24	Transfer of Land: Rentcharges (See also Working Paper No.49)	Law Com. No.68.
<b>1970</b>		
25	The Law of Landlord and Tenant; Working Party's Provisional Proposals Relating to Covenants Restricting Dispositions, Parting with Possession, Change of User and Alterations	Law Com. No.141.
26	Criminal Law: Forgery	Law Com. No.55.
27	Personal Injury Litigation: Assessment of Damages Assessment of Damages, Itemisation of Pecuniary Loss and the Use of Actuarial Tables as an Aid to Assessment	Law Com. No.56.
28	Family Law: Jurisdiction in Matrimonial Causes (other than Nullity)	Law Com. No.48.
29	Codification of the Criminal Law: Subject III. Territorial and Extra-Territorial Extent of the Criminal Law	Law Com. No.91.
30	Codification of the Criminal Law: Strict Liability and the Enforcement of the Factories Act 1961	
31	Codification of the Criminal Law: General Principles. The Mental Element in Crime	Law Com. No.89.
32	Transfer of Land: Land Registration (First Paper)	Law Com. No.125.
33	Criminal Law: Perjury and Kindred Offences	Law Com. No.96.
<b>1971</b>		
34	Family Law: Jactitation of Marriage (See also Working Paper No.48)	Law Com. No.132.
35	Family Law: Solemnisation of Marriage	Law Com. No.53.
36	Transfer of Land: Appurtenant Rights	Law Com. No.127.
37	Transfer of Land: Land Registration (Second Paper)	Law Com. No.125.
38	Family Law: Jurisdiction in Suits for Nullity of Marriage	Law Com. No.48.

<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
39	Exemption Clauses in Contracts for Services (Joint Working Paper - Scottish Law Commission Memorandum No.15)	Law Com. No.69.
40	Administrative Law	Law Com. No.73.
41	Personal Injury Litigation: Assessment of Damages	Law Com. No.56.
42	Family Law: Family Property Law	Law Com Nos.52, 61 and 86.
<b>1972</b>		
43	Codification of the Criminal Law: General Principles. Parties, Complicity and Liability for the Acts of Another (See Law Com. No.143)	Law Com. No.177.
44	Codification of the Criminal Law: General Principles. Criminal Liability of Corporations (See Law Com. No.143)	Law Com. No.177.
45	Transfer of Land: Land Registration (Third Paper)	Law Com. No.125.
46	Charging Orders on Land	Law Com. No.74.
<b>1973</b>		
47	Injuries to Unborn Children	Law Com. No.60.
48	Family Law: Declarations in Family Matters	Law Com. No.132.
49	Transfer of Land: Rentcharges	Law Com. No.68.
50	Codification of the Criminal Law: General Principles. Inchoate Offences: Conspiracy, Attempt and Incitement	Law Com Nos.76 and 102.
51	Transfer of Land: "Subject to Contract" Agreements	Law Com. No.65.
52	Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability	Law Com. No.75.
53	Family Law: Matrimonial Proceedings in Magistrates' Courts	Law Com. No.77.
<b>1974</b>		
54	Criminal Law: Offences of Entering and Remaining on Property	Law Com. No.76.
55	Codification of the Criminal Law: General Principles. Defences of General Application	Law Com. No.83.
56	Criminal Law: Conspiracy to Defraud	
57	Codification of the Criminal Law: Conspiracies Relating to Morals and Decency	Law Com. No.76.
58	Breach of Confidence	Law Com. No.110.
<b>1975</b>		
59	Contribution	Law Com. No.79.

<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
60	Firm Offers	
61	Penalty Clauses and Forfeiture of Monies Paid	
62	Criminal Law: Offences Relating to the Administration of Justice	Law Com. No.96.
63	Codification of the Criminal Law: Conspiracies to Effect a Public Mischief and to Commit a Civil Wrong	Law Com. No.76.
64	Liability for Defective Products (Joint Working Paper - Scottish Law Commission Memorandum No.20)	Law Com. No.82.
65	Law of Contract: Pecuniary Restitution on Breach of Contract	Law Com. No.121.
<b>1976</b>		
66	Interest	Law Com. No.88.
67	Transfer of Land: Land Registration (Fourth Paper)	
68	Custody of Children: Jurisdiction and Enforcement within the United Kingdom (Joint Working Paper - Scottish Law Commission Memorandum No.23)	Law Com. No.138.
69	The Incapacitated Principal	Law Com. No.122.
70	Law of Contract: The Parol Evidence Rule	Law Com. No.154.
<b>1977</b>		
71	Law of Contract: Implied Terms in Contracts for the Supply of Goods	Law Com. No.95.
72	Codification of the Criminal Law: Treason, Sedition and Allied Offences	
<b>1979</b>		
73	Insurance Law: Non-Disclosure and Breach of Warranty	Law Com. No.104.
74	Family Law: Illegitimacy	Law Com. Nos.118 and 157.
<b>1980</b>		
75	Classification of Limitation in Private International Law	Law Com. No.114.
76	Time Restrictions on Presentation of Divorce and Nullity Petitions	Law Com. No.116.
77	Family Law: Financial Relief after Foreign Divorce	Law Com. No.117.
78	Rights of Access to Neighbouring Land	Law Com. No.151.

<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
<b>1981</b>		
79	Offences against Religion and Public Worship	Law Com. No.145.
80	Private International Law: Foreign Money Liabilities	Law Com. No.124.
<b>1982</b>		
81	Minors' Contracts	Law Com. No.134.
82	Offences against Public Order	Law Com. No.123.
83	Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage (Joint Working Paper - Scottish Law Commission Consultative Memorandum No.56)	Law Com. No.146.
84	Criminal Libel	Law Com. Nos.147 and 149.
<b>1983</b>		
85	Sale and Supply of Goods (Joint Working Paper - Scottish Law Commission Consultative Memorandum No.58)	Law Com. No.160.
86	Transfer of Land: Liability for Chancel Repairs	Law Com. No.152.
<b>1984</b>		
87	Private International Law: Choice of Law in Tort and Delict (Joint Working Paper - Scottish Law Commission Consultative Memorandum No.62)	Law Com. No.193.
<b>1985</b>		
88	Private International Law: The Law of Domicile (Joint Working Paper - Scottish Law Commission Consultative Memorandum No.63)	Law Com. No.168.
89	Private International Law: Choice of Law Rules in Marriage (Joint Working Paper - Scottish Law Commission Consultative Memorandum No.64)	Law Com. No.165.
90	Transfer of Money between Spouses: the Married Women's Property Act 1964	Law Com. No.175.
91	Family Law: Review of Child Law: Guardianship	Law Com. No.172.
92	Transfer of Land: Formalities for Contracts for Sale etc. of Land	Law Com. No.164.
93	Transfer of Land: Formalities for Deeds and Escrows	Law Com. No.163.
94	Trusts of Land	Law Com. No.181.
<b>1986</b>		
95	Landlord and Tenant: Privity of Contract and Estate: Duration of Liability of Parties to Leases	Law Com. No.174.



<i>Working Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
96	Family Law: Review of Child Law: Custody (Supplement) Custody Law in Practice in the Divorce and Domestic Courts	Law Com. No.172.
97	Distress for Rent	Law Com. No.194.
98	Transfer of Land: The Rule in <i>Bain v. Fothergill</i>	Law Com. No.166.
99	Land Mortgages	Law Com. No.204.
<b>1987</b>		
100	Family Law: Review of Child Law: Care, Supervision and Interim Orders in Custody Proceedings	Law Com. No.172.
101	Family Law: Review of Child Law: Wards of Court	
102	Compensation for Tenants' Improvements	Law Com. No.178.
103	Criminal Law: Binding Over: The Issues	
104	Criminal Law: Conspiracy to Defraud	
105	Transfer of Land: Title on Death	Law Com. No.184.
<b>1988</b>		
106	Trusts of Land: Overreaching	Law Com. No.188.
107	Transfer of Land: Implied Covenants for Title	Law Com. No.199.
108	Distribution on Intestacy	Law Com. No.187.
109	Transfer of Land: Passing of Risk from Vendor to Purchaser	Law Com. No.191.
110	Computer Misuse	Law Com. No.186.
111	Part II of the Landlord and Tenant Act 1954	Law Com. No.208.
<b>1989</b>		
112	Rights to Goods in Bulk	Law Com. No.196.
113	Domestic Violence and Occupation of the Family Home	Law Com. No.207.
<b>1990</b>		
114	Contributory Negligence as a Defence in Contract	
115	Corroboration of Evidence in Criminal Trials	Law Com. No.202.
116	Rape within Marriage	Law Com. No.205.
<b>1991</b>		
<i>Consultation Paper No.</i>		
117	The Hearsay Rule in Civil Proceedings	
118	The Law of Trusts: Delegation by Individual Trustees	

<i>Consultation Paper No.</i>	<i>Title</i>	<i>Resulting Report</i>
119	Mentally Incapacitated Adults and Decision-Making: An Overview	
120	Restitution of Payments Made Under a Mistake of Law	
121	Privity of Contract: Contracts for the Benefit of Third Parties	
<b>1992</b>		
122	Legislating the Criminal Code: Offences against the Person and General Principles	
123	Landlord and Tenant: Responsibility for State and Condition of Property	
124	Fiduciary Duties and Regulatory Rules (summary also published separately)	
125	Structured Settlements and Interim and Provisional Damages	
<b>1993</b>		
126	Administrative Law: Judicial Review and Statutory Appeals	
127	Intoxication and Criminal Liability	
128	Mentally Incapacitated Adults and Decision-Making: A New Jurisdiction	

## B. Reports and Programmes

Publications which have been laid before Parliament under section 3(2) or (3) of the Law Commissions Act 1965 and publications which have been presented to Parliament as Command Papers, showing implementation. Those marked + are the result of a specific reference. Those marked \* contain a draft Bill or draft clauses. Those marked -- do not call for legislation.

<i>Report Law Com No.</i>	<i>Title</i>	<i>Related Legislation</i>
<b>1965</b>		
1	First Programme of the Law Commission	--
<b>1966</b>		
2	First Programme on Consolidation and Statute Law Revision	--
3*	Proposals to Abolish Certain Ancient Criminal Offences	Criminal Law Act 1967 (c.58).
4	First Annual Report 1965-1966	--
5	Landlord and Tenant: Interim Report on Distress for Rent	--
6+	Reform of the Grounds of Divorce: The Field of Choice (Cmnd.3123)	Divorce Reform Act 1969 (c.55), now Matrimonial Causes Act 1973 (c.18).
7*	Proposals for Reform of the Law Relating to Maintenance and Champerty	Criminal Law Act 1967 (c.58).
8+*	Report on the Powers of Appeal Courts to Sit in Private and the Restrictions upon Publicity in Domestic Proceedings (Cmnd.3149)	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c.63).
<b>1967</b>		
9*	Transfer of Land: Interim Report on Root of Title to Freehold Land	Law of Property Act 1969 (c.59).
10*	Imputed Criminal Intent ( <i>Director of Public Prosecutions v. Smith</i> )	In part by s.8 of the Criminal Justice Act 1967 (c.80).
11	Transfer of Land: Report on Restrictive Covenants	In part by Law of Property Act 1969 (c.59).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
11A	Sea Fisheries (Shellfish) Bill: Report by the two Commissions on the Consolidation of certain Enactments relating to Shellfish Fisheries and Shellfish (Scot. Law Com. No.6A) (Cmnd.3267)	Sea Fisheries (Shellfish) Act 1967 (c.83). 1967 (c.83).
12	Second Annual Report 1966-1967	--
13	Civil Liability for Animals	Animals Act 1971 (c.22).
<b>1968</b>		
14	Second Programme of Law Reform	--
15	Third Annual Report 1967-1968 (H.C.312)	--
16*	Blood Tests and the Proof of Paternity in Civil Proceedings (H.C.2)	Family Law Reform Act 1969 (c.46).
<b>1969</b>		
17*	Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (H.C.38)	Law of Property Act 1969 (c.59).
18*	Transfer of Land: Report on Land Charges Affecting Unregistered Land (H.C.125)	Law of Property Act 1969 (c.59).
18A	Trustee Savings Bank Bill: Report by the two Commissions on the Consolidation of the Trustee Savings Bank Acts 1954 to 1968 (Scot.Law Com. No.10) (Cmnd.4004)	Trustee Savings Bank Act 1969 (c.50).
19+*	Proceedings against Estates (Cmnd.4010)	Proceedings against Estates Act 1970 (c.17).
20+	Administrative Law (Cmnd.4059)	See Law Com. No.73.
21*	Interpretation of Statutes: Report by the two Commissions (Scot.Law Com. No.11) (H.C.256)	None.
22*	Statute Law Revision: First Report (Cmnd.4052)	Statute Law (Repeals) Act 1969 (c.52).
23*	Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (H.C.369)	Matrimonial Proceedings and Property Act 1970 (c.45).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
24*	Exemption Clauses in Contracts. First Report: Amendments to the Sale of Goods Act 1893: Report by the two Commissions (Scot.Law Com. No.12) (H.C.403)	Supply of Goods (Implied Terms) Act 1973 (c.13).
25*	Family Law: Report on Financial Provision in Matrimonial Proceedings (H.C.448)	Matrimonial Proceedings and Property Act 1970 (c.45), now largely Matrimonial Causes Act 1973 (c.18); Law Reform (Miscellaneous Provisions) Act 1970 (c.33).
26*	Breach of Promise of Marriage (H.C.453)	Law Reform (Miscellaneous Provisions) Act 1970 (c.33).
27	Fourth Annual Report 1968-1969 (H.C.27)	--
<b>1970</b>		
28*	Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Cmnd.4433)	Wild Creatures and Forest Laws Act 1971 (c.47).
29*	Criminal Law: Report on Offences of Damage to Property (H.C.91)	Criminal Damage Act 1971 (c.48).
30+*	Powers of Attorney (Cmnd.4473)	Powers of Attorney Act 1971 (c.27).
31+*	Administration Bonds, Personal Representatives' Rights of Retainer and Preference and Related Matters (Cmnd.4497)	Administration of Estates Act 1971 (c.25).
32	Civil Liability for Dangerous Things and Activities (H.C.142)	--
33*	Family Law: Report on Nullity of Marriage (H.C.164)	Nullity of Marriage Act 1971 (c.44), now Matrimonial Causes Act 1973 (c.18).
34+*	Hague Convention on Recognition of Divorces and Legal Separations: Report by the two Commissions (Scot.Law Com. No.16) (Cmnd.4542)	Recognition of Divorces and Legal Separations Act 1971 (c.53), now Part II of Family Law Act 1986 (c.55).
35+	Limitation Act 1963 (Cmnd.4532)	Law Reform (Miscellaneous Provisions) Act 1971 (c.43).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
36	Fifth Annual Report 1969-1970 (H.C.170)	--
37*	Statute Law Revision: Third Report (Cmnd.4546)	Statute Law (Repeals) Act 1971 (c.52).
38	Coinage Bill: Report by the two Commissions on Consolidation of Certain Enactments Relating to Coinage (Scot.Law Com. No.18) (Cmnd.4544)	Coinage Act 1971 (c.24).
39	Vehicles (Excise) Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Excise Duties on Mechanically Propelled Vehicles, and to the Licensing and Registration of such Vehicles (Scot.Law Com. No.19) (Cmnd.4547)	Vehicles (Excise) Act 1971 (c.10).
40*	Civil Liability of Vendors and Lessors for Defective Premises (H.C.184)	Defective Premises Act 1972 (c.35).
<b>1971</b>		
41	National Savings Bank Bill: Report by the two Commissions on the Consolidation of Enactments Relating to the National Savings Bank (Scot. Law Com. No.20) (Cmnd.4574)	National Savings Bank Act 1971 (c.29).
42*	Family Law: Report on Polygamous Marriages (H.C.227)	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c.38), now Matrimonial Causes Act 1973 (c.18).
43+	Taxation of Income and Gains Derived from Land: Report by the two Commissions (Scot.Law Com. No.21) (Cmnd.4654)	In part by section 82 of the Finance Act 1972 (c.41).
44	Second Programme of Consolidation and Statute Law Revision (H.C.338)	--
45	Town and Country Planning Bill: Report on the Consolidation of Certain Enactments Relating to Town and Country Planning (Cmnd.4684)	Town and Country Planning Act 1971 (c.78); see Law Com. No.189.
46	Road Traffic Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Road Traffic (Scot.Law Com. No.22) (Cmnd.4731)	Road Traffic Act 1972 (c.20).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
47	Sixth Annual Report 1970-1971 (H.C.32)	--
<b>1972</b>		
48*	Family Law: Report on Jurisdiction in Matrimonial Causes (H.C.464)	Domicile and Matrimonial Proceedings Act 1973 (c.45).
49*	Statute Law Revision: Fourth Report by the two Commissions (Scot.Law Com. No.26) (Cmnd.5108)	Statute Law (Repeals) Act 1973 (c.39).
50	Seventh Annual Report 1971-1972 (H.C.35)	--
51	Matrimonial Causes Bill: Report on the Consolidation of Certain Enactments Relating to Matrimonial Proceedings, Maintenance Agreements, and Declarations of Legitimacy, Validity of Marriage and British Nationality (Cmnd.5167)	Matrimonial Causes Act 1973 (c.18).
<b>1973</b>		
52	Family Law: First Report on Family Property. A New Approach (H.C.274)	--
53	Family Law: Report on Solemnisation of Marriage in England and Wales (H.C.250)	None.
54	Third Programme of Law Reform (H.C.293)	--
55*	Criminal Law: Report on Forgery and Counterfeit Currency (H.C.320)	Forgery and Counterfeiting Act 1981 (c.45).
56*	Report on Personal Injury Litigation - Assessment of Damages (H.C.373)	Administration of Justice Act 1982 (c.53).
57*	Statute Law Revision: Fifth Report by the two Commissions (Scot.Law Com. No.32) (Cmnd.5493)	Statute Law (Repeals) Act 1974 (c.22).
58	Eighth Annual Report 1972-1973 (H.C.34)	--
<b>1974</b>		
59	Friendly Societies Bill: Report by the two Commissions on the Consolidation of the Friendly Societies Acts 1896 to 1971 and Certain Other Enactments Relating to the Societies to which those Acts apply (Scot.Law Com. No.35) (Cmnd.5634)	Friendly Societies Act 1974 (c.46).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
60+*	Report on Injuries to Unborn Children (Cmnd.5709)	Congenital Disabilities (Civil Liability) Act 1976 (c.28).
61*	Family Law: Second Report on Family Property. Family Provision on Death (H.C.324)	Inheritance (Provision for Family and Dependants) Act 1975 (c.63).
62*	Transfer of Land: Report on Local Land Charges (H.C.71)	Local Land Charges Act 1975 (c.76).
63*	Statute Law Revision: Sixth Report by the two Commissions (Scot.Law Com. No.36) (Cmnd.5792)	Statute Law (Repeals) Act 1975 (c.10).
64	Ninth Annual Report 1973 -1974 (H.C.40)	--
<b>1975</b>		
65	Transfer of Land: Report on "Subject to Contract" Agreements (H.C.119)	--
66	Supply Powers Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Supply Powers (Scot.Law Com. No.38) (Cmnd.5850)	Supply Powers Act 1975 (c.9).
67*	Codification of the Law of Landlord and Tenant: Report on Obligations of Landlords and Tenants (H.C.377)	None.
68*	Transfer of Land: Report on Rentcharges (H.C.602)	Rentcharges Act 1977 (c.30).
69*	Exemption Clauses: Second Report by the two Commissions (Scot.Law Com. No.39) (H.C.605)	Unfair Contract Terms Act 1977 (c.50).
70*	Statute Law Revision: Seventh Report by the two Commissions (Scot.Law Com. No.40) (Cmnd.6303)	Statute Law (Repeals) Act 1976 (c.16).
71	Tenth Annual Report 1974-1975 (H.C.51)	--
<b>1976</b>		
72*	Statute Law Revision: Jurisdiction of Certain Ancient Courts (Cmnd.6385)	Administration of Justice Act 1977 (c.38).



<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
73+*	Report on Remedies in Administrative Law (Cmnd.6407)	Rules of Supreme Court (Amendment No.3) 1977; Supreme Court Act 1981 (c.54).
74+*	Charging Orders (Cmnd.6412)	Charging Orders Act 1979 (c.53).
75+*	Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability (Cmnd.6428)	Occupiers' Liability Act 1984 (c.3).
76*	Criminal Law: Report on Conspiracy and Criminal Law Reform (H.C.176)	In part by Criminal Law Act 1977 (c.45).
77*	Family Law: Report on Matrimonial Proceedings in Magistrates' Courts (H.C.637)	Domestic Proceedings and Magistrates' Courts Act 1978 (c.22).
<b>1977</b>		
78	Eleventh Annual Report 1975-1976 (H.C.94)	--
79*	Law of Contract: Report on Contribution (H.C.181)	Civil Liability (Contribution) Act 1978 (c.47).
80*	Statute Law Revision: Eighth Report by the two Commissions (Scot.Law Com. No.44) (Cmnd.6719)	Statute Law (Repeals) Act 1977 (c.18).
81	Rent Bill: Report on the Consolidation of the Rent Act 1968, Parts III, IV and VIII of the Housing Finance Act 1972, the Rent Act 1974, sections 7 to 10 of the Housing Rents and Subsidies Act 1975 and Certain Related Enactments (Cmnd.6751)	Rent Act 1977 (c.42).
82+	Liability for Defective Products: Report by the two Commissions (Scot.Law Com. No.45) (Cmnd.6831)	Consumer Protection Act 1987 (c.43).
83*	Criminal Law: Report on Defences of General Application (H.C.566)	None.
84+	Law of Contract: Report on the Proposed E.E.C. Directive on the Law Relating to Commercial Agents (Cmnd.6948)	--
85	Twelfth Annual Report 1976-1977 (H.C.96)	--

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
<b>1978</b>		
86*	Family Law: Third Report on Family Property. The Matrimonial Home (Co-Ownership and Occupation Rights) and Household Goods (H.C.450)	Housing Act 1980 (c.51); Matrimonial Homes and Property Act 1981 (c.24).
87*	Statute Law Revision: Ninth Report by the two Commissions (Scot.Law Com. No.48) (Cmnd.7189)	Statute Law (Repeals) Act 1978 (c.45).
88+*	Law of Contract: Report on Interest (Cmnd.7229)	In part by Administration of Justice Act 1982 (c.53); Rules of the Supreme Court (Amendment No.2) 1980.
89*	Criminal Law: Report on the Mental Element in Crime (H.C.499)	None.
90	Interpretation Bill: Report by the two Commissions on the Consolidation of the Interpretation Act 1889 and Certain Other Enactments Relating to the Construction and Operation of Acts of Parliament and Other Instruments (Scot.Law Com. No.53) (Cmnd.7235)	Interpretation Act 1978 (c.30).
91*	Criminal Law: Report on the Territorial and Extra-Territorial Extent of the Criminal Law (H.C.75)	In part by Territorial Sea Act 1987 (c.49).
92	Thirteenth Annual Report 1977-1978 (H.C.87)	--
93	Customs and Excise Management Bill: Report by the two Commissions on the Consolidation of the Enactments Relating to the Collection and Management of the Revenues of Customs and Excise (Scot.Law Com. No.54) (Cmnd.7418)	Customs and Excise Management Act 1979 (c.2).
<b>1979</b>		
94	Justices of the Peace Bill: Report on the Consolidation of Certain Enactments Relating to Justices of the Peace (including Stipendiary Magistrates), Justices' Clerks and the Administrative and Financial Arrangements for Magistrates' Courts and to Matters connected therewith (Cmnd.7583)	Justices of the Peace Act 1979 (c.55).
95*	Law of Contract: Implied Terms in Contracts for the Supply of Goods (H.C.142)	Supply of Goods and Services Act 1982 (c.29).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
96*	Criminal Law: Offences Relating to Interference with the Course of Justice (H.C.213)	None.
97	Fourteenth Annual Report 1978-1979 (H.C.322)	--
98	Reserve Forces Bill: Report on the Consolidation of Certain Enactments Relating to the Reserve and Auxiliary Forces (Cmnd.7757)	Reserve Forces Act 1980 (c.9).
<b>1980</b>		
99*	Family Law: Orders for Sale of Property under the Matrimonial Causes Act 1973 (H.C.369)	Matrimonial Homes and Property Act 1981 (c.24).
100	Highways Bill: Report on the Consolidation of the Highways Acts 1959 to 1971 and Related Enactments (Cmnd.7828)	Highways Act 1980 (c.66).
101	Magistrates' Courts Bill: Report on the Consolidation of Certain Enactments Relating to the Jurisdiction of, and the Practice and Procedure before, Magistrates' Courts and the Functions of Justices' Clerks, and to Matters connected therewith (Cmnd.7887)	Magistrates' Courts Act 1980 (c.43).
102*	Criminal Law: Attempt, and Impossibility in Relation to Attempt, Conspiracy and Incitement (H.C.646)	Criminal Attempts Act 1981 (c.47).
103+	Family Law: The Financial Consequences of Divorce: The Basic Policy. A Discussion Paper (Cmnd.8041)	See Law Com. No.112.
104+*	Insurance Law: Non-Disclosure and Breach of Warranty (Cmnd.8064)	None.
105	Judicial Pensions Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Pensions and Other Benefits payable in respect of service in Judicial Office (Scot.Law Com. No.62) (Cmnd.8097)	Judicial Pensions Act 1981 (c.20).
106*	Statute Law Revision: Tenth Report by the two Commissions (Scot.Law Com No.63) (Cmnd.8089)	Statute Law (Repeals) Act 1981 (c.19); Supreme Court Act 1981 (c.54); British Telecommunications Act 1981 (c.38).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
<b>1981</b>		
107	Fifteenth Annual Report 1979-1980 (H.C.161)	--
108	Trustee Savings Banks Bill: Report by the two Commissions on the Consolidation of the Trustee Savings Banks Acts 1969 to 1978 (Scot.Law Com. No.65) (Cmnd.8257)	Trustee Savings Banks Act 1981 (c.65).
109+	Private International Law: Council of Europe Conventions on Foreign Money Liabilities (1967) and on the Place of Payment of Money Liabilities (1972) (Joint Report - Scot.Law Com. No.66) (Cmnd.8318)	--
110+*	Breach of Confidence (Cmnd.8388)	None.
111+	Property Law: Rights of Reverter (Cmnd.8410)	Reverter of Sites Act 1987 (c.15).
112	Family Law: The Financial Consequences of Divorce. The Response to the Law Commission's Discussion Paper, and Recommendations on the Policy of the Law (H.C.68)	Matrimonial and Family Proceedings Act 1984 (c.42).
<b>1982</b>		
113	Sixteenth Annual Report 1980-1981 (H.C.161)	--
114+*	Classification of Limitation in Private International Law (Cmnd.8570)	Foreign Limitation Periods Act 1984 (c.16).
115+	Property Law: The Implications of <i>Williams and Glyn's Bank Ltd. v. Boland</i> (Cmnd.8636)	None.
116*	Family Law: Time Restrictions on Presentation of Divorce and Nullity Petitions (H.C.513)	Matrimonial and Family Proceedings Act 1984 (c.42).
117*	Family Law: Financial Relief after Foreign Divorce (H.C.514)	Matrimonial and Family Proceedings Act 1984 (c.42).
118*	Family Law: Illegitimacy (H.C.98)	Family Law Reform Act 1987 (c.42).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
<b>1983</b>		
119	Seventeenth Annual Report 1981-1982 (H.C.203)	--
120	Medical Bill: Report by the two Commissions on the Consolidation of the Medical Acts 1956 to 1978 and Certain Related Provisions (Scot.Law Com. No.77) (Cmnd.8839)	Medical Act 1983 (c.54).
121*	Law of Contract: Pecuniary Restitution on Breach of Contract (H.C.34)	None.
122+*	The Incapacitated Principal (Cmnd.8977)	Enduring Powers of Attorney Act 1985 (c.29).
123*	Criminal Law: Offences Relating to Public Order (H.C.85)	Public Order Act 1986 (c.64).
124+*	Private International Law: Foreign Money Liabilities (Cmnd.9064)	None.
125*	Property Law: Land Registration (H.C.86)	Land Registration Act 1986 (c.26).
126	Amendment of the Companies Acts 1948-1983: Report by the two Commissions under section 116 of the Companies Act 1981 (Scot.Law Com. No.83) (Cmnd.9114)	Companies Consolidation (Consequential Provisions) Act 1985 (c.9).
<b>1984</b>		
127*	Transfer of Land: The Law of Positive and Restrictive Covenants (H.C.201)	None.
128	Registered Homes Bill: Report on the Consolidation of Certain Enactments Relating to Residential Care Homes and Nursing Homes and Registered Homes Tribunals (Cmnd.9115)	Registered Homes Act 1984 (c.23).
129	Dentists Bill: Report by the two Commissions on the Consolidation of the Dentists Acts 1957 to 1983 (Scot.Law Com. No.84) (Cmnd.9119)	Dentists Act 1984 (c.24).
130	Public Health (Control of Disease) Bill: Report on the Consolidation of Certain Enactments Relating to the Control of Disease (Cmnd.9128)	Public Health (Control of Disease) Act 1984 (c.22).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
131	Eighteenth Annual Report 1982-1983 (H.C.266)	--
132*	Family Law: Declarations in Family Matters (H.C.263)	Family Law Act 1986 (c.55), Part III.
133	Road Traffic Regulation Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Road Traffic Regulation (Scot.Law Com No.85) (Cmnd.9162)	Road Traffic Regulation Act 1984 (c.27).
134*	Law of Contract: Minors' Contracts (H.C.494)	Minors' Contracts Act 1987 (c.13).
135	Statute Law Revision: Eleventh Report: Obsolete Provisions in the Companies Act 1948 (Cmnd.9236)	Companies Consolidation (Consequential Provisions) Act 1985 (c.9).
136	Further Amendments to the Companies Acts 1948-1983: Report by the two Commissions under section 116 of the Companies Act 1981 (Scot.Law Com. No.87) (Cmnd.9272)	Companies Consolidation (Consequential Provisions) Act 1985 (c.9).
137*	Private International Law: Recognition of Foreign Nullity Decrees and Related Matters (Joint Report - Scot.Law Com. No.88) (Cmnd.9347)	Family Law Act 1986 (c.55), Part II.
<b>1985</b>		
138+*	Family Law: Conflicts of Jurisdiction Affecting the Custody of Children (Joint Report - Scot.Law Com. No.91) (Cmnd.9419)	Family Law Act 1986 (c.55), Part I.
139	Cinemas Bill: Report on the Consolidation of the Cinematograph Acts 1909 to 1982 and Related Enactments (Cmnd.9425)	Cinemas Act 1985 (c.13).
140	Nineteenth Annual Report 1983-1984 (H.C.214)	--
141	Codification of the Law of Landlord and Tenant: Covenants Restricting Dispositions, Alterations and Change of User (H.C.278)	In part by Landlord and Tenant Act 1988 (c.26).
142	Codification of the Law of Landlord and Tenant: Forfeiture of Tenancies (H.C.279)	None.
143	Criminal Law: Codification of the Criminal Law: A Report to the Law Commission (H.C.270)	See Law Com. No.177.

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
144	Report on the Consolidation of the Housing Acts: Housing Bill, Housing Associations Bill, Landlord and Tenant Bill (Joint Report - Scot. Law Com. No.94) (Cmnd.9515)	Housing Act 1985 (c.68); Housing Associations Act 1985 (c.69); Landlord and Tenant Act 1985 (c.70); Housing (Consequential Provisions) Act 1985 (c.71).
145*	Criminal Law: Offences against Religion and Public Worship (H.C.442)	None.
146*	Private International Law: Polygamous Marriages. Capacity to Contract a Polygamous Marriage and Related Issues (Joint Report - Scot.Law Com. No.96) (Cmnd.9595)	None.
147*	Criminal Law: Report on Poison-Pen Letters (H.C.519)	Malicious Communications Act 1988 (c.27).
148*	Property Law: Second Report on Land Registration: Inspection of the Register (H.C. 551)	Land Registration Act 1988 (c.3).
149*	Criminal Law: Report on Criminal Libel (Cmnd.9618)	None.
150*	Statute Law Revision: Twelfth Report (Joint Report - Scot.Law Com. No.99) (Cmnd.9648)	Statute Law (Repeals) Act 1986(c.12); Patents, Designs and Marks Act 1986 (c.39).
151+*	Rights of Access to Neighbouring Land (Cmnd.9692)	Access to Neighbouring Land Act 1992 (c.23).
152*	Property Law: Liability for Chancel Repairs (H.C.39)	None.
153	Agricultural Holdings Bill: Report on the Consolidation of Certain Enactments Relating to Agricultural Holdings (Cmnd.9665)	Agricultural Holdings Act 1986 (c.5).
<b>1986</b>		
154	Law of Contract: The Parol Evidence Rule (Cmnd.9700)	--
155	Twentieth Annual Report 1984-1985 (H.C.247)	--
156+	Law of Contract: Implied Terms in Contracts for the Supply of Services (Cmnd.9773)	--

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
157*	Family Law: Illegitimacy (Second Report) (Cmnd.9913)	Family Law Reform Act 1987 (c.42).
<b>1987</b>		
158	Property Law: Third Report on Land Registration. A.Overriding Interests:B.Rectification and Indemnity:C.Minor Interests (H.C.269)	--
159	Twenty-First Annual Report 1985-1986 (H.C.342)	--
160+*	Sale and Supply of Goods (Joint Report - Scot.Law Com. No.104) (Cm.137)	None.
161*	Leasehold Conveyancing (H.C.360)	Landlord and Tenant Act 1988 (c.26).
162	Landlord and Tenant:Reform of the Law (Cm.145)	--
163*	Deeds and Escrows (H.C.1)	Law of Property (Miscellaneous Provisions) Act 1989 (c.34).
164*	Transfer of Land:Formalities for Contracts for Sale etc.of Land (H.C.2)	Law of Property (Miscellaneous Provisions) Act 1989 (c.34).
165*	Private International Law: Choice of Law Rules in Marriage (Joint Report - Scot.Law Com. No.105) (H.C.3)	Foreign Marriage (Amendment) Act 1988 (c.44).
166*	Transfer of Land: The Rule in <i>Bain v. Fothergill</i> (Cm.192)	Law of Property (Miscellaneous Provisions) Act 1989 (c.34).
167	Coroners Bill: Report on the Consolidation of the Coroners Acts 1887 to 1980 and Certain Related Enactments (Cm.178)	Coroners Act 1988 (c.13).
168*	Private International Law: The Law of Domicile (Joint Report - Scot.Law Com. No.107) (Cm.200)	None.
<b>1988</b>		
169	Twenty-Second Annual Report 1986-1987 (H.C.319)	--



<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
170	Facing the Future: A Discussion Paper on the Ground for Divorce (H.C.479)	See Law Com. No.192.
171	Road Traffic Bill; Road Traffic Offenders Bill; Road Traffic (Consequential Provisions) Bill: Report on the Consolidation of Certain Enactments Relating to Road Traffic (Joint Report - Scot.Law Com. No.113) (Cm.390)	Road Traffic Act 1988 (c.52); Road Traffic Offenders Act 1988 (c.53); Road Traffic (Consequential Provisions) Act 1988 (c.54).
172*	Family Law: Review of Child Law: Guardianship and Custody (H.C.594)	Children Act 1989 (c.41).
173*	Property Law: Fourth Report on Land Registration (H.C.680)	None.
174*	Landlord and Tenant Law: Privity of Contract and Estate (H.C.8 )	None.
175*	Family Law: Matrimonial Property (H.C.9)	None.
<b>1989</b>		
176	Twenty-Third Annual Report 1987-1988 (H.C.227)	--
177*	Criminal Law: A Criminal Code for England and Wales (Two Volumes) (H.C.299)	None.
178*	Landlord and Tenant Law: Compensation for Tenants' Improvements (H.C.291)	None.
179*	Statute Law Revision: Thirteenth Report (Joint Report - Scot.Law Com. No.117) (Cm.671)	Statute Law (Repeals) Act 1989 (c.43).
180*	Criminal Law: Jurisdiction over Offences of Fraud and Dishonesty with a Foreign Element (H.C.318)	None.
181*	Transfer of Land: Trusts of Land (H.C.391)	None.
182	Extradition Bill: Report on the Consolidation of Legislation Relating to Extradition (Joint Report - Scot.Law Com. No.119) (Cm.712)	Extradition Act 1989 (c.33).
183	Opticians Bill: Report on the Consolidation of Legislation Relating to Opticians (Joint Report - Scot.Law Com. No.121) (Cm.738)	Opticians Act 1989 (c.44).
184*	Property Law: Title on Death (Cm.777)	See para. 1.10 above.

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
185	Fourth Programme of Law Reform (Cm.800)	--
186	Criminal Law: Computer Misuse (Cm.819)	Computer Misuse Act 1990 (c.18).
187*	Family Law: Distribution on Intestacy (H.C.60)	None.
188*	Transfer of Land: Overreaching: Beneficiaries in Occupation (H.C.61)	None.
<b>1990</b>		
189	Town and Country Planning Bill; Planning (Listed Buildings and Conservation Areas) Bill; Planning (Hazardous Substances) Bill; Planning (Consequential Provisions) Bill: Report on the Consolidation of Certain Enactments Relating to Town and Country Planning (Cm.958)	Town and Country Planning Act 1990 (c.8); Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9); Planning (Hazardous Substances) Act 1990 (c.10); Planning (Consequential Provisions) Act 1990 (c.11).
190	Twenty-Fourth Annual Report 1989 (H.C.215)	--
191	Transfer of Land: Risk of Damage after Contract for Sale (H.C.323)	--
192*	Family Law: The Ground for Divorce (H.C.636)	None.
193*	Private International Law: Choice of Law in Tort and Delict (Joint Report - Scot.Law Com. No.129) (H.C.65)	None.
<b>1991</b>		
194*	Landlord and Tenant: Distress for Rent (H.C.138)	None.
195	Twenty-Fifth Annual Report 1990 (H.C.249)	--
196*	Rights of Suit in Respect of Carriage of Goods by Sea (Joint Report - Scot.Law Com. No.130) (H.C.250)	Carriage of Goods by Sea Act 1992 (c.50).
197	Deer Bill: Report on the Consolidation of Certain Enactments Relating to Deer (Cm.1476)	Deer Act 1991 (c.54).

<i>Report Law Com. No.</i>	<i>Title</i>	<i>Related Legislation</i>
198	Water Resources Bill; Water Industry Bill; Statutory Water Companies Bill; Land Drainage Bill; Water Consolidation (Consequential Provisions) Bill: Report on the Consolidation of the Legislation Relating to Water (Cm.1483)	Water Resources Act 1991 (c.57); Water Industry Act 1991 (c.56); Statutory Water Companies Act 1991 (c.58); Land Drainage Act 1991 (c.59); Water Consolidation (Consequential Provisions) Act 1991 (c.60).
199*	Transfer of Land: Implied Covenants for Title (H.C.437)	See para. 1.10 above.
200	Fifth Programme of Law Reform (Cm.1556)	--
201	Transfer of Land: Obsolete Restrictive Covenants (H.C.546)	None.
202+*	Criminal Law: Corroboration of Evidence in Criminal Trials (Cm.1620)	None.
203	Social Security Contributions and Benefits Bill; Social Security Administration Bill; Social Security (Consequential Provisions) Bill: Report on the Consolidation of the Legislation Relating to Social Security (Cm.1726)	Social Security Contributions and Benefits Act 1992 (c.4); Social Security Administration Act 1992 (c.5); Social Security (Consequential Provisions) Act 1992 (c.6).
204*	Transfer of Land: Land Mortgages (H.C.5)	None.
<b>1992</b>		
205*	Criminal Law: Rape within Marriage (H.C.167)	None.
206	Twenty-Sixth Annual Report 1991 (H.C.280)	None.
207*	Family Law: Domestic Violence and Occupation of the Family Home (H.C.1)	None.
208*	Landlord and Tenant: Business Tenancies - A Periodic Review of the Landlord and Tenant Act 1954 Part II (H.C.224)	None.
209	Clean Air Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Clean Air (Scot.Law Com. No.138) (Cm.2085)	Clean Air Bill.
<b>1993</b>		
210	Twenty-Seventh Annual Report 1992 (H.C.518)	--

**C. Joint Working Group Report**

11 April 1979 Private International Law: Report on the Choice of Law Rules in the Draft Non-Life Insurance Services Directive by a Joint Working Group of the Law Commission and Scottish Law Commission.

**D. Publications by the Conveyancing Standing Committee**

What Should We Do About Old Restrictive Covenants? - A Consultation Paper (1986)  
Pre-Contract Deposits - A Practice Recommendation (1987)  
Preliminary Enquiries: House Purchase - A Practice Recommendation (1987)  
House Selling the Scottish Way for England and Wales - An Explanatory Guide (1987)  
Local Authority Enquiries: How Can We Eliminate Delays? - A Consultation Paper (1987)  
Deposits on Exchange of Contracts in Residential Conveyancing: Time for a Change? - A Consultation Paper (1988)  
Caveat Emptor in Sales of Land - A Consultation Paper (1988)  
Local Authority Enquiries: Defeating Delays - Recommendations (1988)  
Conveyancing Chains: One Way to Throw Them Off (1989)  
Deposits on Exchange of Contracts in Residential Conveyancing: No Time for a Change - Joint Report with The Law Society (1989)  
Getting the Money to Move: Avoiding Completion Delays (1989)  
Let the Buyer Be Well Informed (1990)

**E. Periodicals**

Law Under Review: A Quarterly Bulletin of Law Reform Projects.

**F. Other Publications**

Private International Law: E.E.C. Preliminary Draft Convention on the Law Applicable to Contractual and Non-Contractual Obligations (prepared jointly with the Scottish Law Commission) (August 1974).<sup>†</sup>

Commonhold: Freehold Flats and Freehold Ownership of Other Interdependent Buildings: Report of a Working Group, Cm.179, July 1987.

Treasure Trove: Law Reform Issues (September 1987).

The Effect of Divorce on Wills (November 1992).

*Bound volumes of unabridged reprints of Law Commission working papers, consultation papers and reports are published by Professional Books, Milton Trading Estate, Abingdon, Oxon., OX14 4SY.*

*A list of Law Commission publications is available free of charge from the Law Commission Registry.*

---

<sup>†</sup> The E.E.C. Convention on the Law Applicable to Contractual Obligations is scheduled to the Contracts (Applicable Law) Act 1990 (c.36). The Convention entered into force in the United Kingdom on 1 April 1991.

## APPENDIX 5

### THE COST OF THE COMMISSION

The Commission's resources are made available through the Lord Chancellor's Department in accordance with section 5 of the Law Commissions Act 1965. The figures given below represent its cost, not its budget. The cost of most items (in particular accommodation, salaries, superannuation and Headquarters' overheads) is not determined by the Commission. The figures given are those for a calendar year and cannot be related to those in Supply Estimates and Appropriation Accounts.

	1992	1991
	<i>£000</i>	<i>£000</i>
Accommodation charges <sup>1</sup>	465.5	460.1
Headquarters' overheads <sup>2</sup>	345.5	228.0
Printing and publishing; supply of information technology; office equipment and books <sup>3</sup>	215.4	243.1
Salaries of Commissioners (including ERNIC)	300.3	276.2
Salaries of draftsmen, legal staff, secondees, and consultants (including ERNIC)	1,120.6	1,058.3
Salaries of non-legal staff (including ERNIC)	380.6	372.4
Superannuation	308.1	265.8
Telephone/postage <sup>4</sup>	25.8	35.9
Travel and subsistence	8.4	5.5
Entertainment	0.5	0.6
Miscellaneous	18.3	11.9
	3,279.0	2,957.8

---

<sup>1</sup> Includes component relating to ground rent, rates, and major works supplied by the Lord Chancellor's Department.

<sup>2</sup> Portion of the total cost of the Lord Chancellor's Department headquarters attributed to the Law Commission. The portion attributed to individual parts of the Department is proportional to the number of staff paid as established staff. The increase from 1991 is due to a change in the notional status of research assistants, not to any increase in the number or actual status of staff.

<sup>3</sup> Included in the 1991 and 1992 figures for office equipment are sums of £90,000 and £60,000 respectively, which represent the cost of converting the computer system, as referred to in para. 3.7 of last year's Annual Report.

<sup>4</sup> The figure for 1991 included some £9,000 spent on the conversion of the telephone network to a system of direct dialling in.

**HMSO publications are available from:**

**HMSO Publications Centre**

(Mail, fax and telephone orders only)

PO Box 276, London, SW8 5DT

Telephone orders 071-873 9090

General enquiries 071-873 0011

(queuing system in operation for both numbers)

Fax orders 071-873 8200

**HMSO Bookshops**

49 High Holborn, London, WC1V 6HB

071-873 0011 Fax 071-873 8200 (counter service only)

258 Broad Street, Birmingham, B1 2HE

021-643 3740 Fax 021-643 6510

Southey House, 33 Wine Street, Bristol, BS1 2BQ

0272 264306 Fax 0272 294515

9-21 Princess Street, Manchester, M60 8AS

061-834 7201 Fax 061-833 0634

16 Arthur Street, Belfast, BT1 4GD

0232 238451 Fax 0232 235401

71 Lothian Road, Edinburgh, EH3 9AZ

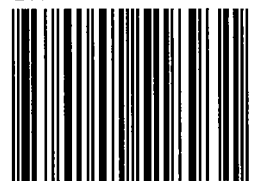
031-228 4181 Fax 031-229 2734

**HMSO's Accredited Agents**

(see Yellow Pages)

*and through good booksellers*

ISBN 0-10-251893-9



9 780102 518931