



# Law Commissions Act 1965

## 1965 CHAPTER 22

An Act to provide for the constitution of Commissions for the reform of the law. [15th June 1965]

### Modifications etc. (not altering text)

C1 Act: Functions transferred (19.5.1999) by S.I. 1999/678, art. 2(1), Sch.

### 1 The Law Commission.

- (1) For the purpose of promoting the reform of the law [<sup>F1</sup>of England and Wales] there shall be constituted in accordance with this section a body of Commissioners, to be known as the Law Commission, consisting [<sup>F2</sup>(except during any temporary vacancy)] of a Chairman and four other Commissioners appointed by the Lord Chancellor.
- (2) The persons appointed to be Commissioners shall be persons appearing to the Lord Chancellor to be suitably qualified by the holding of judicial office or by experience as a [<sup>F3</sup>person having a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] or as a teacher of law in a university.
- (3) A person appointed to be a Commissioner shall be appointed for such term (not exceeding five years) and subject to such conditions as may be determined by the Lord Chancellor at the time of his appointment; but a Commissioner may at any time resign his office and a person who ceases to be a Commissioner shall be eligible for reappointment.
- (4) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission.

<sup>F4</sup>(5) .....

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*Changes to legislation: There are currently no known outstanding effects for the Law Commissions Act 1965. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 1(1) inserted (16.4.2007) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 12 para. 8**; [S.R. 2007/237](#), art. 2, Sch. para. 6(b)
- F2** Words inserted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 64
- F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 25**
- F4** S. 1(5) repealed (16.4.2007) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 13**; [S.R. 2007/237](#), art. 2, Sch. para. 7(a)

## 2 The Scottish Law Commission.

- (1) For the purpose of promoting the reform of the law of Scotland, there shall be constituted in accordance with this section a body of Commissioners, to be known as the Scottish Law Commission, consisting of a Chairman and not more than four other Commissioners appointed by . . . <sup>F5</sup> the [<sup>F6</sup>Scottish Ministers].
- (2) The persons appointed to be Commissioners shall be persons appearing to . . . <sup>F5</sup> the [<sup>F6</sup>Scottish Ministers] to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor or as a teacher of law in a university.
- (3) A person appointed to be a Commissioner shall be appointed for such term (not exceeding five years) and subject to such conditions as may be determined by . . . <sup>F5</sup> the [<sup>F6</sup>Scottish Ministers] at the time of his appointment; but a Commissioner may at any time resign his office, and a person who ceases to be a Commissioner shall be eligible for reappointment.
- (4) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission.
- [<sup>F7</sup>(5) Subsection (4) above shall have effect, in relation to a salaried [<sup>F8</sup>sheriff], notwithstanding anything in [<sup>F9</sup>section 6 of the <sup>M1</sup>Sheriff Courts (Scotland) Act 1971] (which among other things prohibits such a [<sup>F8</sup>sheriff] from being appointed to any office except such office as shall be by statute attached to the office of [<sup>F8</sup>sheriff]).]

#### Textual Amendments

- F5** Words repealed by [S.I. 1972/2002](#) art. 3(3)(b)
- F6** Words in s. 2(1)-(3) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 36(2)**
- F7** [S. 2\(5\)](#) repealed (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), s. 59, **Sch. 4**
- F8** Word substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4(2)
- F9** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#) s. 17(2)(a)

#### Marginal Citations

- M1** [1971 c. 58](#).

## 3 Functions of the Commissions.

- (1) It shall be the duty of each of the Commissions to take and keep under review all the law with which they are respectively concerned with a view to its systematic

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development and reform, including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law, and for that purpose—

- (a) to receive and consider any proposals for the reform of the law which may be made or referred to them;
  - (b) to prepare and submit to the Minister from time to time programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency (whether the Commission or another body) by which any such examination should be carried out;
  - (c) to undertake, pursuant to any such recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;
  - (d) to prepare from time to time at the request of the Minister comprehensive programmes of consolidation and statute law revision, and to undertake the preparation of draft Bills pursuant to any such programme approved by the Minister;
  - (e) to provide advice and information to government departments and other authorities or bodies concerned at the instance of the Government [<sup>F10</sup>of the United Kingdom or the Scottish Administration]with proposals for the reform or amendment of any branch of the law;
  - (f) to obtain such information as to the legal systems of other countries as appears to the Commissioners likely to facilitate the performance of any of their functions.
- (2) The Minister shall lay before Parliament any programmes prepared by the Commission and approved by him and any proposals for reform formulated by the Commission pursuant to such programmes.
- (3) Each of the Commissions shall make an annual report to the Minister on their proceedings, and the Minister shall lay the report before Parliament with such comments (if any) as he thinks fit.

[<sup>F11</sup>(3A) Subsections (2) and (3) of this section shall have effect in relation to the Scottish Law Commission with the substitution of “the Scottish Parliament” for “Parliament”.]

- (4) In the exercise of their functions under this Act the Commissions shall act in consultation with each other [<sup>F12</sup>and the Northern Ireland Law Commission].

#### Textual Amendments

**F10** Words in s. 3(1)(e) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(3)(a)**

**F11** S. 3(3A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(3)(b)**

**F12** Words in s. 3(4) inserted (16.4.2007) by **Justice (Northern Ireland) Act 2002 (c. 26)**, s. 87(1), **Sch. 12 para. 9**; S.R. 2007/237, art. 2, Sch. para. 6(b)

## 4 Remuneration and pensions of Commissioners.

- (1) There shall be paid to the Commissioners of the Law Commission <sup>F13</sup>. . . , other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined, with the approval of the Treasury, by the Lord Chancellor <sup>F13</sup>. . .

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- [<sup>F14</sup>(1A) There shall be paid to the Commissioners of the Scottish Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined by the Scottish Ministers.]
- (2) In the case of any such holder of the office of Commissioner as may be so determined, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.
- (3) As soon as may be after the making of any determination under subsection (2) of this section, a statement of the amount of the pension, allowance or gratuity, or contributions or other payments towards the pension, allowance or gratuity, payable in pursuance of the determination.
- [<sup>F15</sup>(a) in the case of the Law Commission, the Lord Chancellor shall lay before each House of Parliament; and
- (b) in the case of the Scottish Law Commission, the Scottish Ministers shall lay before the Scottish Parliament,]
- (4) [<sup>F16</sup>In the case of the Law Commission,] the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under subsection (2) of this section, shall be paid out of moneys provided by Parliament.
- [<sup>F17</sup>(5) In the case of the Scottish Law Commission, the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under subsection (2) of this section, shall be paid by the Scottish Ministers.]

#### Textual Amendments

- F13** Words in s. 4(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(4)(a)**, Pt. IV
- F14** S. 4(1A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(4)(b)**
- F15** S. 4(3)(a)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(4)(c)**
- F16** Words in s. 4(4) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(4)(d)**
- F17** S. 4(5) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(4)(e)**

## 5 Staff and expenses.

- (1) The Lord Chancellor may appoint such officers and servants of the Law Commission,<sup>F18</sup> . . ., as he may, with the approval of the Treasury as to number and conditions of service, determine.
- [<sup>F19</sup>(1A) The Scottish Ministers may appoint such officers and servants of the Scottish Law Commission as they may determine.]
- (2) The Treasury may make regulations providing for the counting of service as an officer or servant of either of the Commissions as pensionable service in any other capacity under the Crown and vice versa.
- (3) The power of the Treasury to make regulations under subsection (2) of this section shall be exercisable by statutory instrument, and any statutory instrument made by virtue of that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(4) The expenses of the Law Commission <sup>F20</sup> . . . , including the remuneration of officers and servants appointed under this section, shall be defrayed out of moneys provided by Parliament.

[<sup>F21</sup>(5) The expenses of the Scottish Law Commission, including the remuneration of its officers and servants appointed under this section, shall be paid by the Scottish Ministers.]

#### Textual Amendments

**F18** Words in s. 5(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(5)(a)**, Pt. IV

**F19** S. 5(1A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(5)(b)**

**F20** Words in s. 5(4) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(5)(c)**, Pt. IV

**F21** S. 5(5) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(5)(d)**

## 6 Supplemental.

(1) . . . . . <sup>F22</sup>

(2) In this Act “high judicial office” has the same meaning as in the <sup>M2</sup>Appellate Jurisdiction Act 1876 as amended by the <sup>M3</sup>Appellate Jurisdiction Act 1887; and “the Minister” means, in relation to the Law Commission the Lord Chancellor and in relation to the Scottish Law Commission . . . <sup>F23</sup>[<sup>F24</sup>the Scottish Ministers].

#### Textual Amendments

**F22** S. 6(1) repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3** and Northern Ireland Assembly Disqualification Act 1975 (c. 25), **Sch. 3 Pt. I**

**F23** Words repealed by S.I. 1972/2002 art. 3(3)(b)

**F24** Words in s. 6(2) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 36(6)**

#### Marginal Citations

**M2** 1876 c. 59.

**M3** 1887 c. 70.

## 7 Short title.

This Act may be cited as the Law Commissions Act 1965.

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