

ELIZABETH II



1965 CHAPTER 22

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

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) For the purpose of promoting the reform of the law ^{The Law} there shall be constituted in accordance with this section a ^{Commission.} body of Commissioners, to be known as the Law Commission, consisting 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 barrister 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 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.

(5) In this section "the law" does not include the law of Scotland or any law of Northern Ireland which the Parliament of Northern Ireland has power to amend.

The Scottish
Law
Commission.

2.—(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 the Secretary of State and the Lord Advocate.

(2) The persons appointed to be Commissioners shall be persons appearing to the Secretary of State and the Lord Advocate 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 the Secretary of State and the Lord Advocate 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.

1907 c. 51.

(5) Subsection (4) above shall have effect, in relation to a salaried sheriff-substitute, notwithstanding anything in section 21 of the Sheriff Courts (Scotland) Act 1907 (which among other things prohibits such a sheriff-substitute from being appointed to any office except such office as shall be by statute attached to the office of sheriff-substitute).

Functions
of the
Commissions.

3.—(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 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 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.

(4) In the exercise of their functions under this Act the Commissions shall act in consultation with each other.

4.—(1) There shall be paid to the Commissioners of the Law Commission and the Scottish Law Commission, 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 or the Secretary of State, as the case may be.

Remuneration
and pensions of
Commis-
sioners.

(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, the Lord Chancellor or the Secretary of State, as the case may be, shall lay before each House of Parliament 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.

(4) 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.

Staff and expenses.

5.—(1) The Lord Chancellor may appoint such officers and servants of the Law Commission, and the Secretary of State may appoint such officers and servants of the Scottish Law Commission, as he may, with the approval of the Treasury as to number and conditions of service, 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.

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

Supplemental.
1957 c. 20.

6.—(1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act)—

(a) after the entry “The Lands Tribunal for Scotland” there shall be inserted the entry “The Law Commission”; and

(b) after the entry “The Scottish Land Court” there shall be inserted the entry “The Scottish Law Commission”;

and the like amendments shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

1876 c. 59.
1887 c. 70.

(2) In this Act “high judicial office” has the same meaning as in the Appellate Jurisdiction Act 1876 as amended by the 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 the Secretary of State and the Lord Advocate.

Short title.

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

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