

*These notes refer to the Law Commission Act 2009 (c.14)
which received Royal Assent on 12 November 2009*

LAW COMMISSION ACT 2009

EXPLANATORY NOTES

BACKGROUND

4. The Law Commission is constituted under section 1 of the Law Commissions Act 1965 (“the 1965 Act”). It consists of a Chairman and four other Commissioners appointed by the Lord Chancellor. The purpose of the body is to promote the reform of the law of England and Wales.
5. The functions of the Law Commission are set out in section 3 of the 1965 Act. These include keeping the law under review with a view to its systematic development and reform. The Law Commission may, pursuant to recommendations approved by the Lord Chancellor, examine particular branches of law and formulate proposals for reform. It may also undertake to consolidate areas of law and propose statute law revision, pursuant to any programme approved by the Lord Chancellor.
6. Section 3 of the 1965 Act also deals with the relationship between the Law Commission, the Lord Chancellor and Parliament. The Lord Chancellor must lay before Parliament programmes prepared by the Law Commission that he has approved and proposals for reform. The Law Commission must make an annual report to the Lord Chancellor and the Lord Chancellor must lay this report before Parliament.
7. The Scottish Law Commission and the Northern Ireland Law Commission are devolved to their respective administrations. The Act is solely directed towards the Law Commission (of England and Wales).