

*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

COMMENTARY ON CLAUSES

Section 1: Reports on implementation of Law Commission proposals

9. *Section 1* inserts a new section 3A into the 1965 Act. The following references to subsections are references to subsections of that new section 3A.
10. *Subsection (1)* requires the Lord Chancellor to prepare an annual report, which must be laid before Parliament, on the implementation of Law Commission proposals.
11. The Lord Chancellor will also be required to set out plans for dealing with any Law Commission proposals which have not been implemented and provide the reasoning behind decisions not to implement proposals. The section provides a mechanism through which Government is to account for the way in which it has dealt with Law Commission proposals.
12. *Subsections (4) and (5)* provide that once a decision is taken not to implement a Law Commission proposal, it does not need to be addressed again by the Lord Chancellor in later reports.
13. *Subsection (6)* sets out the meaning of “Law Commission proposal” by reference to section 3(1)(c) and (d) of the 1965 Act. Such a proposal is either one formulated after the Law Commission has examined a particular branch of the law (see section 3(1)(c)) or a proposal for consolidation or statute law revision for which a draft Bill has been prepared (see section 3(1)(d)).