



FREEDOM OF INFORMATION ACT

Previously released information / disclosure log

FY 2015–2016

NOTES

Logs are updated at the end of each quarter
Questions are produced in their original format

	TOPIC	PAGE
1ST QUARTER		
	1) Abduction	4
	2) Various questions relating to recruitment	6
	3) Bribery	7
	4) International sale of goods	7
	5) Scandalising the court	8
	6) Various questions relating to IT provision	8
	7) Electoral law	10
	8) Interpreting and drafting laws	11
	9) Execution of deeds and documents	11
	10) Criminal code	12

2ND QUARTER

11) Artworks	13
12) Various questions relating to ICT provision	14
13) Payments to the Confederation of British Industry	15
14) Outraging public decency	15
15) Report on Consent in Sex Offences	18
16) Firearms scoping consultation paper	18
17) Firearms law	19
18) Procedure for repealing Acts of Parliament	20
19) Crimes committed with antique firearms	21

3RD QUARTER

20) Firearms	24
21) Abusive conduct by UK courts (1)	26
22) Abusive conduct by UK courts (2)	29
23) High Court's Jurisdiction in Relation to Criminal Proceedings	29
24) Statutory Obligations of the Law Commission	30
25) Mobile Device Usage and Hardware (Mobile Telephones/Smartphones and Touch Screen Tablets)	32
26) Community Service Orders	35
27) Firearms	36
28) Statutory Obligations of the Law Commission	37
29) Life insurance	40
30) Various statutes and judicial decisions	40
31) Statutory Obligations of the Law Commission	44
32) Taxis project	47
33) ICT/Digital/Business Change Programmes and Strategy	48

4TH QUARTER

34) Consent in criminal law	49
35) Procurement and contracts	49
36) Public Records Act 1958 and other Acts (outcome of internal review)	50
37) Rule of law	58
38) Improvement of legislation	59
39) Changes to various Acts	60
40) Sentencing law	62
41) Newspaper and copyright licensing	64

1ST QUARTER

Topic	1) Abduction
Date of Response	02/04/15
Details of Request	<p>I am writing to make a request for information under the Freedom of Information Act.</p> <p>I think it is important to examine the data that supports this new legislation in order to properly understand the issue of 'abduction' within the UK.</p> <p>In your document: Simplification of Criminal Law: Kidnapping and Related Offences IA No: LAWCOM0040 it outlines some data that we would like broken down.</p> <p>Firstly we would like clarification as to whether the new law will have the ability to affect:</p> <p>UK mum/dads who are abducting IN to the UK? (ie they are UK Expat parents wanting to return home to UK from other countries) Or</p> <p>Foreign parents living in the UK (like Poles / Romanians etc) living in the UK abducting OUT of the UK to go home. Or whether it has the scope to affect both cases</p> <p>In the document it says:</p> <p>The 220 wrongful retentions in 2013 involved 305 children, 145 of which were in a jurisdiction which is a member of the Hague Convention, while 75 were to non-Hague Convention jurisdictions.</p> <p>Are these 145 cases regarding retentions IN the UK or in a foreign country outside of the UK?</p> <p>Are the retentions by primary carers?</p> <p>Are there any allegations of abuse (domestic violence, emotional abuse, financial abuse etc)?</p> <p>In addition it also says:</p> <p>According to this data there were 220 wrongful retentions in 2013 which would suggest that there were around 550 occurrences of child abduction in 2013 in total. On average, around 19% of children are returned voluntarily following international abduction.</p> <p>Again - Are these 550 cases regarding retentions IN the UK (so children are habitually resident elsewhere) or outside the UK in a foreign country? Or both?</p> <p>Are the retentions by primary carers?</p> <p>Are the 'abductors' nationals of the country they have abducted to?</p> <p>Are the retentions by mothers or fathers?</p> <p>Are there any allegations of abuse (domestic violence, emotional abuse, financial abuse etc)?</p> <p>We think that it is vital to know who this new law has the potential to affect as it could have devastating consequences for the affected families.</p> <p>If you could provide the answer to our FOI ASAP we would really appreciate it,</p>

Answer	<p>Our final recommendations on kidnapping and related offences were published in our report, Simplification of the Criminal Law: Kidnapping and Related Offences (the Report), on 19 November 2014. This report marked the end of our work on this project. We are now awaiting the Government's response on implementation.</p> <p>As a point of clarification, the Report does not make any recommendation to change the application of the Hague Convention. This was not within the remit of our project which was limited to the domestic criminal offences of kidnapping, false imprisonment and child abduction.</p> <p>Further, the Law Commission recommendations relating to child abduction are not to replace common law with statute but simply amending already existing statute, namely, the Child Abduction Act 1984. Our recommendation is "the offence under section 1 of the Child Abduction Act 1984 should be amended to include the case where the connected person, having taken or sent the child out of the UK with appropriate consent, keeps or retains that child outside the UK without the appropriate consent or in breach of the conditions of the consent given." We therefore make this recommendation in relation to connected persons taking from the UK and retaining them outside the UK, rather than in relation to connected persons bringing their child into the UK. In a case concerning a non-UK parent living in the UK removing a child from the UK to go to their country of origin, the application of our recommendation would depend on the facts of each case, particularly the connection of the parties to the UK.</p> <p>In relation to the data included in our impact assessment:</p> <p>The figure of 145 can be broken down as follows:</p> <ul style="list-style-type: none">96 cases (66%) were retentions out of the UK (ie children were retained in a foreign country);43 cases (30%) were children retained in the UK (ie children were habitually resident elsewhere); and6 cases (4%) had no UK jurisdiction. <p>We will be amending the impact assessment to reflect this breakdown. Please note that this data does not reflect every single case as the figures are supplied by Reunite International who can only account for those cases that are reported to their advice line.</p> <p>The figure of 550 was calculated on the basis of "40% of total child abductions" involve retention abroad. The figure of 40% was provided by Reunite International.</p> <p>Any further breakdown of these figures will need to be sought from Reunite International directly as we do not have that information. The Law Commission relies on this information as illustrative of the number of occurrences of child retention in Hague Convention terms in order to give an indication of the potential impact of our recommended new offence. As you will see in the impact assessment, these figures were not used in our cost/benefit analysis of the new offence.</p> <p>The data "on average, around 19% of children are returned voluntarily following international abduction" was obtained from the following text: Rhona Shuz The Hague Child Abduction Convention: A Critical Analysis (2013), page 37.</p> <p>We hope that this provides you with the assistance you seek.</p>
---------------	--

Topic	2) Various questions relating to recruitment
Date of Response	02/04/15
Details of Request	<p>Freedom Of Information Enquiry</p> <p>Q1. In last 2 years has your organisation used external recruitment agencies to hire for permanent or contract roles?</p> <p>Q2. In list format what are the five highest paid external recruitment agencies with the total amount paid in the last 2 years?</p> <p>Q3. What is the fee structure charged for the five highest paid vacancies by the above five external recruitment agencies and the roles that were hired for? Example: Office Manager - Salary £20,000 Fees paid 15% of salary = Total recruitment fees paid £3000.</p> <p>Q4. For the coming year what live vacancies does the organisation currently have for permanent or contract roles, please list these vacancies with the following; Current or future positions and an exact salary figure What type of positions are they? (Contract or Permanent) Who is the hiring manager, please provide their full details: Full name, Telephone number, Email, Job Title and Department</p> <p>Q5. On which websites are these jobs advertised? Please clearly provide a link/list to where these jobs are advertised.</p> <p>Q6. What is the process to selecting new recruitment agencies? Please provide the procurement process for selecting new recruitment agencies and what date is this conducted and by whom? Please provide full contact details.</p> <p>Q7. Is there a purchase threshold below which allows the organisation to use external recruitment agencies which are not on any preferred supplier arrangements or contracts without going through a formal tender process?</p>
Answer	Your Freedom of Information Enquiry about our recruitment services was passed to me to answer. I have had to pass some of this on to our procurement team, as some of the questions may have Commercially Sensitive material. As soon as I get an answer back from them I will respond to you. I do apologise for any delay.

Topic	3) Bribery
Date of Response	13/04/15
Details of Request	I am currently completing my BSC (Honours) in Quantity Surveying Consultancy in the School of Civil Engineering & Construction, at Kingston University. I am currently conducting a research of my dissertation entitled: "The Impact of the Bribery Act 2010 in the construction Industry." I would be most grateful, given your position and expertise, if you could kindly complete the short questionnaire. I have attached it below. It should take no longer than 5 minutes to complete. Please kindly contact me or my supervisor ----- should you have any queries. I would like to stress the date collected is for my research, and not for publication. Please forward this email to any of your colleagues and associates when possible your assistance is kindly appreciated. I look forward to receiving the completed questionnaire, in due course.
Answer	The Bribery Act 2010 came about from the Law Commission's report no 313 published in 2008, after the government referred to us the task of taking forward their existing work on reforming corruption legislation. Our original consultation paper and report, as well as some more background information, can be found on our webpage here: http://lawcommission.justice.gov.uk/areas/reforming-bribery.htm . Our final views on what the law ought to be in this area as approved by all of the Law Commissioners are published in our report. The Commission has not carried out any further work into bribery since the implementation of our recommendations in the Bribery Act and as a consequence we are unable to provide an opinion on the practical application of the Act for your survey. I wish you well with your survey and am sorry that we are unable to assist further.

Topic	4) International sale of goods
Date of Response	17/04/15
Details of Request	I am an undergraduate student at Bournemouth University writing my dissertation on the United Nations Convention on Contract for the International Sale of Goods. I would like to kindly request information from the former Department of Trade and Industry views from interested bodies as to whether the UK should adopt the CISG or not. Further I would also like a copy of the 1989, 1997, and 2007 (BERR consultation) consultations papers that were issued to the interest bodies. Lastly I would also like a copy of the Law Commission's response to the consultation papers. Many thanks.
Answer	Thank you for your request for information dated 13 April 2015 when you requested the Law Commission's response to the 1989, 1997 and 2007 BERR consultation on the CISG. I can confirm that the Law Commission responded to the 1989 and 1997 consultations. We have scanned and attached a copy of the 1989 and 1997 consultation papers and our response. We have made a search of our records and have concluded that the Commission does not hold information relating to the 2007 BERR consultation. We believe the Commission did not respond to that particular consultation.

Topic	5) Scandalising the court
Date of Response	18/05/15
Details of Request	I am hoping to obtain a copy of the full consultation responses regarding the law commission consultation paper: scandalising the court (no 207) 2012. I am a third year law student at the university of York writing a hypothetical select committee response regarding the offence and would find the responses to your consultation paper an immensely useful resource. I have read the published summary (appendix A of the final report) but the full documents would be helpful. I hope you can assist me, I know that the commission often publishes the responses in full on other reports.
Answer	Please find attached the responses to the Scandalising the Court Consultation Paper, in response to your request of 17 April 2015. Please note however that some sections of these have been redacted. We have done so as they include personal information that relates to a living individual (eg telephone numbers, addresses and other personal information) which is exempt information under section 40 of the Freedom of Information Act 2000 and section 7 of the Data Protection Act 1998. For the avoidance of doubt, no information that was material to the formulation of policy in this project has been redacted. We hope you find these of use for the completion of your work.

Topic	6) Various questions relating to IT provision
Date of Response	21/05/15
Details of Request	I would like to ask Q1. Do you look after your own IT or is it outsourced? Q2. How much did you pay in last financial year for software licenses? Q3. How many computers users do you have? Q4. When do you need to renew the contract with Microsoft for software licenses? What was the value of your last contract? Q5. Do you currently measure software usage versus the number of licenses purchased? If so what is used for software usage metering? Q6. Do you use a software asset management tool? Q7. Please also provide details of IT Contracts Managers and any person(s) involved in IT Software procurement.
Answer	I attach a copy of the response (see below) which was sent to you on 13 May from MoJ (which includes the Law Commission's response as well). Thank you for your emails dated from 31 March to 20 April, in which you asked for information from the following areas of the Ministry of Justice (MoJ): [List includes Law Commission] Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Ministry of Justice (MoJ) holds some of the information that you have requested and I am pleased to provide that to you. The answers below cover all of the MoJ, including the executive agencies and public bodies listed above, for whom MoJ provides technology services.

Q1. Do you look after your own IT or is it outsourced?

The MoJ's IT solutions are supplied by its core suppliers - Atos, Steria and Hewlett Packard.

In reply to your questions:

Q2. How much did you pay in last financial year for software licenses?

Q3. How many computers users do you have?

I can confirm that the MoJ does not hold the information that you have requested. To establish whether the information was held I conducted a thorough search, and made enquires with colleagues in MoJ Technology and with MoJ Procurement.

When assessing whether or not information was held, adequate and reasonable searches for the requested information were made of electronic records in relevant databases in MoJ Technology and Procurement that contain the information relating to our supply contracts.

It may help if I explain that the relevant contracts that contain this information are our main supply contracts with primary suppliers. We are unable to extract the specific costs relating to software licenses as we do not disaggregate costs to this level of detail.

In relation to your question regarding users, it may help if I explain that the amount of users across the MoJ estate fluctuates on a daily basis as staff exit or join the MoJ, together with the fact that a number of users can access a single device. In addition, this information is not held centrally, but with our primary suppliers, who are responsible for maintenance of the user database.

If the information was held by MoJ it would have to be held by the above mentioned business area. It may help if I clarify that the information being requested is not held by MoJ because there is no legal or business requirement for MoJ to do so.

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

Q4. When do you need to renew the contract with Microsoft for software licenses? What was the value of your last contract?

In reply to the first part of your question, the MoJ will renew its contract with Microsoft in quarter 2 of 2015/16.

In reply to the second part of question 4:

Q4. What was the value of your last contract?

I can confirm that the Ministry of Justice holds the information that you have asked for. The information is exempt under section 21 of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it via the following link;

<https://www.gov.uk/contracts-finder>

All government departments, their agencies and Non Departmental Public Bodies are required under the Transparency

	<p>Agenda to publish on the Contracts Finder website details of all contracts in excess of £10,000. Please note that there are also likely to be many contracts of a lesser value.</p> <p>Section 21 of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.</p> <p>You can find out more about Section 21 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.</p> <p>Q5. Do you currently measure software usage versus the number of licenses purchased? If so what is used for software usage metering?</p> <p>The MoJ measures usage against the number of licenses purchased using SCCM and Radia.</p> <p>Q6. Do you use a software asset management tool?</p> <p>Yes. The MoJ's core suppliers use software asset management tools.</p> <p>Q7. Please also provide details of IT Contracts Managers and any person(s) involved in IT Software procurement.</p> <p>I can confirm that the department holds information that you have asked for in relation to the name of the IT Contracts Manager, but we will not be providing the contact details as it is exempt from disclosure.</p> <p>We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40 (2) is engaged.</p> <p>The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.</p> <p>You can find out more about Section 40(2) by reading the extract from the Act and some guidance points we consider when applying the exemption, attached at the end of this letter.</p>
--	---

Topic	7) Electoral law
Date of Response	27/05/15
Details of Request	Request under the Freedom of Information Act. To see the responses to the consultation on Electoral Law which was completed on March 31 2015.
Answer	The information you requested is enclosed. I attach the first of two folders containing the consultation responses. There were 70 responses in total, and each folder contains 35 responses. The second folder will shortly follow in another email. Some of the information in the responses is exempt under section 40 (personal information) of the Freedom of Information Act, as the information constitutes third party data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person/is confidential.

Topic	8) Interpreting and drafting laws
Date of Response	01/06/15
Details of Request	<p>Please can you provide me with copies of your internal guidance and policies on interpreting and drafting laws. Please take guidance to include rules and instructions. You may have general guidance on matters such as human rights, Crown Immunity and devolution. You may also have specific guidance on special types of legal entities such as:</p> <ul style="list-style-type: none"> (a) The Duchy of Cornwall; (b) The Duchy of Lancaster; (c) The City of London Corporation; (d) The Crown Estate; (e) The Sovereign; (f) Foreign Governments; (g) the Houses of Parliament.
Answer	<p>You asked for copies of our internal guidance and policies on interpreting and drafting laws. In fact the Commission has not produced any such guidance or policies, so there is nothing produced by us that I can send you. There is, however, an official on-line link which does provide guidance about the drafting of legislation and it may be that you will find this helpful. This link is at https://www.gov.uk/government/collections/the-office-of-the-parliamentary-counsel-guidance-notes.</p>

Topic	9) Execution of deeds and documents
Date of Response	02/06/15
Details of Request	<p>I am after a copy of the transcript of Johnsey Estates (1990) Ltd v Newport Marketworld Ltd and Others (Judge Moseley QC) for research purposes please. The Law Commission refers to it in their 1996 consultation: THE LAW COMMISSION: THE EXECUTION OF DEEDS AND DOCUMENTS BY OR ON BEHALF OF BODIES CORPORATE (226-224-1) (see in particular paragraph 1.17), and I would like to see the transcript in particular as that is what the Law Commission bases its comments on.</p>
Answer	<p>You requested the transcript of the case Johnsey Estates (1990) Ltd v Newport Marketworld Ltd and Others from the Commission under the Freedom of Information Act 2000 on 19 May 2015. As previously indicated, your request has been handled by the Property, Family and Trust Law team. I am writing now to advise you that we have made a search of our records and have concluded that the Commission does not hold the information which you are seeking. We have been unable to find a copy of the transcript of the case in the file from The Execution of Deeds and Documents by or on behalf of Bodies Corporate project that we received from storage.</p>

Topic	10) Criminal code
Date of Response	05/06/15
Details of Request	<p>Here I am making a Freedom of information Request under the Freedom of Information Act 2000. As a law student currently studying A2 level Law we have been told of the fact that back in 1989 the Law Commission produced a Draft Criminal Code which was too ambitious Parliament to implement. I have looked throughout the internet and on your website and cannot find a copy of this report that I feel is true. Therefore I am asking for a copy of the report that was presented to Parliament, I would preferably like a printed version that is a true representation of how it would've been presented to Parliament and I understand that there will most likely be charge involved in this, which I am happy to pay. If this is not a possibility then an electronic copy would suffice.</p>
Answer	<p>Thank you for your email. Attached is a scanned copy of both volumes (the report and the draft Bill, and the commentary) of Law Commission Report No 177: A Criminal Code for England and Wales, as presented to Parliament in 1989. This is a scan of the original hard-copy document from our archives, which I can assure you is a true representation of the original. This report is now out of print, but it can still be purchased from the Government's official publisher, TSO, on a "print on demand" basis for £36.00 plus p&p. It appears to be listed on their website.</p>

2ND QUARTER

Topic	11) Artworks
Date of Response	27/07/15
Details of Request	<p><i>1st request</i></p> <p>I am writing to obtain information regarding any art owned by your organisation.</p> <ol style="list-style-type: none"> 1. What is the total number of works of art owned by your organisation? 2. What is the total insurance value of these works of art? 3. How many of the works of art that you own are on public display? 4. For the five most valuable items, where the data is readily available: <ol style="list-style-type: none"> a) If purchased by the organisation, what was its purchase price, year of purchase and reason for purchase b) What is its current value? <p><i>2nd request:</i></p> <p>As a follow up request, could you please provide the following information.</p> <p>For all of the art items for which you do have a value, insurance, estimate, or otherwise, and where that value is accessible within the time limits of the act:</p> <ol style="list-style-type: none"> 1) please provide the total value of these items 2) For the five most valuable items, for which you do have a value: <ol style="list-style-type: none"> a) If purchased by the organisation, what was its purchase price, year of purchase and reason for purchase b) What is its current value?
Answer	<p><i>1st response</i></p> <p>First of all, please accept my apologies for the delay in answering your Freedom of Information request. It took much longer to call up the file containing the records from our archives than I had expected. I am sorry that I did not explain this to you at least in an interim reply. Turning to your questions:</p> <ol style="list-style-type: none"> 1) We have 44 items of artwork. 2) We do not hold insurance cover on them, as they are covered by Crown indemnity. 3) None of the artworks is on public display. Our offices are not open to the public, as such. However, we currently have three artworks hanging in or just outside two of our meeting rooms. 4) We have never had the artworks valued. We did not purchase any of them. Most of them were donations, although a few are on loan to us from the Government Art Service, and may be returned at any time. <p>I hope this answers your questions fully. However, if there is any further information you think we may be able to provide, please contact me again.</p>

	<p><i>2nd response</i></p> <p>We acknowledge receipt of your further request under the Freedom of Information Act, to which I am replying as my colleague NNNN is currently on leave.</p> <p>As noted in the original response sent to you on 23rd July 2015 by NNNN we do not hold any information on the value of the artworks currently housed at the Law Commission. We have no record of having had the artworks valued and we do not hold insurance cover on them, as they are covered by Crown indemnity. As such, I do not feel there is anything I can add to the original response.</p>
--	---

Topic	12) Various questions relating to ICT provision
Date of Response	27/07/15
Details of Request	<p>I am contacting you as I am writing a report for my dissertation on how training providers market their products to new clients. Therefore, I am trying to gather information to be able to finish my report.</p> <p>I am Requesting this information in accordance with the Freedom of Information Act 2000 and appreciate your timely response; the questions I would like to ask are included below:</p> <p>Q1 What budget has been allocated for ICT technical training from 1st April 2015 to the 31st of March 2016?</p> <p>Q2 Can you please provide details of the ICT Managers/Mangers that will purchase ICT technical training?</p> <p>Q3 Please can we have a list of RFQ (Request for Quotes) for any training that will be purchased within the coming 12 months?</p> <p>Q4 Is there ICT technical training required to be purchased within a certain time-frame?</p> <p>Q5 Can I have a list of any ICT software Upgrades planned for the new financial year?</p> <p>Q6 Can I have a list of any hardware upgrades planned for the new financial year?</p> <p>Q7 Can you provide copies or details of any ICT projects?</p> <p>Q8 How much ICT technical training, has been purchased from QA Limited since first of April 2015?</p> <p>Q9 Do you currently have any skills licences purchased with QA Limited?</p> <p>B- If so can you please provide a usage report?</p> <p>Q10 Can you please provide details of the ICT Managers/Mangers that will purchased the licence?</p>
Answer	<p>First of all, please accept my apologies for the lateness of our response to your request for information. The Law Commission is an Non-Departmental Public Body, sponsored by the Ministry of Justice. Our offices are located within a Ministry of Justice building and as such all our IT services are provided centrally via the Ministry of Justice. We do not have separate policies or make provision for purchasing ICT training, software or hardware, and we do not have our own ICT managers. If you wish to ask MoJ about its policies in this area, you might find it helpful to send a Freedom of Information request to its Data Access and Compliance Unit.</p>

Topic	13) Payments to the Confederation of British Industry
Date of Response	07/08/15
Details of Request	<p>I am writing to obtain information about the amount your organisation pays to the Confederation of British Industry and its subsidiaries. Please provide the amount paid to the CBI (and its regional subsidiaries)</p> <p>(a) in membership fees (b) fees for one off conferences or other events and (c) fees paid to the CBI for any other services.</p> <p>Please make clear if the response includes payments from any Non-Departmental Public Bodies, Executive Agencies etc which fall under the department and please provide a breakdown of what payments came from which agency/body.</p> <p>Please provide this information for the period 2009-2015 set out by calendar or financial year.</p> <p>If you are unable to provide all of this information within the time/cost limit please work up to the limit focusing on membership fees.</p> <p>Regarding the regional subsidiaries, the full list is here for your reference: CBI Scotland, CBI Wales, CBI Northern Ireland, CBI East of England, CBI East Midlands, CBI London, CBI North East, CBI North West, CBI South East, CBI South West, CBI Thames Valley, CBI West Midlands, CBI Yorkshire and Humber, CBI International</p>
Answer	<p>Thank you for your request for information requesting details of any payments made to the Confederation of British Industry and subsidiaries. In reply, I would inform you that the Law Commission has made no such payments during the period you specified and currently makes no such payments.</p>

Topic	14) Outraging public decency
Date of Response	12/08/15
Details of Request	<p>Thank you very much for your letter of 25 June enclosing a copy of the report "Simplification of Criminal Law: Public Nuisance and Outraging Public Decency. We are only concerned with the offence of Outraging Public Decency. Unfortunately there are some significant breaks in the evidential chain presented in the report. The report also adduces new evidence which, due to circumstances of which the Law Commission is probably unaware, is dubious.</p> <p>At paragraph 2.68 the report mentions a common law offence of "Indecent exposure". We have been unable to find case law to establish this offence, we have never encountered it, and it is not mentioned in the Crown Prosecution Service guidance regarding Naturism. Please cite.</p> <p>3.93 and 3.101: The conviction figures are of interest but without further information it is impossible to draw any conclusions as to whether the charge and conviction was justified or whether an alternative charge was available.</p> <p>Parliament was very careful to word s.66 Sexual Offences Act 2003 so as to prevent it from being abused. Hence charging with Outraging Public Decency may have been circumventing the will of Parliament. We know that there were</p>

	<p>significant problems in the CPS, as attested to by the 90% acquittal rate (100% if unusual excluded) in cases where British Naturism was involved. We presented a dossier, the CPS published guidance, and wrongful prosecutions have almost completely ceased. Hence the figures are not in themselves an indication that the offence is required.</p> <p>For both of those reasons case summaries and associated penalties are essential in order to determine if the prosecutions and convictions enumerated were justified and whether alternative charges were available. Please provide a summary of the circumstances of each of the cases in the sample referred to in 3.94.</p> <p>I note that the report has been laid before Parliament. What is the procedure for making representations and which government department will be responsible for any action to implement this report?</p> <p>There are a number of other issues that need to be raised but we prefer to leave that until we have the response to this letter.</p> <p>On a general point, just as it is widely accepted that legislation benefits from publication and comment on a draft bill, this report would have benefited from opportunity to comment on the draft.</p>
<p>Answer</p>	<p>You asked:</p> <p>About the common law offence of indecent exposure mentioned in para 2.68.</p> <p>About the conviction figures in paras 3.98 and 3.10.</p> <p>About the future of the project.</p> <p>About the cases in the sample mentioned at 3.94.</p> <p>Please let me know if I have misunderstood, and if there are any more requests for information contained within your letter of 21 July.</p> <p>Below are our responses to each of these requests for information.</p> <p><i>Offence of “Indecent Exposure” at common law</i></p> <p>You mention in your letter that you are unaware of this offence, which is referenced in paragraph 2.68 of our report. This paragraph refers to “Criminal Law: Report on Conspiracy and Criminal Law Reform”, Law Com No 76 (1976). Paragraph 3.24 of that paper explains that members of the House of Lords in Shaw [1962] AC 220 and Knuller [1973] AC 435 held divergent views as to whether there was an offence of outraging public decency or several more specific common law offences. As explained in the paper, it is now settled law that outraging public decency is an offence in itself, which means you are correct to say there is now no separate offence of indecent exposure.</p> <p>The uncertainty around the existence of a substantive offence of outraging public decency in 1976 explains why the Law Commission then recommended retention of the specific common law offence of conspiracy to outrage public decency. Since we now know that outraging public decency is an offence in itself, a conspiracy to do it is anyway criminal under section 1 of the Criminal Law Act 1977. This means that the separate common law offence of conspiracy to outrage public decency can be abolished without changing the law.</p> <p><i>Information in paras 3.93 and 3.101</i></p> <p>We have no more information about these figures, which originate from the Ministry of Justice. They produced these for us from their database of conviction and sentencing data.</p> <p><i>Onward procedure</i></p> <p>The protocol between the Law Commission and the Lord Chancellor (attached for your convenience; also available at:</p>

<http://www.lawcom.gov.uk/document/protocol-between-the-lord-chancellor-on-behalf-of-the-government-and-the-law-commission/>) sets out, at paragraph 18 onwards, what happens after a report is laid before Parliament. The relevant minister must issue an interim response within 6 months, a final response within 12 months, and then – if accepted for implementation – further discussions will take place between the Minister (or their officials) and the Law Commission about what role we might play in that process. In this instance, the relevant government department responsible for deciding on implementation is the Ministry of Justice. We have not yet received an interim or final response in relation to this paper.

Case summaries and disposals

In relation to the case summaries, I can confirm that the Law Commission holds this information. This information is exempt under section 40 (personal information) of the Freedom of Information Act, as the information constitutes third party data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person/is confidential. The data requested is personal data as it relates to living individuals who are identifiable from it. Additionally, I have determined that this data is sensitive personal data on the basis that it is personal data consisting of information as to the commission of offences by the individuals in question. This is relevant to the first data protection principle, which requires a consideration of whether it would be fair to disclose the information in all the circumstances. Having taken into account the FOI Act principles of transparency and accountability and weighed them against the possible consequences of disclosure on the individuals in question, I have arrived at the conclusion that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. Even if I had determined that disclosure would not breach the first data protection principle, disclosure would not meet one the relevant conditions in Schedule 3. For these purposes, Schedule 3 would only be satisfied if the data subject explicitly consented to the disclosure of the information or the information has been made public by the data subject.

In relation to the associated penalties, I can confirm that the Law Commission holds this information. We have been able to present this information in a way that does not entail the disclosure of personal data because the individuals in question are not identifiable from it. This information is contained in the attachment to this email.

Topic	15) Report on Consent in Sex Offences
Date of Response	17/08/15
Details of Request	<p>Is it possible to have access to the "Consent in Sex Offences: A Report by the Law Commission to the Home Office Sex Offences Review of 2000 that was before available at http://lawcommission.justice.gov.uk/docs/Consent_in_Sex_Offences.pdf ?</p> <p>Somehow, I cannot reach the document at this address.</p> <p>If you are aware about other documents related to that topic, it would be great to let me know</p>
Answer	I attach a copy of the document to which you refer. I am forwarding your email to our criminal law team, in case there is anything they may be able to add in relation to the rest of your email.

Topic	16) Firearms scoping consultation paper
Date of Response	17/08/15
Details of Request	<p>If possible I would like clarification of a couple of points in the Scoping document. I'll try to be brief:-</p> <p>Table 8.54 gives numbers of surrendered firearms and ammunition. Is there a breakdown identifying how many of the items would normally be subject to section 1 certification, how many section 2 and those items that would not normally be subject to any certification (items falling into the category of 58:2, low powered air guns etc) . For ammunition, numbers that fall into section 1, section 2 and section 5 (expanding missiles etc) and those items that do not require certification, air rifle pellets, FMJ bullet heads.</p> <p>I think this information is necessary in order to put some order of scale to the bald figures given.</p> <p>Clause 2.32 and 2.33 puts forward a possible solution but within chapter 9 this option is not presented, is this an oversight?</p>
Answer	<p>1) Further information about the surrender results described in para 8.54.</p> <p>2) Paras 2.32 onwards: the "possible solution" of removing lethal from the definition of a firearm.</p> <p>1) The table at 8.54 was produced with reference to the publicly-available sources footnoted in the first column of it. If you would like any information beyond what they provide, we can only suggest that you contact the police forces in question. From those sources, however, I can tell you the following information relevant to your request:</p> <p>Metropolitan No further information given on the Met website</p> <p>Greater Manchester To quote from the MEN article: "A total of nine rifles, 26 shotguns, 51 handguns, 62 air weapons, plus 70 imitation, three antique, and four deactivated firearms have been handed in." No additional information is given in the piece about the ammunition surrendered, beyond that it was 3681 rounds in total.</p> <p>Birmingham No detailed breakdown is provided in the BBC article, apart from the following statement: "The weapons</p>

	<p>handed in included .38 revolvers, self-loading pistols, a .44 Ruger Redhawk magnum as well as antique weapons such as an 1853 rifle, Webley and Enfield revolvers, a 1915 German Luger and a Japanese type 26 revolver.”</p> <p>2) I apologise for any confusion resulting from these paragraphs: they are setting out possible approaches, before we come to our provisional proposal in paragraph 2.50. Since we have provisionally concluded that setting a threshold of muzzle kinetic energy which is deemed to be lethal would be the best option, we don't list out any other options in this question. However, in your response to provisional proposal 1, you are welcome to disagree and tell us that you prefer another approach, whether mentioned earlier in the chapter or not.</p>
--	---

Topic	17) Firearms law
Date of Response	04/09/15
Details of Request	I write to you to request a copy of all correspondence, including attachments, between representatives of the National Ballistics Intelligence Service and yourselves relating to the Law Commission's scoping consultation paper into firearms law, between 1st January and 20th July 2015. If you assess that the cost of compiling that information would be excessive, please limit my request in scope from March 1st until 20th July, or whatever timescale you assess will fit within the cost limits in the Freedom of Information Act.
Answer	<p>You asked: For all correspondence, including any attachments, between the National Ballistics Intelligence Service and the Law Commission, relating to the Law Commission's scoping consultation paper into firearms law, between 1st January and 20th July 2015.</p> <p>Please let me know if I have misunderstood, and if there are any more requests for information contained within your email of the 9 August.</p> <p>Please find attached to this email the correspondence and attachments you requested. One attachment has not been included, however. The reasons why are given below. By way of explaining the methodology we relied upon to fulfil your request for information, all members of the team working on the firearms project searched both their inboxes and outboxes for any relevant correspondence. All relevant correspondence was then saved as a PDF file and redacted to remove any personal information, such as postal addresses and telephone numbers.</p> <p>In relation to the email we have designated JC23, I have not included the file that was attached to that email, as it falls within two exemptions contained within the Freedom of Information Act 2000.</p> <p>This information was provided to the Law Commission in confidence. Section 41(1) provides that information is exempt information if it was obtained by us from any other person and the disclosure of the information by us would constitute an actionable breach of confidence. In considering whether this exemption is applicable, I have had to consider whether disclosure of this information would constitute an actionable breach of confidence. Three elements must be present in order for there to be an actionable breach of confidence. The first is that the information must have the necessary quality of confidence about it. I believe this element is satisfied given that the sender of the information expressly stated it was being supplied to us in confidence. This is clear from email JC23. The second element is that the information must have been imparted in circumstances importing an obligation of confidence. I believe this element is satisfied given that the information is protectively marked, which although not determinative it is a relevant consideration, and also because the person who sent us the information stated that 'The data is for your information only to assist with the Firearms Review'.</p>

	<p>Finally, it is necessary to consider whether disclosure of the information would be detrimental to whoever provided it. There is authority to suggest that it is sufficient to establish detriment to the provider of the information if it were to be disclosed to a person whom he or she would prefer not to know it. I believe this element is satisfied, given what is said in email JC23 about the potentially harmful consequences of disclosing this information. The exemption in section 41(1) is absolute and as such does not require consideration of the public interest. I have, however, considered the public interest in evaluating whether disclosure of the information would constitute an actionable breach of confidence. In doing so I have taken into consideration the FOI Act principles of transparency and accountability and the fact that the public interest in disclosure may outweigh both private and public interests in the protection of confidence. I have arrived at the conclusion that in this instance the public interest comes down in favour of honouring the obligation of confidence imposed upon us by the sender of this information.</p> <p>In addition, section 31(1) of the Freedom of Information Act provides that information is exempt information if its disclosure would, or would be likely, to prejudice a number of interests listed in that section. For this exemption to apply, it is first necessary to consider the potential for one of these interests to be prejudiced. The term 'would be likely to prejudice' in this context means a risk that is real, actual and of substance. In this instance, I have concluded there is a real risk that disclosure of this information would, or would be likely, to prejudice the prevention and detection of crime and/or the apprehension or prosecution of offenders. In this instance, I have taken into consideration the fact that in response to a Parliamentary question on the number of illegal firearms in the UK, the Minister confirmed that NABIS assesses the volume and type of firearms in the UK, but did not answer the question on the basis that the information was operationally sensitive and not suitable for release (Firearms: Licensing: Written question 221414). The information in this attachment is of a similar nature. It is then necessary to consider whether there is a causal relationship between disclosure and the claimed prejudice. Given the nature of the information, I believe there is a causal link between disclosure and prejudice to one or both of the interests identified above. Finally, it is necessary to assess whether there is a real and significant risk that prejudice will occur if there is disclosure. Once again, given the nature of the information, I have concluded that there is a real and significant risk that detriment to the prevention and detection of crime and/or the apprehension or prosecution of offenders would occur should the information be disclosed. Section 31(1) is a qualified exemption. This means it is necessary to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Having taken into account the FOI Act principles of transparency and accountability and weighed them against the likely prejudice caused by disclosure, I have concluded that in this instance the public interest is in maintaining the exemption.</p>
--	---

Topic	18) Procedure for repealing Acts of Parliament
Date of Response	08/09/15
Details of Request	I am unable to find information that explains the PROCESS required for government executive or Royal Prerogative to repeal legislation, either totally or in part. Information is freely available about the process of CREATING legislation, but what I want to know is the process of removing it! on the Grounds that the enacted legislation was a legislative measure in which misled Her Majesty in style and measure as established by overt acts of Ministers of the Crown contrary to and the common law, the rule of law & due process i.e. COEA (Powers) Act 1919 s.1(5) etc.

	<p>WHICH READS:“Measure” means a legislative measure intended to receive the Royal Assent and to have effect as an Act of Parliament in accordance with the provisions of this Act.</p> <p>Therefore, under the FOI Act, please would you provide me with your recorded information regarding the process required to make An Act of Parliament (A Principal Act) enacted against the form of the statute without a single vote of the three-quarters needed to pass a Bill in the House, and submitted for Assent and Assented after an interval of 24 days and not the 90 days interval as required by the Constitution between the introduction and second reading of the Bill).</p>
Answer	<p>I am replying to your request for information relating to the procedure for repealing an Act of Parliament.</p> <p>There are no special procedures for repealing a provision of an Act (or Statutory Instrument). Any Bill can contain provisions repealing existing legislation.</p> <p>We do have information on the work of the Law Commission's Statute Law Repeals Team. They produce reports and draft Bills recommending the repeal of provisions "of no practical utility", which means provisions that no longer have any effect or which are obsolete. There is a special procedure for a Statute Law (Repeals) Bill. Please see Standing Order 140 House of Lords (there is an identical SO in the House of Commons).</p> <p>Information about the work of the Statute Law Repeals Team is published on our website at http://www.lawcom.gov.uk/our-work/statute-law-repeals/.</p> <p>If you are looking for any further information, perhaps you would be good enough to clarify your request in order that we may try to identify and locate it. In providing clarification for us, you are under no obligation to disclose to the Commission the purpose which underlies your request for information.</p>

Topic	19) Crimes committed with antique firearms
Date of Response	10/09/15
Details of Request	<p>There are several references in the Law Commission proposals/discussion document to antique firearms being used in crime, but the specific nature of the crimes and specific numbers are not stated, clearly there is a major difference between simple possession of a firearm by someone with no criminal intent or criminal history and someone with a criminal history using a firearm to carry out a criminal act like robbery.</p> <p>There are also several references to percentages of crimes committed with antique firearms but no actual figures so we do not know if we are looking at 50% of 10 crimes or 50% 1,000 crimes.</p> <p>I therefore request we are provided with the raw data that has been used about the use of antique firearms in crime, so we can make sensible comparisons with estimated numbers of legally held antique firearms that cause no problem whatsoever, legally held antique firearms will be measured in the tens of thousands, hundreds of thousands or more depending on which types of antique firearm we look at or compare with.</p> <p>It cannot be reasonable to make law based on percentages when we do not know the actual figures or precise numbers. Any new law should be based on strict facts/data which can be analysed and compared with the numbers of legal law-abiding collectors and legally held antique firearms. It cannot be considered just to punish or restrict thousands of law-abiding collectors because a few criminals have been found with antique firearms.</p> <p>It may also be necessary to consider the huge level of compensation that will need to be paid to law-abiding collectors if</p>

	<p>any change in the law reduces the value of the private collections. This will have to be paid as was the case with the handgun ban, and will the proposed changes to the law significantly reduce firearms crime. If not will the proposed changes be cost effective.</p> <p>There also appears to be some confusion in the document about what an antique firearm is, are they Section 58.2 or are they Section 1, Section 2, or even Section 7.1 or Section 7.3 the document seems to confuse all of these different classes of firearm, so again we need to see the raw data and facts in each case quoted, so that we know exactly which class the firearms in question fit into. Some of the firearms referred to in the document as antiques are in fact likely to be Section 7.1 or 7.3. under our current law, so not antique.</p> <p>It will also be very useful to have the full court judgments in any cases referred to so we can see why they decided which firearms were considered antique and why, and also the cases where it was decided a firearm was not an antique and again why.</p> <p>I recall one case in the document where it was decided that firearms from the time of World War 1 could not be considered antique, but this case dated from the 1970's which is now 40 years ago so it may have been a valid judgment at the time when the judge and jury may have had a direct connection with that historic event, but now 40 years later and in a different century a current jury and judge may take a very different view, as many things have changed over almost half a century. The document also refers to a case where firearms from the late 19th Century were considered firearms requiring certification and therefore not antique, but it does not specify what specific firearms they were, again this may have been a valid judgment at the time but without knowing what specific firearms were involved we cannot know if this would be a valid judgment now, as we are now over half way through the first quarter of 21st Century.</p> <p>For these reasons we need the specific facts, also the precise and complete judgments of any cases that are being referred to, so that we can see if the data extrapolated from these judgments is still valid.</p>
<p>Answer</p>	<p>You asked:</p> <ol style="list-style-type: none"> 1) Where there are references to percentages of crimes being committed with antique weapons in chapter 4 please provide the number of crimes that this is a percentage of. 2) Please provide any data you have about the number of crimes committed with antique weapons. 3) Please provide any data on the types of offences committed with antique firearms. 4) Please provide full court judgments and “specific facts” for each case cited. <p><i>Percentages of crimes</i></p> <p>The only percentage we cite relating to crimes being committed with antique firearms is at paragraph 4.69, which states that:</p> <p>4.69 This is exacerbated by the fact that according to the police: Fifty-two percent of antique firearm recoveries from police intervention or criminal circumstances are made in combination with suitable ammunition.</p> <p>This percentage was taken from a document supplied to us by NaBIS. According to this document 52% of 275 recovered antique firearms submitted to NaBIS to date were recovered in combination with suitable ammunition.</p> <p><i>Number of crimes committed with antique weapons</i></p> <p>We do not have this information. The information supplied to us only discusses the number of antique firearms submitted</p>

to NaBIS for examination. These firearms were recovered in criminal circumstances (i.e. none were surrendered). It is possible that a single firearm could be linked to multiple criminal offences. For this reason the number of antique firearms submitted to NaBIS may be under representative of the number of criminal offences those firearms are linked to. The number of antique firearms submitted to NaBIS for examination is reasonably accessible within the meaning of section 21(1) of the Freedom of Information Act 2000, as it is information in the public domain. These figures were presented by NaBIS at the Law Commission's firearms law conference on Tuesday 8 September. I have been informed by NaBIS that the PowerPoint slides containing breakdowns of the number and types of antique firearm submitted to NaBIS will be available on the NaBIS website by the end of the day. The URL is <http://nabis.police.uk/>. If you have any queries about this, NaBIS can be contacted at nabis@west-midlands.police.uk.

Data on the types of offences committed with antique firearm

We do not have this information. The information submitted to us by NaBIS details the number of antique firearms submitted to NaBIS for examination. Whilst we know these firearms were recovered in criminal circumstances (i.e. none were surrendered), we do not have any information about the types of criminal offences committed with those firearms or whether they were offences of possession.

Provide full court judgments and "specific facts" for each case cited

When a specific appellate case is cited in chapter 4, we do provide details of the facts and the offences the defendant was charged with. The judgments of these appellate cases are reasonably accessible within the meaning of section 21(1) of the Freedom of Information Act 2000, as they are information in the public domain and can be accessed at <http://www.bailii.org/>. At paragraph 4.37 we cite two first instance decisions. We do not possess information on what offences these defendants were charged with. As these are Crown Court cases, there are no judgments available online and we do not possess any.

3RD QUARTER

Topic	20) Firearms
Date of Response	05/10/15
Details of Request	<p>Thank you for informing me about the meeting. Where will it be held? Will you give me an indication as to how long you think the meeting may last?</p> <p>It is my intention to attend if I can, so if there are any papers that will be discussed will you please let me have these as soon as possible.</p> <p>You will remember I asked you for the specific data on the use of antique firearms in crime.</p> <p>Which specific antique firearms had been used ?</p> <p>Which specific antique firearms had been recovered from homes and under what circumstances ?</p> <p>I have still not received this information and would like to have it before we attend the meeting on the 24th Oct..</p> <p>The statistics given by NABIS at the seminar were not data, they used mixed time frames and were using numbers and percentages so were of little real value.</p> <p>This was not data, these are statistics that may have a particular inference.</p> <p>It would be wrong to base any new law on figures that are not consistent or significant.</p> <p>We must remember that antique firearms are held by hundreds of thousands of people in the U.K. with no public safety risk.</p> <p>The total number of antique firearms held by honest law abiding citizens is likely to run into millions of objects.</p> <p>The polished statistics made available by NABIS only showed around 130 antique firearms which were in some way connected to a criminal.</p> <p>The numbers given by NABIS are insignificant when compared to the total numbers of legally held antique firearms which never cause a problem for public safety.</p> <p>I therefore again request the raw data on antique firearms connected with crime/criminals as outlined above.</p> <p>I am particularly interested in the information regarding antique firearms they recovered from homes while investigating crimes.</p> <p>It is also important to know the circumstances of the crime that led to these items being found.</p>
Answer	<p>[This is to confirm the date of the meeting is] Wednesday 14 October at 11am. It will take place at the Ministry of Justice and will last roughly an hour.</p> <p>I responded to your earlier request for information on 10 September, which I can resend if you did not receive it.</p> <p><i>Raw data on antique firearms connected with crime</i></p> <p>In relation to your further queries, we possess some of the information you have requested. In response to your first point,</p>

below is a table listing the calibre of the firearms we refer to at para 4.64 of the paper. Please do bear in mind that this table only relates to London.

Obsolete calibre	Example gun
7mm pinfire	Belgian "Le Fauchaux" type
9mm pinfire	Belgian "Le Fauchaux" type
.32 rimfire	Forehand & Wadsworth
.38 rimfire	Forehand & Wadsworth
.41 rimfire	Colt Derringer 3rd Model
.320 revolver	Belgian "Bulldog"
9.4mm Dutch	KNIL Model 91
10.6mm German	Reichsrevolver 1883
11mm French	MAS Model 1873
.44 Webley	Webley "British Bulldog"
.44 S&W Russian	S&W DA 1st Model

Antique firearms they recovered from homes while investigating crimes / the circumstances in which antique firearms are recovered

In relation to your second and third queries, we do not possess information about the circumstances that led to the recovery of the antique firearms we discuss in our paper. All we know is that they were not surrendered to the police, but were recovered in "criminal circumstances".

Topic	21) Abusive conduct by UK courts (1)
Date of Response	06/10/15
Details of Request	<p>[Personal information has been redacted. Otherwise, the request has been reproduced as it was received. The Law Commission was one of a number of recipients of the original email.]</p> <p>Banks – How do Banks assess the criteria of a person applying for a mortgage? (all of UK's top banks and mortgage lending groups have been sent all of the enclosed info, 'good luck to all, if you the UK Courts are saying that it's OK to send in bogus bailiffs to illegally evict me and my kids!</p> <p>How does the government and electoral commission investigate multiple homes listed by individuals, to obtain mortgages by banks and buildings societies?</p> <p>Q) where does the UK Law stand on theft of home by bogus bailiffs, twice attempted murder, being locked up in [] for 3 years, and even though I have proved all this in 10 court cases, I am yet to receive 'due financial remedy'</p> <p>[Various court case references and names – redacted]</p> <p>q) has the law commission reviewed how by abusing the UK Courts, in my court claims as a litigant in person, all the judges, even after i proved with evidence that I & my 2 kids were illegally evicted by BOGUS BAILIFFS, had my savings, jewellery stolen approx £ [], my ex tried to kill me twice, he locked me up in [], and all i got so far is for the judges to agree that i do have evidence of all of this, yet, I am yet to be financially compensated for my losses, punitive damages, vicarious liability! it's time to make recommendations for it's reform as by stating that you keep the law under review, you obviously than agree that it's legal in UK to steal home, savings, jewellery, attempted murder etc.....How does the law commission investigate abuse of UK Courts, feedback required on my enclosed court cases which I wish to report on corruption, otherwise all the UK Courts are stating that theft of home by bogus bailiffs, theft of savings, jewellery approx. £[],my ex locked me up in [] for 3 years, he tried to kill me me twice!</p> <p>How does the law commission investigate abuse of UK Courts, feedback required on my enclosed court cases which I wish to report on corruption, otherwise all the UK Courts are stating that theft of home by bogus bailiffs, theft of savings, jewellery approx. £[],my ex locked me up in [] for 3 years, he tried to kill me me twice! even judge [] at [] county court, just laughed in my face when I tried to explain the medical repercussions and pain of going through such trauma, as well as the fact that due to the abuse by my ex husband, my son 'wet his bed' until he was [] years old! my credit rating has been effected due to the abuse of all of all of these 'corrupt colleagues' of my ex-husband, including being told by judge [] at [] county court, to pass 4 board directors from [Name of company and address – redacted], in a [] county courthouse corridor, which is only 3 feet wide and approx. 9ft long, in order to have a court case heard, one in which [] perjured himself by giving a false home address, in order not to pay my due amount in a [], which is the amount owed from the sale of the freehold sold, within [Address – redacted], as I own a share in the building's freehold, and yet, the police have yet to interrogate, subpoena to give a deposition in a lawsuit, [] to give a sworn testimony as to who has owned [] from []-to present day, and who has collected the service charge, as []is responsible for collecting all due service charge from within all of the [] flats within []!</p> <p>So I ask you again, is it legal according to UK Law to steal home by sending in Bogus Bailiffs, theft of savings, jewellery,</p>

etc.....?

Arguments over Ownership of Property

A. Bogus Bailiffs sent to illegally evict me and my kids, is more than enough legal proof, especially adding the proof that 'fraud involved was premeditated, and aided/abetted by corrupt solicitors and judges= your Law=Before a criminal charge can proceed the ownership of any property must be absolutely clear. If that ownership is in real dispute the criminal law should not be invoked until ownership has been established in the civil courts.

However, circumstances will arise where the issues are clear and the offences are serious. If so, prosecution may be required in the public interest. Prosecutors should ensure that the state of affairs between the parties has not changed prior to any trial. This may affect both the public interest and the evidential test. Section 80 of the Police and Criminal Evidence Act 1984 governs the compellability of spouses and civil partners in criminal proceedings. The prosecution cannot compel a spouse or civil partner to give evidence in Fraud Act offences.

The Offences

Section 1 creates a general offence of fraud and introduces three ways of committing it set out in Sections 2, 3 and 4.

- Fraud by false representation (Section 2);
- Fraud by failure to disclose information when there is a legal duty to do so (Section 3); and
- Fraud by abuse of position (Section 4).

In each case:

- the defendant's conduct must be dishonest;
- his/her intention must be to make a gain; or cause a loss or the risk of a loss to another.
- No gain or loss needs actually to have been made.
- The maximum sentence is 10 years' imprisonment.

Fraud by false representation (Section 2)

The defendant:

- made a false representation
- dishonestly
- knowing that the representation was or might be untrue or misleading
- with intent to make a gain for himself or another, to cause loss to another or to expose another to risk of loss.

The offence is entirely focused on the conduct of the defendant.

Fraud by failing to disclose information (Section 3)

The defendant:

- failed to disclose information to another person
- when he was under a legal duty to disclose that information
- dishonestly intending, by that failure, to make a gain or cause a loss.

Like Section 2 (and Section 4) this offence is entirely offender focussed. It is complete as soon as the Defendant fails to disclose information provided he was under a legal duty to do so, and that it was done with the necessary dishonest intent. It differs from the deception offences in that it is immaterial whether or not any one is deceived or any property

	<p>actually gained or lost.</p> <p>Can you kindly respond to my question please=GOVERNMENTS, their employees, and the consistent abuse of power by all for personal profit- A contract constitutes an offer, acceptance, consideration=Q) Where does the law stand when all required info and contacts are hacked and abused for personal profit by government and law firm employees?who have been aided/abetted by corrupt solicitors who have intercepted/hacked all of my emails in order to profit from my years of research & development R&D which I created Whilst living in [] I had [] of my research projects stolen, and implemented by local government employees', their representing law firms and family! I had all of my email accounts, research material and a network of contacts used and abused accordingly, in these [] projects!</p> <p>Q) would you, personally, instruct such corrupt solicitors and judges to handle your court cases, knowing that my [] court cases will be used as a benchmark in all future UK Courts divorce claims, and know the outcome of each abuse?stalling, evading, and continuing to abuse the legal system, will not hide these 'facts', that I have yet to receive my due financial remedy caused by all these abuses, to including punitive damages, vicarious liability!</p> <p>Can you kindly respond to my question please=GOVERNMENTS, their employees, and the consistent abuse of power by all for personal profit- A contract constitutes an offer, acceptance, consideration=Q) Where does the law stand when all required info and contacts are hacked and abused for personal profit by government and law firm employees?who have been aided/abetted by corrupt solicitors who have intercepted/hacked all of my emails in order to profit from my years of research & development R&D which I created Whilst living in [] I had [] of my research projects stolen, and implemented by local government employees', their representing law firms and family! I had all of my email accounts, research material and a network of contacts used and abused accordingly, in these [] projects!</p>
<p>Answer</p>	<p>I thank you for your email, the contents of which are noted.</p> <p>Following your query as to whether the Law Commission has investigated abusive conduct by UK courts, I can confirm that the Law Commission has not conducted a law reform project on this matter. If you wish to consult some of our on-going or completed projects, please see http://www.lawcom.gov.uk/project/.</p> <p>From time to time, the Law Commission takes on new projects through wider public consultation, helping it to draw up a new programme of law reform. For information on how we select new projects and what criteria we consider, I refer you to http://www.lawcom.gov.uk/about/how-we-work/. Before deciding which projects to take forward, the Law Commission takes views from a wide range of stakeholders including members of the public, the voluntary and business sectors, the government and the legal profession. The Law Commission also takes on projects that are referred to us by Government Departments.</p> <p>As previously advised, the Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. I regret that we cannot provide legal assistance with individual cases or handle complaints. The following organisations may be able to help you to find help, at limited cost or in some cases free of charge:</p> <p>Citizens Advice at http://www.citizensadvice.org.uk</p> <p>Community Legal Advice at emailhelp@communitylegaladvice.org.uk</p> <p>Legal Ombudsman at http://www.legalombudsman.org.uk.</p> <p>If you wish to make a complaint about the courts service, I suggest you contact HM Courts and Tribunals Service at https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service.</p>

	<p>Any complaints regarding solicitors should be directed to the Law Society (www.lawsoc.org.uk); they can be contacted by telephone on 020 7320 5650.</p> <p>I regret that the Law Commission is unable to assist you further on this matter.</p>
--	---

Topic	22) Abusive conduct by UK courts (2)
Date of Response	12/10/15
Details of Request	Following our previous response, we received a further email (which had been sent to various other recipients) that was largely a reproduction of the request reported as No 21 above with the addition of a few public statements by various individuals.
Answer	As communicated previously, the Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. I regret that we cannot provide legal assistance with individual cases or handle complaints. I regret that there is nothing further I can add to my previous response at this time.

Topic	23) High Court's Jurisdiction in Relation to Criminal Proceedings
Date of Response	14/10/15
Details of Request	<p>In recent years, I have contacted the Commission on a number of occasions in relation to the Report it published in July 2010 - The High Court's Jurisdiction in relation to Criminal Proceedings (LC 324). The reason is the Government's failure to provide a substantive response to the Report.</p> <p>I last contacted the Commission in November 2014 and I received a very detailed and helpful response, dated 13 November 2014, in which the Commission explained that it was of the view that the best result could be achieved by waiting until the completion of the Leveson review of the criminal justice system. You added that it "would be unwise to rush now for the sake of a couple of months either way".</p> <p>From you website, it appears that the Commission has still not received a response from the Government. Leveson published his report eight months ago in January 2015. In my view, a very small part of his Report is of relevance to the recommendations which the Commission made in LC 324.</p> <p>It is now over five years since LC 324 was published. In my view, the delay in responding to the Report is nothing short of outrageous. My question is this: has the Commission been given any indication as to when a response will be forthcoming?</p>
Answer	Having made enquiries with everyone connected with the project, and having searched all of their email inboxes for relevant terms ("LC 324", "High Court's Jurisdiction in Relation to Criminal Proceedings", and "HCJIRCP") I can confirm that we have not had any communication on this subject with government that postdates 13 March 2015. That was the date of the publication of the Lord Chancellor's Report on the Implementation of Law Commission Proposals which states on page 20:

	<p><i>The High Court's Jurisdiction in relation to Criminal Proceedings</i></p> <p>97. The Law Commission's 2010 report makes recommendations clarifying the limits on the availability of judicial review of decisions in a trial on indictment to ensure it is barred from the time the case goes to the Crown Court for trial to the end of the trial, with the exception of where the judge refuses bail.</p> <p>98. The report also recommends the abolition of appeal by case stated from the Crown Court to the High Court and the creation of two new statutory appeals. The first of these would be available to a child or young person, where the trial judge refuses to restrict reporting to protect his or her identity. The second would apply where the trial judge's ruling entails a real and immediate risk to a person's life.</p> <p>99. The Government is considering these recommendations in consultation with the Law Commission, and will take account of any relevant recommendations in Sir Brian Leveson's Review of Efficiency in Criminal Proceedings.</p> <p>When we receive any further response from the government, it will be publicised on our website in the usual manner. As you are aware, responding to recommendations of the Law Commission is entirely the preserve of the government of the day, so you may be able to find out more about their response by writing to the responsible department – in this case, the MoJ. According to their website, their Freedom of Information team can be reached at data.access@justice.gsi.gov.uk or by writing to Data Access and Compliance Unit, Postal Point 10.31, Floor 10, 102 Petty France, London, SW1H 9AJ.</p> <p>We intend to write to the Ministry of Justice ourselves to ask about when a response might be forthcoming.</p>
--	---

Topic	24) Statutory Obligations of the Law Commission (see also Nos 28 and 31 below)
Date of Response	14/10/15
Details of Request	<p>Please correct me if I am wrong but according to the WHITAKER'S ALMANAC 2015 edition the following is stated;</p> <p>The Law Commission was set up under the Law Commissions Act 1965 to make proposals to the government for the examination of the law in England and Wales and for its revision where it is unsuited for modern requirements, obscure or otherwise unsatisfactory. It recommends to the Lord Chancellor programmes for the examination of different branches of the law and suggests whether the examination should be carried out by the Commission itself or by some other body. The Commission is also responsible for the preparation of Consolidation and Statute Law (Repeals) Bills.</p> <p>In view of the foregoing, I raise with you the following;</p> <ol style="list-style-type: none"> 1) Does the Law Commission take the view that the 'RIGHT TO MANAGE LEGISLATION' may have been designed, enacted and implemented to perhaps suppress and cover up breathtaking frauds that appear to have taken place owing to catastrophic failures at HMRC and the Land Registry and if not, why not? 2) Does the Law Commission take the view that many, if not most, of the purpose-built residential blocks in the country may not have a legitimate Landlord and that the leases are illegitimate and fraudulent? 3) Is the Law Commission satisfied that the legislation and the judicial system dealing with disputes relating to property, notably flats in purpose-built residential blocks, discharges justice and if so, would you please state the reasons to support your stance? 4) Is the Law Commission satisfied that First Tier Tribunals and the Upper Tribunal (Lands Chamber) have been established lawfully and that they have conducted their procedures and operations lawfully too?

	<p>5) Is the Law Commission aware of POSSIBLE CASE-FIXING to have taken place and if so, would you please furnish me with all the details that are known to yourselves?</p> <p>6) What are the laws and their administration that have been identified by the Law Commission to be flawed and need to be put right?</p> <p>7) Have the activities of the Law Commission ever been audited and if so, please furnish me with the findings.</p> <p>8) Has the Law Commission made/published Annual Reports and if so, please let me know the years in question and how can these be accessed by members of the public?</p> <p>9) Have the financial accounts of the Law Commission been made and if so, please let me know the years in question and how can these be accessed by the public?</p> <p>10) Please let me know the number of legally qualified staff currently working full-time for the Law Commission?</p> <p>11) Recently David David MP and Tom Watson MP were involved in a Court action challenging the validity of the 'Data Retention and Investigatory Powers Act 2014' and were successful. Were you involved in this Court action and if not, why not?</p> <p>12) Would you please pass the copy emails that have been sent by my mother and myself including this message to your Chair, Commissioners and the Chief Executive of the Law Commission and invite them to comment on the matters raised therein based on your statutory obligations.</p>
Answer	<p>I have answered your queries below using your numbering.</p> <p>1 – 5. The Law Commission is a statutory body whose function it is to keep the law under review and to make recommendations for its reform. We undertake law reform projects on specified areas of law which we have agreed with Government should be the subject of Law Commission consideration. There is no Law Commission view on areas which have not been the subject of a Law Commission project.</p> <p>Some of our projects have included consideration of the law on disputes relating to property, in particular:</p> <p>(1) Termination of tenancies. Available from: http://www.bailii.org/ew/other/EWLC/2006/303.html</p> <p>(1) Renting homes. Available from: http://www.lawcom.gov.uk/project/renting-homes/</p> <p>6. You can find details on all of our current projects on our website: http://www.lawcom.gov.uk/project/. Previous projects are listed on Bailii: http://www.bailii.org/ew/other/EWLC/.</p> <p>7. The last time that the Law Commission was audited by MoJ Internal Audit Division was October 2008 after which we received the attached email.</p> <p>8. All of our annual reports are published online. You can find reports dating back to 2006-7 on our website: http://www.lawcom.gov.uk/document/annual-reports/. Earlier reports are available on Bailii: http://www.bailii.org/ew/other/EWLC/.</p> <p>9. Please refer to the financial appendix which appears in each of our Annual Reports available on our website: http://www.lawcom.gov.uk/document/annual-reports/.</p> <p>10. The following staff with legal qualifications work at the Law Commission:</p>

	<p>1 Chief Executive 4 Team Managers 1 Head of Strategic Engagement (part time) 1 Parliamentary Counsel 17 Lawyers (5 part time) 20 Research Assistants (1 part time)</p> <p>Some of these staff will have professional qualifications as a solicitor or barrister while some will have academic legal qualifications or experience, but do not have a professional qualification. If you require anything further on this point please clarify the information that you are seeking.</p> <p>11. The Law Commission was not involved in the Court action which challenged the validity of the Data Retention and Investigatory Powers Act 2014. The function of the Law Commission is to keep the law under review and to make recommendations for its reform. It is not within the role of the Law Commission to be involved in litigation. Our Chairman the Right Honourable Lord Justice Bean gave judgment in this case on 17 July 2015 before joining the Law Commission on 1 August 2015.</p> <p>12. I note that the Chairman, Law Commissioners and the Chief Executive have been copied into your emails. I am replying to you on behalf of the Law Commission.</p>
--	--

Topic	25) Mobile Device Usage and Hardware (Mobile Telephones/Smartphones and Touch Screen Tablets)
Date of Response	16/10/15
Details of Request	<p>1) Please confirm the number of mobile phones or smartphones that are funded by the organisation and in use by the organisation.</p> <p>2) The Name of the Organisation who acts as your mobile airtime service provider. (If multiple contracts are set up please confirm each specific provider).</p> <p>2.1) please confirm;</p> <p>(a) the date the aforementioned contract(s) started.</p> <p>(b) the date the aforementioned contract(s) ends.</p> <p>(c) the date the contract(s) will be reviewed (prior to termination).</p> <p>3) The number of mobile connections within the organisation. (If multiple contracts are set up please confirm each specific provider).</p> <p>4) Are mobile phones and smart phones purchased separately or 'bundled' as part of the airtime agreement?</p> <p>4.1) If handsets are 'bundled' with an airtime agreement, – please provide a cost breakdown between the devices and the airtime contract. (Example response maybe: The organisation has a contract where the handsets are zero cost although data and calls are paid for — Alternatively — Handsets were purchased at £50 each plus any calls and data.)</p> <p>4.2) If handsets are procured separately, please provide details of how many mobile phones or smart phones have been purchased during the previous three years. (Please detail year on year spend and physical number of devices acquired.)</p>

	<p>4.3) If Handsets are procured separately please could you confirm if the devices are leased or purchased outright.</p> <p>4.4) Does the organisation make ad-hoc purchases for Handsets during the normal contractual term.</p> <p>4.5) Is the procurement process under a specific framework or does the organisation work independently of such a framework? Please provide details of framework if necessary.</p> <p>5) Does the organisation purchase Tablets (for example – iPad's)?</p> <p>5.1) If so, please provide details of how many individual devices have been purchased during the previous three years. Please detail year on year spend and physical number of devices procured.</p> <p>5.2) Please could you confirm if the devices are leased or purchased outright.</p> <p>5.3) Is the procurement process under a specific (please detail) framework or does the organisation work independently of such a framework?</p> <p>6) Do you include mobile devices (Phones and Tablets) within you asset register?</p> <p>7) If your mobile devices (Phones and Tablets) are not held on your central asset register, please clarify how you manage/trace the mobile devices during their lifecycle within the company.</p> <p>8) What happens to mobile devices (Phones and Tablets) at the end of the contract term, or alternatively at the point of retirement?</p> <p>9) What is the current process for removing all sensitive data from the devices (Phones and Tablets) at the end of the contract term, or alternatively at the point of retirement?</p> <p>9.1) Please confirm the name of any third party companies involved in the retirement process, how long they have been contracted and when that contract is due to expire.</p> <p>10) Please provide full details of the person who is ultimately responsible for the Airtime Contact. (Please include: Name, Position, E-mail address, Contact Phone Number. Office Location).</p> <p>11) Please provide full details of the person who is ultimately responsible for the Procurement of Mobile Devices. (Please include: Name, Position, E-mail address, Contact Phone Number. Office Location).</p> <p>12) What is your current accounting treatment for mobile phone assets?</p> <p>13) What is the current method for Insuring your mobile devices in the event of loss, damage or theft?</p> <p>14) Are Insurance services part of any current framework or would this service operate outside of any present framework agreement.</p>
Answer	<p>1) We currently have 23 BlackBerry mobile phone holders.</p> <p>2) Vodafone</p> <p>2.1 a-c) We do not hold that information</p> <p>3) We do not hold that information</p> <p>4) We do not hold that information</p> <p>4.1) We do not hold that information</p> <p>4.2) FY13/14 we purchased 1 new BlackBerry at the cost of £82.78, FY14/15 we purchased 9 new BlackBerry phones at a cost of £745.02 and FY15/16 we have so far purchased 1 new BlackBerry phone at a cost of £116.08.</p> <p>4.3) We do not hold that information</p>

- 4.4.) We only purchase new Blackberry phones for new staff joining us if we are unable to reassign an existing one from someone who has departed and they have to provide a good reason for requiring one e.g. travelling a lot for work purposes and needing access to urgent emails.
- 4.5) We purchase Blackberry phones via an online departmental IT Catalogue.
- 5) We have not purchased any tablets to date.
- 5.1) We do not hold that information.
- 5.2) We do not hold that information.
- 5.3) The purchase of tablets is not currently covered via the online departmental IT catalogue.
- 6) No
- 7) We hold a log of BlackBerry holders (along with signed receipt slips) which are audited as part of our internal financial control procedures.
- 8) This has never occurred (If a BlackBerry develops a fault which cannot be resolved a free replacement is provided).
- 9) When a Blackberry is about to be removed from service incorrectly inserting the wrong password is required to be done in order to wipe the data.
- 9.1) We do not hold that information
- 10) We do not hold that information
- 11) We do not hold that information
- 12) All purchase requests are logged on our IT matrix. At the end of each month the Ministry of Justice are responsible for journaling the cost completed BlackBerry purchases from our organisation which are then reconciled with the matrix.
- 13) We do not hold that information
- 14) We do not hold that information.

Topic	26) Community Service Orders
Date of Response	26/10/15
Details of Request	<p>I would like to ask several questions regarding community service order (CSO) in the UK:</p> <p>1) Is CSO only available for those offenders who are committing crime for the first time? If a person had committed other crimes before but it is his first time to commit crime A, will he be sentenced with community service order for committing crime A?</p> <p>2) Can CSO be carried out by the offender outside the UK? Say, in Hong Kong, China? What if the offender is not a UK resident? Can he leave UK and goes back to his home country after getting the sentence and carry out the community payback in his home country?</p>
Answer	<p>We have treated your questions as a request for information under the Freedom of Information Act 2000.</p> <p>In relation to your first question, I can confirm that we do hold this information. As part of our project to create a New Sentencing Code for England & Wales, we have recently published a document entitled Sentencing Law in England and Wales: Legislation Currently in Force. It contains, amongst other things, all of the legislative provisions we have found relating to community orders. This is freely available on our website (at http://www.lawcom.gov.uk/project/sentencing-procedure/), and I have attached a copy to this email for your convenience. Part 3(3), starting at page 329, contains all of the information we hold about the law on non-custodial penalties in the jurisdiction.</p> <p>In relation to your second question, we do not hold the information requested. Whilst we are undertaking a project on sentencing procedural law, our files contain no references to any law either way on the question of whether community orders can be served overseas, beyond anything that is published in the Legislation Currently in Force document above. You could try contacting the Ministry of Justice, or perhaps the Foreign and Commonwealth Office.</p> <p>Their details can be found at https://www.gov.uk/government/organisations/ministry-of-justice and https://www.gov.uk/government/organisations/foreign-commonwealth-office respectively.</p> <p>The Law Commission is a statutory body whose function it is to keep the law under review and to make recommendations for its reform. The Commission is unable to give advice on individual cases or points of law. If you have a legal problem yourself, you may find it helpful to contact a solicitor for advice on your problem. If you have difficulty in finding a solicitor, we suggest that you use The Law Society's "Find a solicitor" tool on their website here: http://solicitors.lawsociety.org.uk/. They can also be contacted by telephone on 020 7242 1222.</p>

Topic	27) Firearms
Date of Response	02/11/15
Details of Request	<p>I would like more detailed information before any discussions take place on any changes to the law on antique firearms. I therefore request this more detailed information be made available before our meeting on the 14th October.</p> <p>Areas that could give simplification/clarification would be to produce a statutory list of those firearm chamberings that require certification. (A modern list) It may also be possible to have an advisory list of those firearms that should be considered antique. These 2 lists should then be used with a design or model date-line so that we do not continue to create the anomalies we have now when we try to use a manufacturing date. It is impossible to state categorically when most firearms were made, and the difference of one day with an identical firearm can be the difference between it being Section 58.2 or Section 5, this one day could be the difference between a mandatory 5 years in prison or being at home enjoying your antique collection.</p> <p>We also need to consider moving the present date-line of September 1939 to 31st December 1950, this will bring the date more in line with what most people in the 21st Century would consider reasonable for what is obsolete/antique.</p>
Answer	<p>I can confirm that we do hold this information, in a document supplied to us by the National Ballistics Intelligence Service. We are, however, withholding this information as it falls within two exemptions contained within the Freedom of Information Act 2000.</p> <p>This information was provided to the Law Commission in confidence. Section 41(1) provides that information is exempt information if it was obtained by us from any other person and the disclosure of the information by us would constitute an actionable breach of confidence. In considering whether this exemption is applicable, I have had to consider whether disclosure of this information would constitute an actionable breach of confidence. Three elements must be present in order for there to be an actionable breach of confidence. The first is that the information must have the necessary quality of confidence about it. I believe this element is satisfied given that the sender of the information expressly stated it was being supplied to us in confidence. The second element is that the information must have been imparted in circumstances importing an obligation of confidence. I believe this element is satisfied given that the information is protectively marked, which although not determinative it is a relevant consideration, and also because the person who sent us the information stated that 'The data is for your information only to assist with the Firearms Review'. Finally, it is necessary to consider whether disclosure of the information would be detrimental to whoever provided it. There is authority to suggest that it is sufficient to establish detriment to the provider of the information if it were to be disclosed to a person whom he or she would prefer not to know it. I believe this element is satisfied, given what we have been told about the potentially harmful consequences of disclosing this information. The exemption in section 41(1) is absolute and as such does not require consideration of the public interest. I have, however, considered the public interest in evaluating whether disclosure of the information would constitute an actionable breach of confidence. In doing so I have taken into consideration the FOI Act principles of transparency and accountability and the fact that the public interest in disclosure may outweigh both private and public interests in the protection of confidence. I have arrived at the conclusion that in this instance the public interest comes down in favour of honouring the obligation of confidence imposed upon us by the sender of this information.</p> <p>In addition, section 31(1) of the Freedom of Information Act provides that information is exempt information if its</p>

	<p>disclosure would, or would be likely, to prejudice a number of interests listed in that section. For this exemption to apply, it is first necessary to consider the potential for one of these interests to be prejudiced. The term 'would be likely to prejudice' in this context means a risk that is real, actual and of substance. In this instance, I have concluded there is a real risk that disclosure of this information would, or would be likely, to prejudice the prevention and detection of crime and/or the apprehension or prosecution of offenders. In this instance, I have also taken into consideration the fact that in response to a Parliamentary question on the number of illegal firearms in the UK, the Minister confirmed that NABIS assesses the volume and type of firearms in the UK, but did not answer the question on the basis that the information was operationally sensitive and not suitable for release (Firearms: Licensing: Written question 221414). The information in this attachment is of a similar nature. It is then necessary to consider whether there is a causal relationship between disclosure and the claimed prejudice. Given the nature of the information, I believe there is a causal link between disclosure and prejudice to one or both of the interests identified above. Finally, it is necessary to assess whether there is a real and significant risk that prejudice will occur if there is disclosure. Once again, given the nature of the information, I have concluded that there is a real and significant risk that detriment to the prevention and detection of crime and/or the apprehension or prosecution of offenders would occur should the information be disclosed. Section 31(1) is a qualified exemption. This means it is necessary to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Having taken into account the FOI Act principles of transparency and accountability and weighed them against the likely prejudice caused by disclosure, I have concluded that in this instance the public interest is in maintaining the exemption.</p>
--	---

Topic	28) Statutory Obligations of the Law Commission (This was a follow-up request to No 24 above)
Date of Response	19/11/15
Details of Request	<p>Thank you for your email dated 14 October 2015. I will deal with the issues in the order that has been made.</p> <p>QUESTIONS 1 TO 5</p> <p>You have mentioned that the Law Commission is a statutory body giving details of your obligations. Your activities, however, appear not to fully reflect this. In order for me to have a better understanding of the role you play would you please let me know the specific legal bases (Act and Sections) under which you have been established and allowed to operate in the manner you have done for perhaps over 50 years. The Law Commission may not have a view on the five areas that were highlighted, but that does not necessarily mean that the Law Commission collectively were not aware of these areas of concern that were raised. Would you therefore please clarify this point. When you do so please check this with all your Chairman and Law Commissioners to ensure that a cohesive and an accurate response is made. I understand that some of your Law Commissioners are involved with the First-tier Tribunal and please let me know if this is correct. With regard to 'Termination of tenancies', please let me know the progress that has been made at ground level since this project was introduced by the Law Commission. As for 'Renting homes', I understand this project was rejected for implementation in England. f I remember correctly in the Sunday Times on 18 October 2015 there was a report highlighting serious problems encountered by tenants. Does the said project cover the areas of concern that were published in the Sunday Times?</p> <p>6 – I note that you have handled many projects but it seems to me that this work has not been comprehensive and lacks</p>

attention to detail. What is of concern is that you appear not to be pro-active in your work and seem to have taken an 'a la carte' approach relating to your obligations. It is also not clear whether any lessons that have been learnt have been implemented across the spectrum.

7 – Your asking MofJ to audit your activities in itself is flawed. It should have been carried out by an independent body. The so called audit that had taken place in 2008 seems to have been inadequate and lacking in objective. Additionally, I do not know the experience and the qualifications the person had to handle this work, the exact remit of the audit, details of the criteria that were applied, full details of the audit work that was carried out, findings made, and so on. Above all, how can two days be sufficient to handle this work in a credible manner? In view of these reasons I hope you will arrange for a full and comprehensive audit to be carried out without any further delay. When the Land Registry was under the Ministry of Justice the failures that appear to have taken place during that time are so serious that if these are to be legally put right it may dwarf the banking debacle of 2008. I also believe a complete overhaul of the manner laws are formulated, administered and implemented must take place. You could have taken a pivotal role in these areas but from the limited information I have seen it seems that this has not been the case. As it stands, please explain the procedures and criteria you follow when you undertake projects. In order to have credibility, the Law Commission must be completely independent from the MofJ in every aspect.

8 – Your reports seem to be glossy publications, but in many areas I feel that they lack clarity and attention to detail. For me to undertake an in-depth analysis into the areas of concern may take a considerable amount of time, effort and energy. For example, reference has been made to the Companies Act 2006. In this regard, please let me know the deficiencies that have been identified or that are known by the Law Commission relating to this piece of legislation and in its implementation. Whilst browsing one of your web links I remember there was a project dealing with the issue of duplication of Registering Charges on Property with the Land Registry and Companies House. Would you care to please let me know how this came about and the circumstances surrounding this matter that are known to the Law Commission.

9 – Please let me know whether your Annual Accounts have been audited by a professional body/firm, and approved by Parliament. If not, measures must be taken to introduce these steps.

10 – From the figures mentioned by you it seems that you do not have adequate staff to carry out your statutory obligations. Please explain why you consider that your Chairman and Law Commissioners are not members of your staff, and do they receive any salary or remuneration for the work they do for the Law Commission?

11 – Your role may not to get involved in litigation but equally it should not have been to others like Mr David Davis MP and Tom Watson MP to bring such an action. Did the Law Commission have concerns that the said Act was illegal before the Court action was taken? Please also let me know whether the Law Commission has concerns about other Acts that may be unlawful and if so, would you care to identify them?

12 – I should be grateful if you could please liaise with your new Chairman, Chief Executive and Law Commissioners to outline the areas they feel need to be improved and changed based on your statutory obligations and inform me accordingly.

Answer	<p><u>QUESTIONS 1 TO 5</u></p> <p>The Law Commission was established by the Law Commissions Act 1965. It operates under this Act, as amended by the Law Commission Act 2009 and section 25 of the Wales Act 2014. These Acts are available at www.legislation.gov.uk. There are also Protocols governing the relationship between the Commission and the Lord Chancellor (on behalf of the</p>
---------------	--

Government) and between the Commission and the Welsh Ministers (available on our website at <http://www.lawcom.gov.uk/document/protocol-between-the-lord-chancellor-on-behalf-of-the-government-and-the-law-commission/> and at <http://www.lawcom.gov.uk/document/protocol-rhwng-gweinidogion-cymru-a-comisiwn-y-gyfraith-protocol-between-the-welsh-ministers-and-the-law-commission/>). The Framework document sets out the broad framework for the Commission's governance arrangements and defines the relationship between the Commission and the Ministry of Justice (it is available at <http://www.lawcom.gov.uk/document/framework-document/>).

The Law Commission, collectively and as an institution, expresses its views in its published work, which is in the public domain: our consultation papers, reports and other documents can be accessed via our website (<http://www.lawcom.gov.uk/project/>) and the website of the British and Irish Legal Information Institute (www.bailii.org). Commissioners, as individuals, have no views on these topics which they wish to express.

One of our former Commissioners, Professor Elizabeth Cooke, is now Principal Judge of the Land Registration Division of the First Tier Tribunal. She took up this post in summer 2015. One of the current Commissioners, Nicholas Paines QC, sits on occasion in the Tax Chamber of the First Tier Tribunal.

Our report in this area (Termination of Tenancies) was published in 2006. The Commission is awaiting a final response from Government. The latest statement of the Government's position can be found at page 21 of the Report on the implementation of Law Commission proposals: Jan 2014 to Jan 2015

(<https://www.gov.uk/government/publications/report-on-the-implementation-of-law-commission-proposals-jan-2014-to-jan-2015>).

The Renting Homes reports are available on our website (at <http://www.lawcom.gov.uk/project/renting-homes/>). The recommendations are being implemented in Wales

Please see <http://gov.wales/topics/housing-and-regeneration/legislation/rentingbill/?lang=en>.

Q6

—

Q7

We do not hold any further information about this audit.

Q8

Please see the information contained in the sections 'How we work' and 'How we make decisions' on our website (<http://www.lawcom.gov.uk/about/how-we-work/> and <http://www.lawcom.gov.uk/about/how-we-make-decisions/>).

We are not currently undertaking a project on the Companies Act 2006. We have previously undertaken a project on company security interests, implemented in part by the Companies Act 2006 (Amendments of Part 25) Regulations 2013. Please see our website at <http://www.lawcom.gov.uk/project/company-security-interests/>.

We would be grateful if you could clarify the project in which you are interested.

Q9

Details of the Law Commission's expenditure form part of the Ministry of Justice Accounts, but can also be found in the Law Commission's Annual Report and Accounts 2014-15 (<http://www.lawcom.gov.uk/document/annual-reports/>). The Ministry of Justice accounts are audited by National Audit Office and can be found at

<https://www.gov.uk/government/publications/ministry-of-justice-annual-report-and-accounts-2014-to-2015>.

	<p><u>Q10</u> The Chairman of the Commissioners, Sir David Bean, is a Court of Appeal judge (Lord Justice of Appeal) appointed Chairman of the Law Commission on 1 August 2015. He receives his judicial salary during his time at the Law Commission which, for the financial year 2015-2016, is £202,668. The Commissioners are not members of staff either but are public appointees, appointed to their positions by the Lord Chancellor and Secretary of State for Justice. They are remunerated for their work and paid £123,460k per annum (financial year 2015-2016). This, and other information, can be found on our Freedom of Information page at http://www.lawcom.gov.uk/about/freedom-of-information/.</p> <p><u>Q11</u> The Law Commission has no view regarding the Data Retention and Investigatory Powers Act 2014; it has not formed the subject of any of our work. The Law Commission's views are expressed in the publicly available documents resulting from our law reform projects, available on our website.</p> <p><u>Q12</u> The results of our most recent consultation on the areas of law that need to be reformed are set out in our Twelfth Programme of Law Reform document (available on our website at http://www.lawcom.gov.uk/document/programmes-of-law-reform/). We intend to hold a public consultation on our 13th programme of law reform in 2016</p>
--	--

Topic	29) Life insurance
Date of Response	07/12/15
Details of Request	Can you let me know which actuary, organisation, professional I can claim a letter from to prove that my ex husband has actually got a life policy on my life to present in court?
Answer	I regret that the Law Commission is unable to assist you on this matter. The Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. We cannot provide legal assistance with individual cases nor handle complaints.

Topic	30) Various statutes and judicial decisions
Date of Response	09/12/15
Details of Request	<p>I, [-----] of [-----] Tel [-----] do hereby make a complaint and request your attention that:</p> <p>1. You should confirm by Letter that you do have a copy of Section 50 and 51 of the Civil Jurisdiction and Judgments Act 1982, As this Act does bind all the Courts in the United Kingdom. Supreme Court of the United Kingdom. Court of Appeal</p>

	<p>High Court of Justice CROWN COURTS COUNTY COURTS MAGISTRATES COURTS.</p> <p>2. You are aware that Information is not exempt after a period of 20 Years, Previously it used to be 30 Years.</p> <p>3. You are aware of Section 21 and 38 of the Crown Proceedings Act 1947.</p> <p>You should kindly provide the List of Judgments which have been given in the United Kingdom. Since this Act does also apply to the Persons who are employed in the Law Commission.</p> <p>4. The Magistrates Court and Crown Court does exercise Civil and Criminal Jurisdiction- If you could kindly provide the Civil Procedure Rules for the Magistrates and Crown Courts in the United Kingdom.</p> <p>5. The Freedom of Information Act 2000, The Public Records Office Act 1958 and the Data Protection Act 1998. This has been transferred to the Cabinet Office the Duchy of Lancashire and The Secretary of State for Culture.</p> <p>6. Road Traffic Accidents: The Time Limit for Bringing a claim for the Road Traffic Accidents- Whether it is Six Years or a Period of 3 Years.</p> <p>7. You do have the House of Lords decision Newbury District Council Respondent and Secretary of State for the Environment and Newbury District Council Respondent and International Synthetic Rubber Co Ltd 1980 Since the Town & Country Planning Use Classes Order 1950 has been repealed and the Current Town and Country Planning (Use Classes) Order 1987 which has been amended by many Statutory Instruments.</p> <p>8. What is the Meaning of the "Except" in English Law "Associated Person" The Coroners and Justice Act 2009 and The Housing Act 1996 and The Companies Act 2006.</p>
Answer	<p>References to paragraph numbers are a reference to the paragraphs in your email.</p> <p>Paragraph 1. I can confirm that should the Law Commission require access to these sections they can be obtained, free of charge, from http://www.legislation.gov.uk/ukpga/1982/27. You may also access a copy should you desire.</p> <p>Paragraph 2. We are unsure if this is a question, however, the point is noted.</p> <p>Paragraph 3. We repeat the answer to paragraph 2 above. And we do not hold a list of judgments which have been given in the UK.</p> <p>Paragraph 4. The Civil Procedure Rules are available, free of charge at https://www.justice.gov.uk/courts/procedure-rules/civil</p> <p>Paragraph 5. We repeat the answer to paragraph 2 above.</p> <p>Paragraph 6. We repeat the answer to paragraph 2 above. Alternatively, if this is a request for legal advice The Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. The Law Commission is not, unfortunately, able to give advice on individual cases. If you require legal advice, you</p>

	<p>may find it helpful to contact a solicitor. If you require assistance in finding a solicitor, you may wish to contact The Law Society via their website: http://www.lawsociety.org.uk/find-a-solicitor/. Alternatively, you may wish to contact Citizens Advice at http://www.citizensadvice.org.uk/ which provides a free, independent and confidential advice service to assist the public in resolving legal problems.</p> <p>Paragraph 7. I can confirm that should the Law Commission require access to this judgment it can be obtained free of charge from https://planningblawg.files.wordpress.com/.../newbury-1981_ac_578.pdf where you may also obtain a copy should you desire.</p> <p>Paragraph 8. We repeat the response to paragraph 6 above.</p>
--	--

Topic	31) Statutory Obligations of the Law Commission (This was a follow-up request to No 28 above)
Date of Response	18/12/15
Details of Request	<p>I am grateful to you for the answers provided and would also like to thank all your Commissioners for their interest. Please see below (in brackets) my comments to your responses.</p> <p>(What you have not mentioned is the specific section of the Law Commissions Act 1965 that allowed the Law Commission to be established. Would you therefore please furnish me with this information. Please also let me know Section(s) of the Acts under which the 'Framework document', referred to by you, was made. Having perused the 1965 Act, it is not clear to me whether you have fulfilled your statutory obligations and my reading of it is that the Law Commission has to be independent from the Ministry of Justice.)</p> <p>(I note your comments but the issue here is whether the Law Commission was aware of these five areas of concern and you have not clarified this point. This is critical not only in this instance but in the wider context. If for example, the Law Commission was aware of these serious malpractices and abuses but kept silent about them, then there could be profound ramifications, and this may counter with your statutory obligations.)</p> <p>(There appear to be fundamental flaws in the manner First Tier Tribunals operate and I believe these should be put right before any further cases are considered. Please let me know whether the Law Commission has identified or was aware of these flaws. It is also not clear to me whether the First Tier Tribunals have been established lawfully. As a general principle I do not believe practicing lawyers should be members of the judiciary.)</p> <p>(Your reply suggests that your conduct and approach seem to be flawed. Laws are made by Parliament and any reports, findings, etc made by the Law Commission must be submitted to Parliament. It is then for Parliament to decide what steps should be taken in consultation with the Government of the day and other bodies. Your statutory obligations are not yet clear to me, but common sense tells me that the Law Commission should be an institution of the state and not part of the Government machinery as this would compromise your independence. This is precisely why I have come to the conclusion that the Law Commission and similar bodies must be detached from the Ministry of Justice. The purpose for Parliament to enact a separate Act gives me the impression that the Law Commission should be separate from any Government department, otherwise, why have a separate body? I do not know how long it took for the Law Commission to prepare the above referred-to report, but what is clear is that it has taken almost 10 years, and no decision has yet been made about your findings. Such a delay perhaps makes Section 1 of the Law Commission Act 2009 defunct. This is a ridiculous situation and should never have been tolerated.)</p>

(I do not know about Wales but, from my limited knowledge, many tenants in the private sector have faced considerable hardship and have had a raw deal for decades and I do not think it is getting any better. I understand even the Letting Agents are not regulated, let alone the failures of the Local Authorities.)

(I note that you have not commented on the above. Please let me know whether you collaborate with the Government Legal Service.)

(With all due respect, I hope you will arrange for a full and comprehensive audit to be carried out without delay which is meaningful and credible.)

Would you care to please let me know why you did not ask the National Audit Office to carry out an audit of your activities,)

(You have not commented on the above)

I also believe a complete overhaul of the manner laws are formulated, administered and implemented must take place. You could have taken a pivotal role in these areas but from the limited information I have seen it seems that this has not been the case.

(You have not commented on the above)

(Each and every Bill ought to be forensically examined and audited in the future. Arrangements must also be made to carry out a full review of all the legislation and priority given to laws which appear to be suspect derived from various sources. One factor that is paramount at all times is to ensure that the will of Parliament is adhered to and not of any Government department.)

(You should not take a piece-meal approach when dealing with any Act. It must be the full Act. I understand serious abuses and malpractices may have taken place under the Companies Act/s. One such area of concern is that Companies can file one set of Accounts with Companies House and another (with different information) with HMRC. Please let me know whether the Law Commission was aware of this conduct and if so, are you satisfied that this arrangement is lawful? In this context, the legal framework and obligations of regulated and controlled professions, regulatory bodies, etc must be checked to ensure the legality of their operations.)

Whilst browsing one of your web links I remember there was a project dealing with the issue of duplication of Registering Charges on Property with the Land Registry and Companies House. Would you care to please let me know how this came about and the circumstances surrounding this matter that are known to the Law Commission.

We would be grateful if you could clarify the project in which you are interested.

(I am not certain of the exact details but I expect you should be aware of the project in question. The point I wish to mention is that you seem to have omitted the role of Local Authorities in all of this, which is critical in this context.)

(This is another example why the Law Commission appears not to be independent. It gives the impression that the MofJ controls your purse strings and this, by its very definition, may compromise your work and independence. I note that even your emails may be monitored by the Ministry of Justice. It is of concern that the Commissioners appear to have been content with this arrangement. One gets the feeling that MofJ yields enormous power that can be used against the will of Parliament to the detriment of litigants, and indeed the nation, to serve their own ends. The NAO may have carried out useful work but on many fronts I believe they have utterly failed. If the NAO was doing their job properly, they ought to have detected the breathtaking failures at the Land Registry and HMRC long time ago.)

From the figures mentioned by you it seems that you do not have adequate staff to carry out your statutory obligations. (You have not commented on the above. With the best will in the world I do not believe you have adequate staff to fulfil your obligations)

Please explain why you consider that your Chairman and Law Commissioners are not members of your staff, and do they receive any salary or remuneration for the work they do for the Law Commission?

(I did NOT seek details of remuneration. However, as you have mentioned figures it seems to me that the levels are not adequate for the work Law Commissioners are expected to perform. I believe Law Commissioners are leading figures in the legal field and they are expected to fulfill a very important role. If they were to work in the private sector I believe they may earn far more, and this point should be taken on board. I am at a loss to understand why your Commissioners are not members of staff. You have mentioned that the Commissioners are public appointees, appointed to their positions by the Lord Chancellor and Secretary of State for Justice. It is not clear to me how public appointees are made by a Secretary of State as it seems to be contradictory. Please identify the current Commissioners and confirm whether they work full or part-time for the Law Commission. Additionally, who pays the salaries of the Commissioners?)

The Law Commission has no view regarding the Data Retention and Investigatory Powers Act 2014; it has not formed the subject of any of our work.

(It seems to me that had the Law Commission performed their statutory obligations then such a Court action ought not to have been necessary. I also believe that the Law Commission should be pro-active in challenging legislation when serious flaws have been identified. In this context, I believe Court action ought to be an option and, where appropriate, this step be carried out in consultation with Parliament and perhaps other appropriate bodies without delay.)

(It seems to me that the legal profession is a 'closed shop'. This must change. All your past consultations appear not to have detected many flaws within your operations, and perhaps not achieved the desired objectives. May I suggest the following;

- Civil cases review bodies ought to be established with clear rules.
- Certain bodies involved in the field of law must be independent from the MofJ.
- Profiles of judges, civil procedure rules, case law in any given area, etc must be notified to litigants. I understand that quite often Solicitors and Barristers may not act within case law and regulators do not enforce this either. There has to be a comprehensive review and overhaul relating to this area.
- The manner in which the Solicitors Regulation Authority and Bar Council operate must be reviewed and overhauled.
- Operational and decision making processes particularly at Tribunals and County Courts must ensure consistency to avoid unnecessary appeals and costs.
- If any laws have been enacted to cover up and suppress failures at Government departments then these must be identified and put right. Equally, if any measures have been introduced to sabotage legislation, again to cover up and suppress failures at Government departments, these too must be identified and put right.

(There are a whole host of issues that come to mind but you will be better placed than most to know these details).

- Professional misconduct against the judiciary must be introduced.
- The Law Commission should be able to identify other areas that need attention from the CAB, regulatory bodies. Courts, Tribunals, and so on.

	<ul style="list-style-type: none"> - If proper audits had taken place in the past, these issues ought to have been identified and where appropriate rectified. - Lay people from different walks of life must be made members of a management/ supervisory panel at the Law Commission. <p>There are serious concerns across the board including the workings at Whitehall and these should be comprehensively reviewed and overhauled. Sometimes minor changes can perhaps fine-tune operations.</p> <p>I hope my comments and concerns will be taken positively as these are made in good faith for the common good.)</p>
<p>Answer</p>	<p>I have not replied by interleaving our responses to your queries as, given the exchange of correspondence between us, I have taken the view that to do so would now become confusing. You make a number of points in your correspondence giving your views about how the Commission is run. We note your views. You also ask about the Commission's awareness of, or views on, certain issues. The Commission operates by conducting programmes of law reform containing individual projects considering particular areas of law; our corporate awareness or views are therefore as set out in our publications issued during the course of our projects. Our consultation papers make proposals on, or ask questions about, law reform while our reports make recommendations to Government, sometimes accompanied by draft legislation. Our publications, if they date from 1996 or after, are publicly and freely available to print or download from our website (www.lawcom.gov.uk – click on “Find a Project”). The Bailii site (www.bailii.org), which is also free to the public, also holds both this Law Commission material and that dating from 1995 or earlier.</p> <p>Noting your interest in questions concerning property disputes and tribunals I set out below certain projects which may be of interest to you; you can also use the search facilities on Bailii to explore the Law Commission material. Please note that I have given the date of the report (or the last paper if there was no report) and its number in the Law Commission series. We are currently conducting a Land Registration project and will publish a consultation paper in due course.</p> <p>Limitation of Actions (LC270 – 2001) Land Registration for the 21st century (LC271 – 2001) Sharing Homes (LC278 – 2002) Land, Valuation and Housing Tribunals (LC281 – 2003) Renting Homes (LC284 – 2003 and LC297 – 2007) Towards a Compulsory Purchase Code (LC291 – 2004) Termination of Tenancies for Tenant Default (LC303 – 2006) Housing: Proportionate Dispute Resolution (LC309 – 2008) Housing – Encouraging Responsible Letting (LC312 – 2008) The Public Services Ombudsman (LC329 – 2011)</p> <p>Turning to the information that you have requested: You asked for the specific section of the Law Commissions Act 1965 which allowed the Law Commission to be established: this is section 1(1). The Framework document does not have a statutory footing.</p>

You asked whether we collaborate with the GLS (Government Legal Service): lawyers at the Commission are members of the GLS.

You asked why we did not ask the National Audit Office to carry out an audit of our activities: as previously set out, the Commission's expenditure forms part of the Ministry of Justice accounts, which are audited by the National Audit Office.

You asked about a project that dealt with the duplication of registering charges on property at the Land Registry and at Companies House. I think you may be referring to the Land Registration project listed above (culminating in report LC271). This issue is referred to at paragraphs 9.81 and 9.82 of the report for that project. Clause 119 of the Bill accompanying this report became section 121 of the Land Registration Act 2002. This section allows the Lord Chancellor to make rules on the transmission by the (land) registrar to the registrar of companies of applications under certain Acts but I understand that no such rules have yet been made.

You commented that it was not clear how public appointees at the Law Commission are made by a Secretary of State: this is provided for by sections 1(1) and 1(2) of the Law Commissions Act 1965.

You asked us to identify the current Commissioners and confirm whether they work full or part-time for the Law Commission and who pays their salaries: the Commissioners all work full-time for the Commission and their salaries are paid from the Commission's core funding provided by Parliament and received via the Ministry of Justice (see section 5(4) of the Law Commissions Act 1965). As previously mentioned, the Chairman continues to receive his judicial salary while at the Law Commission.

The current Commissioners are Professor Nick Hopkins, Mr Stephen Lewis, Professor David Ormerod QC and Mr Nicholas Paines QC . The Chairman is Sir David Bean, a Lord Justice of Appeal. Please see <http://www.lawcom.gov.uk/about/who-we-are/> for more information

The Law Commissions Act 1965 can be found at <http://www.legislation.gov.uk>.

I hope that this information is helpful.

Topic	32) Taxis project
Date of Response	21/12/15
Details of Request	<p>1) What is the current position of the project in relation to the Government and is your work finished?</p> <p>2) Who is now responsible for taking this forward and what are the most likely options?</p> <p>3) Could TfL or the GLA under powers within The 1999 GLA Act promote a Bill to change primary legislation on some of the proposals covered by your work?</p> <p>4) Who was responsible for sponsoring the project?</p> <p>5) How much has it cost and who has paid for it?</p> <p>6) How many man hours have been spent on it since inception until now?</p> <p>7) How many responses did it get and how do questions 5-7 rate on average in relation to other reform projects?</p>
Answer	<p>1) Yes our work is finished. We completed our work on the project in May 2014 when we published our recommendations to Government in a final report with accompanying draft Bill. It is now up to Government whether to accept none, some or all of our recommendations. While our formal role in the process is complete, we maintain an interest and it would not be unusual for us to be involved in some way should Government decide to implement our draft Bill or something based on it.</p> <p>2) The Government, and more particularly the Department for Transport. A decision on whether or not to accept our recommendations lies with the Minister. The policy official with responsibility for this area is [-----] (email address given). [-----] will be much better placed than me to tell you the most likely options.</p> <p>3) Our proposals are intended to apply across England and Wales. Attempting to implement other than nationally would run counter to our recommendations. We did not consider using the functions transferred to TfL under the GLA Act as an alternative implementation route during the course of the project, and can't comment on it now. But as noted, it runs counter to the principle of consistent provision across England and Wales.</p> <p>4) The sponsoring Department is the Department for Transport.</p> <p>5) The annual cost of the Commission as a whole is met substantially from funding provided by Parliament (section 5 Law Commissions Act 1965) and received via the Ministry of Justice. The Commission also receives funding contributions from departments towards the cost of some law reform projects, in accordance with the Protocol agreed between the Lord Chancellor (on behalf of the Government) and the Law Commission. The annual cost of the Commission is published in the Commission's Annual Report which is laid in Parliament (latest is available here). The Commission commenced work on the Taxi and Private Hire Vehicles project in 2011 and published the report and draft bill in May 2014. The Department for Transport has supported this project and has contributed £100,000 towards the project each year, making a total of £300,000. We did some work early in 2014, totalling up the quantifiable cost of this project to the Law Commission between July 2011 and 15 January 2014 at £345,800. This included staff costs, travel costs and other expense and the cost of publications. The staff costs are those of the lawyers and research assistants working on the project. The figure does not include salary costs of other staff, nor of the Commissioner responsible, which are not separately recorded. Between January and the conclusion of the project costs are roughly a further £64,800 for costs as above. I have not yet</p>

	<p>been able to work out the cost of legislative drafting for that period. That gives a total quantifiable cost to the Commission of £ 410,600 plus legislative drafting between January and May 2014.</p> <p>6) We do not record work carried out on a project on an hourly basis. However, one lawyer and one research assistant worked on the project more or less full time for the whole of the project (3 years). Additional work will have been carried out on the project by the team manager, the Public Law Commissioner and other supporting staff in the Law Commission (this last in particular to assist with the analysis of consultation responses). I can work this through so that it's more precise, but it will take a bit of time to do so. Let me know if you need more.</p> <p>7) We received over 3000 written responses to our consultation paper, including over 800 replies to a survey carried out by the Taxi and Private Hire Monthly Magazine. The answers to questions 5 and 6 are standard for most Law Commission projects of an equivalent size. The number of responses (question 7) is a great deal more than we would usually expect (for comparison, recent consultations carried out by the Public Law team have had roughly 50, 60 and 600 responses).</p>
--	---

Topic	33) ICT/Digital/Business Change Programmes and Strategy
Date of Response	30/12/15
Details of Request	Who is the senior officer (outside of procurement) responsible for ICT/Digital/Business Change Programmes & Strategy?
Answer	The Law Commission's ICT/Digital Services & Business Change Programmes are provided by the Ministry of Justice. The Law Commission does not have separate policies in these areas. The Senior Officer responsible for these services will be an MoJ Official.

4TH QUARTER

Topic	34) Consent in criminal law
Date of Response	11/01/16
Details of Request	I am a Swedish law student at the University of Uppsala. I am currently writing a report on the subject of consent as a defence in criminal law. I have come by your consultation paper no 139, "Consent in The Criminal Law" from 1995. I am wondering if the consultation paper resulted in any final recommendations from the Law Commission and if it is possible to retrieve that final report somewhere, preferably in a digital format?
Answer	Consultation paper no 139 was a broad consideration of consent, following on from consultation paper no 134 which considered only offences of violence against the person. In 1999, the Home Office embarked on a review of sex offences, and asked the Law Commission to assist in the consent part of the review. The Law Commission did this by writing a policy paper based on the responses to consultation paper 139 – this policy paper appears as Appendix C of the Home Office’s review, “Setting the Boundaries” (vol 2, page 9 onwards). The policy paper’s recommendations on consent in sexual offences were accepted by the review – see for example recommendation 30 of “Setting the Boundaries”, and section 4.5 of the paper. The recommendations of “Setting the Boundaries” were largely accepted by the government at the time, and the Sexual Offences Act 2003 was enacted to replace the existing law on sexual offences. As amended, it is still the primary piece of legislation on sex offences in England & Wales. For your convenience, I have attached a .pdf copy of volume 1 of Setting the Boundaries. The files are very large, so the second volume will follow immediately after in another email. Should you wish to assess how many of our recommendations made it into law, you can look at the Sexual Offences Act 2003 here: http://www.legislation.gov.uk/ukpga/2003/42/contents . I hope this has been helpful to you – please do get in touch if you have any further queries on this or other topics.

Topic	35) Procurement and contracts
Date of Response	12/01/16
Details of Request	Under the terms of the Freedom of Information Act, please could you provide me with the following information about your current contracts with third party suppliers. 1. If another organisation routinely manages procurement and contracts on behalf of your organisation, please could you provide me with its name: 2. If your organisation routinely manages procurement and contracts on behalf of another organisation(s), please could you provide me with their names: 3. If your organisation handles its own procurement and contracts, please could you provide me with a list of all of your current contracts for ICT services, with the following information for each one: Contract name/short description

	<p>Supplier</p> <p>Start date (or last renewal date, if applicable)</p> <p>End date</p> <p>Estimated contract value (ie for services provided between start and end date)</p> <p>If this contract was called off a central framework agreement (e.g. from the Crown Commercial Service, G-Cloud, etc) please say which one</p> <p>I appreciate that not all of this information may not be readily available, so I would be happy to accept partial information about each contract, if needed to stay within the allowable budget for FOI requests.</p>
Answer	<p>You requested information from the Commission under the Freedom of Information Act 2000 on the 17 December 2015. I am now writing to advise you that the Commission does not hold the information which you are seeking. All of the Commissions ICT requirements are provided for by MoJ ICT.</p>

Topic	36) Public Records Act 1958 and other Acts (outcome of internal review)
Date of Response	15/01/16
Details of Request	<p>We, [NN] and [MM], request your attention and consideration that-</p> <ol style="list-style-type: none"> 1. There is a Legal Right to make a request outside the Freedom of Information Act 2000, as under the Crown Proceedings Act 1947, The Senior Courts Act 1981, and the County Courts Act 1984. 2. There is a Legal Right for any Person to take Legal Proceedings against those who are acting on behalf of the Crown- 3. The Public Records Office Act 1958 The Period of 30 Years has been reduced to a period of 20 Years, The Information doesn't become Exempt Information. 4. Section 78 of the Freedom of Information Act 2000 is self explanatory In English Language. 5. I am not seeking Legal Advice from any Person in the Law Commission, Since Section 7, 9, 11, 22 of the Human Rights Act 1998 does also apply to the Law Commission whilst there has been Silent Fraud as under the International Law- Once Independence given by an Order in Council, than that Independence can't be taken away by any person in the United Kingdom. <p>We thank you in advance and wait to hear from you</p>
Answer	<p>I write in response to your email of 9 December 2015 in which you expressed dissatisfaction with the way in which the Law Commission handled your request for information. Your request was set out in your email of 25 November 2015 ("the Request"), and the Law Commission responded by email on 9 December 2015 ("the Response").</p> <p>I have now concluded an internal review of the Law Commission's response to your request. I have upheld the Law Commission's decision in part, and supplemented it in part. I explain my decision in respect of each paragraph of your request below.</p> <p>Paragraph 1</p>

The Request stated:

You should confirm by Letter that you do have a copy of Section 50 and 51 of the Civil Jurisdiction and Judgments Act 1982,

As this Act does bind all the Courts in the United Kingdom.

Supreme Court of the United Kingdom.

Court of Appeal

High Court of Justice

CROWN COURTS

COUNTY COURTS

MAGISTRATES COURTS.

Page 2 of 7

The Response stated:

I can confirm that should the Law Commission require access to these sections they can be obtained, free of charge, from <http://www.legislation.gov.uk/ukpga/1982/27>. You may also access a copy should you desire.

I am satisfied that the Law Commission provided an appropriate response by confirming that the Law Commission could obtain a copy of the Civil Jurisdiction and Judgments Act 1982 ("the 1982 Act") if it wished to do so.

In the event that the Request was for a copy of the 1982 Act, I confirm that the Law Commission holds that information. I have concluded that it is exempt from disclosure under section 21 of the Freedom of Information Act 2000 ("FOIA"), which states that "Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information". The 1982 Act is available to you by the following means:

(1) On the [legislation.gov.uk](http://www.legislation.gov.uk) website, via the direct hyperlink that the Law Commission provided in the Response.

(2) Via Westlaw, LexisNexis or other similar online databases, either by payment of the appropriate fee to those commercial organisations or via the British Library, again on payment of the appropriate fee. A temporary reader's card for the British Library costs £5.00. Further details about the availability of these online databases are available at http://www.bl.uk/eresources/socsci/lawandlegalstudies/united_kingdom.html, and details about obtaining a reader's card are available at <http://www.bl.uk/help/how-to-get-a-reader-pass>.

(3) The 1982 Act (as enacted) is printed in bound volumes of legislation, which is available from libraries with a legal section, including the British Library.

(4) The 1982 Act (as amended) is printed in Halsbury's Statutes, Volume 11(2), which is also available from libraries with a legal section, including the British Library.

Paragraph 2

The Request stated:

You are aware that Information is not exempt after a period of 20 Years, Previously it used to be 30 Years.

The Response stated:

We are unsure if this is a question, however, the point is noted.

I have decided that the Law Commission provided an appropriate response.

Paragraph 3

The Request stated:

Page 3 of 7

You are aware of Section 21 and 38 of the Crown Proceedings Act 1947.

You should kindly provide the List of Judgments which have been given in the United Kingdom.

Since this Act does also apply to the Persons who are employed in the Law Commission.

The Response stated:

We repeat the answer to paragraph 2 above. And we do not hold a list of judgments which have been given in the UK.

I interpret this as a request for the, or a, list of judgments that refer to sections 21 and 38 of the Crown Proceedings Act 1947 ("the 1947 Act").

There is no complete and formal list of judgments that have referred to sections 21 and 38 of the 1947 Act. Nor can there be, since many court decisions are not reported. I have therefore concluded that the Law Commission does not hold the information requested, and I have decided to uphold the Law Commission's decision.

If I am wrong and the Request should be interpreted more broadly as a request for any list of any cases that refer to, or are relevant to, sections 21 and 38 of the 1947 Act, then I confirm that the Law Commission holds a list of some (but not all) cases that are relevant to particular Acts, including the 1947 Act. This information is contained in the Law Commission's copy of Halsbury's Statutes, Consolidated Table of Cases 2015-2016 (ISBN 13: 978 1 4057 9764 1).

In the event that the Request was for this information, I have nevertheless concluded that it is exempt from disclosure under section 21 of the FOIA (quoted above) since:

(1) a list of judgments that refer to the 1947 Act can be accessed via Westlaw, LexisNexis or other similar online databases, either by payment of the appropriate fee to those commercial organisations or via the British Library (see above); and

(2) Halsbury's Statutes, Consolidated Table of Cases, is available from libraries with a legal section, including the British Library.

Paragraph 4

The Request stated:

The Magistrates Court and Crown Court does exercise Civil and Criminal Jurisdiction-

If you could kindly provide the Civil Procedure Rules for the Magistrates and Crown Courts in the United Kingdom.

The Response stated:

The Civil Procedure Rules are available, free of charge at <https://www.justice.gov.uk/courts/procedure-rules/civil>

Page 4 of 7

I have decided to supplement the Law Commission's response. In so far as this was a request for the Civil Procedure Rules or the Criminal Procedure Rules, I confirm that the Law Commission holds this information. However, I have concluded that the information is exempt from disclosure under section 21 of the FOIA (quoted above) since the Civil Procedure Rules are available via the hyperlink already provided (<https://www.justice.gov.uk/courts/procedure-rules/civil>), and the Criminal Procedure Rules are available at <https://www.justice.gov.uk/courts/procedure-rules/criminal>.

It might be that your request was for the Magistrates' Courts Rules 1981 (Statutory Instrument No 552 of 1981). The Law Commission does not hold this information. However, the Rules (as enacted) can be obtained at <http://www.legislation.gov.uk/ukSI/1981/552/contents/made> and the Rules (as amended) can be obtained from Westlaw, LexisNexis and other similar online databases. I have explained above how you can obtain access to these databases.

Paragraph 5

The Request stated:

The Freedom of Information Act 2000, The Public Records Office Act 1958 and the Data Protection Act 1998.

This has been transferred to the Cabinet Office the Duchy of Lancashire and The Secretary of State for Culture.

The Response stated:

We repeat the answer to paragraph 2 above.

I am satisfied that the Law Commission provided an appropriate response.

It might be that you are referring to the transfer of policy responsibility for the FOIA, the Data Protection Act and the Public Records Act from the Ministry of Justice to the Department for Culture Media and Sport, which is explained here:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-09-17/HCWS209/>

Paragraphs 6 and 8

Paragraph 6 of the Request stated:

Road Traffic Accidents:

The Time Limit for Bringing a claim for the Road Traffic Accidents-

Whether it is Six Years or a Period of 3 Years.

The Response stated:

Page 5 of 7

Paragraph 6. We repeat the answer to paragraph 2 above. Alternatively, if this is a request for legal advice The Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. The Law Commission is not, unfortunately, able to give advice on individual cases. If you require legal advice, you may find it helpful to contact a solicitor. If you require assistance in finding a solicitor, you may wish to contact The Law Society via their website: <http://www.lawsociety.org.uk/find-a-solicitor/>. Alternatively, you may wish to contact Citizens Advice at <http://www.citizensadvice.org.uk/> which provides a free, independent and confidential advice service to assist the public in resolving legal problems.

Paragraph 8 of the Request stated:

What is the Meaning of the "Except" in English Law.

"Associated Person"

The Coroners and Justice Act 2009 and The Housing Act 1996 and The Companies Act 2006.

The Response stated:

We repeat the response to paragraph 6 above.

I interpret paragraph 6 as a request for legal advice concerning the time limits for bringing a civil claim. I interpret

paragraph 8 as a request for legal advice concerning the interpretation of “except” and “associated person” under the three named Acts of Parliament.

The Law Commission does not give legal advice. It is not required to do so by the Law Commissions Act 1965 nor by the FOIA.

The Request is not for information about points that were the subject of a Law Commission review, on which the Law Commission might hold unique information. Rather, you are asking the Law Commission to apply its general expertise in law, and use publically-available legal resources, to work out an answer to the questions that you have raised. Your request is therefore for legal advice, not for disclosure of information that the Law Commission already holds.

I have therefore decided to uphold the Law Commission’s response.

The following information might be of assistance to you:

(1) The volume of Halsbury’s Laws of England covering limitation (Volume 68, 5th edition, 2008).

Page 6 of 7

(2) A textbook on limitation, such as Andrew McGee, Limitation Periods (2010).

(3) Halsbury’s Statutes which contain the three Acts that you mention:

(a) the Coroners and Justice Act 2009 is in Vol 11(3);

(b) the Housing Act 1996 is in Vol 22; and

(c) the Companies Act 2006 is in Vol 8.

All three Acts are also available on legislation.gov.uk, and on Westlaw, etc, (via the means set out above).

(4) The Law Commission carried out a project on limitation of actions. Full details are available at <http://www.lawcom.gov.uk/project/limitation-of-actions/>, and Part II of the Report (available at http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc270_Limitation_of_Actions.pdf) provides the Law Commission’s summary of the (then) current law.

(5) The Law Commission’s project on directors’ duties made mention of associated persons. Full details are available at <http://www.lawcom.gov.uk/project/company-directors-regulating-conflicts-of-interest-and-formulating-a-statement-of-duties/> and the report is available at

http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc261_Company_Directors.pdf

In the event that I am wrong and the Request is for information that is held by the Law Commission (for example, in its limited collection of books or in any of its published reports), I have decided that it is exempt from disclosure under section 21 of the FOIA (quoted above) since those same recourses that would be used by the Law Commission to answer your questions are also available to you from any legal library, including the British Library (via the means set out above).

Paragraph 7

The Request stated:

You do have the House of Lords decision

Newbury District Council Respondent and Secretary of State for the Environment and Newbury District Council Respondent and International Synthetic Rubber Co Ltd 1980

	<p>Page 7 of 7</p> <p>Since the Town & Country Planning Use Classes Order 1950 has been repealed and the Current Town and Country Planning (Use Classes) Order 1987 which has been amended by many Statutory Instruments.</p> <p>The Response stated:</p> <p>I can confirm that should the Law Commission require access to this judgment it can be obtained free of charge from https://planningblawg.files.wordpress.com/.../newbury-1981_ac_578.pdf where you may also obtain a copy should you desire.</p> <p>I confirm that the Law Commission does not hold this information. I am satisfied that the Law Commission provided an appropriate response. However, the hyperlink provided in the Response does not seem to be accurate. The correct hyperlink is: https://planningblawg.files.wordpress.com/2008/08/newbury-1981_ac_578.pdf</p> <p>Conclusion</p> <p>If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision.</p>
<p>Details of Follow-up from requester 17/01/16</p>	<p>We, [NN] and [MM], do acknowledge your review decision.</p> <p>1. There is a Judgment given in the Supreme Court of the United Kingdom on the 26th March 2014. On Appeal from {2011] EWCA Civ 367; [2012] EWCA Civ 317. Paragraph 151 of the Judgment on Page 58.</p> <p>It would be open to Mr Kennedy now to make a fresh request to the Charity Commission on the basis of this Judgment. It would then be for the administrative Court to consider any objection by the Charity Commission based on Delay.</p> <p>2. There is the Statutory Instrument 2015 No 1897.</p> <p>The Transfer of Functions (Information and Public Records) Order 2015] Made 11th November 2015 Laid before Parliament 18th November 2015. Coming into force 9th December 2015. At the Court at Buckingham Palace, on the 11th Day of November 2015</p> <p>Present</p> <p>The Queen's Most Excellent Majesty in Council. By Section 1 and 2 of the Ministers of the Crown Act 1975.</p> <p>3. I have seen the Law Commission on Limitation Act 1980 Whilst this doesn't mention of The Foreign Limitation Periods Act 1984 and Section 50 of the Vehicle Excise and Registration Act 1994.</p> <p>4. There are consultation papers on the Law Commission. The Crime and Courts Act 2013 Schedule 9</p>

Schedule 10

This has not been mentioned.

5. I wasn't seeking Legal Advice from the Law Commission,

Whilst the British Library, the BBC are also Public Bodies where a request can be made to them.

The BBC hasn't replied to me within a period of 20 days from the date I had made a request to them.

6. The Information Commissioner's Office have not issued a decision notice against the HM Attorney General which has taken more than Nine Months.

7. You are aware that on the 8th December 2003

In the [ZZ] Proceedings

Between HM Attorney General versus [NN] Defendant

I had been wrongly declared as a Vexatious Litigant-

The White Book Service Volume 2 of 2003

On Page 1268-1269

It doesn't mention of Section 50 and 51 of the Civil Jurisdiction and Judgments Act 1982

Whilst on Page 1270

Special Jurisdiction.

Article 5.

A Person can be sued.

On page 1272

Section 3

Article 10.

In respect of liability Insurance, the Insurance may also, be joined in the proceedings.

Article 29.

5-93 on page 1278

Under no circumstances a foreign Judgment be reviewed as to its substance.

The Evidence (Proceedings in other Jurisdictions) Act 1975

Application to United Kingdom Court for assistance in obtaining evidence for Civil Proceedings in other Court.

9B-400

On Page 2178.

7C-223

As to rights of Audience in Chambers under Section 27 (2E). of the Courts and Legal Services Act 1990

Arthur J. s Hall & Co versus Simmons: Barret v Woolf 7DD, Harris v Schofield, Roberts & Hill [2000] 3 w l r 543 HL

The House of Lords found that powers under the CPR were such as to restrict the ability of clients to bring no longer required that advocates should enjoy immunity from suit for alleged negligence in the conduct of civil proceedings.

On page 1954.

	<p>Equity JURISDICTION section 23 of the County Courts ACT 1984. 9A-525 A County Court shall have all jurisdiction of the High Court to hear and determine.. (g) Proceedings for Relief against Fraud or Mistake..... There has been non-disclosure by many Lawyers-Barristers in the United Kingdom. I hope and trust that you shall take the above into consideration.</p>
<p>Details of Response to Follow-up 18/01/16</p>	<p>Nothing has caused me to change the decision that I made in my Internal Review, which I communicated to you in my letter of 15 January 2016. Paragraph 1 of your email The decision in Kennedy v The Charity Commission [2014] UKSC 20 does not appear to be relevant to your initial request nor to my Internal Review. Paragraph 2 of your email I note the existence of the Transfer of Functions (Information and Public Records) Order 2015. It is that Order which gave effect to the transfer of policy responsibility to which I referred in my letter of 15 January 2016 (in response to paragraph 5 of your initial request). Paragraph 3 of your email I note your comments. I do not know the relevance of the Foreign Limitation Periods Act 1984 or the Vehicle Excise and Registration Act 1994 to which you refer. Paragraph 4 of your email I do not know the relevance of the Crime and Courts Act 2013 to your initial request. (I note that section 33 of that Act implemented the Law Commission’s recommendations in Contempt of Court: Scandalising the Court (Law Commission report number 335).) Nor do I know the relevance of schedules 9 and 10 to the Crime and Courts Act 2013 to your initial request. Page 2 of 2 Paragraph 5 of your email In relation to your comment that you were not seeking legal advice, I have nothing to add to what I said in response to paragraphs 6 and 8 of your initial request. I cannot comment on any requests that you have made to the British Library or the BBC. Paragraph 6 of your email I cannot comment on any requests that you have made to the Attorney General or the Information Commissioner’s Office. Paragraph 7 of your email I cannot comment on the various points that you make. They do not appear to be relevant to your initial request nor to my Internal Review.</p>

Topic	37) Rule of law
Date of Response	18/01/16
Details of Request	Dear Law Commission, what is the "Rule of Law" you quote in your Fol responses, and provide a documented copy of such.
Answer	<p>Dear N</p> <p>You requested information from the Law Commission under the Freedom of Information Act 2000. We acknowledged your request on the day of its receipt in this office, 13 January 2016. You asked:</p> <p>"Dear Law Commission, what is the "Rule of Law" you quote in your Fol responses, and provide a documented copy of such."</p> <p>I have reviewed the responses we have made to freedom of information requests since 2009 and have found a handful of references to "rule of law". All of these refer to the constitutional principle which dictates (very broadly) that every citizen in the United Kingdom is subject to the law of the United Kingdom, and that the law is the highest authority in this country. More on the principle is available online and in books on the constitution which should be available in libraries. The United Kingdom does not have a written constitution and there is no single document which provides authority for the rule of law. However, the existence of the continuing constitutional principle is recognised in statute: see the Constitutional Reform Act 2005 (c.4), s 1 (available here).</p> <p>I hope this answers your question. If I have misunderstood, would you send copies of, or refer me to, the correspondence you mean? Alternatively could you provide some further information which would help me to understand what you are looking for? We should make clear that, in providing clarification for us, you are under no obligation to disclose to the Commission the purpose which underlies your request for information.</p> <p><i>Follow-up (18/01/16)</i></p> <p>Thank you for your very prompt response to my request, however, I would seek clarification on your use of the word 'law'. I assume you are referring to Common Law exclusive of legislative rules of society which require consent of the governed to have any force under law.</p> <p><i>Response to follow-up (18/01/16)</i></p> <p>In using the phrase "rule of law" I was referring to the constitutional principle as described in my earlier email. My reference to the "law of the United Kingdom" was intended to cover both common law and statute, both of which I understand to be part of the law by which citizens of the UK are ruled.</p>

Topic	38) Improvement of legislation
Date of Response	25/01/16
Details of Request	<p>Dear Law Commission, please make available the following:</p> <ol style="list-style-type: none"> 1. The documentation which describes the function, scope of operation, authority and accountability of the operations and actions of the Law Commission. 2. The documentation which describes the process by which a UK citizen may make representation to the Law Commission in order to improve legislation.
Answer	<p>1. Information about the Law Commission</p> <p>We have made information which describes the function, scope of operation, authority and accountability of the operations and actions of the Law Commission available on our website under 'About us' at http://www.lawcom.gov.uk. The statutory foundation for our operations is contained in the Law Commissions Act 1965, the Law Commission Act 2009 and the Wales Act 2014, which are freely available in the public domain.</p> <p>2. Making representations to the Law Commission</p> <p>In response to your request, the Commission's Head of Strategic Engagement writes:</p> <p>Every three years we run an open consultation on the Law Commission's future work. We ask for suggestions of potential law reform projects the Law Commission should undertake in its new Programme of work. Our current programme of work ends in 2017, and so we will shortly start consulting on what the next Programme should contain.</p> <p>We won't prepare the new documentation for that consultation until later this year, but we attach the questionnaire used in the last consultation.</p> <p>You will see that we have certain criteria that we have to look at when a project is suggested to us. When considering a potential law reform project, we are guided by our Protocol with Government which is intended to ensure that our recommendations have the best possible chance of becoming law. Some key points that we will look at when considering a project are:</p> <p>How important is the project: to what extent is the law unsatisfactory (eg, unfair, unduly complex, inaccessible or out of date)?</p> <p>What are the potential benefits of reform?</p> <p>Is the independent, non-political Commission the most suitable body to conduct the project?</p> <p>Are the necessary resources (for example, sufficient relevant experience, project-specific funding) available to enable us to carry out the project effectively?</p> <p>Would the project require involvement from the Welsh Government and/or the Scottish or Northern Ireland Law Commissions?</p> <p>Sometimes individuals will contact us during a Programme, and outside of our consultation periods, to suggest a project. In those instances we explain that the way our consultation process works and ask if they would like to be contacted during the next consultation to put their suggestion forward.</p>

Topic	39) Changes to various Acts
Date of Response	25/01/16
Details of Request	<p>1. Please kindly confirm that you do have reasonable access for the case of Imperial Tobacco Ltd Versus HM Attorney General [1981] AC 718. 742.</p> <p>This has been quoted in the White Book Service Volume 1 of 2003 Page CCXX On Page 943:</p> <p>A Civil Court ought not to grant a "Declaration of Innocence" to a defendant in Criminal Proceedings which are properly instituted against him and are not vexatious or an abuse of the Process of the Court.</p> <p>In the House of Lords Judgment Regina V Her Majesty's Attorney General (Appellant) and Exparte Rushbriger and another (Respondent)</p> <p>Paragraph 32:</p> <p>A Civil Court should not give a declaratory Judgment on an issue of Criminal Law save in exceptional Circumstances, and that the Present Proceedings are not such a case.</p> <p>3. The Law Commission (Law Com No 255) Consents to Prosecution Item 11 of the Sixth Program of Law Reform Criminal Law. On Page 103 Courts and Legal Services Act 1990 Section 27 Right of Audience Other Paragraphs had been left out (3) (4) (5) (6) (7) (8) (9) (10).</p> <p>This Section has now been repealed under the Legal Services Act 2007, which have been enacted as under Section 188, 192, and Schedule 3 Exempt Persons. and Schedule 21.</p> <p>4. The Information Commissioner when making a request from the Supreme Court of the United Kingdom case of Gujra. Other Paragraphs from Section 23 and 23A of the Prosecution of Offences Act 1985 had not been taken into consideration.</p> <p>5. The Case of Stephenson V Garnett [1898] 1 QB 677, CA Relief against fraud or Mistake. The Equitable Jurisdiction extends to setting aside a deed of release of a Judgment debt obtained by Fraud. This is not mentioned in the White Book Service, but it is in the Green Book Service Volume 2 on Page 3114.</p>

	<p>Since the Law Commission is responsible for reforming the Legislation in the England and Wales. It does appear that Litigants in Person are being treated unfairly in the United Kingdom, as they have no means to pay the Fees for Barristers and Solicitors, As other Solicitors in the Information Commissioner's Office they do take an Advantage and place other Citizens at a Disadvantage.</p> <p>6 The Law Commission should take into consideration of making some changes to the Freedom of Information Act 2000 and the Data Protection Act 1998.</p> <p>Section 6 of the Prosecution of Offences Act 1985, and Town and Country Planning Act 1990, Documents, Courts Orders should no longer be exempt Information.</p> <p>This should be disclosed within a period of 14 days.</p> <p>7. There will be One Ombudsman Commissioner to deal with all complaints- There is the Judicial Ombudsmans Complaint Commissioner-under the Constitutional Reform Act 2005, and the Parliamentary Ombudsman Commissioner and the Local Government Ombudsman Commissioner and the Housing Ombudsman Commissioner.</p> <p>8. On the 31st July 2003 in the CO/3208/2003 Proceedings- Before Lord Justice Maurice Kay QC and than Mr Justice Crane.</p> <p>The Lord Justice Maurice Kay QC had given directions that I am not restricted from taking any Criminal Proceedings, whilst this has not been endorsed on the Court Order dated the 31st July 2003, When I had given a copy of the White Book Service to the Lord Justice Maurice Kay QC.</p> <p>Page 487 Application to stay claim where related criminal Proceedings.</p>
Answer	<p>Dear [NN]</p> <p>Thank you for your email. You will have received an acknowledgement from us on the date of receipt. Your paragraph numbering is followed in this response for ease of reference.</p> <p>Paragraph 1. You have provided the Law Commission with a copy of this case. We has been explained to you in previous correspondence, due to constraints on space we do not keep material that is not relevant to our day to day work. Therefore, the copy of the case will be deleted.</p> <p>There is no paragraph 2.</p> <p>Paragraph 3, noted.</p> <p>Paragraph 4, noted.</p> <p>Paragraph 5, noted. However, the court procedure rules that regulate civil justice practice and procedure in relation to litigants in person do not come within the remit of the Law Commission. This is the responsibility of the Civil Procedure Rules Committee.</p> <p>Paragraph 6, this is understood to be a suggestion for a future reform project. In Summer 2016 the Commission will be conducting an open consultation to seek projects for our 13th programme of law reform. Guidance on the sorts of project that are suitable can be found on our website (http://www.lawcom.gov.uk/about/how-we-work/).</p>

	<p>Paragraph 7, noted.</p> <p>Paragraph 8, noted.</p> <p>I do not consider your email to contain a freedom of information request and therefore have not treated it as such. If you are unhappy with this decision you are free to request an internal review.</p> <p>Please note that I do not intend to engage in any further correspondence on any other aspect of your email.</p>
--	---

Topic	40) Sentencing law
Date of Response	27/01/16
Details of Request	<p>I, [NN], request your attention and consideration that:-</p> <ol style="list-style-type: none"> 1. The Officer from the Law Commissioner's Office has recently issued an Internal Review Decision. I would like the Internal Review Decision to be taken into consideration by the Sentencing Law in England and Wales. 2. Any Citizen- person He/She does has the Legal Right to take Private Criminal Prosecutions by Virtue of Section 6 of the Prosecution of Offences Act 1985 Section 6 of the Prosecution of Offences Act 1985 should be inserted under any Parliament Act-. 3. Court of Appeal Criminal Division Any Person who is taking Private Criminal Prosecution- He/She should have the Legal Right to Appeal in the Court of Appeal Criminal Division before a Single Judge or Full Court of Appeal. As Section 53 of the SCA 1981 and Section 42 (3A) of the SCA 1981 Vexatious Litigants does apply 4. The Administration of Justice (Miscellaneous Provisions) Act 1933 Section 2. There is a Legal Right to make an Application for a Volunteer Bill of Indictment before the Court of Appeal, The Previous Appeals Acts have been repealed. 5. Section 54, 55, 56 of the Access to Justice Act 1999 doesn't apply with the Right to Appeal in a Criminal Cause or Matter. 6. Section 57 of the Access to Justice Act 1999 This needs to be amended A Letter of Complaint in writing can be sent to the Lord Chief Justice of England and Wales as with regards to any Criminal Proceedings, and the Lord Chief Justice of England and Wales shall give directions whether the Complaint should be heard before him or before any other Court. 7. There is Section 111 of the Magistrates Courts Act 1980 Statement of Case for the Opinion of the High Court- This should be amended-

	<p>When any decision in any cause or Matter or complaint- The Magistrates Court or the Crown Court Judge shall give the Grounds and Reasons for their decision, Where there should be a right of Appeal against their decision. The Court Officers and Judges shall be precluded from dealing with any appeals, and any member of the Public should be given copies of the Court Orders.</p> <p>8. Transcripts of the Judgments in the Crown Courts- This should be published on the Public Domain that any member of the Public can see and view.</p> <p>9. Mal-Administration in the Judicial System- The Constitutional Reform Act 2005 The Period of making a complaint for Mal-Administration the Period should be not less than 6 Years.</p> <p>10. I had mentioned of the House of Lords decision in Newbury District Council versus The Secretary of State for the Environment This has not been taken into consideration by many Judges, and this does include the European Court of Human Rights in Strasbourg.</p> <p>11. There is the CPR 3-1 (7) Power of the Court to make an Order does include to amend vary and Revoke the Order- I have requested the Law Commission in the Past to make some amendments and Changes to Section 42 of the SCA 1981. But this has not been taken into consideration Since many Judgments doesn't mention of Section 42 (3A) of the SCA 1981.</p> <p>12. The Meaning of the Word "Except" Traffic Contravention Debt The Court Officers and judges doesn't understand the meaning of this Word, Whilst the Former Secretary of State for Communities and Local Government Sir Eric Pickles had mentioned that the Local Authorities were operating as Day Light Robbery.</p>
Answer	<p>Dear [NN]</p> <p>Thank you for your email of 18 January, which I am responding to on behalf of the Criminal Law Team. If I understand you correctly, points 2, 3, 6, 7, 8, 9 & 11 are suggestions for law reform. As you know, under the protocol between the Law Commission and the Lord Chancellor, we take on projects both through programmes of law reform decided by the Commissioners with the agreement of government after public consultation and on reference to the Commission from government departments. We are currently midway through our 12th programme of law reform. We plan to consult on the next programme of reform in the summer, and we suggest you review our website then in case you wish to make a submission.</p> <p>I understand your points 1, 4, 5, 10 and 12 to be your views on what the law currently is. As you know, the Law Commission is a law reform body which is unable to offer legal advice. As such, and since these don't relate to any ongoing projects, we do not know and are unable to tell you whether these are correct.</p>

Topic	41) Newspaper and copyright licensing
Date of Response	09/02/16
Details of Request	<p>I am writing to you under the Freedom of Information Act 2000 to request the following information from Law Commission of England and Wales:</p> <p>Did the Law Commission of England and Wales pay for a NLA (Newspaper Licensing Agency) or CLA (Copyright Licensing Agency) media license in 2013-2014?</p> <p>If so, how much did the Law Commission of England and Wales pay for the licenses in 2013-2014 (please provide the figures separately)?</p> <p>Did the Law Commission of England and Wales pay for other media licenses in 2013-2014? Please list any other media licenses the council subscribed to and how much was paid for them in 2013-2014.</p> <p>If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under your Section 16 obligations, as to how I can refine my request to be included in the scope of the Act.</p> <p>In any case, if you can identify ways that my request could be refined please provide further advice and assistance to indicate this.</p>
Answer	The Law Commission is an arm's-length body of the Ministry of Justice. As such, we are covered by the licences held by the Ministry.