

## MINUTES

### BOARD MEETING 31 OCTOBER 2018

**Board:** Sir Nicholas Green, Chair  
Professor Nicholas Hopkins, Commissioner for Property, Family and Trust Law  
Stephen Lewis, Commissioner for Commercial and Common Law  
Professor David Ormerod QC, Commissioner for Criminal Law  
Nicholas Paines QC, Commissioner for Public and Welsh Law  
Phil Golding, Chief Executive  
Bronwen Maddox, Non-Executive Board Member

**Attendees:** Matthew Jolley  
Gulzar Gill  
Henni Ouahes  
David Connolly  
Jessica de Mounteney  
Laura Burgoyne  
Talitha Rowland (Item 9 only)

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#### **Item 1: Approval of Minutes of the Meeting of 26 September 2018**

1.1 The minutes were approved subject to minor amendments flagged by NP.

#### **Item 2: Matters Arising**

1.2 The Board agreed that, going forward, Peer Review should follow on directly after the Board. Additionally, the Board agreed to consider in future reversing the agenda so that the Board pack is the last item to be reviewed.

1.3 MJ informed the Board that planning for the Impact and Law Reform Conference is underway and progressing well. The Chair also raised the possibility of running a joint law reform/legislative conference alongside the Office of the Parliamentary Counsel (OPC) in recognition of OPC's 150<sup>th</sup> anniversary. It was agreed that a working group would be formed to take this forward.

1.4 PG confirmed that there had been no further updates on the Tailored Review.

#### **Item 3: Board Report and Forward Look**

1.5 Commissioners provided updates on each of their projects. SL informed the Board that the Insurable Interest consultation was due to close later that day. The team were still waiting for responses from a small number of major stakeholders. In terms of Electronic Signatures, the consultation period was due to close on 23 November and the project was progressing well. On Smart Contracts, the project was on track and several meetings with stakeholders had been scheduled. The project potentially cuts

across a number of areas and ideally the Law Commission should be involved in all. Several stakeholder meetings had been held in relation to the Right to Manage project. However, impending resource issues may have an impact on the project's timetable.

- 1.6 DO informed the Board that work on Misconduct in Public Office (MIPO) had been paused as resource is required on other projects. However, the project would be resumed shortly. On the Sentencing Code project, the final report was due to be published in November. The consultation period for Anti-Money Laundering had closed, with positive responses received. A scoping report for the Abusive and Offensive Online Communications project was due to be published on 1 November. The summary for the report had received positive feedback. On Confiscation of the Proceeds of the Crime, a project initiation document had been shared with Commissioners and the team would launch the project at Northumbria University the following week.
- 1.7 NH informed the Board that supporting implementation on the Easements and Conservation Covenants projects could lead to longer-term resource issues for his team. On the Wills project, work on the second tranche of the policy paper was underway. The Board decided that the Commission would provide a new Wills Act. Additionally, a new project on Weddings had been announced as part of the Budget. Starting work on this project would require the Wills project to be paused due to capacity and resource issues. In relation to the Enfranchisement project, the consultation period was underway and the team had attended a number of events and symposiums. On the Surrogacy project, the team had just finished attending a series of events that would help shape the consultation paper.
- 1.8 NP informed the Board that the Law Commission's previous Chair had agreed to run seminars in late November/early December on the Employment Law Hearing Structures project. On the Planning Law in Wales project, the report was expected to be published by the end of November. In relation to the Simplification of Immigration Rules project, a consultation paper was being drafted with a view to sharing with Commissioners in December.
- 1.9 GG confirmed that resource issues in the Corporate Services team had now been resolved with two recent appointments. He informed the Board that the People Survey was due to close later in the day and that the Commission's return rate was similar to the previous year. Additionally, GG informed the Board that the RA campaign would launch in mid-December this year as opposed to early January.

#### **Item 4: Underwriting Principles**

- 1.10 PG presented a paper reviewing the financial model of the Commission. He outlined a potential approach that the MoJ could adopt which would see them sign up to underwrite our budget to a minimum core amount. The Board agreed to consider this position at the strategy day and then for PG and GG to discuss with MoJ.

#### **Item 5: Update on Work-shadowing**

- 1.11 PG outlined to the Board the proposal for the Law Commission's diversity work-shadowing scheme. The purpose of this scheme is to reach out to under-represented parts of the legal profession to raise awareness of forthcoming Commissioner

vacancies. The work-shadowing scheme is expected to launch later this year. The Board approved the proposal.

#### **Item 6: Reappointment of Commissioners**

- 1.12 PG updated the Board on recent work to set out a potential new process to govern the reappointment of Law Commissioners. Reappointments are a matter for the Ministry of Justice and its Ministers, however, this process would help ensure that the Law Commission is able to relay advice on potential reappointments using the Governance Code on Public Appointments as a framework. The Board agreed to provide further feedback on the process before PG discusses with the Public Appointments team.

#### **Item 7: Law Commission Policy on Outside Interests**

- 1.13 PG presented to the Board an updated policy on outside interests. The aim of the policy was to raise awareness of potential conflicts and ensure the Commission and its staff are fully transparent in their activities. The Board approved the guidance subject to a minor amendment explicitly highlighting the need for staff to speak to their line manager if they think any potential conflict may or have arisen.

#### **Item 8: Board Strategy Day Update**

- 1.14 The Board agreed to let PG know if they had any amendments to his agenda for the strategy day that had been circulated in advance of the meeting.

#### **Item 9: Guest Speaker: Talitha Rowland – Deputy Director, Parliamentary Business and Legislation (PBL) Economic and Domestic Affairs Secretariat**

- 1.15 TR presented to the Board an overview of the role of PBL and her team. This included managing live Bills in Parliament and co-ordinating between Government departments, No.10 and Business Managers as Bills passed from stage to stage in Parliament. TB touched on the challenges facing her team and the impact of Brexit on Parliamentary business. The Board discussed with TR the best ways for the Law Commission to engage with PBL and others to help facilitate implementation of the Law Commission's recommendations. The Chair thanked TR for her helpful and informative presentation.

#### **Item 10: AOB**

- 1.16 No items were raised under AOB.