

FIFTY YEARS OF THE LAW COMMISSIONS: THE DYNAMICS OF LAW REFORM NOW, THEN AND NEXT

An International Conference

10-11 July 2015

United Kingdom Supreme Court
London

The Dickson Poon School of Law at King's College London and the Faculty of Law at the University of Cambridge are delighted to announce a conference to mark the fiftieth anniversary of the Law Commissions Act 1965. The Conference has been organised in partnership with the Law Commission of England and Wales and the Scottish Law Commission.

The aim of the Conference is to reflect upon fifty years of institutional law reform in the United Kingdom, embracing the Law Commission of England and Wales and the Scottish Law Commission, as well as the Northern Ireland Law Commission. The significance of various specific reforms and proposals from the Commissions will be examined by academics, practitioners, judges and members of the Commissions.

Generously supported by

The Conference features keynote addresses by Baroness Hale of Richmond, Deputy President of the United Kingdom Supreme Court, and Sir Kenneth Keith, Former Justice of the International Court of Justice. The full programme is below.

The successes and failures of the Commissions' first fifty years are to be considered from a range of perspectives including the doctrinal, socio-legal and political.

As well as the fact of the anniversary, this Conference comes at a key moment of the Commissions' existence; a time of evolution for the Commissions in the nature of their work and their relationships with Government. Changes, mainly initiated to improve falling implementation rates, such as the Law Commission Act 2009 and its accompanying Protocol, a new House of Lords procedure for technical and uncontroversial Commission Bills and a similar procedure in the Scottish Parliament will be discussed.

The Conference will also examine how the legal landscape has changed since the Commissions were established in 1965. It will be considered, for example, whether the Commissions should still be expected to codify the law, and how they have adapted to devolution.

Other sessions will specifically consider the fate and status of unenacted reforms, to challenge the idea that all implementation must take place through enacted law. The common law, for example, continues to be a source of law reform, and one that can work in tandem with the Commissions. Of our 12 current Supreme Court Justices, four have previously held roles at the Commissions: Lady Hale DPSC, Lords Carnwath, Toulson and Hodge. All four are participating in the conference.

The legacy of the Commissions' first half-century can be seen domestically and internationally. Law Commissions have been created in the Commissions' image in other common law countries or those with "mixed" legal systems. The Conference also offers international perspectives, affording the benefit of the comparative experiences of different law reform models from other jurisdictions: notably Australia, Canada, Ireland, and New Zealand.

The conference has received generous funding from several sources. We gratefully acknowledge the support of the Modern Law Review Seminar Series, the Society of Legal Scholars, the Dickson Poon School of Law at King's College London, the Clark Foundation for Legal Education, Hart Publishing and the Honourable Society of the Inner Temple.

Matthew Dyson, James Lee and Shona Wilson Stark

NB: The Programme is up to date in the form below but may be subject to change.

Programme

Friday 10th July

9am **Welcome**

9:10-10:10am **Opening Keynote Address**

Baroness Hale of Richmond, Deputy President of the United Kingdom Supreme Court and former Commissioner, Law Commission, Chair: Professor Hector MacQueen of the University of Edinburgh and Commissioner, Scottish Law Commission

10:15am-12pm **Panel 1: The First Half-Century of the Commissions**

Chair: Lord Hodge JSC, United Kingdom Supreme Court and former Commissioner, Scottish Law Commission

- Professor Paul Mitchell, University College London: 'Strategies of the early Law Commission'
- Neil Faris, Solicitor & former Commissioner, Northern Ireland Law Commission: 'NILC - the Potemkin commission'
- Kathryn Cronin, Garden Court Chambers
- Professor Eric Clive, University of Edinburgh

12pm **Lunch**

1-2:45pm **Panel 2: Institutions, Commissions, Committees, Codifiers**

Chair: Sir Alan Beith

- Sir Terence Etherton, Chancellor of the High Court
- Professor George Gretton, University of Edinburgh: 'The duty to make the law more accessible: the two C-words'
- Professor Yves Le Bouthillier, former President, Law Commission of Canada: 'The former Law Commission of Canada: the road less taken'
- Professor Ian Dennis, University College London

2:45pm-3:15pm **Coffee**

3:15-5pm **Panel 3: The Many Faces of Law Reform**

Chair: Lord Carnwath JSC, United Kingdom Supreme Court

- Lord Toulson JSC, United Kingdom Supreme Court: 'Democracy, law reform and the rule of law'
- Shona Wilson Stark, Christ's College, University of Cambridge: 'Promoting law reform: by means of draft Bills or otherwise'
- Professor William Binchy: 'Law Commissions, courts and society: a sceptical view'
- Laura Dunlop QC, former Scottish Law Commissioner: 'A good name; a long game'

5-6:45pm **Panel 4: Implementation by Statute**

Chair: Dame Mary Arden, Court of Appeal

- Sir Grant Hammond, President of the New Zealand Law Commission: 'The legislative implementation of law reform proposals'
- Professor Andrew Burrows QC, University of Oxford
- Professor Hector MacQueen, Commissioner, Scottish Law Commission & University of Edinburgh: 'What the future holds?'

- Nicholas Paines QC, Commissioner, Law Commission: ‘Reflections on statutory implementation in the Law Commission’

Friday

7:30pm

Drinks Reception and Dinner, Strand Palace Hotel

Saturday 11th July

9:15-11am

Panel 5: How Law Commissions Work

Chair: Sir James Munby, President of the Family Division

- Professor Hugh Beale, University of Warwick: ‘The Law Commission method: exportable to the EU?’
- David Johnston QC, Commissioner, Scottish Law Commission: ‘Reflections from a recently-appointed Commissioner’
- Sir Jack Beatson, Court of Appeal: ‘Challenges for independent law reformers from shorter time-scales and changing external priorities’
- Stephen Lewis, Commissioner, Law Commission: ‘A reply on how the Law Commission of England and Wales works’

11-11:30am

Coffee

11:30am-1:15pm

Panel 6: Courts and Commissions

Chair: Lord Drummond Young, Inner House, Court of Session

- James Lee, King’s College London: ‘Courts and Commissions: the etiquette of law reform’
- Professor Barbara McDonald, University of Sydney: ‘Law reform and private law: the role of legislation in supplementing or supplanting the common law’
- Charles Harpum, Falcon Chambers: ‘The refiner’s fire’
- Professor David Ormerod QC, Commissioner, Law Commission: ‘A reply on the relationship between the courts and the Law Commission’

1:15-2:15pm

Lunch

2:15-4pm

Panel 7: Commissioning the Future

Chair: Tribunal Judge Elizabeth Cooke, Salaried Principal Judge of the First-tier Tribunal, Property Chamber (Land Registration).

- Lord Pentland, Chairman, Scottish Law Commission: ‘The Scottish Law Commission and the future of law reform in Scotland’
- Sir David Lloyd Jones, Chairman, Law Commission: ‘Thoughts on the future of the Law Commission’
- Elaine Lorimer, Chief Executive, Law Commission and Malcolm McMillan, Chief Executive, Scottish Law Commission: ‘Developments in implementation of law reform reports’
- Dr Matthew Dyson, Trinity College, University of Cambridge: ‘The future is a different country, they do things differently there’

4-4:15pm

Coffee

4:15-5:15pm

Closing Keynote Address

Sir Kenneth Keith, Former Justice of the International Court of Justice and former President of the New Zealand Law Commission Chair: Professor Hugh Beale, University of Warwick and former Commissioner, Law Commission

5:15pm

Concluding remarks

5:30pm

Close

Delegate Rates and Booking

There are a limited number of open places for delegates to attend the conference, at the following rates:

Practitioner	£200
Academic	£150
Student (limited number)	£100

The booking fee includes attendance at both days of the conference, with lunch and coffee/refreshments on each day.

The Conference is accredited for 13 CPD hours, for both the Solicitors Regulation Authority and the Bar Standards Board.

Paying delegates can additionally book to attend the conference reception and dinner, at a subsidised rate of **£50**.

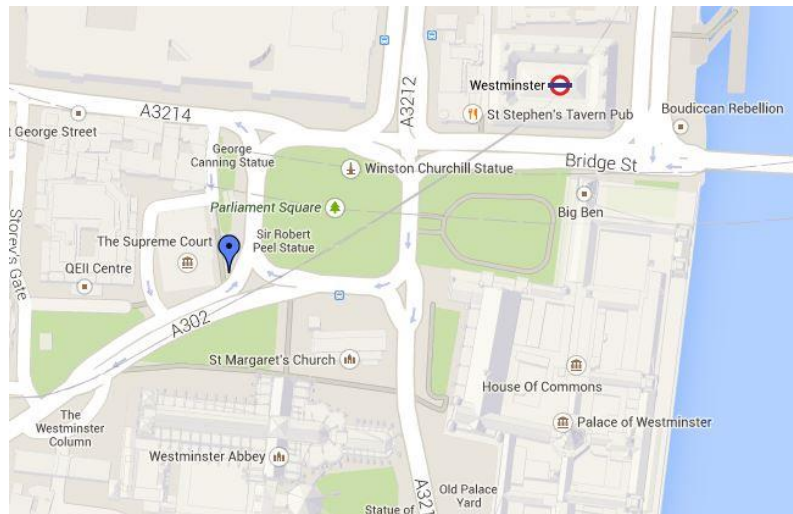
To book for the conference, please go to

http://estore.kcl.ac.uk/browse/extra_info.asp?compid=1&modid=2&deptid=17&catid=16&prodid=520

Venue and Directions

Address:

The Supreme Court, Parliament Square, London SW1P 3BD



By underground:

- District and Circle lines to Westminster (Exit 6 for Whitehall west)
- Jubilee line to Westminster (Exit 6 for Whitehall west)

Once out of the station walk round the corner away from Whitehall (you should be on Great George Street) and cross the road by the traffic lights. The Supreme Court is on your right hand side behind the statue of Abraham Lincoln.

Nearest mainline stations:

- **Victoria** (just over 1 km): Walk down Victoria Street (on the left hand side of the road) until you see Westminster Abbey. Cross over by a small traffic island and continue past the QEII Exhibition Centre. As you turn the corner to come on to Parliament Square you will be walking alongside the building. The main entrance will be on your left.
- **Charing Cross** (just over 1 km): Turn left out of the main train station exit onto the Strand. Passing Waterstones on you left, cross two roads and then walk down the length of Whitehall until you reach Parliament Square. Cross Whitehall, turning right (you should be on Great George Street) and cross the road by the traffic lights near the RICS. The Supreme Court is on your right hand side behind the statue of Abraham Lincoln.

Disabled access

The Supreme Court building is fully adapted for disabled access, with lifts to all floors. There is also a dedicated lift to Court 3.

Sponsors

A Selection of Titles from Hart Publishing

You can order these titles at www.hartpub.co.uk or by visiting our stand during the conference



50 Years of the Law Commissions

The Dynamics of Law Reform

Edited by *Matthew Dyson, James Lee and Shona Wilson Stark*

This book brings together past and present law commissioners, judges, practitioners, academics and law reformers to analyse the past, present and future of the Law Commissions in the United Kingdom and beyond. Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place, covering statutory and non-statutory reform from national and international perspectives. The book will contain papers from this conference to mark the fiftieth anniversary of the Law Commissions Act 1965.

Matthew Dyson is Fellow in Law at Trinity College, Cambridge
James Lee is Senior Lecturer in Private Law at King's College London.
Shona Wilson Stark is Fellow in Law at Christ's College, Cambridge.

June 2016 9781849468572 390pp Hardback RSP: £65



Beyond Magna Carta

A Constitution for the United Kingdom

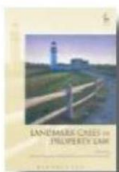
Andrew Blick

The 800th anniversary of Magna Carta falls in June 2015. In this work Dr Blick argues that this event should be the occasion for a reassessment of the past, present and future of the UK constitution. He draws on his experience as research fellow to the first ever parliamentary inquiry into the possibility of a written

constitution for the UK. Dr Blick considers a series of English and UK historical texts from Anglo-Saxon times onwards, among which Magna Carta is the most prominent, which sought to set out arrangements for the governance of England and later the UK as a whole. He argues that they comprise a powerful tradition of written constitutional documents, and stresses the importance of the European dimension to their introduction and content. The author then considers the present nature of the UK constitution, describing the period of immense flux through which it has passed in recent decades, and the implications of this phase of change. Dr Blick identifies a need for a full written constitution for the UK as the next appropriate step. Finally, he discusses the democratic processes suitable to devising such a text, and what its contents might be.

Andrew Blick is Lecturer in Politics and Contemporary History at the Institute of Contemporary British History, King's College London.

April 2015 9781849463096 314pp Hardback RSP: £25



Landmark Cases in Property Law

Edited by *Simon Douglas, Robin Hickey and Emma Waring*

Landmark Cases in Property Law explores the development of basic principles of property law in leading cases. Each chapter considers a case on land, personal property or intangibles, discussing what that case contributes to the dominant themes of property

jurisprudence – How are property rights acquired? What is the content of property rights? What are the limits or boundaries of property? How are property rights extinguished? Individually and collectively, the chapters identify a number of important themes for the doctrinal development of property institutions and their broader justification. These themes include: the obscure and incremental development of seemingly foundational principles, the role of instrumentalism in property reasoning, the influence of the law of tort on the scope of property doctrines, and the impact of Roman legal reasoning on the common law of property.

Simon Douglas is a Fellow and Tutor in Law at Jesus College, Oxford University. *Robin Hickey* is a Senior Lecturer in Law at Queen's University Belfast. *Emma Waring* is a Lecturer in Law at The University of York.

May 2015 9781849466080 344pp Hardback RSP: £70



Parliamentary Sovereignty in the UK Constitution

Process, Politics and Democracy

Michael Gordon

At a time when the future of the sovereignty of Parliament may look less than assured, this book develops an account of the continuing significance of the doctrine. It argues that a rejuvenation of the manner and form theory is required to understand the present status of parliamentary sovereignty. Addressing the critical challenges to the doctrine, it contends that this conception of legally unlimited legislative power provides the best explanation of contemporary developments in UK constitutional practice, while also possessing a normative appeal that has previously been unrecognised. This modern shift to the manner and form theory is located in an account of the democratic virtue of parliamentary sovereignty, with the book seeking to demonstrate the potential that exists for Parliament – through legislating about the legislative process – to revitalise the UK's political constitution.

Michael Gordon is a Senior Lecturer in Law at the University of Liverpool.

March 2015 9781849464659 378pp Hardback RSP: £55



Lord Kilmuir

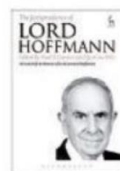
A Vignette

Neil Duxbury

This short book examines the career and achievements of Lord Kilmuir (David Maxwell Fyfe), a British politician and former Lord Chancellor who is mainly remembered for some poor and unpopular decisions but who nevertheless made a considerable mark on twentieth-century legal development. After the Second World War, Kilmuir not only excelled as a fellow prosecutor with Justice Robert Jackson at Nuremberg but also played a significant role in the effort to restore European unity, particularly through his involvement in the drafting of the European Convention on Human Rights. Drawing on archival and other primary sources, this book considers Kilmuir's initiatives both at home and in Europe, and concludes by marking out his achievements as a pro-European Conservative who not only favoured the right of individual petition to a supranational, Convention-enforcing court but who also favoured Parliament legislating to replicate Convention norms in domestic law.

Neil Duxbury is Professor of English Law at the LSE.

May 2015 9781782256236 146pp Hardback RSP: £25



The Jurisprudence of Lord Hoffmann

A Festschrift in Honour of Lord Leonard Hoffmann

Edited by *Paul S Davies and Justine Pila*

Lord Leonard Hoffmann remains one of the most important and influential English jurists. Born in South Africa, he came to England as a Rhodes Scholar to study law at the University of Oxford. After graduating from the Bachelor of Civil Laws as Vinerian Scholar, he was elected Stowell Civil Law Fellow of University College. There followed an extremely distinguished judicial career, including 14 years as a member of the Judicial Committee of the House of Lords (from 1995 to 2009).

In 2009, Lord Hoffmann returned to the Oxford Law Faculty as a Visiting Professor. In this volume, current and past colleagues of Lord Hoffmann from the University of Oxford examine different aspects of his jurisprudence in diverse areas of private and public law. The contributions are testament to the clarity and creativity of his judicial and extra-judicial writings, to his enduring influence and extraordinary intellectual breadth, and to the respect and affection in which he is held.

Paul S Davies is an Associate Professor in Law and *Justine Pila* is University Lecturer in Intellectual Property Law, both at the University of Oxford.

July 2015 9781849465915 392pp Hardback RSP: £50

Sponsors



The Honourable Society of the Inner Temple

The Honourable Society of the Inner Temple is one of the four barrister Inns of Court of England and Wales. In 1608, the Royal Charter was granted by King James I to Inner and Middle Temple under the condition that the lands be used for educational purposes for those studying law. This had already been a major aspect of the work of the Inns of Court from as early as the 14th century and remains fundamental to what the Inns do today.

The Inner Temple provides advocacy training to prospective and practising members of the Bar. We rely upon the generosity of our senior members in giving up countless evenings and weekends to train our students and junior practitioners. The Inn is also a gateway to the profession and interacts with every university offering a qualifying law degree by attending law fairs across the country and supporting the work of Law and Bar student societies. The Inner Temple runs regional receptions, university presentations and supports a network of Academic Fellows in a range of universities across England and Wales.

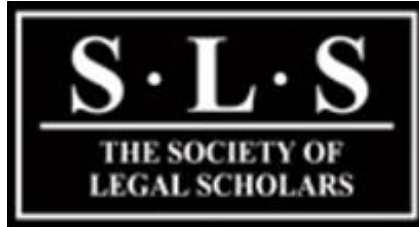
The Inner Temple provides over £1,575,000 in scholarships every year to students undertaking the law conversion course and the Bar Professional Training Course. Across the Inns, the figure is over £5 million.

The Academic Fellowship Scheme seeks to build stronger ties with legal academics at universities across England and Wales. It aims to recognise the outstanding contribution of legal teaching and research of early to mid-career academics to the profession. The honorary non-remunerated post lasts for three years, with twelve Academic Fellows in any given year.

The Inner Temple works with the Sutton Trust (and their Pathways to Law Programme), Social Mobility Foundation, Pure Potential and King's College London to provide five days of workshops and presentations for state school students about becoming a barrister. Since 2009, over 2000 A-level schools students have taken part in the Inner Temple Schools Programme. In his 2012 report on *Fair Access to the Professions*, The Rt Hon Alan Milburn highlighted the Inner Temple Schools Programme as an example of best practice.

On behalf of the profession, the Inner Temple also runs an access programme for university students: the Pegasus Access and Support Scheme (PASS). Undertaking mini-pupillages is essential in a prospective barrister's journey to the Bar. The scheme matches high-achieving students who might have had difficulty securing these opportunities with over 60 partner chambers to undertake a mini-pupillage. In doing so, it aims to support participants to progress into the profession thereafter. The Inn manages the application and allocation process and provides travel and accommodation costs.

Sponsors



The Society of Legal Scholars is a learned society whose members teach law in a University or similar institution or who are otherwise engaged in legal scholarship. Founded in 1909, and with over 3,000 members, it is the oldest as well as the largest learned society in the field. The great majority of members of the Society are legal academics in Universities, although members of the senior judiciary and members of the legal professions also participate regularly in its work. The Society's membership is drawn from all jurisdictions in the United Kingdom and Ireland and also includes some affiliated members typically working in other common law systems. The Society is the principal representative body for legal academics in the UK as well as one of the larger learned societies in arts, humanities and social science.



Since its formation in 1937, The Modern Law Review has provided a unique forum for the promotion of legal education and scholarship. These objects have been promoted not only through the publication of the law journal but also by the organization and funding of lectures, seminars and other scholarly activities.

Contact Details

If you have any queries about the Conference, please contact the organisers via lawreformconference@gmail.com.