

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION

Clearing out the legal dead wood

The Statute Law (Repeals) Act 2004 becomes law on 22 July 2004. It implements a report by the Law Commission and the Scottish Law Commission which was published in December 2003.¹ The Act repeals 68 whole Acts and parts of over 400 other Acts.

This is the latest in a series of statutes designed to modernise and simplify the statute book by getting rid of laws which are no longer needed. Since the Commissions were founded in 1965 they have published seventeen joint reports on Statute Law Revision. As a result a great deal of legislation which has ceased to be useful has been stripped from the statute book. Nearly 5000 statutory provisions have been repealed in this way including more than 2000 whole Acts.

Getting rid of statutory dead wood prevents people being misled into believing that an obsolete provision is still live law. Anyone looking up the law on a particular point and seeing an Act still on the statute book will assume, reasonably, that it must still mean something. It pushes up the cost of using the law if lawyers, and others, have to cut through a thicket of obsolete statutes to find out what the law actually is.

Mr Justice Toulson, the Chairman of the Law Commission and Lord Eassie, the Chairman of the Scottish Law Commission, emphasised the importance of keeping the statute book clear of legal clutter when they said today:

“The importance of Statute Law (Repeals) Acts is that they remove unnecessary clutter. This helps to simplify and modernise the law, making it more intelligible and saving the time of lawyers and others who need to know what the law actually is.”

¹ Statute Law Revision: Seventeenth Report and Draft Statute Law (Repeals) Bill, Law Com No 285 (Cm 6070), Scot Law Com No 193 (SE/2003/313). It is available from TSO (The Stationery Office), £22.50, the Law Commission's website at www.lawcom.gov.uk and the Scottish Law Commission's website at www.scotlawcom.gov.uk

