

Justice Committee

Oral evidence: [Work of the Law Commission](#), HC 956

Tuesday 24 November 2020

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Members present: Sir Robert Neill (Chair); James Daly; Miss Sarah Dines; Maria Eagle; Kenny MacAskill; Dr Kieran Mullan; Andy Slaughter.

Questions 1 - 21

Witnesses

I: Sir Nicholas Green, Chair of the Law Commission; and Phil Golding, Chief Executive of the Law Commission.

Examination of witnesses

Witnesses: Sir Nicholas Green and Phil Golding.

Q1 **Chair:** Welcome to our two witnesses. Sir Nicholas Green, Chair of the Law Commission, it is very good to see you.

Sir Nicholas Green: Good afternoon, Chair.

Chair: And Phil Golding, Chief Executive of the Law Commission, it is very good to see you.

Phil Golding: Good afternoon, Chair.

Q2 **Chair:** We have met in the past on a number of occasions. Some of the other members of the Committee may be new to you and will, perhaps, introduce themselves as we go along through the questions. We made our declarations of interest at the beginning of the meeting, which is a matter of record.

We are grateful to you for submitting some written evidence to us. We have received and read the memorandum. The last time you gave formal evidence to the Committee on behalf of the Commission there was concern about the Commission's funding arrangements, which were not working well. You pointed out to us, Sir Nicholas, some of the concerns that the Tailored Review had expressed—that the funding model was incentivising you to move away from those that might be of the most public importance towards those that could fill the coffers, to paraphrase it in that way. A new funding model has been announced today, has it not?

Sir Nicholas Green: Yesterday.

Q3 **Chair:** Yesterday. Even better. Tell us whether that improves the position and give your assessment of where funding now stands.

Sir Nicholas Green: Thank you very much indeed. We recently agreed a new funding arrangement with the Lord Chancellor. We agreed it a couple of weeks ago, but the text of the MOU new funding arrangement was published and announced yesterday and is now in the public domain.

We have not agreed an increase in budget. It is a restructuring and reorganisation of the way in which we receive our funds. In the past our core budget from the Ministry of Justice had been reduced by approximately 54%. This placed us under very substantial pressure to meet the demands placed upon us by Government, which were constantly increasing.

To make up the shortfall, as you have identified, we had to seek funding from the various Departments when we accepted a project. We did this successfully. Our total funding from the state this year is just a fraction under £5 million, but that more than made up the shortfall from the cuts.



HOUSE OF COMMONS

The problem was that we had to seek ad hoc project funding, which created an impression that we were being driven by the need to raise funds rather than the requirements of genuine law reform. This impression was not entirely accurate, but it is correct to say that it had some serious adverse effects. Let me give you a few examples. We could not embark upon projects that we had agreed with the Government in our 13th programme, because they had to be funded from core funds and we did not have them. For example, we have projects outstanding on burial of the dead and museums collections, which are both important in their own right. We had to defer certain projects when we accepted the more pressing ministerial references. An example was when we had to put down wills to do marriages.

We lost key specialist law reform staff because we could only offer external contracts; we could not roll over and benefit from their growing experience. We did not have the ability or funds to engage in research into future law reform.

I know that this Committee in 2018 highlighted these problems. Your report was quite influential in starting the ball rolling in enabling us then to enter into negotiations with the MOJ. As I said, we have now agreed a new arrangement.

Before I briefly touch on the new arrangement, let me record my thanks to the Lord Chancellor for his personal involvement and, indeed, to his officials for the constructive way in which they engaged with us. In future, our entire funding of approximately £4.5 million will come from the MOJ. We will, therefore, not have to spend time on negotiating what are very small sums of money with individual Departments before we take on projects. The MOJ will seek to recoup the costs behind the scenes, but it will not be our responsibility. We will have greater security to accept projects, confident that we can fund them. We will be able to retain key law reform staff and will benefit from that retention. We can accept projects based on objective need rather than on the need to plug a budgetary deficit. It puts us in a very strong position to embark upon our new 14th programme. With this Committee's assistance, we are now in a much happier place than we were when we were last before you.

Q4 Chair: It is good news that the risk has been transferred to some degree from yourselves and on to the MOJ. I am glad if we helped in that regard.

It might be worth flagging up why the programme of law reform is so important and why we should continue to do this.

Sir Nicholas Green: We have about 20 law reform projects at present on our books, which cover everything from the digital economy, robot cars and automated vehicles, to four major reports published this year on leasehold reform, to planning laws in Wales, surrogacy, weddings, hate crime and indecent images. We have just agreed with a range of different Departments to take on a project reviewing the structure of corporate crime.



HOUSE OF COMMONS

We take on quite important projects. It is important to understand that what we do is, effectively, supplementary or complementary to Government. We don't take on projects that are, essentially, political—things that the Government simply want to do and feel they have a mandate for. We tend to take on, if you like, the legislative grunt work. These are highly complex, often controversial projects. We are very good because we are objective and independent at weaving our way through the middle and building consensus.

We have 20 projects for about 65 staff, predominantly lawyers and researchers. We have a tiny support staff. That is overseen by the four commissioners, who are responsible for commercial and common law, crime, public law in Wales and property, family and trusts.

As you know—we told you in our submission to you—we have recently instructed two independent economists to run a slide rule over the benefits that flow from our work. We can come to it later or I can deal with it now.

Q5 Chair: We are probably going to move on to that in a moment—Mr Daly is going to ask you some questions around that. The overview you have given is helpful.

I am interested—it is a particular interest of mine and it has been talked about a great deal—in the work you are doing on reform of corporate criminal law, or propose to take on. What is the timeframe for that?

Sir Nicholas Green: We have set up two teams—the criminal law team plus the commercial team—so that we can be sure we have a proper economic and commercial perspective. We are going to do an options paper for the Government as the first stage. We have literally only just agreed the terms of reference, but the team is already up and running. Indeed, we had a meeting at 8.30 this morning with various lawyers from the City of London. We are hoping to produce a paper by the end of next year that will lay out for the Government the options for reform. If the Government then decide that they could remit another project back to us to develop one solution, so be it, or they could take it on themselves. We are looking at it from a broad economic commercial plus a criminal law perspective.

Q6 Chair: That enables us to look at some of the gaps that have sometimes been identified or are said to exist in the English common law approach to things like the controlling mind of a company and so forth, as opposed to the way in which it is dealt with in the States and other jurisdictions.

Sir Nicholas Green: Exactly. It is fair to say that we remain very open-minded about it at the moment, but there are different views across different Whitehall Departments on the best model. Not everyone thinks that the US model is the right one. We will wait and see. We will call for evidence next year and we will collect views.

Q7 Chair: That is the area of debate, which was quite highly publicised.



Sir Nicholas Green: Absolutely.

Q8 **James Daly:** This is a question for either Sir Nicholas or Mr Golding. Why did the Law Commission decide to produce an economic analysis of the value of law reform?

Sir Nicholas Green: When I was first appointed chair in 2018 it struck me that there was no independent analysis of whether we were good value for money. We instructed two independent economists to perform this piece of work. Publication of our report was delayed due to problems in Parliament relating to our departure from the EU, general elections, covid and so on. There was never the right time. We have now published the report.

The reasons were threefold: first, to demonstrate to Government and the world at large that we are very good value for the expenditure of very modest public funds. We thought we had to justify ourselves.

Secondly, we wanted to broaden the debate about the benefits of good laws. Saving and generating money for Government is, of course, very important—we don't shy away from that—but there are many other important reasons to legislate, such as to increase social welfare, to make people happy, to increase access to justice, to strengthen the rule of law or to make law more accessible.

Thirdly, we wanted to educate ourselves within the Law Commission, to make sure we better understood the types of law reform technique that really work and generate the most benefit. This report will enable us to sharpen our focus in law reform in the future. Those are the three main reasons why we entered into this project.

Q9 **James Daly:** Sir Nicholas, I apologise for my ignorance in asking this question. I can understand, to a certain extent, an organisation commissioning something to look at its own merits or otherwise, but I would think that the primary body to examine the benefits of the Law Commission is Parliament or the Ministry of Justice. Will you explain the Law Commission's interaction with Parliament, save for this Committee, in examining the work that you do?

Sir Nicholas Green: So far as that economics report is concerned, obviously the MOJ was aware of it. We have had extraordinarily positive responses both from within Government and internationally. We have a very close relationship with the MOJ. Indeed, we have strong relationships with all Departments across Whitehall. One of the consequences of the reduction in our budget was that it forced us to get out and talk to Whitehall far more intensively than we ever did before.

Although that gave rise to certain problems, it also had benefits. We are a leaner, sharper and better-tuned instrument than we were before. We therefore have strong links across the whole of Whitehall, including No. 10 and the Cabinet Office. We talk constantly about our projects and issues with Government. We are very conscious that we need to be



HOUSE OF COMMONS

responsive. We make a great effort to get the facts across to Government. Phil regularly leads those discussions.

Phil Golding: Our reports will be accompanied by economic impact assessments—a Government mark, as it were, of the value of law reform in almost hard-cash terms.

With this piece of work, we were trying to look beyond those hard figures and at the overall contribution that the Law Commission can make. As Sir Nicholas has said, it was very much taking a broader view of impact. We are regulated, as it were, in our relationship with the MOJ and other sponsoring Departments, when we are undertaking our reports, to give a firm and acknowledged view on economic impact assessments as a result of our work. That provides that link—the scrutiny of that—in relation to each project. This was trying to look at a broader picture rather than just marking our own homework.

Q10 James Daly: Mr Golding, the brief I have in front of me says that “five of our recent projects have a net present value exceeding £3 billion over 10 years.” You could probably be here for quite a long time explaining that, but in a nutshell, in the time you have, could you give us a little of the context for those figures?

Phil Golding: A lot of the figures there are based on the economic impact assessments. We looked at those projects that have the five largest figures that were contained in the economic impact assessments—it is a combination of those—whereas the report that we commissioned the economists to do was to look much broader than just the hard figures, in terms of putting a cash value on it, and look at what is called a contribution analysis to see where law reform has that wider impact on society.

The more you look at that contribution, the harder it gets to pin figures on it. Therefore, our economic impact assessments tend to be focused on where we can do realisable savings. Obviously, it is not the sole preserve of the Law Commission always to deliver savings, but it helps with implementation if you can show that you can make savings. I hope that helps.

James Daly: It does. Thank you, Mr Golding. Thank you, Chair.

Q11 Andy Slaughter: Good afternoon, gentlemen. Congratulations on the economic analysis and, indeed, on the Sentencing Code, as I suspect you are reaching out to more than your usual audience in that respect. Do you think there are unintended consequences of that in that some of the more traditional areas that you would have looked at, which might not deliver financial returns in the same way, could be marginalised? I am sure you would not seek that, but if one thinks of more controversial areas of criminal law, such as homicide, joint enterprise and inchoate offences, which might be seen as disciplines you would look at, are any of these sorts of issues being squeezed out by an encouragement to deal



with areas that would deliver savings?

Sir Nicholas Green: One reason why we embarked upon the economic analysis was precisely, as I said, to broaden everybody's thinking about the benefits of law. It is fair to say that when we were under financial pressure we would take on projects—I don't say that they were bad projects; they were very good projects, in the main—which we might not have taken on or which were at the expense of other projects in the programme. The new funding arrangement should take that skew or pressure off us.

You have mentioned a number of criminal law projects; we have a burgeoning criminal law portfolio of work. It is fair to say that we have a number of projects outstanding that are yet to be implemented, which are in the MOJ's back pocket. I do not think, and it certainly will not be the case in the future, that we have had to put down really important socially significant projects simply because of the money. For example, we have taken on recently hate crime and indecent images, which are issues of immense importance. People take different views about them, but they are very important issues. You cannot measure those in monetary terms and we wouldn't want to.

Q12 **Andy Slaughter:** Mr Golding, do you have anything to add to that?

Phil Golding: In terms of the controversial versus non-controversial, one of the things that the new funding model helps us with is that we should be able, for the first time in a long time, to look at the out-and-out law reform need. We have a criterion that is contained within the annexe of the memorandum of understanding that puts that centre stage. Even within the main text of the MOU there are a number of principles that underpin. It also removes the ad hoc nature of how we bring in work. Without being too blunt, sometimes it could be right down to the policy official who you could find with the cheque book available to them as to whether you could get a law reform project off the ground.

I am hopeful that we will see a far more strategic view on how we attract work. What you are looking for is a balanced portfolio of work, because at certain times in a Parliament it may well be that technical law reform projects, like the Sentencing Code, get real momentum behind them, yet at another time they may get nowhere. That was a project that, when we initially proposed it, nobody wanted us to do. If you have that balanced portfolio, you are far more likely to get something implemented because it falls at the right time.

My final point on that is a need to be quite patient. It does take quite a long time sometimes for law reform proposals to come to the fore. Because we are not a political organisation, in a sense, at some point most Governments will pick up much of what the Law Commission does. It is that balanced portfolio that is important.

Q13 **Andy Slaughter:** Do you feel able to look into whatever areas you think



are suitable? There are political pressures, as you say, on Government not to go into some controversial areas, and they may be ably assisted by the Law Commission looking at it in an open way. Do you feel you still retain that brief?

Sir Nicholas Green: We will not take on a project unless we have what we call protocol support—namely, a written statement from the Minister that expresses a serious intention to consider implementation. We are not going to embark on ivory-tower exercises or purely academic exercises. We are a law reform agency. We exist to reform the law. To do that, we have to engage closely with Government and, therefore, produce work that has a realistic chance of being implemented. There would be no point in our existing if we didn't do that. We are very concerned to ensure that what we do is relevant and useful to Government.

I want to make the point about the political angle. As you can imagine, when my four commissioners and I sit around the table, we are always asking ourselves what the proper limits of five lawyers are. We are often producing very detailed law reform recommendations and proposals, and often we will include formal recommendations in our reports. Equally, often we do not. We recognise there is a limit to the work that four lawyers can properly do. There comes a point at which you cross the line, and thereafter it is political discretion. We really do understand that there is a divide between what we are good at—what makes us an asset to Government—and what is the proper territory of the Executive. We will generally shy away from political cases and projects.

In relation to controversial projects, where everybody realises that the law is difficult and in need of reform but no one quite knows what the answers are, that is where we are at our strongest. A recent example would be leasehold reform. We produced the best part of 1,700 pages of technical recommendations across four different projects for the wholesale review of leasehold residential arrangements. Everybody recognised there were many difficulties with the law. It is a vastly complex area. It is meat and drink to us. We love that sort of thing.

Chair: Thank you very much. That is a fair point. Given the number of lawyers on the Committee, you probably understand why that gets a smile from all of us.

Q14 **Maria Eagle:** I recall when I was a Minister, 10 years or so ago, the average length of service of a Minister was about two-and-a-half years. I suspect it has probably gone down since. One of the issues you have is that you take, understandably, a long time to do things, so perhaps the intention from the Minister that you get to sign the letter saying he is going to implement whatever you come up with is not necessarily the same if the Minister changes or worth the paper it is written on when you reach your conclusions.

One example that we can all applaud of your work being implemented is the enactment of the Sentencing Code, which is a major milestone for a



very long-standing and difficult piece of work. What lessons do you think can be learned from the process of getting the code on to the statute book? It was something everybody wanted it, everybody welcomed it, but nobody could do it because it was so difficult over such a period of time.

Sir Nicholas Green: You say that everybody wanted it; as Phil mentioned earlier, when David Ormerod, who was a commissioner at the time, first mooted it some seven or eight years ago, people thought that this wasn't something that anybody was interested in. Now everybody thinks it is the most marvellous piece of legislation out. It was about five years in the preparation. It was an enormously complex piece of work.

One of the reasons it was delayed—the reason that so much other legislation has been delayed—is that it hit Brexit, elections, changes of premierships and covid. Every time we thought we were on the cusp of getting royal assent, something happened. None the less, we have got it over the line.

What lessons have we learnt from it? It has reinitiated an interest in simplification and codification projects. The economic impact assessment for the Sentencing Code is about £250 million over 10 years just in routine savings. We certainly did not go into that project to save money, but even a fairly technical project like that has the ability to save a great deal of public money.

We need to explain more effectively to Government the benefits of codification and the simplification of projects. Indeed, in the light of the Sentencing Code, we are in discussions concerning four potential codification and simplification projects. Suddenly there is a renewed interest in the benefits of that.

We have powers under our Act to do consolidation, simplification and statute law reform, which means getting rid of defunct statutes. We like to take a very complicated portfolio of measures and simplify them but technically improve them along the way. One of the things we will debate with Ministers and civil servants, if we are going to engage in this sort of project, is whether we do a simplification-and-improvement exercise. Quite often, as the team is putting together this enormously complex jigsaw, you identify many small technical improvements. Often they don't raise big policy issues at all. We like to do a clean-up as we go along so the end result is much more modern, accessible and efficient than the starting picture. We have got better at that. We think we can do more of that.

The third thing we have learned is that there is likely—I put it no higher than that—to be scope for similar exercises following the expiry of the implementation period in just a few weeks. We will then have a vast array of retained law. The Government may, perfectly properly, wish to amend it, but different subject matters may be spread across what would be a plethora of old directives and regulations. We rather imagine that there will be scope for us to take on a number of projects involving



cleaning up, simplifying, tidying and carrying out the Government's desire to change things as we move on. We think that this exercise could be valuable in the future.

Those are a few of the lessons we think we have learned from the Sentencing Code.

Chair: It has certainly been very much welcomed by practitioners—I can vouch for that. Hopefully, it gives clarity to Members of Parliament, as we get questions from time to time from our constituents who are bemused by some of the complexities of sentencing legislation. That is helpful.

Q15 **Dr Mullan:** I thank the witnesses today for attending this session. I want to talk about implementation after you have released your reports. My understanding is that 64% of reports are implemented in whole or in part. I was interested to know whether you are satisfied with that rate. Do you think it can be realistically increased and, if so, in what way?

Sir Nicholas Green: The 64% is, probably, an average since 1965 when we started. The introduction of the protocol about 10 years ago, which means that we don't take on a project unless Ministers give us serious intention to consider implementation, has upped the implementation rate.

If you take the figures from 2014 to 2018, before we hit parliamentary paralysis: we published 35 reports, 13 of which were implemented, another 12 of which were accepted but not yet implemented, and none have been rejected and 10 are pending. Six of those 10 are criminal projects. We still have a very high implementation rate.

The fact that we have this staggered implementation is important. Timescales are critical. Some of our reports can sit in the public domain for some years and they frame and shape public debate. Then they return and become implemented. A recent example was a report we published in 2014 on conservation covenants—arrangements between landowners and third parties about improving the countryside and respecting the heritage of the countryside. They are now being implemented in the Environment Bill. That is six years.

Our report on hate crime in 2014 led us to take on a series of projects that we imagine will lead to legislation within the next, say, two years. The timescale has to be looked at very carefully. Government have priorities and it is not always the piece of legislation that we are working on. Of course, we absolutely understand that. We are very patient, as the Sentencing Code demonstrated. We have to be.

The second point in relation to implementation is the form. We do not aim to implement everything through legislation. Let me give you an example—one we are rather proud of. The report on electronic signatures that we published last year is a technical report but it is of real importance to business. We went through a number of internal debates about whether we should follow the MOJ's preferred solution at that time,



which was for a Bill. We did produce a Bill in our report but we tucked it away in an annexe.

At the beginning of the report we put a one-page restatement of principles about how electronic signatures can be valid. There is then a long chapter setting out the law. We came to the conclusion that it did not need legislation but that the law could easily develop incrementally through the courts. We also recommended that the Lord Chancellor set up a working committee of the City and judges to try to consider reform. That is exactly what has happened. We have implementation through non-legislative means. We could have had legislation. Parliamentary counsel drafted a model for us but said it was very clunky, it was not great legislation and could we find another way, which we did.

We now have a number of projects that we are working on through non-legislative means, such as enforcement of financial remedies in family law, which is the 2014 report and is now being incorporated into family procedural laws. Expert evidence in criminal proceedings was incorporated through amendments to criminal procedural rules or case law.

We have a rather neat little project that we are working on with the judges and the MOJ on digitalisation of audits in cases involving resolution of financial family disputes. We want to get all the data in anonymised form into the public domain to enable practitioners to predict what the outcome of going to court is. We hope, in that way, that we will reduce the need to go to court and encourage early settlement.

We focus—probably increasingly these days—on non-statutory methods of implementation in conjunction with Government. We don't just run away and do our own thing.

Q16 Dr Mullan: That is helpful. You have illustrated that it is not a simple timescale measure. Having said that, do you think at different times there is a variation in enthusiasm from Government to get things on to the agenda? I know it has been difficult because, as you said, there was a legislative gridlock in recent history. If you can put that to one side, is there a detectable change in approach at times?

Sir Nicholas Green: I suspect that the answer to that must be yes. I cannot say that I particularly detected it. My period as chair has been beset by quasi paralysis in Government. For a body like the Law Commission, and a Government with a working majority, the general public sometimes forget that a great deal of a Government's work is non-political, bi-partisan and is simply law that has to be done. There are amendments that have to be made. We hope we fit into that category. We are hopeful that during the next two or three years quite a lot of our backlog will be implemented. We are beginning to see that.

Q17 Dr Mullan: Is the type of topic important—are areas of controversy liable to sit on a Minister's desk for a little bit longer?



HOUSE OF COMMONS

Sir Nicholas Green: I am sure the answer to that question must be yes to some degree. Partly because of the funding difficulties we had, we are very fleet. We talk a great deal. Phil is constantly talking to his counterparts across Whitehall. We have a pretty good idea of where people are coming from, what is realistic and what is not. I hope that, when we put in a final report to be laid before Parliament, it will be in a shape that is realistic, workable and accepted as such.

Q18 **Dr Mullan:** That sounds, if I may say so, like you justify the whole time what you put forward and what you do. It could be argued that you could be pushier. Rather than aiming for things that you know are going to get a really good reception, could you sometimes push things that have a less welcome reception and try to drive things through in your working relationships?

Sir Nicholas Green: We absolutely do. We are fiercely independent. The organisation is run by me. I am a judge so I am statutorily and constitutionally independent. I have four office holders as commissioners. Everybody fights vigorously for their independence. We do what we think is right. I would describe our independence as "functional independence". We are rigorously independent but we have to be realistic.

It is a matter of finding the right balance. There is simply no point in putting forward something that is going to be flatly rejected. There is the art of persuasion. We have very strong stakeholders on the other side who may have put in powerful evidence and we are duty-bound to reflect that.

You are absolutely right. It is a difficult tightrope that we sometimes walk. We feel confident enough to put forward bold solutions where we think it is the right thing to do.

Phil Golding: Let me say that we are not passive in waiting for Government to come to us with a topic area and then responding to it. We spend a lot of time trying to drum up or make the case for law reform. We will be talking to parliamentarians, for example, the senior judiciary and stakeholders to try to work out what their law reform priorities are so we can take those to Government Departments and try to push the case for them. That is where the support of Parliament and the Justice Committee, which has supported projects in the past, is so important. We tend to think it can be a pincer movement sometimes. We know where the issues are, but unless we have that support from stakeholders, parliamentarians and the judiciary, sometimes that can be the difference between a project getting off the ground and not getting off the ground. We are not just passive waiting for the Government to give us work.

Q19 **Kenny MacAskill:** Thank you. You will have to excuse me because my knowledge is more of your counterparts north of the border. I have to say that the perennial problem of the Scottish Law Commission is not the work that they were doing but what was done with the work that they did



HOUSE OF COMMONS

through legislative logjams and worthy documents gathering dust, which were tragedies in many ways that I feel guilty about.

Some of the comments in response to my colleague Dr Mullan have answered some of the points about the 14th programme. Could you, first, tell me what criteria you used to decide what should be subject to formal consultation?

Sir Nicholas Green: This is in the 14th programme?

Kenny MacAskill: Yes.

Sir Nicholas Green: At the moment we are really open-minded. We have our new funding arrangement. We are looking for a much more strategic relationship with Government. We want a balanced portfolio of projects that spans the whole of society and the economy.

We have identified five themes that we think will permeate much of the legislation during the next few years. One is emerging technology and artificial intelligence. Many more areas of law are being affected by that. We are doing quite a lot of work internally within the Commission to think about how that is going to impact on law reform. We have just set up what is called an AI incubator, and the commissioner for the common law, Professor Sarah Green, is leading that. We are looking at how AI is going to impact on legislation in future.

Our departure from the EU is going to give rise to impact across the whole of society and the economy. We think the environment is going to be a cross-cutting theme. Wills, marriages and papered trade, where you have to have wet signatures on documents, are areas that have not fared terribly well under the covid-19 crisis. We are embarking upon a piece of work to look at how legislation for the future should be more resilient and confer upon Government greater flexibility without having to go through primary legislative change. We think we will need to take that into account during the next few years. We do not make the assumption that covid-19 will be the last crisis.

We believe that the simplification—we talked about the Sentencing Code—and modernisation of law will also be one of the themes of the future. Those, if you like, are cross-cutting themes, but we would not want to predict in advance what Ministers or the public will come up with.

We are doing a piece of internal work where we try to sharpen our own ideas. We are, literally, on the cusp—we expect to announce it today—of embarking upon a discussion within Whitehall and major stakeholders during the next two or three months of their priorities. We then aim to consult the public in, probably, April or May time of next year. When we consulted the public in relation to the 13th programme we had more than 1,000 written submissions, identifying over 200 different projects, which we whittled down to 14. We imagine that we will get something similar in our 14th programme. That is the structure. Those are the big themes that are floating around at the moment.



HOUSE OF COMMONS

Q20 **Kenny MacAskill:** Let me ask about the relationship between the Law Commission and Parliament. Would you welcome comments on or suggestions for law reform from Select Committees, or might that be an overload?

Sir Nicholas Green: There is a one-word answer to that, which is absolutely. As a Committee, you hear from many people and organisations. You are always dealing with issues that are difficult, thorny and that require resolution. You are, so far as we are concerned, an excellent conduit pipe for good ideas about reform. We would warmly welcome the chance to develop links with Select Committees across the House, especially during the next 18 months, as we firm up our ideas about the 14th programme. I reiterate one word: absolutely.

Q21 **Chair:** That is the sort of offer that is always at the risk of being taken up, Sir Nicholas, is it not? Thank you very much for that. We genuinely appreciate our engagement from you and your fellow commissioners, as well as from Mr Golding and the staff. Hopefully, when the social distancing requirements have changed it will be possible to have some of the useful face-to-face meetings that we had with the Commission in previous Parliaments. I look forward to that.

Are there any final messages that you would like to leave us with, having given us that very useful update on things that we should be aware of or things you would like us to do and take away from this session?

Sir Nicholas Green: No, Chair. It is almost disappointing to come before your Committee and say that we are in good shape, that we have good relations with Government and our funding position has improved. I fear that is the position. We feel we are in a strong position to go forward with a really good 14th programme. We have strong support from the MOJ. We are looking to develop a much more strategic relationship with Government. The suggestion that this Committee can play a part is very much welcomed. Thank you very much indeed.

Chair: Thank you very much for your time. It's a bit like when Puccini told his publisher that he was going to write a comedy and was asked, "What, you're actually going to write something with a happy ending? Surely not." I take the point. It was very helpful. We are grateful to you. We look forward to engaging with the 14th programme.