



THE LAW COMMISSION AND ITS WORK

The Law Commission is a body that is independent of government. It was created by the Law Commissions Acts 1965 and its purposes are to keep the law of England and Wales under review and to recommend reform where it is needed. The Commission's objectives are to ensure that the law is fair, modern, simple and cost effective.

The Commission does not venture into areas that are primarily political or relate to issues of the allocation of funding. These are regarded as being matters solely for Parliament.

Under s.3(1)(b) of the 1965 Act, the Commission is required to prepare and submit to the relevant minister a programme of work it proposes to undertake. The Commission issued on 24th March 2021 a consultation concerning the areas of work upon which it should concentrate next. The consultation indicates a number of areas of work that the Commission considers may be relevant **but also asks for submissions on any other areas of work that people think might be appropriate for examination.** Those interested in animal welfare will wish to note that while the environment is mentioned on the consultation list, no specific areas of law relating to wildlife are identified. The general question raised by the Commission is, "Does the law protect our environment and promote environmental innovation?".

Under the heading of "Legal Protection for the Environment", the Commission identifies three areas that it thinks may be worth exploring further. They are as follows:

- (a) simplification of the law relating to protected area designations because there are currently eight UK forms of designation and four international forms;
- (b) the law relating to protection of the public from extreme weather conditions; and
- (c) the ways in which current property law is hindering environmental initiatives or failing to support their development.

The last review of wildlife law undertaken by the Law Commission was undertaken between 2012 and 2015, leading to a final report "Wildlife Law" (LAW COM No. 362), published on 10th November 2015. Some of the recommendations of that Report were implemented by the Infrastructure Act 2015.

The fact that this Report is fairly recent may mean that the Law Commission will be reluctant to revisit issues covered by it. There are other wildlife issues that it may consider too “political” for it to be considered (for example the Hunting Act 2004, which was not considered in the 2015 Report).

Before responding to the current consultation

We suggest that before responding to the consultation on the next programme of reform, you should read carefully the materials published on its website by the Law Commission in connection with the consultation. You should also read or refresh your memory of the Wildlife Law Report of 2015.

When responding

It is essential to identify yourself or your organisation and to give any relevant expertise or qualifications you may have.

Explain your reason for responding and, as far as you can, identify what laws you consider need reforming or making and why. Explain what the problem is with the law as it stands, as fully as possible. Do not try to draft the reforms you think are necessary (this will be done by Parliamentary Counsel working with the Commission, should the Commission elect to pursue a reform suggested).

Closing date

The closing date for the consultation is **31st July 2021**. However, it is advisable to respond earlier, if possible. Do give a contact and offer to further clarify anything in your response, should the Commission find this helpful.