



Ministry  
of Justice

# **Report on the implementation of Law Commission recommendations**

February 2026

HC 1655





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of Justice

## **Report on the implementation of Law Commission recommendations**

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice pursuant to section 3A of the Law Commission Act 1965 as amended by section 1 of the Law Commission Act 2009

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# Introduction

I am pleased to present my first report to Parliament on the Government's implementation of Law Commission recommendations.

It is the tenth report to be presented following the passing of the Law Commission Act 2009. This Act places the Lord Chancellor under a duty to report to Parliament on the extent to which the Law Commission's recommendations have been implemented by the Government. This document covers the implementation status of Law Commission reports during the period of January 2025 to January 2026 but also covers implementation progress between January 2026 and the publication date.

The Commission is headed by five Commissioners, all of whom are appointed by the Lord Chancellor as their sponsoring Minister. At present the Commission is led by their Chair, Sir Peter Fraser and four further Commissioners leading work across their specialist areas of the law. I am very pleased to welcome the new Commissioners who have started at the Commission since the publication of the last report, Professor Solène Rowan (Commercial and Common Law Commissioner); Professor Lisa Webley (Property, Family and Trust Law Commissioner). I also extend my thanks to Professor Penney Lewis (Criminal Law Commissioner); and Professor Alison Young (Commissioner for Public Law and the Law in Wales) for their continued work and service over this period.

Projects undertaken by the Commissioners can be commissioned as part of their programmes of reform or undertaken through individual referrals from Ministers across Government. During the time covered by this report a number of individual Law Commission projects have either been started, or are in the process of being implemented, whether commissioned as part of one of their official programmes of reform or undertaken through individual referrals from Ministers across Government. Some recommendations arising from projects undertaken by the Law Commission have been implemented. These have included the Arbitration Bill, which was introduced to Parliament by this Government on 18 July 2024, became an Act on 24 February 2025 and came into force on 1 August 2025. The Digital Market Competition and Consumers Act 2024 includes measures on Consumers Savings Schemes which came into force on 1<sup>st</sup> January 2026. In the Crime and Policing Bill, which was introduced to Parliament on 25 February 2025, the Government has introduced new offences covering the taking of intimate images without consent and the installation of equipment with intent to commit these offences, which are based on Law Commission recommendations.

The Commission provides a comprehensive and detailed record of progress in all areas of their work in their annual report each year – the latest of which was published in May 2025.

The Commission is still fully engaged on current projects, including those not yet commenced from the 13<sup>th</sup> programme. After much work that has gone into analysing and developing the 14<sup>th</sup> programme law reform proposals, the 14<sup>th</sup> Programme was launched on 4 September 2025. The Programme represents a significant body of work for the Law Commission over the upcoming period – working on some significant law reform areas such as Consent in the criminal law, Desecration of a corpse, Product liability, including law reform areas that address two important Government manifesto commitments which are Commercial leasehold and Management of housing estates. I commend the Law Commission for its ambitious programme.

I would like to extend my thanks to the organisation and the Chair, Sir Peter Fraser for all the work that he and they have undertaken during the period covered by this report.

**The Right Honourable David Lammy MP  
Lord Chancellor and Secretary of State for Justice  
and Deputy Prime Minister**

# Scope of the Report

1. Section 3A of the Law Commission Act 1965 places a duty on the Lord Chancellor to report to Parliament on the extent to which Law Commission recommendations have been implemented by Government.
2. This is the tenth report to be published by the Government. As required, the report covers Law Commission recommendations that have been implemented; recommendations that have not yet been implemented, including plans for implementation; and decisions taken not to implement recommendations. The report covers the period 12 January 2025 to 11 January 2026 but has also been updated to reflect implementation progress between January 2026 and the publication date.
3. The scope of the Report is in relation to the Law Commission in England and Wales. However, the report notes where projects have been conducted jointly with the Scottish Law Commission. The report deals primarily with Law Commission recommendations that are for HM Government to implement. A separate report is produced for those recommendations that are for the Welsh Government to implement, so those are not detailed in this report.

# Recommendations that have been implemented

## Arbitration<sup>1</sup>

4. In March 2021, the Ministry of Justice asked the Law Commission of England and Wales to conduct a review of the Arbitration Act 1996. The Law Commission was tasked with determining whether any amendments to the Act were needed to ensure that it remains fit for purpose and continues to promote England and Wales as a leading destination for commercial arbitration. The Law Commission ran two consultations and published its final report in September 2023.
5. This Government introduced the Arbitration Bill on 18 July 2024 to give effect to the reforms detailed in this report. These have included clarifying the law applicable to arbitration agreements, codifying a duty of disclosure for arbitrators, strengthening arbitrator immunity against liability for resignations and applications for removal, empowering arbitrators to make awards on a summary basis on issues that have no real prospect of success and empowering emergency arbitrators to issue peremptory orders and make relevant applications for court orders. Previous attempts to pass an Arbitration Bill to give effect to these recommendations was unsuccessful at the end of the Parliamentary session in July 2024. The Bill achieved Royal Assent on 24 February 2025.
6. The Arbitration Act 2025 commenced on 1 August 2025. It applies to all arbitration proceedings initiated from this date onward across England, Wales, and Northern Ireland.

## Consumer Prepayments for Retailer Insolvency<sup>2</sup>

7. The Law Commission published their report on this project in July 2016, which considered whether greater protection is needed for consumers who lose deposits or gift vouchers when retailers or other service providers become insolvent.
8. When a retailer becomes insolvent, the law imposes a strict hierarchy of creditors to be paid out of any remaining assets. Consumers, who are classed as unsecured creditors, are very near the bottom of the list and frequently receive nothing. In some cases, the administrator may decide to honour consumer prepayments and gift vouchers, though they are under no obligation to do so. Consumers are often

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<sup>1</sup> Arbitration (LC 413) (05.09.23)

<sup>2</sup> Consumer Prepayments on Retailer Insolvency (LC368) (14.07.2016)

unaware of the legal situation, and in some cases, conflicting information from administrators further confuses the situation.

9. The previous Government's response to their report was published on 27 December 2018 and accepted a number of recommendations, including the following:
  - Regulating Christmas and similar savings schemes, which pose a particular risk to vulnerable consumers.
  - Making changes to the rules on when consumers acquire ownership of goods (see below)
10. A further recommendation of giving consumers more information about obtaining a refund through their debit or credit card issuer was actioned through advice to insolvency practitioners in the summer of 2017; and a further one on changes to insolvency hierarchy was considered but will not be going ahead.
11. The previous Government published the Digital Market Competition and Consumers (DMCC) Bill in April 2023, which achieved Royal Assent on 24th May 2024. The Act includes measures on Consumers Savings Schemes which came into force on 1st January 2026. The legislation requires those in scope to protect consumer monies through insurance or trust arrangements and guidance on compliance has been subject to engagement with industry.
12. In the 2016 report, the Commission also made recommendations for reform of the transfer of ownership rules as they apply to consumers. The then Department for Business, Energy and Industrial Strategy (BEIS) asked the Commission to do further work on this issue, to produce legislation and to consider its potential impact. The Commission published a further report and draft bill in April 2021.<sup>3</sup> The previous Government decided not to make changes to the rules on when consumers acquire ownership of goods when it became apparent that a radical change to online processing practices would be needed to make the proposed changes to the rules viable.

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<sup>3</sup> Consumer sales contracts: transfer of ownership (LC398) (23.04.2021)

# Recommendations that have not yet been implemented

## (i) Recommendations in the process of implementation

### Updating the Land Registration Act 2002<sup>4</sup>

13. In 2018, the Law Commission published its findings on the review of the Land Registration Act 2002. The report recommended some technical reforms to address issues in the law, to enhance fraud prevention, and to expediate, simplify, and reduce the cost of conveyancing for all.
14. The previous Government received the review positively, offering a full response to the 53 recommendations on March 25, 2021. The previous Government noted that the majority of the recommendations are technical or specific, with three impacting on the jurisdiction of the First-tier Tribunal, which adjudicates disputes relating to land registration matters. Overall, the previous Government deemed the land registration system to be effective. It accepted 40 recommendations, noting modifications may be required to a small number before implementation and declined three recommendations, citing concerns about significant changes to the effective land registration system without clear benefits or potential unintended consequences. 10 recommendations required further consideration and the previous Government's response provided insight for each.
15. HM Land Registry's ambition, as set out in its Strategy 2025+, is to make its services easy for everyone and better protect property rights whilst supporting the property market through its data. HMLR's ongoing digital transformation is enhancing its digital capabilities to improve customer experience and make land registration more secure and efficient. HMLR is considering opportunities to implement the Law Commission recommendations and is exploring legislative options as part of its strategic ambitions.

### Event fees in retirement properties (Transfer of Titles and Change of Occupancy Fees in Leasehold)<sup>5</sup>

16. Following an Office of Fair-Trading investigation in 2013 which found that transfer, or event fees charged in retirement property leases may be unfair, the Ministry of

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<sup>4</sup> Updating the Land Registration Act 2002 (LC380) (24.07.18)

<sup>5</sup> Event Fees in Retirement Properties (LC373) (31.03.17)

Housing, Communities and Local Government (MHCLG) asked the Law Commission to investigate and make recommendations for change.

17. The Law Commission published their final report on 31 March 2017, which recommended that event fees should be regulated with the introduction of a new code of practice approved by the then Secretary of State for Communities and Local Government; and that the code of practice should be supported by an amendment to the Consumer Rights Act 2015 so that it can be enforced by consumers. Where there is a breach of the code of practice, the Commission recommended that in most cases the event fee should not be payable.
18. The previous Government issued an interim response in November 2017, thanking the Commission for the report.
19. In March 2019, the previous Government responded to the Law Commission, agreeing to implement the majority of its recommendations, and to give further consideration to recommendations on succession rights and a database of leasehold retirement properties with event fees.
20. This Government is giving careful consideration to the recommendations in the final report of the Older People's Housing Taskforce published in November 2024, including its recommendation that Government should implement the Law Commission's 2017 recommendations to regulate event fees. The Government is committed to enhancing provision and choice for older people in the housing market.

## **Residential Leasehold & Commonhold<sup>6</sup>**

21. In 2020, the Law Commission published a series of four reports on Residential Leasehold and Commonhold, which together aim to achieve wholesale reform of the enfranchisement, right to manage, and commonhold regimes. In January 2020 the first of the four reports, covering recommendations on the valuation aspects of enfranchisement was published, and on 21 July 2020 a further three reports were published, on the remaining aspects of enfranchisement as well as commonhold and the right to manage. The reports contain a large number of recommendations.

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<sup>6</sup> Leasehold home ownership: buying your freehold or extending your lease - Report on options to reduce the price payable (LC387) (9.1.2020); Leasehold home ownership: buying your freehold or extending your lease – Final Report (LC392) (27.7.2020); Leasehold home ownership: exercising the right to manage (LC393) (21.7.2020); Reinvigorating commonhold: the alternative to leasehold ownership (LC394) (21.07.2020)

22. The previous Government responded to a number of the Commission's recommendations on enfranchisement and the right to manage.<sup>7</sup> Key Law Commission recommendations in respect of those areas were implemented in the Leasehold and Freehold Reform Act 2024.
23. The King's Speech in July 2024 made clear that this Government will further reform the leasehold system by enacting the remaining Law Commission recommendations relating to leasehold enfranchisement and the right to manage. It will also take steps to bring the leasehold system to an end, reinvigorating commonhold through a comprehensive new legal framework and banning the sale of new leasehold flats so commonhold becomes the default tenure. The Government commitment is to publish an ambitious new draft Leasehold and Commonhold Reform Bill in this parliamentary session.
24. As a first step, on 3 March 2025, this Government published the Commonhold White Paper<sup>8</sup> in which it committed to the introduction of a comprehensive new legal framework based on the vast majority of the recommendations made by the Law Commission in their 2020 report *Reinvigorating Commonhold: the alternative to leasehold ownership*.

### **Simplifying the Immigration Rules<sup>9</sup>**

25. The Law Commission's report on Simplifying the Immigration Rules was published in early 2020. It included a recommendation that the Home Office should overhaul the Immigration Rules and redraft them based on the principles (1) suitability for the non-expert user; (2) comprehensiveness; (3) accuracy; (4) clarity and accessibility; (5) consistency; (6) durability (a resilient structure that accommodates amendments); and (7) capacity for presentation in a digital form. In total there were 41 detailed recommendations on drafting and structure and processes to ensure resilience.
26. The Home Office published its response in March 2020. The response welcomed the Law Commission's report and accepted all of the Law Commission's 41 recommendations, in whole or in part. In line with the recommendations, the Home Office has established a Simplification of the Rules Review Committee to look at the drafting and structure of the rules. Due to the volume and complexity of the rules, which have evolved iteratively over time, it was decided to deliver simplification in phases.

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<sup>7</sup> <https://www.gov.uk/government/news/government-reforms-make-it-easier-and-cheaper-for-leaseholders-to-buy-their-homes> and <https://www.gov.uk/government/publications/leasehold-valuation-enfranchisement-and-the-right-to-manage>

<sup>8</sup> Commonhold White Paper, Commonhold White Paper - GOV.UK

<sup>9</sup> Simplifying the Immigration Rules (LC388) (13.01.2020)

27. In autumn 2020 the first tranche of simplified rules were laid. The simplified rules follow a consistent structure, and are drafted in plain English, in line with the principles set out by the Law Commission. They also begin to consolidate cross-cutting rules (for example those on proof of language ability and proof of finance), to ensure greater consistency. Since then further routes and cross-cutting rules have been implemented and new routes have been introduced applying the simplified approach. To date approximately 60 routes have been simplified in whole or in part. These simplified rules are a significant step in realising the Home Office commitment to implementing the Law Commission recommendations, providing greater clarity to applicants, caseworkers and all other users of the rules. In addition, the simplified rules enable wider change to ensure the systems and processes are streamlined and more straightforward. The Immigration Rules will be consolidated once the remaining routes have been simplified.

### **Regulation of Health and Social Care Professionals<sup>10</sup>**

28. The Law Commission published its final report (with a draft Bill) on the 2 April 2014 about the regulation of health care professionals and, in England only, the regulation of social workers. This was a joint project with the Scottish and Northern Ireland Law Commissions. The report sets out recommendations for a new single legal framework for the regulation of health care professionals and aims to introduce a consistent legal framework which will better enable the regulators to uphold their duty to protect the public, for example, the conduct of fitness to practise hearings.
29. The Commission's recommendations envisage improvements across professional regulation including robust governance structures for regulatory bodies, enabling innovation in education and leaner processes enabling the regulatory bodies to take swifter action to ensure public protection.
30. The previous Government published its response on 29 January 2015, noting the need for further work on refining the Law Commission's recommendations to achieve the priorities of better regulation, autonomy and cost-effectiveness while maintaining a clear focus on public protection.
31. The previous Government undertook two consultations in response to the Law Commission's report over the years 2017–2023. The resulting legislation, the Anaesthesia Associates and Physician Associates Order 2024, came into effect in March 2024, and provides powers to the General Medical Council (GMC) to bring anaesthesia associates and physician associates into statutory regulation under a modernised regulatory framework from December 2024. It has been designed to act

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<sup>10</sup> Regulation of Healthcare Professionals: Regulation of Social Care Professionals in England (LC 345) (02.04.2014)

as a template for the future reforms that could be rolled out to all healthcare professional regulators.

32. This Government remains committed to modernising the regulatory framework for healthcare professionals in the UK. It plans to consult on secondary legislation to modernise the General Medical Council's regulatory framework in early 2026, and to deliver legislation for the Health and Care Professions Council and the Nursing and Midwifery Council within the current Parliamentary period.

### **Enforcement of Family Financial Orders<sup>11</sup>**

33. The Law Commission published its report on enforcement of family financial orders in December 2016, following concerns raised by practitioners that the legal routes and procedures for enforcing payment of financial orders made by the family court were unnecessarily complex.
34. The Law Commission recommended a range of reforms designed to make the enforcement of family financial orders more effective, more accessible and fairer. The Law Commission recommended both procedural changes and statutory reform. Recommendations included consolidation of all procedural rules dealing with enforcement of family financial orders, as well as the introduction of new powers for the court to remove, for up to 12 months, driving licenses and passports of debtors who can pay but choose not to do so.
35. Following the previous Government's final response on 23 July 2018, it proposed to take forward those recommendations which require changes to procedural rules and operational changes rather than changes to primary legislation, before coming to a final view on whether it should take forward those recommendations requiring statutory reform.
36. A consultation on proposed changes to the Family Procedure Rules that deal with the enforcement of family financial orders, in line with the recommendations made by the Law Commission in its report, was undertaken by the Family Procedure Rule Committee in July and August 2020. Following this consultation, the Government worked with a Family Procedure Rule Committee Enforcement Working Group to consider changes to procedure rules that deal with enforcement of financial orders. The Family Procedure Rule Committee approved in November 2022 an amendment to Family Procedure Rule 33.3(3), such that respondents to general enforcement applications will be required to provide the court with a financial statement setting out their financial position no later than 7 days before the first hearing in the applicant's enforcement application. This rule change was implemented on 6 April 2023.

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<sup>11</sup> Enforcement of Family Financial Orders (LC370) (14 12.2016)

37. The Family Procedure Rule Committee reviewed the operation of this rule change in April 2024. It considered that Family Procedure Rule 33.3(3) was working well and should continue without change.
38. Since this time the Law Commission has published its scoping report on the substantive law of financial remedies on divorce in December 2024. The Law Commission concluded that the current law of financial remedies requires reform, although the shape of reform is a matter for the Government to decide. On 10 November, Baroness Levitt announced that the Government will be consulting on issues raised by the Law Commission, as part of its upcoming consultation on cohabitation reform and the law of financial remedies on divorce.
39. Whilst the Government is focused on progressing its consultation on cohabitation and wider financial remedies, it will consider whether any changes to enforcement might be required in the future.

### **Taking, Making and Sharing Intimate Images without Consent<sup>12</sup>**

40. The Commission published its final report “Intimate Image Abuse” in July 2022. This recommended the repeal of existing offences tackling intimate image abuse, and their replacement with a coherent package of offences covering the taking and sharing of intimate images without consent, which would make the criminal law more consistent and expand it to further protect victims.
41. In November 2022, the previous Government announced its intention to create a raft of new offences to deal with intimate image abuse closely based on the Law Commission recommendations. The Online Safety Act 2023 repealed the offences of disclosing or threatening to disclose private sexual images and replaced them with four new offences of sharing or threatening to share intimate images.
42. This Government is committed to tackling all forms of violence against women and girls, including image based abuse. We have introduced, in the Crime and Policing Bill, new offences covering the taking of intimate images without consent and the installation of equipment with intent to commit these offences.

### **Automated Vehicles<sup>13</sup>**

43. In March 2018, the Government’s Centre for Connected and Autonomous Vehicles (CCAV) asked the Law Commission to undertake a far-reaching review of the UK’s regulatory framework for road-based automated vehicles, building on the work of CCAV and the insurance law reforms in the Automated and Electric Vehicles Act 2018. The aim of the project was to promote confidence in the laws around the safe

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<sup>12</sup> Intimate Image Abuse (LC407) (06.07.22)

<sup>13</sup> Automated Vehicles: Joint Report Law Com No 404

use of automated vehicles, and in the UK as a vibrant, world-leading venue for the connected and automated vehicle industry. Jointly with the Scottish Law Commission, three consultation papers were published in 2019, 2020 and 2021. These identified pressing problems in the law that may be barriers to the use of automated vehicles, from road traffic legislation which focuses on “the driver”, vehicle standards, criminal offences and public transport. Throughout the project, safety was at the forefront of the Law Commission proposals, which also sought to retain the flexibility required to accommodate future development.

44. The Law Commission’s report was published on 26 January 2022. Its recommendations cover initial approval and authorisation of self-driving vehicles, ongoing monitoring of their performance while they are on the road, misleading marketing, and both criminal and civil liability. This includes writing the test for self-driving into law; a two-stage approval and authorisation process building on current international and domestic schemes; a new in-use safety assurance scheme; new legal roles for users, manufacturers and service operators; and offences holding manufacturers and service operators responsible for misrepresentation or non-disclosure of safety-relevant information.
45. The previous Government formally responded to the report in the Connected and Automated Mobility (CAM) 2025 paper<sup>14</sup> with a command paper laid in Parliament, in August 2022. The previous Government agreed to the majority of the Commissions’ recommendations and in November 2023 introduced primary legislation in Parliament to implement the recommendations and create a dedicated regulatory framework in order to ensure the safety of self-driving vehicles and set clear responsibilities for their use and performance.
46. The primary legislation gained Royal Assent in May 2024 as the Automated Vehicles Act. The Automated Vehicles (AV) Act delivers one of the most comprehensive legal frameworks of its kind anywhere in the world for self-driving vehicles, with safety at its core. It sets out clear legal responsibilities, establishes a safety framework and creates the necessary powers to regulate this new industry.
47. Following Royal Assent of the AV Act in May 2024, the Government’s Centre for Connected and Autonomous Vehicles (CCAV) launched an implementation programme for the Act. The intention is to finish implementing the Act in the second half of 2027.

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<sup>14</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1099178/cam-2025-realising-benefits-self-driving-vehicles-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099178/cam-2025-realising-benefits-self-driving-vehicles-print.pdf)

48. The AV Act Implementation Programme is designed to prioritise the development of a regulatory framework that maximises innovation, enhances safety and strengthens public confidence.
49. The AV Act Implementation Programme includes a suite of consultations to enable secondary legislation across 2026–2027. In 2025, CCAV launched three consultations, including a Call for Evidence on the Statement of Safety Principles and consultations on protecting marketing terms for AVs and the Automated Passenger Services (APS) permitting scheme. The intention is to launch a further Call for Evidence on developing the AV regulatory framework before the end of 2025.
50. Subject to consultation outcomes, 2026 will see further consultations on the Statement of Safety Principles and AV regulatory framework, alongside the laying of statutory instruments on protecting marketing terms and APS. CCAV intends to implement the remainder of the regulatory framework, including the Statement of Safety Principles, in 2027.

### **Confiscation of the Proceeds of Crime<sup>15</sup>**

51. In 2018, the Home Office commissioned the Law Commission with a project to review Part 2 of the Proceeds of Crime Act 2002 (the confiscation regime in England and Wales) and to make recommendations for reform. This included assessing how the regime could be adjusted and considering what an optimal confiscation regime might look like.
52. In November 2022, after an extensive period of consultation, the Law Commission published its report. It makes 119 recommendations: a combination of ambitious ideas for reform and alterations to the existing legislative framework. The previous Government decided to take forward the majority of the Law Commission's recommendations. This approach was informed by extensive engagement sessions with key stakeholders across Government, law enforcement, civil society, private sector and academia. During these discussions, the previous Government heard from multiple stakeholders that progressing the Law Commission's specific recommendations concerning apportionment, upwards reconsideration and the consolidation of multiple confiscation orders would create a number of operational and practical issues. The previous Government took a measured approach and in light of these concerns, subsequently decided not to progress these recommendations further.
53. The previous Government response to the Law Commission report was published on 25 October 2023. On 25 February 2025, this Government introduced the Crime and

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<sup>15</sup> Confiscation of the Proceeds of Crime after Conviction (LC 410) (08.11.22)

Policing Bill which made provision for wholesale reform to the confiscation regime. The Law Commission's recommendations informed the drafting of those measures.

### **Anti-Money Laundering<sup>16</sup>**

54. In 2017 the Home Office commissioned the Law Commission to review aspects of the anti-money laundering regime in Part 7 of the Proceeds of Crime Act 2002 and similar counter-terrorist financing regime contained in Part 3 of the Terrorism Act 2000, to consider whether there was scope for the reform of the "consent regime". In 2019, the Law Commission published its report. It makes 19 legislative and non-legislative recommendations covering inter alia: exemptions from the substantive money laundering offences; the use of suspicion as a threshold for information sharing; statutory guidance; and data exploitation.
55. The previous Government welcomed the Law Commission recommendations; several of the recommendations had already progressed, some through the legislative clauses in the Economic Crime and Corporate Transparency Act 2023 and others through the delivery of the SARs Reform Programme.
56. The previous Government response to the Law Commission SARs regime report was published on 12 February 2024.
57. In July 2025, the Government raised the financial threshold amount for two exemptions which apply to principal money laundering offences under the Proceeds of Crime Act 2002, from £1,000 to £3,000. These thresholds are the level below which businesses can be exempted from committing a money laundering offence when they either a) carry out an act in operation of an account or b) pay away property.

### **Unfitness to plead<sup>17</sup>**

58. The law relating to unfitness to plead addresses what should happen in criminal courts when a defendant lacks sufficient capacity to effectively participate in their trial, including understanding the charges against them and deciding how to plead. Defendants may be unfit to plead for a variety of reasons, such as a mental health condition, learning disability, or other neurodiverse condition. The law aims to balance the rights of the vulnerable defendant with the interests of those affected by an alleged offence and the need to protect the public. However, the current law in this area is inconsistently applied and outdated, failing to take into account modern medical understandings of capacity.

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<sup>16</sup> Anti-money laundering (LC384) (18.06.19)

<sup>17</sup> Unfitness to Plead (LC364) (31.10.16)

59. After a wide-ranging consultation conducted in winter 2010/11,<sup>18</sup> the Commission published an analysis of responses<sup>19</sup> and an issues paper in 2013<sup>20</sup> and their final report and draft Bill in January 2016.<sup>21</sup>
60. A full response to the Law Commission report was published in October 2023, with the majority of the Law Commission's recommendations being accepted.

### **Search Warrants<sup>22</sup>**

61. In October 2020, following a commission from the Home Office in 2017, the Law Commission published a review of search warrant legislation, setting out recommendations for the Government to consider on comprehensive changes to the search warrants regime. The recommendations aimed to streamline existing legislation, including the Police and Criminal Evidence Act 1984, and simplify the search warrants process and associated powers.
62. In response to the Law Commission's recommendations, significant measures have been made, including streamlined electronic warrants applications and renewed guidance, specific provisions for warranted entry and search powers to locate human remains and measures in the Crime and Policing Bill for remotely stored electronic data.
63. This Government will keep search warrants legislation under review to ensure the system works effectively, with robust safeguards in place.

### **Digital Assets<sup>23</sup>**

64. On 28 June 2023, the Law Commission published a report making four recommendations to Government on how to strengthen the ability of English and Welsh law to accommodate digital assets. The previous Government commissioned this work in 2020 to identify any barriers to recognising digital assets as property under English and Welsh private law, and to propose solutions.
65. The Law Commission commenced work in 2021 and published a report in June 2024 setting out various recommendations. These included a recommendation that there be statutory confirmation that a thing can be an object of property rights even if it does not fall within either of the categories of personal property that have been traditionally recognised: things in possession (physical things) or things in action

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<sup>18</sup> (2010) LCCP197

<sup>19</sup> <http://www.lawcom.gov.uk/project/unfitness-to-plead/>

<sup>20</sup> <http://www.lawcom.gov.uk/project/unfitness-to-plead/>

<sup>21</sup> (2016) LC364 (two volumes)

<sup>22</sup> Search Warrants (LC 396) (07.10.20)

<sup>23</sup> Digital Assets (LC 412) (27.06.23)

(legal rights such as debts). The Commission concluded that crypto-tokens and potentially other types of assets could fall within a further category of personal property. In July 2024, after a further consultation exercise, the Commission published a short supplemental report and draft Bill aimed at implementing this recommendation.<sup>24</sup>

66. The Property (Digital Assets etc) Bill was introduced into Parliament under the special procedure for Law Commission bills on 11 September 2024 and completed its passage on 19 November 2025. It received Royal Assent on 2 December 2025.
67. The report's second recommendation was to set up an expert group to provide non-binding guidance on the legal and technical control of digital assets. The MoJ asked the UK Jurisdiction Taskforce (UKJT), an expert group chaired by the Master of the Rolls, to take this forward. The UKJT are making steady progress on this work.
68. The report made two further recommendations, including statutory reforms to clarify how digital assets can be used as collateral. These are being considered by HM Treasury.
69. A full Government response to the report was provided through a written ministerial statement on 11 September 2024.

### **Employment Law Hearing Structures<sup>25</sup>**

70. The Law Commission's 13th Programme of Law Reform included a review of employment law hearing structures. The project's terms of reference were to review the jurisdictions of the employment tribunal, Employment Appeal Tribunal and the civil courts in employment and discrimination matters and make recommendations for their reform, without considering major restructuring of the Employment Tribunal system. The Law Commission published its report on 28 April 2020, making 23 recommendations for changes to Employment Tribunal structures.
71. The previous Government responded to the Law Commission's report on Employment Law Hearing Structures, welcoming the report and the detailed consideration the Commission has given to this important topic. In line with the Law Commission recommendation, this Government has committed to increase the time limit within which employees are able to make an employment claim from three months to six months.
72. As promised in the Next Steps to Make Work Pay document, measures to extend the time limit for bringing claims to Employment Tribunals are being delivered through the Employment Rights Bill by Government amendment. Certain time limits are in

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<sup>24</sup> Digital Assets as Personal Property (LC416) (29.07.2024)

<sup>25</sup> Employment law hearing structures (LC390) (29.04.20)

secondary legislation, and these will be amended outside of the Bill by regulations. On 1 July the Government published the Employment Rights Bill Implementation Roadmap outlining the proposed implementation date of October 2026 for this change. This will align with ongoing work to improve the Dispute Resolution System, also ensuring readiness for broader implementation of Bill measures. As part of the Employment Rights Bill, this Government will also be implementing protections against dismissal for taking industrial action.

73. Two of the recommendations covered more flexible judicial deployment. These are judicial matters which this Government cannot comment on, however these recommendations have been shared with the judiciary for consideration.

### **Intermediated Securities<sup>26</sup>**

74. In June 2019, BEIS asked the Law Commission to undertake a “scoping study” into investor rights in a system of intermediated securities. In the modern era, when a person invests in shares or bonds they are unlikely to receive a paper certificate. Instead, most investors hold securities through computerised credit entries in a register called CREST, through a chain of financial intermediaries. This intermediated system has made trading significantly quicker, cheaper and more convenient. However, holding shares in this way means that the investor’s name does not appear on the register of members and he or she is not a member of the company. It can mean that the investor does not have access to all the shareholder rights they would have with a paper certificate, such as the right to vote on company resolution. There is also uncertainty as to the legal redress available, especially if an intermediary in the chain encounters financial difficulties.
75. The Law Commission published its scoping study in November 2020. This provided an analysis of the law underlying intermediated securities together with the concerns of market participants. The study did not make formal recommendations for reform but did identify a range of possible solutions to the concerns identified to provide a basis for further work and discussion with market participants. The potential solutions considered included:
- Targeted legal intervention to address specific issues, such as creating a new obligation on intermediaries to arrange, upon request, for an investor to receive information, attend meetings and vote.
  - Systemic change, such as removing intermediation altogether, or retaining intermediation but providing investors with an alternative option of holding their securities directly in a modernised, electronic form. Technological solutions such as distributed ledger technology.

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<sup>26</sup> Intermediated Securities 13<sup>th</sup> Prog (LC377)

- Potential legislative or regulatory changes to confirm that distribution of an insolvent intermediary's assets to ultimate investors should be made on a proportionate basis.
76. Since publication of the Law Commission's study, two independent reviews commissioned by the previous Government had made important recommendations relating to the framework and arrangements for holding shares. The first was Lord Hill of Oareford's UK Listings Review, published in March 2021. This included a recommendation that consideration be given to how technology can be used to improve retail investor involvement in corporate actions and their undertaking of an appropriate stewardship role. The second was Mark Austin's review of secondary capital raising, published in July 2022. Drawing on the Law Commission's scoping paper, this included a call for a drive to digitisation, starting with the eradication of paper share certificates, but extending to ensuring that the rights attached to shares, whatever their form, flow to end investors quickly, clearly and efficiently. The report called for this to be taken forward by a Digitisation Task Force.
77. The Digitisation Taskforce was set up in July 2022 with the aim of facilitating the removal of shares which are still in paper form, while improving the current system of intermediated digital share ownership. The Taskforce published its final report in July 2025. The report makes 16 recommendations, several of which respond to and take forward options identified in the Law Commission report, including:
- Providing a baseline service of shareholder rights to investors who hold shares via intermediaries, including the right to vote (and receive confirmation that the vote has been recorded), attend company meetings and receive company information.
  - Improving communications between companies and investors through the intermediated investment chain.
  - Extending section 98 of the Companies Act 2006 – right of shareholders to apply to court to block a company delisting – to ultimate beneficial owners of shares.
  - Amending section 90A and schedule 10A of the Financial Services and Markets Act 2000 to provide certainty that ultimate beneficial owners of shares could bring an action against a listed company for a misleading statement or dishonest omission of information.
78. The Government has accepted the report's recommendations and is due to implement them in three main stages as below:
- Step 1: Replace existing paper-based share registers with new digital share registers, temporarily outside the intermediated securities framework.
  - Step 2: Make improvements to the way in which digital shares are currently held in the intermediated securities framework.
  - Step 3: Transition shares on the temporary new digital share registers to the intermediated securities framework, subject to consideration of the optimal

method for achieving this and taking account of the interests of vulnerable and older investors.

### **Misconduct in Public Office<sup>27</sup>**

79. Misconduct in public office is currently a common law offence that has existed for hundreds of years but is not defined in statute. It carries a maximum sentence of life imprisonment. Following recommendations made by the Law Commission in their report published in 2020, the Government is in the process of implementing changes to this offence in the Public Office (Accountability) Bill introduced in September 2025. As recommended, it is expected that the current common law offence will be abolished and replaced by two new statutory offences of ‘seriously improper acts’ and ‘breach of duty to prevent death or serious injury’.
80. Although the common law offence will be abolished, the new offences are designed to broadly replicate the common law offence and do not widen or change its scope. The breach of duty offence will apply only to public office holders whose role inherently involves a duty to prevent and protect the public from critical harm, such as police, firefighters or the armed forces. It captures conduct where an intentional or reckless breach of that duty causes (or risks causing) serious harm or death. The seriously improper acts offence is intentionally broad – like the common law – as it targets a wide range of corrupt behaviour. This can include financial gain or loss, protection or enhancement of, or damage to, a person’s reputation as well as benefits or detriments of a physical nature and abuse of purpose for a sexual purpose.
81. The new offences will be accompanied by a definitive list of public office positions making it clear who they apply to, as well as how they are committed.
82. If implemented as planned, the seriously improper acts offence will have a penalty of up to ten years imprisonment and the breach of duty offence up to 14 years. There will be a reasonable excuse defence for both offences if it can be proven that the actions taken were reasonable in the circumstances; and to prevent vexatious litigation both offences will require the consent of the Director of Public Prosecutions to proceed to court. These changes will be implemented when the measures have cleared the Parliamentary process and the Bill has come into force, currently expected in 2026.

### **Electoral Law<sup>28</sup>**

83. The Law Commission and Scottish Law Commission published a joint final report on Electoral law on 16 March 2020. It recommended that electoral law should be

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<sup>27</sup> Misconduct in Public Office (LC397) (03.12.20)

<sup>28</sup> Electoral Law (LC389) (SLC256) (16.03.20)

rationalised into a single, consistent legislative framework with consistent electoral laws across all elections (except where differences are necessary due, for example, to different voting systems). The report also recommended that the process for challenging elections should be modernised, and that existing electoral offences should be simplified and updated.

84. The previous Government did not formally respond to the report. The Elections Act 2022 did not consolidate electoral law in the way recommended by the Law Commission but addressed a number of issues or recommendations raised within the report.
85. The Government now intends to bring forward measures to reform electoral law as set out in manifesto commitments and in its Strategy for Modern and Secure Elections, including a number of technical changes to electoral law to improve processes and resilience. This includes dealing with gaps in legislation with relation to various processes including postal voting and nominations, standardising forms so they are consistent across polls and reduced in number, and changing the balance between primary and secondary legislation in some areas to make updating quicker and more flexible. In developing these measures, the Government undertook a strategic review of electoral registration and conduct through which elements of electoral law and the recommendations made by the Law Commission were considered.

### **Contempt of Court (2): Court Reporting<sup>29</sup>**

86. The Law Commission published their report with recommendations on 26 March 2014. Recommendations included:
  - Introducing a publicly accessible database available on the internet listing the court hearings in which restrictions are currently in place.
  - Creating a more extensive restricted database where, for a charge, registered users could find out the details of the reporting restriction and could sign up for automated email alerts of new orders.
87. The previous Government welcomed these recommendations and decided it would consider how an online reporting restriction database could be taken forward as existing technology is replaced and updated as part of the wider HMCTS Reform Programme.
88. In July 2022, HMCTS launched the first phase of its new Court and Tribunal Hearings (CaTH) service on GOV.UK, as part of its Reform Programme.

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<sup>29</sup> Contempt of Court (2): Court Reporting (LC344) (25.03.2014)

89. Since January 2024 the Court and Tribunal Service (CaTH) continues to grow, with hearings in most Civil and Family Courts in the South East and South West regions, the First Tier and Upper Tribunals (excluding Employment Tribunals), the Royal Courts of Justice and the Rolls Building and the Single Justice Procedure cases being published in a simple and consistent way that can be freely accessed by anyone in a single place.
90. The Publications & Information Service Team are continuing to work with stakeholders to identify enhancements to the CaTH tool to provide better information on reporting restrictions and are working to make Magistrates and Crown Court lists available on the service shortly.
91. The online reporting restriction database is currently in its initial development phase. The project is leveraging existing digital infrastructure to create a secure portal through which media representatives and other authorised users can access relevant documentation on a self-service basis.
92. Although the system remains in its infancy, early progress indicates that the portal is on track for full delivery by 2027. This initiative forms part of broader efforts to enhance transparency and accessibility within the justice system using the Courts and Tribunals Hearing (CaTH) platform.
93. HMCTS has delivered a package of reforms to strengthen media access and support open justice in criminal courts. Key changes include updates to Part 6 of the Criminal Procedure Rules, effective from 6 October 2025, which require applicants for discretionary reporting restrictions to notify the media. Two new media handbooks for Crown and magistrates' courts provide practical guidance, supported by a compliance framework introduced in April 2025 to manage risk and uphold professional standards. These improvements are the result of two years of collaboration across HMCTS teams, the Judicial Office, and media organisations, ensuring a more consistent, transparent approach to courtroom reporting.
94. The Criminal Procedure Rules Committee have further considered contempt with Law Commission representatives. Key principles and discussions following judgement in *R v Jordan* [2024] EWCA Crim 229 were pivotal, and final recommendations were aligned with the Court of Appeal decision. In April 2025 Part 48 (Contempt) of the Rules was updated to reflect an improved process, postponement of proceedings and supplementary notes. In May 2025 a working group was formed, tasked with alignment of the Rules and contempt. When Part 1 of the Commission's report on contempt is published, the Committee will consider its content.

## **(ii) Recommendations awaiting a Government decision on implementation**

### **Public Service Ombudsman<sup>30</sup>**

95. The Law Commission's 2011 report on Public Services Ombudsmen recommended reforms to improve the accessibility, independence and effectiveness of the ombudsman system.
96. The Parliamentary and Health Service Ombudsman, which is independent of the Government, has implemented measures relating to the Law Commission's recommendations around transparency and publication. For example, it: publishes and updates guidance on how complaints can be made; sends copies of its reports and statements of reasons to complainants; publishes investigation reports (unless there are compelling reasons not to) and utilises the power to publish general reports or other documents as it deems appropriate; and protects personal information, only identifying individuals with their express consent.
97. The Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Service (HOS) are also independent of the Government. The LGSCO and HOS also regularly publish and update guidance and general reports, including on when and how to make complaints and information about how complaints are processed. Both organisations send copies of their reports to complainants, lay their annual reports and accounts before Parliament, and have published complaint handling codes which set out the best practice for complaint handling.
98. Recommendations regarding the Administrative Court are matters for the Ministry of Justice, His Majesty's Courts and Tribunals Service and the Judiciary.
99. Recommendations regarding the Public Service Ombudsman for Wales are devolved matters. The Welsh Government is required to report annually (under the Law Commissions Act 1965 as amended by the Wales Act 2014) on the implementation of Commission proposals relating to devolved matters.
100. This Government will consider the case for ombudsman reforms alongside other policy and legislative priorities.

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<sup>30</sup> Public Service Ombudsman (LC 329) (14.07.11)

### **Protection of Official Data<sup>31</sup>**

101. The Law Commission published its final report on the Protection of Official Data on 1 September 2020. The report sets out recommendations for the reform of the espionage and unauthorised disclosure offences under the Official Secrets Acts.
102. On 20 December 2023 Parts 1–3 of the National Security Act 2023 came into force. The Act, which received Royal Assent in July 2023, creates new and modernised offences, tools and powers to deal with state threats, including the threat of espionage and was informed by the Law Commission’s report and recommendations on the Official Secrets Acts 1911, 1920 and 1939.
103. In relation to the Law Commission’s recommendations in relation to the Official Secrets Act 1989, the Government continues to keep the position in respect of the reform under review.

### **Matrimonial Property, Needs and Agreements<sup>32</sup>**

104. The Law Commission published its final report on Matrimonial Property, Needs and Agreements in February 2014. The report makes recommendations for guidance to clarify the law of financial needs on divorce or dissolution of a civil partnership which would ensure that the law is applied consistently by the courts and reinforces judicial best practice. In addition, it recommends that work be done to assess whether a formula as an aid to calculation of financial outcomes could be devised, which would require the collection of empirical data. Finally, it recommends the introduction of qualifying nuptial agreements in England and Wales which would be enforceable contracts, with a number of related provisions and safeguards, enabling couples to make binding arrangements for the financial consequences of divorce or dissolution.
105. The previous Government accepted and took action on the recommendation for guidance. The Family Justice Council developed financial guidance for separating couples and unrepresented litigants. The Family Justice Council’s web page provides guidance dated April 2016. It also publishes guidance aimed at the judiciary and practitioners, the second edition of which was published in April 2018. The legal charity, AdviceNow, also publishes guidance on the topic for litigants in person, with funding from the Ministry of Justice.
106. The previous Government also worked with a Data Collection Working Group (members of which have included the Law Commission, the judiciary, HMCTS and academics) to take steps to gather data in respect of financial remedies proceedings. The previous Government worked with the Working Group to create a revised version of the D81 form (a statement of information about parties’ financial circumstances

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<sup>31</sup> Protection of Official Data (LC395) (01.09.20)

<sup>32</sup> Matrimonial Property, Needs and Agreements (LC 343) (27.02.2014)

used to support applications for a consent order in financial remedies proceedings on divorce), which was published in 2022. The amendments to the D81 form would enable it to be more usefully used in any future data-gathering exercise.

107. The Law Commission has since published its scoping report on the substantive law of financial remedies on divorce in December 2024, which includes discussion about its 2014 recommendations. The Government has committed to consulting on the issues raised by the Law Commission in its 2024 report. The Government will consider the issue of nuptial agreements as it prepares for consultation.

### **Financial Remedies and Inheritance Rights for Cohabitants<sup>33</sup>**

108. The Law Commission published its report “Cohabitation: The Financial Consequences of Relationship Breakdown” in July 2007. This report recommended the creation of a statutory scheme giving financial remedies to qualifying cohabiting partners against each other on relationship breakdown.
109. The Law Commission’s report “Intestacy and Family Provision Claims on Death” published in December 2011, also included recommendations relating to cohabiting partners. In particular, that report recommended giving qualifying cohabitants the same entitlement as a spouse or civil partner on intestacy and giving cohabiting partners more rights under the Inheritance (Provision for Family and Dependents) Act 1975.
110. The previous Government announced in September 2011 that it did not intend to take forward the recommendations in the Law Commission’s 2007 report in that Parliament (2010–2015) because of major reforms already planned for the family justice system, which were delivered in 2014. In March 2013, the previous Government made a similar announcement regarding the cohabitation related recommendations in the 2011 report.
111. This Government made a commitment in its 2024 manifesto to ‘strengthen the rights and protections available to women in cohabiting couples’ and has noted, as set out in the 2007 report, that the existing protections for cohabiting couples are very limited. This Government confirmed in February 2025 that it would be bringing forward a consultation paper to build public consensus on what cohabitation reform should look like.

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<sup>33</sup> Cohabitation: The Financial Consequences of Relationship Breakdown (LC 307) (03.07.2007)

### **Reforming the Law on Weddings<sup>34</sup>**

- 112. The Law Commission published a report on 19 July 2022 setting out 57 recommendations on reforms to the law on weddings, particularly how and where these can take place.
- 113. On 2 October 2025, the Government confirmed its intention to reform weddings law when parliamentary time allows, with a view to launching a public consultation on the detail of reform in early 2026.
- 114. The Government stated that reforms would be underpinned by two key features, recommended in the Law Commission's 2022 report. First, the legal framework will shift from a system based on the regulation of buildings to one focused on the regulation of the officiant responsible for the wedding ceremony. Second, it will introduce a single set of universal rules for all weddings, with the exception of Anglican weddings.
- 115. On October 2025, Parliamentary Under-Secretary of State for Justice, Baroness Levitt, wrote to the Law Commission confirming the Government's position and stating the letter constituted the Government's formal response to the report.

### **Reforming the Law on Taxis and Private Hire Services<sup>35</sup>**

- 116. The law that governs how the taxi and private hire vehicle (PHV) trades operate in England and Wales is old, inconsistent and is based on how passengers traditionally engaged services before the emergence of the internet and apps. The Law Commission published its report on 23 May 2014, recommending reforms that would make the law clearer for those working in the taxi and private hire trades and their passengers.
- 117. The Commission's report recognised the value to passenger choice of the two-tier system of PHVs – which must be pre-booked via a licensed operator and taxis – which can also use ranks or ply for immediate hire. It makes recommendations to retain and reinforce the distinction. Passenger safety was at the forefront of the Commission's reforms. It recommended that standards be set nationally for public safety, accessibility and environmental impact so that passengers of taxis and PHVs could confidently expect consistent levels of safety and quality wherever they travel. Two of the Law Commission's recommendations were implemented through the Deregulation Act 2015.
- 118. Since the Law Commission's report, the Wales Act 2017 made provision for the transfer of responsibility for taxi and PHV policy to the National Assembly for Wales

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<sup>34</sup> Celebrating Marriage: A New Weddings Law (LC 408) (18.07.2022)

<sup>35</sup> Taxis and Private Hire Services (LC 347) (23.05.2014)

(which changed its name to the Senedd Cymru/Welsh Parliament in 2020); following this transfer in 2018 this is now a devolved policy area in all UK nations.

119. The independently chaired Task and Finish Group on Taxi and Private Hire Vehicles was established in 2017 to consider the regulation of the sector under present legislation, its effectiveness and whether the tools currently available are being used to their fullest. The chair of the group submitted his report in July 2018, the Department for Transport (DfT) issued a response in 2019.
120. In 2020, the DfT published statutory guidance which set out a range of requirements and processes that all licensing authorities should follow to protect children and vulnerable adults. The legislative power under which the guidance was issued focussed on actions to protect the most vulnerable in society, but the robust safeguarding measures contained in the guidance will benefit all passengers.
121. The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 have improved the regulation of the sector and increased the protection of disabled passengers.
122. DfT published updated Best Practice Guidance for Taxi and Private Hire Vehicle Licensing Authorities in England in 2023. The document covers a wide range of licensing issues that were out of scope of the Statutory guidance.
123. In response to Baroness Casey's National Audit on Group-based Child Sexual Exploitation and Abuse, published in June 2025, the Government has committed to legislate to address the issues raised in the report. This Government is considering all options – including out of area working, national standards and enforcement and transferring licensing to local transport authorities – seeking the best overall outcomes for passenger safety.

## **Hate Crime<sup>36</sup>**

124. The project was referred to the Law Commission by the Ministry of Justice. The Commission published a report on 28 May 2014. This report recommended that:
  - (a) the Sentencing Council produce guidance on the approach to sentencing hostility-based offending in hate crime cases
  - (b) that every time the enhanced sentencing provisions under section 145 and 146 of the Criminal Justice Act 2003 are applied, this should be recorded on the offender's Police National Computer (PNC) record.
  - (c) that a full-scale review of aggravated offences should be undertaken, and the enhanced sentencing system should be looked at to see if it should be retained in its current form or amended. If the Government elect not to pursue a wider

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<sup>36</sup> Hate Crime: Should the Current Offences be Extended (LC 348) (28.05.14)

review, the aggravated offences should be extended to disability, sexual orientation and transgender identity.

- (d) not extending the stirring up of offences on grounds of disability or transgender identity. New offences of stirring up hatred on the grounds of disability and transgender identity would rarely, if ever, be prosecuted and their effect would therefore be negligible.

- 125. The previous Government did not formally respond to this report but did accept the Law Commission's recommendation to conduct a full-scale review. As a result, in October 2018, the Law Commission was tasked by the Ministry of Justice and the Home Office to review the adequacy and parity of protection offered by the law relating to hate crime and to make recommendations for its reform.
- 126. The Law Commission published its final report on hate crime on 7 December 2021,<sup>37</sup> making a number of recommendations for reform of the crime laws in England and Wales.
- 127. The previous Government published a response to Recommendation 8 of the Law Commission's report in 2023, accepting its recommendation that sex or gender should not be added as a protected characteristic for the purposes of aggravated offences and enhanced sentencing. The previous Government did not respond to the remaining 33 recommendations made by the Law Commission.
- 128. This Government is currently considering all 34 recommendations made by the Law Commission.

### **Simplification of the Criminal Law: Kidnapping and Related Offences<sup>38</sup>**

- 129. The Law Commission published its final report on kidnapping and related offences on 20 November 2014. The report recommended the creation of two distinct statutory offences to replace the existing common law ones, namely:
  - that false imprisonment be replaced with a new statutory offence of unlawful detention (a label which the Law Commission believes better captures the nature of the offence). The elements of the new offence would closely follow the existing common law; and
  - a new statutory kidnapping offence be created. This would be somewhat narrower and more focussed than the existing common law offence and would have a clearer relationship with the offence of unlawful detention.

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<sup>37</sup> Hate Crime Laws: Final Report (LC 402) (7.12.2021)

<sup>38</sup> Simplification of the Criminal Law: Kidnapping and Related Offences (LC 355) (20.11.2014)

130. The report also recommended changes to the offences under sections 1 and 2 of the Child Abduction Act 1984. These seek to:
- increase the maximum sentences for these offences from 7 to 14 years' imprisonment, in order to avoid what has been seen as an undesirable inconsistency between the most serious instances of these offences and kidnapping offences of a comparable level of seriousness, and;
  - expand the offence under section 1 to cover cases of wrongful retention of a child abroad, in breach of the permission given by another parent (or other connected person) or the court. This extension would close a gap in the law highlighted in the case of *R (Nicolaou) v Redbridge Magistrates' Court*.
131. This Government has yet to formally respond to the recommendations set out in the report. However, the Government is progressing an amendment to the offence at section 1 of the Child Abduction Act 1984 – through the Crime & Policing Bill – to cover cases of wrongful retention of a child abroad by a parent.

### **Offences Against the Person – Modernising the Law on Violence<sup>39</sup>**

132. The Law Commission published its report “Reform of offences against the person” on 3 November 2015, following a scoping exercise the previous Government had asked the Commission to undertake as part of its 11th Programme of reform. The report also draws on earlier work that the Law Commission and others had done in this area since the 1980s, which had resulted in a draft Bill in 1998 to reform the Offences Against the Person Act 1861. The draft Bill was never taken forward due to other Government priorities at that time.
133. The report covers most of the extant offences in the 1861 Act, the common law offences of assault and battery and the offence of assaulting a constable (s. 89(1) Police Act 1996). The report was informed by the detailed consultation carried out by the Commission between November 2014 and February 2015 and recommends that updated legislation is needed to tackle violent offences more effectively and make better use of court time.
134. Recommendations contained in the report include:
- the replacement of the in-scope offences in the 1861 Act with a modern statute, containing a clear system of offences of injury;
  - the creation of a new offence of “aggravated assault” to bridge the gap between common assault and the more serious offence of assault causing actual bodily harm (ABH), as a summary offence with a maximum sentence of 12 months. The Commission’s best estimate of the gross savings from this recommendation on its own is around £12.47million per annum; and

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<sup>39</sup> Offences against the person – modernising the law on violence (LC 361) (03.11.2015)

- the extension of the offence of ‘threats to kill’ to include ‘threats to cause serious injury’ and ‘threats to rape’.<sup>40</sup>

135. This Government has yet to formally respond to the recommendations set out in the Law Commission’s report. However, the Government is seeking to repeal sections 22, 23 and 25 of the 1861 Act and replace section 24 with a new single administering a harmful substance (including by spiking) offence. This change is being progressed through the Crime and Policing Bill which is currently before Parliament.

### **The High Court’s Jurisdiction in relation to Criminal Proceedings<sup>41</sup>**

136. The Law Commission published a report and draft bill on 27 July 2010 and a draft bill making recommendations clarifying<sup>42</sup> the limits on the availability of judicial review of decisions in a trial on indictment and proposing reforms to the appeals process. In July 2022 the previous Government commissioned the Law Commission to undertake a wide-ranging review of our appeals system to ensure that it is operating effectively. This Government expects to receive the review’s final report in 2026 and will carefully consider the recommendations.

137. After careful consideration of Sir Brian Leveson’s recommendations on appeals from the Magistrates’ Court in Part 1 of his Independent Review of the Criminal Courts (published in July 2025), the Government has decided to take these forwards and will bring forward legislation to do so when parliamentary time allows.

### **Termination of Tenancies for Tenant Default<sup>43</sup>**

138. The Law Commission published this report in 2006. It contains recommendations to reform the means by which a landlord can terminate a fixed term commercial or residential tenancy where the tenant has not complied with his or her obligations.

139. This is an important issue for many landlords and tenants of residential and commercial properties. With regard to commercial tenancies, the current law is difficult to use, especially for the lay person and the unwary practitioner. It does not

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<sup>40</sup> The Law Commission also recommended an offence of sending a communication threatening to cause serious harm, in their report on Modernising Communications Offences. This recommendation was implemented in s 181 of the Online Safety Act 2024, which criminalises instances where a person sends a message conveying a threat of death, serious injury, rape, assault by penetration, or serious financial loss, and intends that (or is reckless as to whether) someone encountering the message will fear the threat will be carried out.

<sup>41</sup> High Court’s Jurisdiction in Criminal Proceedings (LC324) (27.07.2010)

<sup>42</sup> (2010) LC324

<sup>43</sup> Termination of Tenancies for Tenant Default (LC303) (31.10.06)

support negotiated settlement and provides little protection for mortgagees and chargees.

140. In March 2019, the Housing, Communities and Local Government Select Committee recommended that the Government implement the Law Commission's recommendations. In response, the previous Government asked the Law Commission to update its report. The Commission has provided the Ministry of Housing, Communities and Local Government (MHCLG) with possible options and updates to the Commission's work to be considered. Changes to forfeiture will require a careful balancing of the rights and responsibilities of landlords and leaseholders.
141. The Government has committed to including provisions in the forthcoming draft Leasehold and Commonhold Reform Bill to remove the disproportionate and draconian threat of forfeiture as a means of ensuring compliance with a residential lease agreement. Forfeiture will still be available in commercial leasing arrangements where the process and aims differ. Government currently has no plans to take forward the summary termination procedure proposed by the Law Commission.

### **Surrogacy<sup>44</sup>**

142. The Government supports surrogacy as part of assisted conception options, to help people who have difficulty starting their own family.
143. The Law Commission have consulted widely on this topic, which generates a wide diversity of views, and published its final report, *Building Families Through Surrogacy: A New Law* on 29 March 2023.
144. The Law Commission's report and draft legislation outlines a new regulatory regime for surrogacy that offers clarity, safeguards and support – for the child, the surrogate and the parents who will raise the child. It includes a new pathway to legal parenthood, under which intended parents would become parents of the child from birth, rather than obtain a parental order after the child's birth. This would be subject to the surrogate having the right to withdraw consent.
145. The new pathway would be overseen and supported by non-profit Regulated Surrogacy Organisations (RSOs), which in turn would be regulated by the Human Fertilisation and Embryology Authority (HFEA). Under the new pathway, and for the first time, checks and safeguards would take place before the surrogacy arrangement is entered into and before the child is conceived.

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<sup>44</sup> Building families through surrogacy: a new law (LC 411) (28.03.23)

146. The Government does not intend to put forward the Law Commission's legislative proposals at this current time, due to the limited time available for introducing new legislation. However, the Government will publish a response as time and capacity allows and will look to consider this issue in the future.

### **Modernising Wills Law<sup>45</sup>**

147. The Law Commission published its report Modernising Wills Law<sup>46</sup> in May 2025. The report made a wide range of recommendations to modernise the law governing the making of wills, and to make them fit for the modern age. Much of the existing law dates back to the 19<sup>th</sup> Century, and the report explores topics such as whether electronic wills should be allowed. The report was accompanied by a draft Bill reflecting the report's recommendations as well as replacing the Wills Act 1837.
148. The Government published its initial response to the report in May 2025 and welcomed the Law Commission's report. In its statement the Government said that the reforms proposed are significant and wide ranging and deserve detailed consideration. The Government recognises that the current law is outdated, but the guiding principle in undertaking reform will be to ensure that it does not compromise existing freedoms or safeguards.
149. The Government will make further announcements in due course, once it has given the report the detailed consideration it deserves.

### **Evidence in sexual offences prosecutions<sup>47</sup>**

150. In 2021, the previous Government asked the Law Commission to examine the trial process and to consider the law, guidance and practice relating to the use of evidence in prosecutions of sexual offences. In July 2025, the Law Commission published its final report on evidence in sexual offences prosecutions, which looked to address how myths and misconceptions about sexual violence permeate the trial process and influence jurors' deliberations. This report made 72 recommendations for reform to improve the understanding of consent and sexual harm, improve treatment of complainants, and ensure that defendants receive a fair trial. Most recommendations are for the Ministry of Justice the remaining are for other bodies and departments including the Home Office, the Judicial College and the Bar Standards Board.

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<sup>45</sup> Modernising Wills Law (LC 419) (15.05.2025)

<sup>46</sup> <https://lawcom.gov.uk/project/wills/>

<sup>47</sup> Evidence in sexual offences prosecutions (LC 420) (21.07.2025)

151. In December 2025, the Government announced that it will be taking forward legislation in several areas consulted on by the Law Commission in their report, in a package of measures designed to ensure that rape victims are no longer unfairly undermined by evidence in the court room. As recommended in that report these changes will create a clearer and more effective admissibility threshold so a victim's previous sexual behaviour, previous allegations of sexual assault, or compensation claims are only used as evidence in favour of the accused if absolutely necessary.
152. The Law Commission also consulted on the admissibility of bad character evidence. Although they did not recommend making changes on this issue, the Government will also introduce legislation to clarify that previous convictions of domestic abuse – of any type and against any victim – can be shown to the court to indicate a propensity for further offending – regardless of the specific offence committed.
153. The Government will also take forward several of the recommendations they made around the use of special measures. This includes formalising the use of companions as a special measure to help witnesses give their best evidence, clarifying when the court can exclude people from the public gallery to improve the quality of the witness's evidence and making clear when screens can be used to block the victim from view of the defendant.
154. As set out in the Government's manifesto, it also plans to accept recommendations on introducing free independent legal advice to victims of adult rape.
155. The Law Commission have recommended various changes this Government does not wish to pursue at this time. For example, whilst the Government remains committed to introducing its manifesto commitment of free, independent legal advice for victims of adult rape, it is not looking to pursue the recommendation to give victims representation, making them a direct party in proceedings at court or during appeals. The Government also does not plan to take forward recommendations on Third Party Material, as the Victims and Prisoners Act already introduced legislative change. This new legislation to create special protections for victims' counselling records, reflecting the highly sensitive nature of these records. Under these new duties, requests for these most personal of records will only be legitimate when the material is likely to have substantive probative value to the reasonable line of enquiry being pursued. Additionally, it will not introduce presumed entitlement to special measures for sexual offence complainants at this stage. Victims' needs must be considered carefully so the special measures used enable them to give their best evidence, and a blanket entitlement risks a "one-size-fits-all" approach.

### **Disabled Children's Social Care<sup>48</sup>**

156. The Law Commission was asked by the Department for Education to review the law on disabled children's social care in England. The review arose from a recommendation made by the 2022 Independent Review of Children's Social Care, which underpins the Government's plans for reform of children's social care.
157. On 16 September 2025, the Law Commission published its final report which sets out in full its recommendations.
158. The Government is considering the recommendations set out in the report but is yet to formally respond. It will provide an interim response within 6 months of the publication of the report and a full response within a year.

### **Contempt of Court: Report (Part 1) on Liability<sup>49</sup>**

159. The Law Commission has been asked by the Government to review the law on contempt of court and consider reform to improve its effectiveness, consistency and coherence.
160. The Law Commission published part 1 of the report on Contempt of Court: Report (Part 1) on Liability on 18 November 2025. Part 1 of the report includes recommendations for law reform on issues of liability for contempt and the role of the Attorney General in contempt proceedings.
161. The Government is considering its recommendations.

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<sup>48</sup> Disabled Children's Social Care (LC 422) (15.09.2025)

<sup>49</sup> Contempt of Court: Report (Part 1) on Liability (LC 423) (17.11.2025)

### **(iii) List of Reform Projects where recommendations are awaiting a Government decision on implementation and the status of the projects have remained the same**

The following is a list of reform projects in respect of which it remains the case that the Government is yet to make a decision on implementation of some or all of the recommendations. Therefore, the position in respect of these projects remains the same for this reporting year as it was in the previous reporting year. However, these projects remain under consideration for implementation.

Please see previous published Lord Chancellor's Implementation reports, for more detail about the background to and recommendations from these projects and plans for dealing with the proposals.

#### **Rights to Light<sup>50</sup>**

#### **Simplification of the Criminal Law: Public Nuisance and Outraging Public Decency<sup>51</sup>**

#### **Criminal Records Disclosure<sup>52</sup>**

#### **Making Land Work: Easements, Covenants and Profits a Prendre<sup>53</sup>**

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<sup>50</sup> Rights to Light (LC356) (04.12.14)

<sup>51</sup> Simplification of the Criminal Law: Public Nuisance and Outraging Public Decency (LC 358) (25.06.2015)

<sup>52</sup> Criminal records disclosure: Non-Filterable Offences (LC371) (01.02.17)

<sup>53</sup> Making Land work: Easements, Covenants and Profits a Prendre (LC 327) (08.06.2011)

## **Decisions taken not to implement**

162. Nil.





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