

W201 The Individual and the State

Introduction to Criminal Law

Reform

Throughout this course you will be expected to compare existing law with proposals for reform.

The most important body which considers reform of the criminal law in the UK is the Law Commission. This is headed by a senior judge and its members include distinguished judges and academics.

In 1989 the Law Commission attempted to consolidate criminal law in a Draft Criminal Code. The hope was that it would become law but no government found time for it. Since then the Law Commission have published shorter draft bills on specific areas of the law (eg Offences Against the Person 1993) but these in turn have so far been largely ignored.

You will also see references to LCCPs (Law Commission Consultation Papers) and Law Commission Final Reports on specific subject areas. These papers and reports are numbered eg No 177 is the Draft Criminal Code and No 229 the Final Report on Intoxication and Criminal Liability.

It is important to note that the Law Commission sometimes changes its mind and its proposals in a Consultation Paper can be different from its proposals in a Final Report which in turn may vary from the contents of the Draft Criminal Code and from a specific Draft Bill.

Another body you will see referred to is the Criminal Law Revision Committee (CLRC). This was abolished in 1987. Until then it regularly considered criminal law reform from a practical point of view. It was staffed by legal practitioners (judges barristers solicitors and others) and produced helpful recommendations on pitfalls of proposed legal changes.

Appeal Courts

Up to 1907 criminal appeals in a limited form were heard by the Court of Crown Cases Reserved (CCCR).

From 1907 to 1966 criminal appeals were heard by the Court of Criminal Appeal (CCA).

In 1966 this was replaced by a single Court of Appeal dealing with civil and criminal cases. It is divided into two divisions ie Court of Appeal (Criminal Division) and Court of Appeal (Civil Division) (CA).