

Lives Remembered

More on Sir John Smith QC deceased

Your obituary of Sir John Smith rightly praised his unfailing grasp of the principles of the criminal law. I would add that unfailingly he gave effect to this grasp in his luminous writings. I never took up a piece he had written without a thrill of expectation. I never put it down without a sense of admiration for its clarity, authority, and sheer readableness.

My only quarrel with your obituary concerns the passage near the end about the 1993 draft criminal code, which was never enacted. You say this code continues to gather dust when it might have brought certainty and clarity to an outdated and contradictory set of rules. This is simply not the case, as I demonstrated at length in an article published in the *Statute Law Review* in 1994¹.

What the draft criminal code would have brought was uncertainty and obscurity, so the authorities were right not to enact it. The fault does not altogether lie with Sir John Smith. The Law Commission have largely failed to carry out the duty imposed on them by the Law Commissions Act of 1965 to codify our law. They did not even carry out the first required step, which was to enquire into the techniques needed and work out the methods by which this formidable task was to be accomplished.²

¹ See [3.3.7.27](#).

² *The Times Register* (Lives Remembered), 8 April 2003.