

Defending the Legislative and Regulatory Reform Bill 2006

Seamus Burns in 'Tipping the balance' (see *NLJ* 12 May 2006, p 787) cites several opinions which have been expressed against the Legislative and Regulatory Reform Bill 2006 but fails to cite a single opinion in its favour. In particular he cites a letter by six Cambridge professors which was published in the Times on 16 February 2006. I ask you to redress the balance by printing the following letter from me which responded to that letter and appeared in the Times on 20 February 2006:

"It would be unconstitutional for a government to use in the extreme manner suggested (letter, Feb 16) the powers to be conferred by the Legislative and Regulatory Reform Bill. It would not get away with it.

The Bill opens the door to much-needed reforms in what is called lawyer's law. It is half a century since I helped to draft the Act that set up the Law Commission. The commission has not achieved what was hoped largely because of difficulty in obtaining a place in the legislative programme for its reform Bills.

Having spent nearly 60 years drafting, teaching and writing about legislation I warmly support this facilitating Bill."

Mr Burns seems to forget that our judges have shown themselves very ready to declare invalid attempts by the executive to exceed their powers. I have no doubt they would strike down any offending order made under this proposed Act.

Francis Bennion, former Parliamentary Counsel.