

N.R.C.D. 325

LAW REFORM COMMISSION ACT, 1975

ARRANGEMENT OF SECTIONS

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N.R.C.D. 325LAW REFORM COMMISSION ACT, 1975¹

AN ACT to continue the existence of the Law Reform Commission to keep the law under constant review and for related matters.

1. Law Reform Commission

The Law Reform Commission established by the Law Reform Commission Decree, 1968 (N.L.C.D. 288) shall continue in existence subject to this Act.

2. Object and functions of the Commission

(1) The object of the Commission is to promote law reform.

(2) Without prejudice to the generality of subsection (1), the Commission shall keep under review the law both statutory and otherwise with a view to its systematic development and reform including, in particular, the modification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments, and generally, the simplification and modernisation of the law.

1. This Act was issued as the Law Reform Commission Decree, 1975 (N.R.C.D. 325) made on the 18th day of April, 1975 and notified in the *Gazette* on 22nd April, 1975.

- (3) For the purposes of subsection (2), the Commission
- (a) shall receive and consider proposals which may be made or referred to the Commission for the reform of the law;
 - (b) shall prepare and submit from time to time to the President through the Minister responsible for Justice programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency, whether the Commission or another body, by which the examination should be carried out;
 - (c) shall undertake, in pursuance of those recommendations approved by the President, the examination of particular branches of the law and the formulation of proposals for reform, by means of draft Bills or otherwise;
 - (d) shall prepare from time to time at the request of the Minister comprehensive programmes of consolidation and Statute law revision and to undertake the preparation of draft Bills pursuant to any of those programmes approved by the Minister;
 - (e) shall provide advice and information to government departments and any other authorities or bodies, at the instance of the Government with proposals for the reform or amendment of a branch of the law;
 - (f) shall obtain information regarding the legal systems of other countries as appear to the Commission likely to facilitate the performance of any of its functions;
 - (g) may co-opt other persons to constitute committees or sub-committees for the purposes of studying in detail and making recommendations on a subject matter in a field in which those persons could be considered to be experts.

3. Membership of the Commission

(1) The Commission consists of the chairman and eight other members appointed by the President in accordance with article 70 of the Constitution.

(2) A person shall not be appointed as chairman of the Commission unless that person is suitably qualified by the holding of judicial office or by experience as a lawyer or as a teacher of law in a University.

(3) Any other member of the Commission shall be appointed for a term not exceeding five years and subject to the conditions determined by the President.

(4) A member may resign from office by writing personally signed by the member addressed to the Minister, and the appointment of a member may for good cause be revoked by the President.

(5) A member of the Commission is eligible for re-appointment.

4. Meetings of the Commission

(1) The quorum at a meeting of the Commission is five members of whom not less than three are lawyers.

(2) Without prejudice to subsection (2) (g) of section 2, the Commission may co-opt a person to act as an adviser at a meeting, but a person so co-opted is not entitled to vote at the meeting on a matter for decision by the Commission.

(3) Subject to this Act, the Commission shall regulate its own procedure.

5. Executive secretary of the Commission

(1) The Commission shall have a lawyer of not less than eight years standing as an officer to be designated executive secretary.

(2) The executive secretary shall be appointed by the President in accordance with article 195 of the Constitution.

(3) The executive secretary

- (a) shall act as secretary to the Commission,
- (b) is responsible, subject to the overall control and direction of the Commission, for the day-to-day administration of the affairs of the Commission, and
- (c) is responsible to the Commission for the performance of functions under this Act.

(4) The executive secretary shall be assisted by the members and categories of employees of the Commission whom the Minister, with the prior approval of the Minister responsible for Finance, may determine and those employees shall be appointed in accordance with article 195 of the Constitution.

(5) The executive secretary and the other employees of the Commission shall hold office upon the terms and conditions that the President shall determine upon the recommendations of the Minister.

(6) The executive secretary and the other employees of the Commission are public officers.

6. Allowances

A member of the Commission, a person co-opted to a meeting of the Commission under section 4 and a person co-opted to a committee of the Commission or a sub-committee under subsection (2) (g) of section 2 may be paid allowances as determined by the President.

7. Annual report

The Commission shall in each year submit to the Minister an annual report on its proceedings, including the report of the Auditor-General.

8. Report to Parliament

The Minister shall lay before Parliament

- (a) the programmes prepared by the Commission and approved by the Minister,

- (b) the proposals for reform formulated by the Commission pursuant to those programmes, and
- (c) the annual report submitted by the Commission under section 7 together with the comments that the Minister may think necessary to make.

9. Expenses of Commission

The expenses of the Commission, including the remuneration of employees of the Commission, shall be defrayed out of monies provided by Parliament.

10. Audit of accounts

(1) The executive secretary shall ensure that the Commission keeps proper books of account and proper records in relation to the accounts.

(2) The books of accounts and the records of the Commission shall be in the form approved by the Auditor-General.

(3) The accounts of the Commission shall be audited annually by the Auditor-General who shall make a report on the accounts to the Minister who shall forward a copy of the report to the President.

11. Interpretation

In this Act, unless the context otherwise requires,

“**Commission**” means the Law Reform Commission continued in existence under section 1;

“**Minister**” means the Minister responsible for Justice.

12. Repeal

*Spent.*²

2. The section repealed the Law Reform Commission Decree, 1968 (N.L.C.D. 288) and the amending Act, the Law Reform Commission (Amendment) Decree, 1975 (N.R.C.D. 312).