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**To:** Revision Bill

**Subject:** Proposed Contract and Commercial Law Bill

The exposure draft is misconceived and should go no further.

The main aim of the Bill is to make the law more accessible and easier to understand but it will in fact do the opposite. What is the point of turning, for example, section 4 of the Contracts (Privity) Act 1982 into "sections 12 and 13 of the Contract and Commercial Law Act"? Or section 6 of the Contractual Remedies Act 1979 into "section 35 of the Contract and Commercial Law Act"? All this does is to cause utterly needless work and potential confusion for practitioners, judges, teachers, students, annotators and commentators, particularly in view of the large amount of case law interpreting and applying the above and other Acts, especially the Sale of Goods Act.

There are also other issues. First, some of the tidying up of the existing Acts may give rise to unintentional changes in the law. Secondly, not all of the contract and commercial law statutes are included. Why not the Consumer Guarantees Act and the provisions of the Fair Trading Act 1986 governing auctions and layby sales, to name just a few of the multitude of statutes governing contracts? It is no answer to say that these provisions are consumer law measures. Thirdly, no account seems to have been taken of uncontentious changes recommended by the Law Commission in its Contract Statutes Review several years ago (especially the amendment to section 6 of the Contracts (Privity) Act).

In any event, if there is a desire to tidy up or modernise the drafting of the statutes concerned, why not do it to each one individually? In fact, some of them need a more drastic overhaul. For example, the case law on the Contractual Mistakes Act is conflicting and no-one knows what key sections of the Act mean.

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