

The Law Commission

(LAW COM. No. 50)

SEVENTH ANNUAL REPORT 1971-1972

*Laid before Parliament by the Lord High Chancellor
pursuant to section 3 (3) of the Law Commissions Act 1965*

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The Law Commission was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law. The Commissioners are—

The Honourable Mr. Justice Scarman, O.B.E., *Chairman*.

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**THE LAW COMMISSION
SEVENTH ANNUAL REPORT: 1971-1972**

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THE LAW COMMISSION

SEVENTH ANNUAL REPORT: 1971-72

To the Right Honourable the Lord Hailsham of Saint Marylebone, Lord High Chancellor of Great Britain

We have the honour to present our Seventh Annual Report pursuant to section 3 (3) of the Law Commissions Act 1965. The Report relates to the year ended 15 June 1972, the seventh anniversary of our establishment, but, as in recent Annual Reports, we have mentioned in footnotes matters of importance which have occurred between 15 June and to-day.

INTRODUCTION

1. Measured by the number of working papers and final reports produced, the year under review would appear to be a lean one. It is, however, a necessary incident of sound law reform that the flow of law reform proposals will vary from a flood (as in 1970-71) to a trickle (as in 1971-72). The essence of the Law Commission technique is to divide the law reform process into three phases: research, consultation, and final report. The central feature of the technique is the working paper, preceded by research and informal discussion with others interested or expert in the subject, and followed by a period of open consultation, which may extend over many months if the subject be complex or of great social importance, as, for instance, in the case of Family Property Law. Such a technique, without which sound law reform is difficult to achieve, makes it impossible to gear production to a steady flow.

2. Our experience has caused us to give careful thought to ways and means of making greater use of the social sciences both in determining law reform priorities and in the preparation of proposals. It would be, in our opinion, dangerous to assume that the working paper technique, because it is indispensable, is, therefore, itself sufficient. During the year we introduced into the consultative phase of the Family Property inquiry a new feature—the publication of a statistical survey¹ conducted at our request by the Social Survey Division of the Office of Population Censuses and Surveys into the attitudes and actions of married people in respect of their property. The report of this survey has added a new dimension to our study of the subject. We hope to evolve a standard procedure for harnessing the social sciences to law reform which will become as much a part of our method as the working paper procedure itself.

3. Work on the major codifications is advancing and occupying more of our time. Progress is slow, though we should soon complete the first stage of codification of family law. Codification, as we see it, is not confined to the restatement in statutory form of existing law. It includes law reform where needed, and calls for the embodiment of the law in one or more statutes of a type different from the British pattern. The code must not be so general in terms that it

¹ See para. 38 below.

affords little or no guidance to the legal adviser or judge concerned with the facts of a particular case, or so detailed that its complexities are comprehensible only to the expert. An excessive generality encourages a mere lip service to the code, while excessive particularity may inhibit the development of the law. Parliament and the legal profession will soon have the opportunity of comparing our legislative style with that of the directly applicable legislation of the European Communities, some of which is notable for its clarity of detail and firm declaration of principle.

4. Finally, it would not be right to omit from this Introduction a welcome to the first volumes of the new official edition of the statutes entitled *Statutes in Force*. Arranged in groups and sub-groups by reference to subject-matter, the edition, when complete, should go a long way towards improving the accessibility of the statute law. If supported by a vigorous policy of consolidation, statute law revision, and ultimately codification, it should move the statute law towards Bentham's ideal of the law on one subject being available in one place. We cannot over-emphasise the need for ensuring that sufficient administrative and financial resources are put behind the edition so that in the not too distant future it may encompass all the statute law.

Arrangement of this Report

5. Part I of this Report contains a detailed progress report on the Items in our law reform programmes; Part II gives an account of work done on law reform outside our programmes; Part III reviews the work done in the field of consolidation and statute law revision; and in Part IV we outline briefly the year's developments in the organisation and other activities of the Law Commission. In Appendix 1 we set out lists of the Commission's Papers which have been (a) published by the Commission as Working Papers or (b) laid before or presented to Parliament. In Appendix 2 we summarise in tabular form the extent to which our legislative proposals have been implemented by Parliament, and in Appendix 3 we give the membership of advisory bodies set up during the year or set up during previous years and still functioning but with substantially altered membership.

PART I

LAW REFORM PROGRAMMES: REPORT ON PROGRESS

6. Items I–XVII, mentioned below, derive from our First Programme of Law Reform and Items XVIII–XX from our Second. In the progress report below, we omit Items that have been merged in others and those on which work was completed before the year under report.

Item I. Codification of the Law of Contract

7. Preliminary drafts intended to lay the foundation of a Contract Code have now been completed and throughout the year we have been working closely with the draftsman who has the task of putting the Commission's proposals into a form appropriate for legislation. The Scottish Law Commission is being kept fully informed of the progress of this work and it will be for consideration at a later stage whether or not it is practicable to have a Contract Code for the whole of Great Britain or, if not, to what extent harmonisation can be achieved between the principles of contract law in England and Wales and those in Scotland.

Item II. Exemption Clauses in Contracts

8. Our work on this topic has been dealt with in two parts. Our First Report, dealing with amendments to the Sale of Goods Act 1893, was published in 1969². On the second part a Working Paper³ was published on 27 September 1971, jointly with the Scottish Law Commission, containing provisional conclusions on the reform of the law dealing with the exclusion of liability for negligence in the sale of goods and with exemption clauses in contracts for the supply of services and other contracts. Comments have been received from many quarters and the next task of the Commissions will be to consider them with a view to the preparation of a Report to Ministers.

Item VI (b). Personal Injury Litigation—Assessment of Damages

9. Comments on Published Working Paper No. 41 were asked for by 30 April and we have received all that we expect to get. We are considering the results of this consultation and hope to submit a final report on this subject with draft clauses early next year. The report will also deal with the actions for loss of services and consortium, topics outstanding from Item XV(a).

Item VII. Civil Liability of Vendors and Lessors for Defective Premises

10. Mr. Ivor Richard, M.P. used his success in the Private Members' ballot last November to introduce the Defective Premises Bill. The Bill was based upon draft clauses appended to our Report⁴ on this subject and passed all stages in the Commons at the end of the year under review and was taken up in

² Law Com. No. 24; Scot. Law Com. No. 12; (1969) H.C. 403.

³ Working Paper No. 39; Scottish Law Commission Memorandum No. 15.

⁴ Law Com. No. 40; (1970) H.C. 184.

the House of Lords by Lord Stow Hill.⁵ The Bill, if enacted in its present form, will depart from our clauses in two main respects:—

- (a) it does not implement our recommendation that a vendor or lessor should owe a duty of care by reason of his knowledge of the existence of defects at the date of sale or letting; and
- (b) actions for breach of the duty to build dwellings in a proper manner will not lie in circumstances where the owner of a house (or his successor in title) enjoys the benefits of an approved scheme.

The National House Builders Registration Scheme was mentioned in debate as an example of such a scheme.

Item VIII. Codification of the Law of Landlord and Tenant

The Landlord and Tenant Code

11. With the expert assistance of Mr. Lionel Blundell, Q.C., and Sir Noël Hutton, G.C.B., Q.C., we have made steady progress with the preparation of the Code. This work is proceeding in two stages:—

- (a) the settling of a series of propositions which constitute instructions to the draftsman; and
- (b) the translation of these propositions into draft clauses in legislative form.

Although it is still too early to make a precise forecast of the date when the Code will be completed, we believe we shall be able to achieve the aim mentioned in our Sixth Annual Report, which was to produce the Code in the form of a draft Bill appended to a Report by the middle of 1975.

12. The Landlord and Tenant Working Party⁶ continue to help us; their advice has been regularly sought and most helpfully given on specific problems which arise during the process of codification.

Interim Reports

13. It is still our intention to submit to you three Interim Reports on particular subjects about which we are making proposals for reform. These Reports, which will not include any draft clauses, will be based on full consideration of proposals made to us by the Working Party and after consultation with persons and interests concerned. The recommendations in the Reports will reflect the draft propositions for the Code which will eventually include clauses to give effect to the reform recommended in the Interim Reports.

14. The necessity of co-ordinating the preparation of the Reports with our programme of work on the corresponding parts of the Code has made it convenient to produce the Interim Reports in a different order from that originally contemplated. We now plan that the Reports will deal with three subjects and in the following order:—

⁵ The Bill received Royal Assent on 29 June 1972 and will come into force on 1 January 1974.

⁶ The names of members are listed in Appendix 3 to this Report.

- (a) *Obligations of landlords and tenants.* This will be the first Report and we hope to submit it early in the new year. Its preparation⁷ has been delayed longer than we had expected because of further consultation with The Law Society and also because we have only recently completed our work on the corresponding propositions for the Code with which the recommendations in this Report have to be co-ordinated.
- (b) *Covenants against assignment, alterations and change of use.* Comments on our Working Paper No. 25 have now been analysed. In order to keep in step with work on the Code propositions we intend to deal with this subject in our second Report.
- (c) *Termination of tenancies.* We have already prepared a draft of this Report.⁸ However, as the corresponding Code propositions will not be prepared until nearer the end of our work on codification, it is convenient to defer the completion of this Report until after the other two Reports have been submitted.

Disclaimer of leases in bankruptcy

15. We are awaiting the comments of the Chief Bankruptcy Registrar and of the Department of Trade and Industry on a set of proposals agreed by the Working Party so as to ensure that our provisional conclusions are compatible with the general law of bankruptcy as it is at present applied. When we have received these comments, we will be able, without the necessity of publishing a Working Paper for further consultation, to prepare propositions for inclusion in the draft Code.

Fire insurance provisions in leases

16. This is another subject on which we feel it is not necessary to publish a Working Paper for general consultation. We have had further discussions with representatives of Lloyd's and the British Insurance Association and consider that we can now deal with fire insurance in leases as part of our general work of preparing propositions for the Code.

Variable service charges

17. Complaints have been made to the Department of the Environment that some landlords were overcharging their tenants for services or maintenance work carried out under the terms of the lease.⁹ The Department sought our assistance; as a result there have been discussions between them and ourselves in which we were able to offer some preliminary advice.

⁷ The Report will be based on the results of consultation following Working Paper No. 8, *Provisional Proposals Relating to Obligations of Landlords and Tenants* (1967).

⁸ Based on the results of consultation following the publication of Working Paper No. 16, *Provisional Proposals Relating to Termination of Tenancies* (1968).

⁹ As subsequently stated by Lord Drumalbyn in the House of Lords debate on 27 June 1972 in committee on the Housing Finance Bill (see *Hansard*, Vol. 333, Cols. 836-839 and Col. 847), a full study is to be made at the Department of the Environment by the Leasehold Service Charge Study Group of the right of tenants to challenge service charges due to landlords. We have undertaken, in the context of our work on the Landlord and Tenant Code, to assist the Department in this study. The present position is that sections 90-91 of the Housing Finance Act 1972 provide that in lettings of blocks of flats a landlord is obliged to supply his tenants with audited accounts of all sums payable by tenants in respect of variable service charges.

Item IX. Transfer of Land

(a) *Rights appurtenant to land*

18. Consultation on our Working Paper No. 36, which was published on 5 July 1971, is almost complete and we have entered on the task of considering the many comments which we have received.

(b) *Land registration*

19. The third of our series of Working Papers (on identity and boundaries; and rectification and indemnity) will be issued in the near future¹⁰ and work on a fourth (dealing with the methods of protection of interests in land, including mortgages and charges) has started. We are also reviewing the topics covered in earlier papers in the series in the light of comments received.

(c) *Rentcharges*

20. Our Chairman wrote to you on 13 June 1972 to inform you that we had come to the conclusion, after considering the comments made on our Working Paper No. 24 and giving further thought to this difficult subject, that the better course was not to abolish rentcharges completely but to introduce substantial reform into the system. Our tentative suggestions, which will be the subject of a further Working Paper to be issued for consultation in the next few months, were that legal rentcharges might still be capable of creation, but only as a clear alternative to a purchase of the unencumbered freehold; that any such rentcharge should not be capable of lasting for more than 70 years; that existing legal rentcharges should be extinguished on the basis of automatic expiry without compensation after a specified number of years; and that the procedures for apportioning and redeeming rentcharges should be simplified and improved.¹¹

(d) *Chancel repairs*

21. Since our last Report¹² we have not heard that the Church authorities have made the decisions relating to chancel repairs which, when made, would influence our proposals for reform.

(e) *Local land charges*

22. A paper in the form of a draft Report was distributed to interested parties for comment. Our next step will be to prepare a draft Bill, amending and consolidating the law on local land charges, which we shall append to our Report. Such a Bill would complement the Land Charges Bill¹³ now before Parliament, and will complete the repeal of the Land Charges Act 1925.

(f) *Agreements for purchase and sale "subject to contract"—("Gazumping")*

23. In December 1971 you made a reference to us under section 3 (1) (e) of the Law Commissions Act 1965, requiring us to consider "... the possibility of legislation to prevent a prospective buyer or seller of a house withdrawing

¹⁰ Working Paper No. 45, published on 7 July 1972.

¹¹ See the remarks of the Solicitor General in the House of Commons (*Hansard*, 7 August 1972, Vol. 842, Cols. 1441-2).

¹² Law Com. No. 47; (1971) H.C. 32, para. 27.

¹³ The Land Charges Act 1972 received the Royal Assent on 9 August.

from an agreement made 'subject to contract' without incurring any legal obligations." Preliminary consultations have been held and it seems to us that the most satisfactory solution to the problems which arise may lie in having a form of contract which it would be safe for any vendor or purchaser to sign without prior legal advice. Although previous attempts at settling the terms of such a contract have not met with success, we think it is worth trying again and we are at present working along those lines with the co-operation of The Law Society.

(g) *Charging orders on Tānd*

24. In October 1971 you asked us to consider certain practical difficulties arising from the operation of section 35 of the Administration of Justice Act 1956 to which the Bar Council and The Law Society had drawn attention. A Working Paper on this topic has been prepared.

Item XV. Miscellaneous matters involving Anomalies, Obsolescent Principles or Archaic Procedures

(a) *Actions for loss of services, loss of consortium, seduction and enticement*

25. As pointed out in paragraph 9 above we will cover in our Report on the Assessment of Damages under Item VI (b) all outstanding questions falling under this Item.

(c) *Actions for pound-breach, rescous and replevin*

26. Pending a final decision whether distress for rent should be abolished as recommended by the Payne Committee¹⁴, which would probably make it unnecessary to revive the examination of these subjects, consideration of them remains in abeyance.

Item XVI. Judicature Act (Northern Ireland)

27. We understand that a draft of their interim Report is now under consideration by the Committee under the chairmanship of the Lord Chief Justice of Northern Ireland.

Item XVII. Interpretation of Statutes

28. Our joint study with the Scottish Law Commission of the special problems connected with the interpretation of treaties undertaken in consultation with your Office and the Foreign and Commonwealth Office, has made no progress since our last annual report¹⁵.

Item XVIII. Codification of the Criminal Law

(a) *General principles of the criminal law*

29. The crime of conspiracy is now being considered in the course of our work on the general part of the criminal law and is therefore included under this Item instead of under Item XIV (Common Law "Misdemeanours": Crime of Conspiracy) of our First Programme. Other common law

¹⁴ *Report of the Committee on the Enforcement of Judgment Debts*; (1969) Cmnd. 3909.

¹⁵ See Law Com. No. 47, para. 37.

“misdemeanours” which constitute separate substantive offences will be considered in due course in relation to the broad divisions of criminal conduct under which they most appropriately fall. In the result all common law offences will be absorbed into the statutorily defined offences which will go to make up the Criminal Code.

30. The Working Party,¹⁶ which is assisting us in our work on some aspects of the general principles, completed studies of the law of complicity and liability for the acts of another, and of the criminal liability of corporations. We shall be publishing these Working Papers¹⁷ with Law Commission comments.

31. The Working Party has completed preliminary studies of the inchoate crimes of conspiracy, attempt and incitement, and preparation of a single Working Paper to cover these three topics has begun.

32. Certain aspects of our proposals on the Territorial Extent of the Criminal Law present serious problems for the Foreign and Commonwealth Office and the Home Office. Consultations with those Government Departments on these aspects are continuing but necessarily are taking some time.

33. We are considering the form and scope of a Report to be prepared dealing with certain aspects of the Mental Element in Crime covered by our Working Paper¹⁸ on the subject.

(b) Certain specific offences

34. Following consultation with the Bank of England, the Mint and other interested bodies concerning the counterfeiting of bank notes and coins, work on our Report on Forgery is nearing completion.

35. We have completed consultation on our Working Paper No. 33 on Perjury. The Phillimore Committee on Contempt of Court is expected to report during the first half of next year and this may provide an opportunity to include all perjury in judicial proceedings in wide ranging proposals encompassing all offences against the administration of justice. We are examining the possibility of taking out of this part of the code offences which consist of false statements made with intent to defraud in the sense in which these words are used in the offences of forgery and conspiracy to defraud and of including them in a general deception offence.

(c) Other matters

36. We submitted a memorandum to the Committee on Liquor Licensing, dealing with the offences in the Licensing Act 1964, and making suggestions for their simplification and rationalisation, particularly in the light of our Working Papers on the Mental Element in Crime¹⁹ and on Complicity.²⁰

¹⁶ Members of the Working Party are listed in Appendix 3.

¹⁷ These were published on 30 June as Working Papers Nos. 43 and 44.

¹⁸ Working Paper No. 31, published on 16 June 1970.

¹⁹ Working Paper No. 31.

²⁰ Working Paper No. 43.

Item XIX. Family Law

Family property

37. Our Working Paper on Family Property Law²¹ was published on 26 October 1971. The subjects covered in the Working Paper are: the matrimonial home; the household goods; family provision; legal rights of inheritance; and community of property. Comments were asked for by 30 June 1972 and the response has been voluminous. After these comments have been analysed final proposals will be prepared dealing with those parts of the paper where implementation of our recommendations can proceed without further consultation.

38. On 23 May 1972 the Social Survey Division of the Office of Population Censuses and Surveys published a Report on Matrimonial Property.²² This undertaking was referred to in our Fifth²³ and Sixth²⁴ Annual Reports. The survey, which is the first of its kind commissioned by the Law Commission, provides detailed information about the way married people manage their property and financial affairs, how far they understand the present law, and their views about some of the issues put forward for consideration in Working Paper No. 42. This information will be of great value to us in assessing the impact of possible changes in family property law.

Solemnisation of marriage

39. The Working Party is now considering the large number of comments and suggestions received on the Working Paper on Solemnisation of Marriage.²⁵ These are now being considered by them and it is hoped to publish before long a Report containing final recommendations on the subject.

Polygamous marriages

40. The Bill mentioned in paragraph 48 of our Sixth Annual Report²⁶ was introduced in the House of Lords by Lady Summerskill in June 1971, received a Second Reading on 9 July, but failed to complete its passage in the last session. In this session, however, a further Private Member's Bill was introduced in the House of Commons by Mr. Neville Sandelson, M.P., to implement our recommendations;²⁷ it passed through the House of Commons and was also taken through all its stages in the House of Lords by Lady Summerskill. The Bill²⁸ will enable all forms of matrimonial relief to be granted in respect of polygamous marriages and will apply to the whole of the United Kingdom.

Jurisdiction of English courts in matrimonial matters

41. A Report on Jurisdiction in Matrimonial Causes with a draft Bill appended is in an advanced stage of preparation.²⁹ It will deal with the proposals contained in our two Working Papers, *Jurisdiction in Matrimonial*

²¹ Working Paper No. 42.

²² *Matrimonial Property* by J. E. Todd and L. M. Jones, S.S. 475 (HMSO).

²³ Law Com. No. 36; (1970) H.C. 1970, para. 49.

²⁴ Law Com. No. 47, para. 45.

²⁵ Working Paper No. 35, published on 28 June 1971.

²⁶ Law Com. No. 47.

²⁷ See Law Com. No. 42; (1971) H.C. 227.

²⁸ It received the Royal Assent on 29 June and came into force immediately.

²⁹ Law Com. No. 48 submitted on 28 July; (1972) H.C. 464. On the same day the Scottish Law Commission submitted their Report on Jurisdiction in Consistorial Causes Affecting Matrimonial Status (Scot. Law Com. No. 25); (1972) H.C. 488.

Causes (other than Nullity), No.28 published in April 1970 and *Jurisdiction in Nullity*, No. 38 published in July 1971; our main proposals would liberalise the present law by conferring an independent domicile for this purpose on married women and married minors and by enabling any person who has been habitually resident within the jurisdiction for a year to petition.

Matrimonial law in magistrates' courts

42. The Working Party, set up in January 1971 by the Home Office and the Law Commission to consider what changes were desirable in the matrimonial law administered by magistrates and in any related legislation as a result of recent matrimonial legislation, has held 19 meetings. A Working Paper is in preparation and should be ready for circulation early next year.

Declarations as to status

43. Work is in progress on a Working Paper dealing with declarations as to family and matrimonial status made in this country, including the jurisdiction of our courts to make such declarations. Having considered comments received in response to our Working Paper on Jactitation of Marriage³⁰ we have decided to make further proposals on that topic in our Working Paper on Declarations.

Family Law Reform Act 1969

44. Those parts of the Act,³¹ which dealt with the reduction of the age of majority, the property rights of illegitimate children and the rebuttal of any presumption as to legitimacy or illegitimacy, were brought into force as long ago as 1 January 1970, but Part III, which makes provision for the use of blood tests in determining paternity, had to await the making of the Blood Tests (Evidence of Paternity) Regulations, which were made in 1971³². Consequently, Part III was not brought into force until 1 March 1972³³, since when the whole of the Act has been in operation.

Conflict of laws: miscellaneous problems

45. Work is continuing on the preparation of a Working Paper on outstanding problems in conflict of laws arising in matrimonial matters. It appears that satisfactory progress with the rationalisation of the law concerning the recognition of foreign marriages, decrees of nullity, etc., will require international agreement involving lengthy negotiations.

Family courts

46. In August 1971 the Law Commission set up a Working Party³⁴ to consider, following the constitution of the Family Division of the High Court, the structure, composition and jurisdiction of courts concerned with family

³⁰ Working Paper No. 34 published in January 1971.

³¹ Part I implements the recommendations of the *Report of the Committee on the Age of Majority* ("the Latey Committee"); (1967) Cmnd. 3342, Part II the recommendations of the *Report of the Committee on the Law of Succession in Relation to Illegitimate Persons* ("the Russell Committee"); (1966) Cmnd. 3051, while Parts III and IV implement the recommendations contained in our *Report on Blood Tests and the Proof of Paternity in Civil Proceedings* (Law Com. No. 16); (1968) H.C. 2.

³² S.I. 1971/1861 (1971 III, p. 5093).

³³ S.I. 1971/1857 (1971 III, p. 5092).

³⁴ *Hansard*, 4 August 1971, Vol. 323, Col. 1255. For list of members see Appendix 3.

matters below the level of the High Court, and appeals from and transfers to and from these courts. The Working Party is presided over by our Chairman and its members include Her Honour Judge Jean Graham Hall. A preliminary consultative document was circulated by the Working Party for comment on 31 December 1971. The many comments received are being analysed and a Working Paper is now being prepared for general consultation.

Conflicts of jurisdiction affecting children

47. In May 1972 at the invitation of Ministers, the Law Commission and the Scottish Law Commission set up a Working Party,³⁵ presided over by our Chairman, to consider the basis of the jurisdiction of courts in the British Isles to make custody and wardship orders and the question of recognition and enforcement of such orders in other parts of the British Isles. The Working Party will also examine the recognition and enforcement of orders made outside the British Isles and the administrative problems arising in the enforcement of orders made in other jurisdictions whether within the British Isles or elsewhere.

Item XX. Interpretation of Wills

48. The Law Reform Committee are now considering the report of their sub-committee.

³⁵ For list of members see Appendix 3.

PART II

LAW REFORM OUTSIDE THE PROGRAMMES

Administrative Law

49. A Working Paper³⁶ containing provisional proposals designed to improve existing remedies in administrative law was issued on 11 October 1971. A large number of comments on the Working Paper has already been received but we are still waiting for the comments of Government Departments, which are, we understand, being co-ordinated into one document. The Commission are not able to make progress with their report until this document is received.

Breach of Statutory Duty

50. In paragraphs 59 and 60 of the Sixth Annual Report,³⁷ we emphasised the difficulties which may arise in determining whether duties imposed by statute are intended to ground a civil action in case of their breach. These difficulties, at least as far as new legislation is concerned, can be substantially diminished if, at the stage of preparation of a Bill which is intended to impose statutory duties, the attention of the responsible department and the draftsman is drawn to the point. Should the point, however, not be dealt with at that stage, there remains the opportunity of drawing the attention of Parliament to it when the Bill is under discussion. For this reason we welcomed your moving of an amendment in the House of Lords to remove any doubt as to civil liability under the Deposit of Poisonous Waste Bill 1972.³⁸

The Law of Burials, etc.

51. Since our Sixth Annual Report³⁹ the Local Government Act 1972 and the Brodrick Report⁴⁰ have been published. The new local government legislation will deal with the most complicated part of the jungle of statutory burial law, but it will not solve all the problems. We shall resume work, in consultation with the Department of the Environment, on lesser problems that are still unsolved. We are also in consultation with the Home Office about the effect of the Brodrick Report.

Contribution between separate contractors

52. Since 1935 a tortfeasor who is liable for damage may recover contribution from any other tortfeasor liable in respect of the same damage (Law Reform (Married Women and Tortfeasors) Act 1935, s. 6). The Bar Council and The Law Society have drawn our attention to the fact that, where the same damage is caused by two persons, each in breach of a separate contract, no right of contribution exists, and suggested that the 1935 Act might be extended. We are studying the problem and hope to issue a Working Paper before very long.

³⁶ Working Paper No. 40.

³⁷ Law Com. No. 47.

³⁸ *Hansard*, 28 March 1972, Vol. 329, Col. 1041.

³⁹ Law Com. No. 47, paras. 61-63.

⁴⁰ *Report of the Committee on Death Certification and Coroners*; (1971) Cmnd. 4810.

Court of Protection

53. In our last Annual Report⁴¹ we referred to our support of a recommendation of The Law Society that a complete review of the present procedure for dealing with the property of persons of unsound mind should be put in hand. We are considering whether we should commission a comparative study of the way in which these problems are dealt with in other countries.

Domicile

54. Following upon notice that a Private Member intended to introduce a Bill,⁴² the object of which was to end for all purposes the rule of law whereby the domicile of the wife depends upon that of her husband, our advice was sought as to the legal implications of the abrogation of the rule. We are already studying the possibility of abrogating the rule for jurisdictional purposes in matrimonial causes,⁴³ but this study did not raise the serious questions to which the Private Member's Bill gave rise. A Departmental Committee consisting of representatives of the Scottish Law Commission, the Scottish Office, your own office and the Law Commission have now reported their advice to you and the Scottish Ministers concerned. Although the Private Member's Bill made no progress, there may be further legislation in the coming session.

Forcible Entry and Detainer

55. The Statutes of Forcible Entry 1381-1623 have been referred to us for review under terms of reference which require us to consider, on the assumption that there should be no offence of criminal trespass, the Statutes and any relevant common law offences with a view to recommending legislation appropriate to modern conditions to replace the present law in regard to forcible entry. Any resulting legislation will form part of that section of the criminal code dealing with offences against public order.

Foreign Money Liabilities

56. On 25 February 1972 we, together with the Scottish Law Commission, were asked by the Foreign and Commonwealth Office to advise on the problems which may arise if a sum of money is due in currency other than that of the place of payment or the place where payment is sought. An interdepartmental Working Party⁴⁴ has been set up under the Chairmanship of one of us. Dr. F. A. Mann has kindly agreed to assist the Committee.

International Conventions

(a) International agency

57. The Committee of Government Representatives met for their fourth session from 12-21 June 1972 in Rome at the headquarters of the International Institute for the Unification of Private Law (UNIDROIT).⁴⁵

⁴¹ Law Com. No. 47, para. 73.

⁴² Sir George Sinclair introduced a Married Women (Domicil) Bill on 1 December 1971, but withdrew it on 18 January 1972. On 21 January he introduced a Domicile and Matrimonial Proceedings Bill which failed in the event to obtain a Second Reading.

⁴³ See para. 41 above.

⁴⁴ See Appendix 3 for membership.

⁴⁵ Mr. M. Abrahams and Mr. M. W. Parkington of our legal staff represented the United Kingdom.

(b) *International administration of the (movable) estate of deceased persons*

58. In November 1971 the Law Commissions were asked by Ministers to advise Her Majesty's Government by 15 June 1972 what comments should be submitted on this Draft Convention which is to be considered at the next meeting of The Hague International Law Conference in October 1972. To this end we set up a Working Party.⁴⁶ Our Report was submitted to Ministers on 8 June 1972.

(c) *Jurisdiction and enforcement of judgments (E.E.C. Convention)*

59. One of our number, Mr. Norman Marsh, is serving on the Committee under the Chairmanship of Lord Kilbrandon which is considering this important Convention.

Products Liability

60. Under section 3 (1) (e) of the Law Commissions Act 1965 you have made the following reference to us:

“To consider whether the existing law governing compensation for personal injury, damage to property or any other loss caused by defective products is adequate, and to recommend what improvements, if any, are needed in the law to ensure that additional remedies should be made available.”

A similar reference has been made by the Secretary of State for Scotland and the Lord Advocate to the Scottish Law Commission. A Working Party has been set up by the two Commissions.⁴⁷ The Working Party has started its work by instituting an investigation into the extent to which the present law has proved to be defective in practice.

Tax Law

61. The Consultative Group set up in 1971 to examine certain proposed changes in Estate duty law, as a preliminary to the consolidation of the statute law on that subject, has almost completed its task. In the meantime the Government has issued a Green Paper containing suggestions which, if adopted, would result in the disappearance of Estate duty as such; and in that event consolidation of the Estate duty legislation might well be abandoned. The Group's review of the administrative and collection provisions in the existing law will, in any event, be of value.

Trespassers—Civil Liability of Occupiers

62. Following the decision in *Herrington v. British Railways Board*⁴⁸ you asked the Commission to consider, in the light of the decision of the House of Lords in that case, the law relating to liability for damage or injury suffered by trespassers. We hope to publish a Working Paper in the near future.

⁴⁶ For membership see Appendix 3.

⁴⁷ For its membership see Appendix 3.

⁴⁸ [1972] 2 W.L.R. 537.

Uncertainty in relation to Trusts and Powers

63. In our last Annual Report,⁴⁹ we said that recent litigation and another possible appeal arising from it might largely dispose of the problems that followed the decision of the Court of Appeal in *I.R.C. v. Broadway Cottages Trust*.⁵⁰ The possible appeal to which we referred, in fact, took place and has been reported;⁵¹ and the decision of the court of first instance was affirmed. We, therefore, await the Report of the Working Party which is studying the whole question. It was set up, at our request, by the General Council of the Bar and the Council of The Law Society.

⁴⁹ Law Com. No. 47, para. 76.

⁵⁰ [1955] Ch. 20.

⁵¹ *Re Baden's Deed Trusts* (No. 2) [1972] 3 W.L.R. 250.

PART III

CONSOLIDATION AND STATUTE LAW REVISION

Consolidation

64. The following consolidation Acts have been passed by Parliament during the year covered by this Report:

- Prevention of Oil Pollution Act 1971
- Tribunals and Enquiries Act 1971
- Town and Country Planning Act 1971⁵²
- Local Employment Act 1972
- Summer Time Act 1972
- Road Traffic Act 1972⁵³
- Betting and Gaming Duties Act 1972

65. The following consolidation Bills have been introduced and all but the first are expected to pass this session:

- Costs in Criminal Cases Bill
- Contracts of Employment Bill⁵⁴
- Land Charges Bill⁵⁵
- National Debt Bill⁵⁵
- Poisons Bill⁵⁵

The Costs in Criminal Cases Bill⁵⁶ is likely to be deferred to the next session so as to enable it to include amendments of the law on this topic which may be made by the current Criminal Justice Bill.

66. A Bill to consolidate the enactments relating to matrimonial causes is nearly ready and should be available for introduction in the next session.

67. Drafts have been prepared of a Bill to consolidate the enactments relating to solicitors with a view to including the provisions of the Solicitors (Amendment) Bill now before Parliament. It had been hoped to introduce the consolidation Bill this session, but the failure of the amending Bill to make progress has made this impossible. Work on the Bills to consolidate the enactments relating to clean air and friendly societies has had to be suspended because of pressure of work in the Parliamentary Counsel Office.

⁵² Incorporating amendments to give effect to recommendations made by the Law Commission in a Report (Law Com. No. 45); (1971) Cmnd. 4684.

⁵³ Incorporating amendments to give effect to recommendations made by the Law Commissions in a Joint Report (Law Com. No. 46; Scot. Law Com. No. 22); (1971) Cmnd. 4731.

⁵⁴ Received the Royal Assent on 27 July.

⁵⁵ Received the Royal Assent on 9 August.

⁵⁶ Not having been proceeded with beyond second reading in the Lords, the Bill lapsed at the end of the session.

68. Consolidation of the Local Government Acts will not be needed because the current Local Government Bill has been drafted so as to supersede them. The diminished prospects of an Estate duty consolidation are dealt with in paragraph 61 above.

69. In addition to the work mentioned above, work is proceeding on the consolidation of the enactments relating to the following topics:

Housing

Lotteries and Amusements with Prizes

Ministry of Supply (Powers)

Television and Sound Broadcasting

Treatment of Offenders

Statute Law Revision

70. Since the Wild Creatures and Forest Laws Act 1971 and Statute Law (Repeals) Act 1971 received the Royal Assent last July a further Statute Law (Repeals) Bill has been prepared⁵⁷ which would wholly repeal 115 Acts of Parliament and 4 Church Assembly Measures and partially repeal 138 Acts of Parliament and 1 Church Assembly Measure.

⁵⁷ The Report was submitted on 2 August 1972 (Law Com. No. 49; Scot. Law Com. No. 16); Cmnd. 5108.

PART IV

MISCELLANEOUS

Staff

71. Our full time staff numbers 51: the Secretary, 4 draftsmen, 19 other lawyers and 27 non-legal staff. We have also made increased use during the year of the help of lawyers outside Conquest House and, since our work load tends to increase, we shall have to rely on this kind of assistance more in future.

Library

72. Expansion of the library continues and the collection now consists of almost 14,000 items.

73. The lack of foreign material is still a weakness, but one which we hope to remedy in the near future.

74. Although we can now satisfy the great majority of our needs from our own stock, we are once again indebted to those libraries whose resources we have frequently called on.

Sale of Working Papers

75. The public demand for copies of our Working Papers has increased steadily and considerably in recent years. Papers have been published free of charge to elicit comments from readers, but only a small proportion of the recipients offers comments on them. Indeed we find that some of them are used fairly extensively for teaching purposes or as works of reference on the subject with which they deal. The Commission have taken the decision to place these Working Papers on sale to the public in future, and we have arranged this with Her Majesty's Stationery Office. We shall nevertheless continue to send copies free of charge to those people and bodies whose comments are likely to be of particular value in each case.

Computers

76. Magnetic tape is now being used in the printing of Statutes in Force. Any development of modern techniques designed to serve legal purposes is to be welcomed; but the Law Commission has not, at the present time, the resources that would be required to undertake research into the application of these techniques.

Relations with lawyers in the United Kingdom

77. In addition to the routine visits which members of both Commissions exchange as occasion requires, we paid two visits during the year under report to Edinburgh. The earlier was in October 1971 when we had the pleasure of being received by the new Chairman of the Scottish Law Commission and his colleagues; the second occasion was in April 1972 when we enjoyed the

hospitality of the Scottish Law Commission in Edinburgh at our annual joint meeting and were once again most grateful to Edinburgh University for their generous entertainment of the two Commissions in splendid surroundings. Our frequent contacts with the Scottish Law Commission cover a wide range of subjects; in this year the emphasis has been particularly on family law.

78. During the year under report we held frequent meetings with practising and academic members of the legal profession. In addition to our regular annual meetings with the Bar Council, The Law Society and the Society of Public Teachers of Law we were assisted by members of the profession on a wide variety of specific topics. The help so generously offered by individual lawyers is of great value to our work and plays a great part in the development of law reform.

Relations with lawyers overseas

79. Our last Report referred to the meeting of the American Bar Association in London in July 1971. One of the American lawyers we met then, Mr. Albert B. Wolfe of Boston, is particularly concerned with land law reform and was interested to find out what work was being done by the Law Commission. Later in the year he arranged a meeting at his home in Massachusetts of American lawyers working on reform of landlord and tenant law to meet Sir Noël Hutton who was in the United States. We are very grateful to Mr. Wolfe and also to Mr. Edward B. Schwartz of Boston, Professor Julian H. Levi of Chicago, Mr. Paul Wolkin of Philadelphia and Mr. Theodore Hochstim of Dallas who gave so much time to explain to us the work they were doing in America on landlord and tenant law. Among the numerous visitors to the Law Commission from overseas were:

Members of the French Commission des Lois

Members of the German Federal Parliament interested in divorce law reform

Visiting party of Judges from Korea

Mr. Justice Bentsi-Enchill (Ghana)

Mr. David Hambly (University of Canberra)

Mr. Justice Hartt (Chairman, Law Reform Commission of Canada)

Mr. Maung Maung Kyi (Ministry of Justice, Burma)

Mr. Justice Kelsick (Law Reform Commission, Trinidad and Tobago)

Dr. Hans Lever (German Federal Republic)

Professor Müller-Freienfels (German Federal Republic)

Dr. S. N. C. Obi (Commissioner for law reform, East Central State, Nigeria)

Mr. Justice Reynolds (Chairman, New South Wales Law Reform Commission)

Professor Sakamoto (Japan)

Dr. M. N. Salehi (Afghanistan)

Dr. Sangoudhai (Thailand)

Mr. Simon Shetreet (United States)

Mrs. Sulioti (former Minister of Justice, Cyprus, now responsible for
law reform)

Professor Sundberg (Sweden)

Mr. Albert B. Wolfe (United States)

(Signed) Leslie Scarman, *Chairman.*

Claud Bicknell.

Aubrey L. Diamond.

Derek Hodgson

Norman S. Marsh.

J. M. Cartwright Sharp, *Secretary.*

31 October 1972.

APPENDIX 1

LIST OF THE LAW COMMISSION'S PUBLICATIONS

up to and including Seventh Annual Report

(a) Working Papers published:

- 1966 No. 1. Transfer of Land: Root of Title to Freehold Land (this is the subject of Law Com. No. 9).
- No. 2. Draft Proposals on Powers of the Court of Appeal to Sit in Private and Restrictions upon Publicity in Legitimacy Proceedings (this subject was covered by Law Com. No. 8).
- No. 3. Restrictive Covenants (this is the subject of Law Com. No. 11).
- No. 4. Should English Wills be Registrable?
- No. 5. Liability of Trade Vendors of New Dwelling Houses to First and Subsequent Purchasers (First Paper) (this is the subject of Law Com. No. 40).
- No. 6. Liability of Vendors and Lessors for Defective Premises (Second Paper) (this is the subject of Law Com. No. 40).
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- 1967 No. 7. Provisional Proposals for Amendments to the Landlord and Tenant Act 1954, Part II (Business Tenancies) (this is the subject of Law Com. No. 17).
- No. 8. Provisional Proposals Relating to Obligations of Landlords and Tenants.
- No. 9. Family Law: Matrimonial and Related Proceedings—Financial Relief (this is the subject of Law Com. No. 25).
- No. 10. Proposals for Changes in the Law Relating to Land Charges Affecting Unregistered Land and to Local Land Charges (partly covered by Law Com. No. 18).
- No. 11. Powers of Attorney (this is the subject of Law Com. No. 30).
- No. 12. Proof of Paternity in Civil Proceedings (this is the subject of Law Com. No. 16).
- No. 13. Exploratory Working Paper on Administrative Law (this is the subject of Law Com. No. 20).
- No. 14. Interpretation of Statutes (Joint Working Paper—Scottish Law Commission Memorandum No. 6) (this is the subject of Law Com. No. 21).
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- 1968 No. 15. Family Law: Arrangements for the Care and Upbringing of Children.
- No. 16. Provisional Proposals Relating to Termination of Tenancies.
- No. 17. Codification of the Criminal Law—General Principles—The Field of Enquiry.
- No. 18. Provisional Proposals Relating to Amendments to Sections 12–15 of the Sale of Goods Act 1893 and Contracting out of the Conditions and Warranties Implied by those Sections (Joint Working Paper—Scottish Law Commission Memorandum No. 7) (this is the subject of Law Com. No. 24).
- No. 19. Loss of Services.
- No. 20. Nullity of Marriage (this is the subject of Law Com. No. 33).
- No. 21. Polygamous Marriages (this is the subject of Law Com. No. 42).

- 1969 No. 22. Restitution of Conjugal Rights (this is the subject of Law Com. No. 23).
 No. 23. Malicious Damage to Property (this is the subject of Law Com. No. 29).
 No. 24. Transfer of Land—Rentcharges.
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- 1970 No. 25. The Law of Landlord and Tenant: Working Party's Provisional Proposals Relating to Covenants Restricting Dispositions, Parting with Possession, Change of User and Alterations.
 No. 26. Criminal Law: Forgery.
 No. 27. Personal Injury Litigation: Assessment of Damages, Itemization of Pecuniary Loss and the Use of Actuarial Tables as an Aid to Assessment.
 No. 28. Family Law: Jurisdiction in Matrimonial Causes (other than Nullity).
 No. 29. Codification of the Criminal Law: Subject III: Territorial and Extra-territorial Extent of the Criminal Law.
 No. 30. Codification of the Criminal Law: Strict Liability and the Enforcement of the Factories Act 1961.
 No. 31. Codification of the Criminal Law: General Principles—the Mental Element in Crime.
 No. 32. Transfer of Land: Land Registration (First Paper).
 No. 33. Criminal Law: Perjury and Kindred Offences.
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- 1971 No. 34. Family Law: Jactitation of Marriage.
 No. 35. Family Law: Solemnisation of Marriage.
 No. 36. Transfer of Land: Appurtenant Rights.
 No. 37. Transfer of Land: Land Registration (Second Paper).
 No. 38. Family Law: Jurisdiction in Suits for Nullity of Marriage.
 No. 39. Exemption Clauses in Contracts for Services (Joint Working Paper—Scottish Law Commission Memorandum No. 15).
 No. 40. Administrative Law.
 No. 41. Personal Injury Litigation: Assessment of Damages.
 No. 42. Family Law: Family Property Law.
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- 1972 No. 43. Codification of the Criminal Law: General Principles: Parties, Complicity and Liability for the Acts of Another.
 No. 44. Codification of the Criminal Law: General Principles: Criminal Liability of Corporations.
 No. 45. Transfer of Land: Land Registration (Third Paper).

(b) Publications which have been laid before Parliament under Section 3(2) and (3) of the Law Commissions Act 1965 and publications which have been presented to Parliament as Command Papers:

1965 Law Com. No. 1. First Programme of the Law Commission.

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- 1966 Law Com. No. 2. Law Commission's First Programme on Consolidation and Statute Law Revision.
 Law Com. No. 3. Proposals to abolish Certain Ancient Criminal Offences.
 Law Com. No. 4. First Annual Report 1965-66.
 Law Com. No. 5. Landlord and Tenant: Interim Report on Distress for Rent.

- Law Com. No. 6. Reform of the Grounds of Divorce: The Field of Choice (Cmnd. 3123).
- Law Com. No. 7. Proposals for Reform of the Law Relating to Maintenance and Champerty.
- Law Com. No. 8. Report on the Powers of Appeal Courts to Sit in Private and the Restrictions upon Publicity in Domestic Proceedings (Cmnd. 3149).
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- 1967** Law Com. No. 9. Transfer of Land: Interim Report on Root of Title to Freehold Land.
- Law Com. No. 10. Imputed Criminal Intent (*Director of Public Prosecutions v. Smith*).
- Law Com. No. 11. Transfer of Land: Report on Restrictive Covenants.
- Law Com. No. 11A. Sea Fisheries (Shellfish) Bill. Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Shellfish Fisheries and Shellfish (Cmnd. 3267).
- Law Com. No. 12. Second Annual Report 1966-67.
- Law Com. No. 13. Civil Liability for Animals.
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- 1968** Law Com. No. 14. Second Programme of Law Reform.
- Law Com. No. 15. Third Annual Report 1967-68 (H.C. 312).
- Law Com. No. 16. Blood Tests and the Proof of Paternity in Civil Proceedings (H.C. 2).
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- 1969** Law Com. No. 17. Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (H.C. 38).
- Law Com. No. 18. Transfer of Land: Report on Land Charges Affecting Unregistered Land (H.C. 125).
- Law Com. No. 18A. Trustee Savings Banks Bill. Report by the Commission and the Scottish Law Commission on the Consolidation of the Trustee Savings Banks Acts 1954 to 1968 (Cmnd. 4004).
- Law Com. No. 19. Proceedings against Estates (Cmnd. 4010).
- Law Com. No. 20. Administrative Law (Cmnd. 4059).
- Law Com. No. 21. Interpretation of Statutes. Report by the Law Commission and the Scottish Law Commission: Scot. Law Com. No. 11 (H.C. 256).
- Law Com. No. 22. Statute Law Revision: First Report (Cmnd. 4052).
- Law Com. No. 23. Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (H.C. 369).
- Law Com. No. 24. Exemption Clauses in Contracts. First Report: Amendments to the Sale of Goods Act 1893. Report by the Law Commission and the Scottish Law Commission: Scot. Law Com. No. 12 (H.C. 403).
- Law Com. No. 25. Family Law: Report on Financial Provision in Matrimonial Proceedings (H.C. 448).
- Law Com. No. 26. Breach of Promise of Marriage (H.C. 453).
- Law Com. No. 27. Fourth Annual Report 1968-69 (H.C. 27).
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- 1970** Law Com. No. 28. Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Cmnd. 4433).
- Law Com. No. 29. Criminal Law: Report on Offences of Damage to Property (H.C. 91).

- Law Com. No. 30. Powers of Attorney (Cmnd. 4473).
- Law Com. No. 31. Administration Bonds, Personal Representatives' Rights of Retainer and Preference and Related Matters (Cmnd. 4497).
- Law Com. No. 32. Civil Liability for Dangerous Things and Activities (H.C. 142).
- Law Com. No. 33. Nullity of Marriage (H.C. 164).
- Law Com. No. 34. Hague Convention on Recognition of Divorces and Legal Separations. Report by the Law Commission and the Scottish Law Commission: Scot. Law Com. No. 16 (Cmnd. 4542).
- Law Com. No. 35. Limitation Act 1963 (Cmnd. 4532).
- Law Com. No. 36. Fifth Annual Report 1969-70 (H.C. 170).
- Law Com. No. 37. Statute Law Revision: Third Report (Cmnd. 4546).
- Law Com. No. 38. Coinage Bill. Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Coinage: Scot. Law Com. No. 18 (Cmnd. 4544).
- Law Com. No. 39. Vehicles (Excise) Bill. Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Excise Duties on Mechanically Propelled Vehicles, and to the Licensing and Registration of Such Vehicles: Scot. Law Com. No. 19 (Cmnd. 4547).
- Law Com. No. 40. Civil Liability of Vendors and Lessors for Defective Premises (H.C. 184).
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- 1971** Law Com. No. 41. National Savings Bank Bill. Report by the Law Commission and the Scottish Law Commission on the Consolidation of Enactments Relating to the National Savings Bank: Scot. Law Com. No. 20 (Cmnd. 4574).
- Law Com. No. 42. Family Law: Report on Polygamous Marriages (H.C. 227).
- Law Com. No. 43. Taxation of Income and Gains Derived from Land. Report by the Law Commission and the Scottish Law Commission: Scot. Law Com. No. 21 (Cmnd. 4654).
- Law Com. No. 44. Law Commission's Second Programme on Consolidation and Statute Law Revision (H.C. 338).
- Law Com. No. 45. Town and Country Planning Bill. Report on the Consolidation of Certain Enactments Relating to Town and Country Planning (Cmnd. 4684).
- Law Com. No. 46. Road Traffic Bill. Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Road Traffic: Scot. Law Com. No. 22 (Cmnd. 4731).
- Law Com. No. 47. Sixth Annual Report 1970-71 (H.C. 32).
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- 1972** Law Com. No. 48. Family Law: Report on Jurisdiction in Matrimonial Causes (H.C. 464).
- Law Com. No. 49. Statute Law Revision: Fourth Report by the Law Commission and the Scottish Law Commission: Scot. Law Com. No. 26 (Cmnd. 5108).
- Law Com. No. 50. Seventh Annual Report 1971-72.

APPENDIX 2

IMPLEMENTATION OF THE LAW COMMISSION'S PROPOSALS

<i>Titles of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
Proposals to abolish certain ancient criminal offences (Law Com. No. 3)	22.6.66	Criminal Law Act 1967 (c. 58)
Proposals for reform of the law relating to maintenance and champerty (Law Com. No. 7)	22.11.66	Criminal Law Act 1967 (c. 58)
The powers of appeal courts to sit in private and the restrictions upon publicity in domestic proceedings (Law Com. No. 8)	23.11.66	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)
Transfer of Land: Interim report on root of title to freehold land (Law Com. No. 9)	14.2.67	Law of Property Act 1969 (c. 59)
Imputed criminal intent (<i>Director of Public Prosecutions v. Smith</i>) (Law Com. No. 10)	28.2.67	In part by section 8 of the Criminal Justice Act 1967 (c. 80)
Transfer of Land: Report on restrictive covenants (Law Com. No. 11)	22.3.67	In part by Law of Property Act 1969 (c. 59)
Sea Fisheries (Shellfish) Bill: (Joint Report with Scottish Law Commission) (Law Com. No. 11A)	11.5.67	Sea Fish (Conservation) Act 1967 (c. 84)
Civil liability for animals (Law Com. No. 13)	21.12.67	Animals Act 1971 (c. 22)
Blood tests and the proof of paternity in civil proceedings (Law Com. No. 16)	31.10.68	Family Law Reform Act 1969 (c. 46)
Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (Law Com. No. 17)	22.1.69	Law of Property Act 1969 (c. 59)
Transfer of Land: Report on land charges affecting unregistered land (Law Com. No. 18)	20.3.69	Law of Property Act 1969 (c. 59)
Trustee Savings Banks Bill (Joint Report with Scottish Law Commission) (Law Com. No. 18A)	17.4.69	Trustee Savings Banks Act 1969 (c. 50)
Proceedings against estates (Law Com. No. 19)	2.5.69	Proceedings against Estates Act 1970 (c. 17)
Interpretation of Statutes (Joint Report with Scottish Law Commission) (Law Com. No. 21)	11.6.69	No
Statute Law Revision: First Report (Law Com. No. 22)	8.7.69	Statute Law (Repeals) Act 1969 (c. 52)
Proposal for the abolition of the matrimonial remedy of restitution of conjugal rights (Law Com. No. 23)	26.8.69	Matrimonial Proceedings and Property Act 1970 (c. 45)

<i>Titles of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
Exemption clauses in contracts. First Report: amendments to the Sale of Goods Act 1893 (Joint Report with Scottish Law Commission) (Law Com. No. 24)	18.9.69	No
Financial provision in matrimonial proceedings (Law Com. No. 25)	23.9.69	Matrimonial Proceedings and Property Act 1970 (c. 45); Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Breach of promise of marriage (Law Com. No. 26)	15.10.69	Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Law Com. No. 28)	4.8.70	Wild Creatures and Forest Laws Act 1971 (c. 47)
Criminal Law: Offences of damage to property (Law Com. No. 29)	16.9.70	Criminal Damage Act 1971 (c. 48)
Powers of attorney (Law Com. No. 30)	23.9.70	Powers of Attorney Act 1971 (c. 27)
Administration bonds, personal representatives' rights of retainer and preference and related matters (Law Com. No. 31)	15.10.70	Administration of Estates Act 1971 (c. 25)
Nullity of Marriage (Law Com. No. 33)	4.12.70	Nullity of Marriage Act 1971 (c. 44)
Hague Convention on Recognition of Divorces and Legal Separations (Joint Report with Scottish Law Commission) (Law Com. No. 34)	1.12.70	Recognition of Divorces and Legal Separations Act 1971 (c. 53)
Limitation Act 1963 (Law Com. No. 35)	25.11.70	Law Reform (Miscellaneous Provisions) Act 1971 (c. 43)
Statute Law Revision: Third Report. Draft Statute Law (Repeals) Bill (Law Com. No. 37)	15.12.70	Statute Law (Repeals) Act 1971 (c. 52)
Coinage Bill (Joint Report with Scottish Law Commission) (Law Com. No. 38)	26.11.70	Coinage Act 1971 (c. 24)
Vehicles (Excise) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 39)	2.12.70	Vehicles (Excise) Act 1971 (c. 10)
Civil Liability of Vendors and Lessors for Defective Premises (Law Com. No. 40)	16.12.70	Defective Premises Act 1972 (c. 35)

<i>Titles of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
National Savings Bank Bill (Joint Report with Scottish Law Commission) (Law Com. No. 41)	13.1.71	National Savings Bank Act 1971 (c. 29)
Polygamous Marriages (Law Com. No. 42)	3.2.71	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c. 38)
Taxation of Income and Gains Derived from Land (Joint Report with Scottish Law Commission) (Law Com. No. 43)	23.4.71	No
Town and Country Planning Bill (Law Com. No. 45)	10.6.71	Town and Country Planning Act 1971 (c. 78)
Road Traffic Bill (Joint Report with Scottish Law Commission) (Law Com. No. 46)	26.7.71	Road Traffic Act 1972 (c. 20)
Jurisdiction in Matrimonial Causes (Law Com. No. 48)	14.9.72	No
Statute Law Revision (Joint Report with Scottish Law Commission): Fourth Report (Draft Statute Law (Repeals) Bill) (Law Com. No. 49)	28.9.72	No

APPENDIX 3

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(3) Family Courts Working Party (paragraph 46).

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(4) Working Party on Conflicts of Jurisdiction Affecting Children (paragraph 47).

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(5) Foreign Money Liabilities Working Party (paragraph 56).

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(6) Working Party on International Administration of the Movable Estate of Deceased Persons (paragraph 58).

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