

The Law Commission

(LAW COM. No. 97)

FOURTEENTH ANNUAL REPORT 1978-1979

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

*Ordered by The House of Commons to be printed
16th January 1980*

LONDON
HER MAJESTY'S STATIONERY OFFICE
£1.75

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 Kerr, *Chairman*.

Mr. Stephen M. Cretney.

Mr. Stephen Edell.

Mr. W. A. B. Forbes, Q.C.

Dr. Peter M. North.

The Secretary of the Law Commission is Mr. J. C. R. Fieldsend and its offices are at Conquest House, 37-38 John Street, Theobalds Road, London WC1N 2BQ.

**THE LAW COMMISSION
FOURTEENTH ANNUAL REPORT: 1978-1979**

CONTENTS

		<i>Paragraph</i>	<i>Page</i>
	Arrangement of this Report		1
PART I:	THE PAST YEAR IN OUTLINE		
	Reports completed	1.1	1
	Working Papers published	1.2	2
	Advice to Government Departments	1.3	2
	Methods of Consultation	1.4	3
	Royal Commissions	1.5	3
	General	1.6	4
	Information about other Law Reform Activities	1.7	4
PART II:	LAW REFORM PROJECTS—REPORT ON PROGRESS		
	CONTRACT AND TORT		
	General	2.1	6
	Implied Terms	2.2	6
	Supply of Goods	2.3	7
	Insurance Law	2.4	7
	Minors' Contracts	2.5	8
	Parol Evidence Rule	2.6	9
	Hire-Purchase Law	2.7	9
	Interest	2.8	9
	Breach of Confidence	2.9	9
	CRIMINAL LAW		
	General	2.10	10
	Offences relating to the Administration of Justice	2.11	10
	Inchoate Offences	2.12	11
	Mental Element in Attempted Theft, etc.	2.13	11
	Treason, Sedition and Allied Offences	2.14	12
	Blasphemy	2.15	12
	Criminal Libel	2.16	12
	Complicity and Vicarious Liability	2.17	12
	Criminal Liability of Corporations	2.18	13
	Common Law Offences of Public Order	2.19	13
	Criminal Law Revision Committee	2.20	13
	FAMILY LAW		
	Illegitimacy	2.21	13
	Declarations as to Status	2.22	14

	<i>Paragraph</i>	<i>Page</i>
Time Restrictions on the Presentation of Divorce and Nullity Petitions	2.23	14
The Ground for Divorce	2.24	15
Financial Relief—the Policy of the Legislation	2.25	15
Financial Relief—Technical Defects in the Law	2.26	15
Family Courts	2.27	16
Conflicts of Jurisdiction Affecting Children— Inter U.K.	2.28	16
Conflicts of Jurisdiction Affecting Children— International	2.29	17
Children in Care	2.30	17
Adoption and Fatal Accident Act Claims	2.31	18
Other Family Law Work	2.32	18
 PROPERTY LAW (APART FROM LANDLORD AND TENANT)		
Land Registration	2.33	19
Rights Appurtenant to Land	2.34	19
Rights of Access to Neighbouring Land	2.35	20
Family Property	2.36	20
Provisions for Reverter	2.37	20
 LANDLORD AND TENANT		
General	2.38	20
Covenants Restricting Dispositions, Altera- tions and Change of User	2.39	20
Termination of Tenancies	2.40	21
 PRIVATE INTERNATIONAL LAW		
Obligations		
(a) Contract	2.41	21
(b) Tort	2.42	21
Foreign Money Liabilities	2.43	22
Insurance Services Directive—E.E.C. Draft	2.44	22
Classification of Limitation of Actions	2.45	22
Recognition of Foreign Nullity Decrees	2.46	23
International Administration of the Estates of Deceased Persons	2.47	23
Polygamous Marriages	2.48	23
 STATUTE LAW		
General	2.49	24
Consolidation	2.50	24
Statute Law Revision	2.51	25
Chronological Table of Local and Personal Acts	2.52	26
Statutes in Force	2.53	26

	<i>Paragraph</i>	<i>Page</i>
OTHER MATTERS		
The Incapacitated Principal	2.54	26
Charging Orders	2.55	26
Miscellaneous Proposals for Law Reform	2.56	27
Law Reform Committee	2.57	27
Advice sought by Government Departments	2.58	28
PART III: GENERAL		
Staff	3.1	30
Library	3.2	30
Co-operation with the Scottish Law Commission	3.3	30
Relations with Other Lawyers in the United Kingdom	3.4	30
Relations with Lawyers Overseas	3.5	31
APPENDIX 1: List of the Law Commission's Publications		
A. Working Papers		33
B. Reports		37
C. Joint Working Groups Report		43
APPENDIX 2: Membership of Working Parties		44
APPENDIX 3: Participants in the Seminar on Illegitimacy		45
APPENDIX 4: Responsibilities of Commissioners and Legal Staff		46

THE LAW COMMISSION

FOURTEENTH ANNUAL REPORT: 1978-1979

*To the Right Honourable the Lord Hailsham of Saint Marylebone, C.H.,
Lord High Chancellor of Great Britain*

We have the honour to present our Fourteenth Annual Report pursuant to section 3(3) of the Law Commissions Act 1965. The Report deals with the period 1 November 1978 to 31 October 1979.

Arrangement of this Report

We have this year followed the same general pattern as in last year's annual report.¹ Part I deals with the year in outline, Part II reports on the progress made on law reform projects during the year under subject headings and Part III deals with general matters concerning our organisation, our relations with other bodies and visitors during the year.

Appendices include up-to-date lists of our publications showing which of the legislative proposals have been implemented, the membership of advisory bodies and the names of Commissioners and staff concerned with the separate fields of our work.

PART I

THE PAST YEAR IN OUTLINE

Reports completed

1.1. We have submitted two reports to you during the year, one in the area of contract and the other on criminal law, and with the Scottish Law Commission we have published a report of the Joint Working Group of the two Law Commissions on Private International Law.

- (i) Our Report on *Implied Terms in Contracts for the Supply of Goods*² deals with contracts of barter, work and materials, and hire. It recommends that the terms to be implied in these contracts, particularly in relation to title to the goods in question, and to their fitness for the purpose for which they were supplied, should be similar to the terms applicable in contracts of sale and hire purchase. We also deal with the question of the continuing fitness or quality of the goods supplied.
- (ii) Our *Report on Offences relating to Interference with the Course of Justice*³ is another important step in our programme towards codification of the criminal law. We recommend that the common law offences in this area—such as perverting or obstructing the course of justice—should be abolished. The offences we recommend constitute a code of

¹ *Thirteenth Annual Report 1977-78* (Law Com. No. 92).

² (1979) Law Com. No. 95; see para. 2.2, below.

³ (1979) Law Com. No. 96; see para. 2.11, below.

offences concerned with the administration of justice. They range from perjury (which we have revised and restated) to offences of interfering with police investigations and making false statements to the police.

- (iii) A report prepared by a joint working group of the two Law Commissions deals with the *Choice of Law Rules in the E.E.C. draft Non-Life Insurance Services Directive*.⁴ This report is critical of the rules in the draft Directive and concludes that their introduction would lead to a complex and confused structure of private international law rules for insurance contracts.

Working Papers published

1.2. We have published two working papers for comment and criticism, one in the field of contract and the other relating to family law.

- (i) Our Working Paper on *Insurance Law*⁵ considers the present law concerning the duty of disclosure on a person seeking insurance and “warranties” binding on the insured, as well as the present rights of insurers to repudiate contracts of insurance and to reject claims on the grounds of non-disclosure and breaches of warranty. Our conclusion is that the law is in need of reform. The Working Paper also examines the proposals made in the draft E.E.C. Directive for the harmonisation of some areas of insurance law, concluding that their adoption in this country would be unsatisfactory. The paper makes provisional recommendations for the reform of English law which are designed to strike a fair balance between the interests of the insurer and the insured.
- (ii) Our Working Paper on *Illegitimacy*⁶ considers the legal disadvantages that attach to an illegitimate child and makes provisional proposals for the removal of the concepts of legitimacy and illegitimacy from family law.

Advice to Government Departments

1.3. It frequently happens that the Commission or individual Commissioners are asked for comments or advice by government departments on matters with which we are not dealing.⁷ We recognise that we must give assistance whenever we can, and we appreciate being kept informed of all potential law reform developments. Some of those in the international field can have far-reaching effects on our law which would be inconsistent with its systematic development or otherwise undesirable, and we feel that we must try to comment whenever this is apparent. However, this work can be very demanding, time-consuming and disruptive of the work we are doing on planned projects. We also feel that we could make a much more positive contribution to this work if we were kept informed of the general response to the departmental consultation, of the progress of the various international initiatives and of the governmental policies towards the projects as they crystallise. We have approached you with a view to the possibility of improving the

⁴ See para. 2.44, below.

⁵ Working Paper No. 73; see para. 2.4, below.

⁶ Working Paper No. 74; see para. 2.21, below.

⁷ Some of the more important of these in the international field are mentioned in paras. 2.41 and 2.58, below.

methods of consultation and co-operation between government departments and ourselves in these cases.

Methods of Consultation

1.4. During the year we have also felt some concern as to whether our own methods of consultation are adequate, both in regard to consultation with the public and with those government departments which are primarily concerned with the subject matter on which we are seeking views.

So far as the public is concerned we feel that because of the form of our working papers, which are detailed and sometimes highly technical in content, we may be missing an important source of comment, particularly on the broader aspects of the provisional proposals that we make. We have therefore been considering how we might obtain a wider response, particularly on those questions which might be regarded as social rather than purely legal. To this end we are proposing in future to send out in respect of some at least of our working papers a short summary in as simple terms as possible of the basis of the paper and of its main proposals. We hope that this will encourage those who do not have the time or opportunity to study the paper in detail to give us their general reaction to our provisional proposals, whether it be favourable or unfavourable. This was not done on the publication of our Working Paper on *Illegitimacy*,⁸ but we are sending out a similar document some two months before the close of the consultation period on this paper in the hope of stimulating a wider measure of response.

We are also considering seeking views, at least in regard to some projects, at an earlier time than the working paper stage. This we may do either by letting it be known that we are starting work on a project and inviting views,⁹ or by circulating what might be called an "issues paper" before we formulate any provisional proposals.

Further, to stimulate interest both in the work of the Commission generally and on particular projects, Commissioners regard it as part of their function to give lectures and talks and to take part in seminars and discussions on matters relating to the work of the Commission; and during the year some of us have also participated in a number of radio and television programmes connected with our work.

The other aspect of our consultative process which we feel needs to be improved is that which concerns obtaining the views of government departments on our provisional proposals. On a number of occasions reactions to our proposals have crystallised only after the publication of a report with a draft Bill, when it would have been useful to have had the views then expressed at the stage when we were preparing the report. We appreciate the difficulty of obtaining the views of busy departmental lawyers and administrators on provisional proposals which may seem a long way from implementation, and we are considering how we can improve this aspect of our consultation.

Royal Commissions

1.5. The recommendations of Royal Commissions and other committees, and the attitude of Government to them, have a direct bearing on a number of aspects of our work and on our future planning.

⁸ Working Paper No. 74.

⁹ As we have done in regard to blasphemy; see para. 2.15, below.

(i) ***Benson Report on Legal Services***

We have noted that in the recent *Report of the Royal Commission on Legal Services*¹⁰ there are proposals as to the part which the Law Commission might play in the reform and simplification of conveyancing and of civil procedure, but we feel that it is too early to express any views as to the way in which we might participate in any implementation of these proposals.

(ii) ***Pearson Report on Civil Liability***

The *Report of the Royal Commission on Civil Liability and Compensation for Personal Injury*¹¹ made wide-ranging proposals on the law of civil liability and compensation for personal injury, upon the acceptability of which the Government has not yet announced any decision. As long ago as 1970 we reported on the confused state of the law and the need for reform in regard to civil liability for dangerous things and activities,¹² and in 1973 we made recommendations¹³ as to the assessment of damages in personal injury litigation.¹⁴ Pending a decision on the future of the proposals of the Royal Commission we do not feel able to plan future work in the field of tort, although there is certainly need for reform in a number of areas.

General

1.6. In our last annual report¹⁵ we said that one of our main preoccupations was the pressure of work to which we were presently committed against the perspective of further work which we should initiate. This pressure has in no way diminished. We are conscious that in some areas of our work, notably in contract and criminal law, we have not been able to make as much progress as we would have wished with projects which were started some time ago because of more pressing matters which we have felt it necessary to undertake more recently. A contributing factor has been that changes in the legal staff during the year have meant that the rhythm of work has been interrupted by the need for newcomers to a "team" to familiarise themselves with a new subject. The demand upon Commissioners' time on matters other than the detailed projects of the Commission is no less than last year. In particular, the Chairman and Dr. North have continuing commitments in relation to international matters and the demands upon Mr. Forbes' time by the Royal Commission on Criminal Procedure have continued and are in fact increasing. We are now examining the priorities of the work which we have in hand against the resources available with a view to completing some of the long-standing projects as soon as possible.

Information about other Law Reform Activities

1.7. It was suggested to us during the year that a useful appendix to our annual reports would be a comprehensive list of current law reform projects

¹⁰ (1979) Cmnd. 7648, Annex 21.1, para. 2, and paras. 6.30 and 43.4.

¹¹ (1978) Cmnd. 7054.

¹² (1970) Law Com. No. 32.

¹³ (1973) Law Com. No. 56.

¹⁴ On this aspect the courts have recently indicated again the need for legislative reform: *Lim Poh Choo v. Camden and Islington Area Health Authority* [1979] 3 W.L.R. 44, per Lord Scarman at pp. 47-49, 53-54.

¹⁵ Para. 1.7.

being undertaken by both governmental and other agencies. Examination of what this would involve has shown that it would be a task of some magnitude and that in many respects it would be a duplication of what other organisations are doing. The Institute of Advanced Legal Studies publishes every three years a *List of Official Committees, Commissions and Other Bodies concerned with the Reform of the Law*. The last of these was issued in October 1976 and covers the activities of bodies in the United Kingdom and other countries, mainly of the Commonwealth. The United Kingdom entries alone cover some 17 foolscap pages. The Commonwealth Secretariat publishes a quarterly bulletin which gives details of the progress of current law reform projects; and the British Library is preparing a new national register of research projects which will include Law in the Social Sciences volume.

In the light of this and of the fact that the Institute of Advanced Legal Studies is producing a fresh list this year, we do not feel that we would be justified in publishing anything additional. However, we hope to publish information in succeeding years to supplement the Institute's list until it publishes a further edition.

PART II

LAW REFORM PROJECTS—REPORT ON PROGRESS

CONTRACT AND TORT

General

2.1. Our work in the field of contract has been concentrated this year almost exclusively on insurance law. Negotiations on the harmonisation of insurance contract law within the E.E.C. are being carried on in Brussels, and it has been thought highly desirable that our report on insurance law should be completed as a matter of urgency. Our views both on the E.E.C. initiative and on the reform of the common law would then be available before the completion of the current Brussels negotiations so that they could be taken into account in the formulation of the attitude of the United Kingdom towards any proposed directive. The consequence of devoting our time to insurance law has been that we have been unable to make any progress towards the preparation of reports on Pecuniary Restitution on Breach of Contracts¹ and on Penalty Clauses and Forfeiture of Monies Paid.² Nor have we made any further progress in our work on consideration and misrepresentation.

The one topic lying primarily in the field of tort law currently under examination is Breach of Confidence.³ This has implications in other areas of the law as well and the problems to which it gives rise involve the balancing of major but conflicting issues of public policy. Consideration of further activity involving the law of tort must, as we have said earlier, await decisions as to the implementation of the *Report of the Royal Commission on Civil Liability and Compensation for Personal Injury*.⁴

Implied Terms

2.2. Our *Report on Implied Terms in Contracts for the Supply of Goods*⁵ was submitted to you on 4 June 1979 and published on 18 July 1979. Our main recommendations were that terms similar to those implied in contracts of sale and hire-purchase should be implied in other contracts for the supply of goods, of which the most significant are barter, work and materials and hire. A draft Bill to give effect to these recommendations was appended to the report.

In our report we also recommended a new statutory obligation which would go further than the present obligation on the supplier to supply goods which are of merchantable quality or fit for their purpose (as the case may be) by requiring that the goods *continue* to be of such quality and fitness as can reasonably be expected at any time thereafter. We envisage this new obligation of “durability” being additional to the supplier’s existing obligations to supply goods which are of merchantable quality and fit for their purpose. However, under a further reference⁶ made to us by your predecessor at our request we

¹ The subject of Working Paper No. 65.

² The subject of Working Paper No. 61.

³ See para. 2.9, below.

⁴ (1978) Cmnd. 7054; and see para. 1.5(ii), above.

⁵ (1979) Law Com. No. 95; para. 1.1, above.

⁶ See para 2.3, below.

are asked to consider whether those existing obligations themselves require amendment, and we therefore recommended that implementation of the new statutory obligation be postponed until we are able to report to you on the new reference mentioned below.

Supply of Goods

2.3. Our work on implied terms made it clear to us that there were a number of difficulties in relation to all contracts for the supply of goods, but in particular sale of goods, which needed further examination. We were particularly concerned about the way in which a distinction is drawn between those terms which are classed as conditions and those which are classed as warranties, the remedies available for the breach of these different terms and also the definition of "merchantable quality" in the present legislation relating to supply of goods. After discussions between ourselves and officials in your Department and the Department of Trade, we were invited by your predecessor on 25 January 1979 to consider

- “(a) whether the undertakings as to the quality and fitness of goods implied under the law relating to sale of goods, hire-purchase and other contracts for the supply of goods require amendment;
- (b) the circumstances in which a person, to whom goods are supplied under a contract of sale, hire-purchase or other contract for the supply of goods, is entitled, where there has been a breach by the supplier of a term implied by statute, to
 - (i) reject the goods and treat the contract as repudiated;
 - (ii) claim against the supplier a diminution or extinction of the price;
 - (iii) claim damages against the supplier;
- (c) the circumstances in which, by reason of the Sale of Goods Act 1893, a buyer loses the right to reject the goods; and to make recommendations.”

In the discussion which preceded this reference we had to make it clear that our other commitments in the contract field were such that it would be some time before detailed work on the reference could begin. Nevertheless, we thought that this reference should be made so that it would be known that we would be examining this important subject as soon as resources allowed. Our intention is to make a start on this work in the coming year and we may wish to undertake preliminary consultations prior to the publication of a working paper in due course.

Insurance Law

2.4. We completed our Working Paper No. 73 on *Insurance Law—Non-Disclosure and Breach of Warranty* on 3 January 1979 and it was published on 12 February 1979. In the Working Paper we examined the proposals made by the Law Reform Committee in 1957¹ for the reform of this area of the law and we also considered the proposed E.E.C. directive on insurance contract law. We concluded that the law relating to non-disclosure and breach of

¹ *Fifth Report: Conditions and Exemptions in Insurance Policies* (1957) Cmnd. 62.

warranties was in need of reform and that the harmonisation proposals in the proposed E.E.C. directive would not satisfy this need and that they were in themselves unsatisfactory. We made various provisional recommendations for the reform of English law relating to non-disclosure and breach of warranty. The gist of our provisional recommendations as to non-disclosure was that although the insured should remain subject to a duty of disclosure and although the insurer should remain entitled to avoid a contract of insurance in the event of its breach, the ambit of the duty should be substantially modified so that the facts required to be disclosed were those which a reasonable man would consider relevant to the risk rather than—as under the present law—those facts which a prudent insurer would consider relevant to the risk. We also made a number of provisional proposals regarding the effect on the insured's duty of disclosure if he has completed a proposal form. As for warranties, our main provisional recommendation was that insurers should only be allowed to rely on a breach of warranty to avoid a contract of insurance if the broken warranty was material to the risk and that they should only be allowed to reject a claim for breach of warranty if there was a connection between the breach and the loss. In addition, we made a provisional recommendation to cut down the extent to which insurers should be permitted to rely on so-called "basis of the contract" clauses to avoid a contract and resist claims. These provisional recommendations were put forward as a basis for consultation. We have been very pleased by the response to our request for comments: we received a wide range of views, not only from the insurance industry itself, but also from the legal profession, representatives of consumer interests, government departments and academic lawyers. Although critical of some of our provisional proposals, most of those who commented agreed with our view that some reform of the law was necessary. We have analysed these comments and are preparing a final report. This report will examine critically the provisions of the proposed E.E.C. directive on insurance contract law and also contain our final recommendations as to the most appropriate way in which the law relating to non-disclosure and breach of warranty should be reformed. We have now put in hand the preparation of draft clauses, and it is hoped that a draft report, with a draft Bill attached, will be ready for consideration by the Commission by the end of the year.

Minors' Contracts

2.5. We had hoped to publish a working paper during the last year on the law relating to minors' contracts. This has not proved possible both because of pressure of other work and because of difficulties we have encountered in formulating provisional recommendations. We are faced with a choice between, on the one hand making all minors' contracts prima facie binding, subject to a power in the courts to give relief in appropriate cases and, on the other hand, making minors' contracts unenforceable subject to an obligation on the minor to account for benefits received. Both approaches have advantages and disadvantages and separate draft working papers have been prepared embodying these two different approaches for discussion within the Commission. We hope soon to be able to resolve these difficulties and to publish a working paper during the coming year.

Parol Evidence Rule

2.6. In our last annual report⁸ we referred to the possible injustice that abolition of the parol evidence rule might cause to assignees. We made some progress earlier this year with our examination of the position of assignees and with the drafting of the final report. However, work on this topic has had to be suspended in recent months and accordingly preparation of our report has been further delayed.

Hire-Purchase Law

2.7. We have recently received a detailed proposal for the simplification of the law relating to credit sales. In essence, the suggestion is that all hire-purchase agreements should in future be deemed to be conditional sales. We have not yet formed any views as to the merits or implications of this proposal, nor whether it ought to be given detailed consideration by us or some other body. We are seeking the reactions of various persons and bodies interested in hire-purchase law.

Interest

2.8. We have been giving your Department advice on various matters arising out of the inter-departmental consultation that has been taking place on the draft Bill appended to our *Report on Interest*.⁹

Breach of Confidence

2.9. We are considering a draft report on Breach of Confidence made in the light of policy decisions already taken by the Commission; but draft Clauses implementing the recommendations in the report have still to be prepared before the report can be settled in its final form. The central and comparatively simple principle of the law of confidence is that those who acquire information under an obligation of confidence should not disclose or use it contrary to the conditions of that obligation. But investigation of this topic has proved complex and prolonged owing to the many uncertainties in the existing law and the important and controversial issues of law reform policy which it involves. In particular, we have had to consider when a person should be subject to an obligation of confidence in respect of information in his possession and when that obligation should be overridden in the light of considerations of the public interest. The range of confidential information is so great that it has also been necessary to take into account the closely related question of the protection of privacy (and the as yet unimplemented recommendations of the Younger Committee¹⁰) as well as the existing protection given in the law of patents and copyright.

We are greatly indebted to Mr. Norman S. Marsh, CBE, QC, who after his retirement has continued to assist us as a consultant and has borne the main burden of this work in the past year.

⁸ Para. 2.6.

⁹ Law Com. No. 88 (1978) Cmnd. 7229. This Report was submitted to you on 7 April 1978 and published on 29 June 1978.

¹⁰ *Report of the Committee on Privacy* (1972) Cmnd. 5012.

CRIMINAL LAW

General

2.10. This year we have had to concentrate on completing reports on offences relating to the administration of justice¹¹ and on inchoate offences.¹² Connected with the latter work was the preparation of a Memorandum and a Schedule of Cases for the assistance of Counsel and the Court of Appeal (Criminal Division) in two Attorney General's references concerning the mental element in attempted theft, burglary and similar cases.¹³ We have not, however, been able to make any real progress on the preparation of a report on conspiracy to defraud because, as indicated in paragraph 1.6 above, work on criminal law has been affected both by the demands of the Royal Commission on Criminal Procedure on the time of the Commissioner primarily responsible and by changes of staff.

Offences relating to the Administration of Justice

2.11. Our *Report on Offences relating to Interference with the Course of Justice*¹⁴ was submitted to you on 20 August 1979 and is to be published on 8 November. The Report represents an important step forward in our programme of modernising and simplifying the criminal law and substituting statutory crimes for common law offences with a view to eventual codification.

We recommend the abolition of the offence of perverting the course of justice and other related offences at common law and their replacement by a series of statutory offences. We also recommend the reform of perjury and of a number of the existing statutory offences. Whilst retaining the oath or affirmation as a prerequisite of perjury we have made general provision for the many tribunals and other bodies which receive and examine evidence to have power to administer the oath and for perjury before them to be an offence. Many of these were not in existence when the Perjury Act 1911 was passed, but the giving of false evidence before them can be just as serious as the giving of false evidence before the ordinary courts. Similarly we have ensured that, where appropriate, conduct which interferes with proceedings is penalised whether the proceedings are those of the ordinary courts or of such tribunals or other bodies.

The Report does not deal specifically with the law of contempt, upon which the Government has announced its intention of legislating this Session following the 1974 Report of the Phillimore Committee¹⁵ and the publication of a Discussion Paper.¹⁶ Our recommendations are designed to be independent of the law of contempt both as it is now and as it would be if amended in accordance with the recommendations of the Phillimore Committee, although as at present there will continue to be an unavoidable overlap between many of our recommended offences and the law of contempt.

¹¹ See para. 2.11, below.

¹² See para. 2.12, below.

¹³ See para. 2.13, below.

¹⁴ (1979) Law Com. No. 96.

¹⁵ (1974) Cmnd. 5794.

¹⁶ (1978) Cmnd. 7145.

Inchoate Offences

2.12. A report to deal with attempts and impossibility in inchoate offences is expected to be ready for submission to you very shortly. Our recommendations on most aspects of the inchoate offence of conspiracy were contained in our *Report on Conspiracy and Criminal Law Reform*,¹⁷ and these recommendations were implemented by the Criminal Law Act 1977. Our original intention was to embody in one further report our recommendations as to the inchoate offences of attempt and incitement, together with a general consideration of the problem of impossibility in relation to all inchoate offences raised by recent decisions of the House of Lords.¹⁸ On further examination we have concluded that so many issues relating to incitement are interlinked with problems in the law of complicity that a full consideration of it should be held over until we deal with complicity. Our report will accordingly be limited to the law of attempt, together with a consideration of the problems raised by impossibility in relation to the inchoate offences of attempt, conspiracy and incitement.

Mental Element in Attempted Theft, etc.

2.13. During our work on attempts we became aware of the confusion which was being caused by the interpretation put upon the decision of the Court of Appeal in *R. v. Hussein*¹⁹ by many lower courts in relation to what has been called the doctrine of conditional intent. The short point was that on charges of attempted theft and burglary it was being held that before a person could be said to have had an intent to steal he must have intended to deprive another of a specified identifiable object—an intent to steal whatever he might find worth stealing being insufficient. This was giving rise to an acute problem in prosecutions of such offences. Being convinced that the law was developing in an illogical and unacceptable way on a topic under our consideration, the Commission encouraged the institution by the Director of Public Prosecutions of *Attorney General's References 1 and 2 of 1979*²⁰ under section 36 of the Criminal Justice Act 1972 and, with the leave of the Registrar of Criminal Appeals, submitted a Memorandum and Schedule of Cases for the assistance of Counsel and the Court of Appeal. The judgment of the Court has, in our view, resolved the difficulties created by the decision in *Hussein* and restored the clarity and certainty which this important branch of the criminal law requires. The Court decided that in an appropriate case it was sufficient to allege and prove that an accused acted with an intent to steal, without alleging an intent to steal a particular object.²¹ The institution of these References proved to be the speediest and most effective way of preventing an error with

¹⁷ (1976), Law Com. No. 76.

¹⁸ *Haughton v. Smith* [1975] A.C. 476 (attempt) and *R. v. Nock and Alford* [1978] 3 W.L.R. 57 (conspiracy).

¹⁹ (1978) 67 Cr. App. R. 131.

²⁰ [1979] 3 All E.R. 143.

²¹ The judgment of Roskill L.J. in the *References* case and of Geoffrey Lane L.J. in the previous case of *R. v. Walkington* [1979] 1 W.L.R. 1169 have put the matter beyond argument so far as burglary and attempted burglary are concerned. In our view this is also true in relation to attempted theft, loitering with intent to steal, assault with intent to rob, and going equipped to steal. Any possible room for doubt concerning attempted theft and loitering with intent to steal has been removed by the same Court which decided the *References* case sitting as a Divisional Court immediately after the decision in the *References* case and delivering consequential judgments in *Scudder v. Barrett* (attempted theft) and *Miles v. Clovis* (loitering with intent to steal): see [1979] Crim. L.R. 585, at 587.

important practical consequences becoming embedded in the law and so obviated the need for legislation on this particular aspect of the law of attempt. However, we must stress that the Commission's intervention was only justified by the special circumstances mentioned above and must not be taken as a precedent.

Treason, Sedition and Allied Offences

2.14. Consultation on the provisional proposals in our Working Paper on Treason²² for the modernisation and simplification of the law of treason and sedition is now complete. We have prepared an internal policy paper which examines some of the main problems which the consultation has thrown up, notably the definition of persons capable of committing treason, and whether there is a need for a peace-time offence of treason and, if so, its relationship with sedition. We expect to complete our report in the coming year.

Blasphemy

2.15. The interest aroused by the decision of the House of Lords in *Whitehouse v. Lemon*²³—the first blasphemy case to come before the courts in this country for fifty years—has given some urgency to the preparation of the working paper on the subject of offences against religion and public worship which we hope to complete early next year. The degree of public controversy aroused by this case led us to modify our procedure for consultation, which normally commences with the issue of a working paper. In this instance we decided upon preliminary consultation by means of letters to the legal press, leading daily newspapers and periodicals, inviting the public to send us their views with regard to the place of blasphemy in the law today, the need for such an offence and, if it was needed, what its component elements should be. The wide response to this invitation has helped us in forming preliminary views on the main issues, namely whether there should be an offence of blasphemy and, if there is to be one, whether it should continue to relate solely to Christianity or whether it should also extend to other religions.

Criminal Libel

2.16. As in the case of blasphemy, a recent decision of the House of Lords²⁴ has given extra impetus to our work on criminal libel. We have made further progress towards the drafting of a working paper, but we have found that the options open to us in proposing changes in the law require particularly careful and extended consideration. We hope however to issue our working paper next year.

Complicity and Vicarious Liability

2.17. As explained in paragraph 2.12 above, we propose to include within our report on complicity and liability for the acts of another recommendations on the inchoate offence of incitement. Further study of these difficult topics has been undertaken during the past year and some progress made towards a draft report, but having regard to our other commitments this is not a subject to which we are at present able to give priority.

²² Working Paper No. 72: *Treason, Sedition and Allied Offences* (1977).

²³ [1979] 2 W.L.R. 281.

²⁴ *Gleaves v. Deakin* [1979] 2 W.L.R. 665.

Criminal Liability of Corporations

2.18. A further study of the criminal liability of corporations has been completed within the last year with a view to the drafting of a report, but this is another subject to which, in the light of more pressing commitments, we cannot at present give priority.

Common Law Offences of Public Order

2.19. A necessary condition of codifying the criminal law is the elimination of all common law offences and their replacement, where necessary, by clearly-defined statutory offences. The only major offences at common law which have not hitherto been examined either by ourselves or by any other law reform body are those which fall within the law of public order such as riot, rout, unlawful assembly and affray. We have thought for some time that there should be an examination of this topic and in December last year we had preliminary discussions with the Home Office as to the means by which this should be undertaken. Since then the Government has announced a review by the Home Office of the Public Order Act 1936 and related legislation. The relationship between this study and the work necessary to replace the common law offences with statutory offences is at present under consideration in consultation with the Home Office.

Criminal Law Revision Committee

2.20. The Criminal Law Revision Committee is at present working on two aspects of the criminal law.

(i) *Offences against the Person*

Offences against the person are one of the two groups of offences examination of which we recommended in our *Second Programme of Law Reform*²⁵ should be undertaken by the Criminal Law Revision Committee. Their Working Paper on *Offences against the Person* was published in 1976, and they are presently completing their report on the subject with a view to publication by the end of 1979.

(ii) *Sexual Offences*

Sexual offences form the second group of offences to be reviewed by the Criminal Law Revision Committee under our *Second Programme*. They are continuing with the preparation of a working paper for consultation. The Committee has also circulated a detailed questionnaire requesting preliminary views from the public and the legal profession upon a wide range of issues relating to the laws on prostitution. The Home Office Policy Advisory Committee on Sexual Offences, which was set up to advise the Committee, has this year issued a Working Paper on *The Age of Consent in relation to Sexual Offences*.

FAMILY LAW

Illegitimacy

2.21. Our Working Paper on this subject,²⁶ issued on 5 July 1979, was widely publicised, and we are now receiving comments on it. The most difficult

²⁵ (1968) Law Com. No. 14, Item XVIII.

²⁶ Working Paper No. 74.

question is whether reform should merely seek to remove the legal disadvantages of illegitimacy so far as they affect the child, or whether (as we provisionally proposed) reform should go further and remove the concepts of legitimacy and illegitimacy from the law of family relations.

Consultation should be completed by the end of this year, and we shall then set in hand the preparation of a report. We hope that it may prove possible to submit this to you, with draft legislation, by the end of 1980.

Our consideration of this topic was greatly helped by discussion at a weekend seminar held at All Souls' College, Oxford; we wish to express our gratitude to those who took part,²⁷ and to the College.

Declarations as to Status

2.22. In the course of our work on illegitimacy we have to consider whether the courts should be given power to make declarations of parentage, rather than simply leaving questions of parentage to be resolved when they arise in other proceedings, such as applications for maintenance or inheritance claims. This raises again many of the more general questions discussed in our Working Paper on *Declarations in Family Matters*.²⁸ It would be convenient if we were to present a report on these general issues at the same time as we present our report on illegitimacy, and we hope to be able to do so.

Time Restrictions on the Presentation of Divorce and Nullity Petitions

2.23. Under legislation going back to 1937, no petition for divorce can be presented before the expiration of three years from the date of the marriage unless the case is one of exceptional hardship to the petitioner or one of exceptional depravity by the respondent.²⁹ This rule has been criticised in recent years as being inconsistent with the philosophy, adopted by the Divorce Reform Act 1969, that if a marriage has irretrievably broken down "the empty legal shell should be destroyed with the minimum bitterness, distress and humiliation".³⁰ On the other hand it may be thought that a time bar designed to deter the precipitate institution of divorce proceedings provides at least some safeguard against irresponsible or "trial" marriages. Under Item XIX of our *Second Programme of Law Reform*³¹ we have started a review of the working of this rule and an examination of the options for reform. We hope to publish a working paper early in 1980.

Nullity petitions based on lack of consent and on unsoundness of mind have to be presented within 3 years of the marriage; the court has no discretion to extend the period. It has been suggested that, contrary to the assumption made in 1970 in our *Report on Nullity of Marriage*,³² this rule causes hardship in practice. It seems convenient to examine it in the same working paper and we propose to do so.

²⁷ The names of those who took part are given in Appendix 3.

²⁸ Working Paper No. 48.

²⁹ Matrimonial Causes Act 1973, s.3.

³⁰ *Reform of the Grounds of Divorce: the Field of Choice* (1966) Law Com. No. 6.

³¹ Law Com. No. 14.

³² Law Com. No. 33, para. 85.

The Ground for Divorce

2.24. The principle adopted by the Divorce Reform Act 1969³³ was that the sole ground for divorce should be that the marriage had broken down irretrievably. However, in order to establish such breakdown the petitioner must establish one or more of five "facts". Of these two are based on separation, but the remaining three are similar to the former matrimonial offences of adultery, cruelty and desertion. In practice the majority of petitions are founded on adultery or behaviour; and it is increasingly being suggested that the compromise between "offence-based" facts and the breakdown principle is not altogether satisfactory.³⁴ The unsatisfactory nature of the compromise is, in this view, accentuated by the introduction of the so-called "special procedure"³⁵ under which undefended divorces are granted without any court hearing. We therefore intend, when we have completed our working paper on time restrictions, to undertake a review of this area of the law. We envisage the preparation of a working paper analysing the operation of the present law and presenting a field of choice for reform. It seems unlikely that this will be ready before the end of 1980.

Financial Relief—the Policy of the Legislation

2.25. We are aware that a great deal of criticism of the present divorce laws relates to the financial consequences of divorce, and we have received a large number of letters in the course of the year from members of the public urging reform.³⁶ However, the problem involves fundamental issues of social and economic policy and of the philosophy of marriage on which opinions are still so divided that we feel that it would not be appropriate for us to initiate any action on this topic at this stage.

Financial Relief—Technical Defects in the Law

2.26. The fact that we do not consider it appropriate at this stage to review the main principle on which the legislation is based does not, of course, mean that we are not concerned to remedy technical defects which experience has revealed. We have two such topics under examination:

(i) *Power to order sale*

The Matrimonial Causes Act contains no provision expressly authorising the court to order a sale of property. This does not cause difficulties if certain procedural steps are taken, but it has been suggested that problems nevertheless arise in practice. We have circulated a consultative note on this problem to the judiciary, the professional bodies, and other persons with special knowledge of, and experience in, this area of the law. We hope to submit a short report to you within a few weeks with draft clauses intended to put the law on this subject on a satisfactory footing.

³³ Sect. 1.

³⁴ See in particular *A Better Way Out*, a discussion paper prepared by the Family Law Subcommittee of The Law Society (1979), paras. 33–40.

³⁵ See *Day v. Day* [1979] 2 W.L.R. 681, 684.

³⁶ We are aware that Members of Parliament also receive many such letters which are considered by your Department: see your speech in the debate on our *Third Report on Family Property* on 18 July 1979, *Hansard* (H.L.) vol. 401, col. 1459.

(ii) *Financial relief after foreign decrees*

If a marriage is dissolved or annulled by a foreign court whose decree is recognised in this country, our courts have no jurisdiction to make financial orders for the benefit of the parties to the marriage. This sometimes causes hardship and difficulty,³⁷ especially if it is not possible to obtain financial orders in the country where the proceedings took place. We expect to publish a working paper on this limited but difficult and technical subject in 1980.

Family Courts

2.27. We are aware that much recent criticism in the area of family law relates to procedural matters and the structure of the courts. From time to time ministerial statements³⁸ have suggested that discussion of possible reform of the distribution of business between the courts exercising family law jurisdiction might be resumed after the enactment of the Domestic Proceedings and Magistrates' Courts Act 1978. However, in the light of discussions which we had with officials in your Department earlier this year, it seems clear that this matter is so much governed by considerations of public finance that it would not be practicable for the Commission to seek to review it at this time. Further consideration of this issue must therefore be left to departmental channels of law reform, at any rate for the time being.

Conflicts of Jurisdiction Affecting Children—Inter U.K.

2.28. In our last annual report³⁹ we said that we had reconsidered our approach to the problems examined in our Working Paper⁴⁰ issued in collaboration with the Scottish Law Commission on the courts' jurisdiction to make custody orders and the mutual enforcement of those orders within the United Kingdom. We have had further discussions with our colleagues in Scotland on this subject, which culminated in a meeting held in Edinburgh in July attended by those in the two Commissions primarily involved. In the result we believe there is now a substantial prospect of agreement between us as to the common grounds on which the courts in each country should assume jurisdiction in all child custody cases; the result is intended to be that at any given point of time the courts in the most appropriate part of the United Kingdom will alone have jurisdiction in a particular case. The result should be virtually to eliminate the possibility of conflicting orders being made in different parts of the Kingdom, and it will then be possible for custody orders made by a court anywhere in the United Kingdom to be made enforceable throughout the country. In view of the complexity of the issues involved we now intend to initiate further limited consultation on the revised proposals which have emerged from our discussions; thereafter we hope to be able to proceed with the preparation of a joint report.

³⁷ *Turczak v. Turczak* [1970] P. 198; *Joyce v. Joyce* [1979] 2 All E.R. 156; *Quazi v. Quazi* [1979] 3 W.L.R. 402, *per* Ormrod L.J. at p. 405.

³⁸ See, for example, *Hansard* (H.C.) 20 October 1975 vol. 898, cols. 58–9 (Rt. Hon. Barbara Castle); *Hansard* (H.L.) 17 December 1975 vol. 366, cols. 1560–1 (Lord Elwyn Jones); *Hansard* (H.L.) 19 January 1977 vol. 379, cols. 128–9 (Lord Wells-Pestell).

³⁹ Para. 2.25.

⁴⁰ Working Paper No. 68; Memorandum No. 23.

Conflicts of Jurisdiction Affecting Children—International

2.29. On the wider international plane there are two developments of importance. First, a draft Council of Europe Convention on the Recognition and Enforcement of Child Custody Decisions has been transmitted for final consideration to the Committee of Ministers. We participated in the briefing of the United Kingdom representatives at the negotiations. Second, preparatory work has started at The Hague relating to the International Abduction of Children (a subject which is on the agenda of the Conference on Private International Law to be held at The Hague in 1980); here again we have had useful discussions with the United Kingdom representatives. International conventions involve somewhat different problems from those which arise within the United Kingdom, and it seems unlikely that there will be any agreement on measures as comprehensive as those we hope to be able to recommend in the inter-U.K. context. In particular, it seems unlikely that there will be any agreement on common grounds for the assumption of jurisdiction. Efforts are therefore being directed primarily to measures to facilitate the return of a child within a short period of its abduction without any close scrutiny of the merits. Many of the States participating in the discussions at The Hague resist such scrutiny because of the advantage it may give to a person who takes the law into his own hands. But it would be difficult, as we have stressed to the negotiators for the United Kingdom, to accept any proposals which would involve the automatic return of a child irrespective of considerations relating to its welfare.

Children in Care

2.30. We have in the course of the year considered suggestions made to us by members of the judiciary and others professionally concerned that the law relating to the circumstances in which a child is received⁴¹ or taken⁴² into the care of a local authority is in need of simplification and rationalisation. The major problems⁴³ seem to be that the relationship between the powers and duties of local authorities under the Children Act 1948 on the one hand and the Children and Young Persons Act 1969 on the other is not always clear or satisfactory, and that the legislation contains inconsistencies and anomalies. We hope that the consolidation of the Child Care legislation⁴⁴ will help to put the existing law into a more readily accessible form, but consolidation cannot resolve the more fundamental problems referred to above. A review of the law could not be confined to the form and presentation of the legislation, but would involve difficult questions of policy and resources. We have accordingly initiated discussions on this topic with the Department of Health and Social Security and other Departments concerned, and hope that it may be possible to review certain uncontroversial areas of the law in the near future. It has however been made clear to us that departmental resources do not at this stage permit the comprehensive review which we believe to be desirable.

⁴¹ Under the Children Act 1948, s.1.

⁴² Usually as the result of a care order made under the Children and Young Persons Act 1969, s.1. Cases in which a care order is made under s.7(7) of the 1969 act consequent on a finding of guilt raise questions which would probably be outside the scope of any review undertaken by ourselves.

⁴³ This has been highlighted by the recent decision of the House of Lords in *Lewisham London Borough Council v. Lewisham Juvenile Court Justices* [1979] 2 W.L.R. 513.

⁴⁴ See para. 2.50(ii), below.

Adoption and Fatal Accident Act Claims

2.31. If a child is orphaned, perhaps as the result of an air crash or other disaster, his claim for damages under The Fatal Accidents Act 1976 is not affected merely because relatives or other persons provide a home for him;⁴⁵ but if he is adopted his claim is effectively extinguished. This is unfortunate, first because the possibility that the child will be deprived of what may be a substantial claim may not always be appreciated; secondly, those caring for an orphaned child may be advised not to seek adoption because of the financial consequences for the child, even though they might wish to do so in order to demonstrate their commitment to the child and to give him the security associated with legal adoption. The Commission considered this matter in response to a proposal made by a practising member of the Bar.⁴⁶ We concluded that the potential loss of the claim was a factor which a court or adoption agency should have in mind in the discharge of its duty to have regard to all the circumstances of the case, first consideration being given to the need to safeguard and promote the welfare of the child throughout his childhood,⁴⁷ and that arrangements should be made to ensure that in appropriate cases the relevant information on this matter was drawn to the attention of the court and any placing agency. We suggested that this could be done by amendment of the applicable Rules. Because of the limited nature of the problem we did not think it necessary to issue a working paper, or to make a formal report, and we understand that our suggestion is at present under consideration.

Other Family Law Work

2.32. As part of our duty to keep the law under review⁴⁸ we have given some consideration to the law relating to the legal position of unmarried couples who live together as husband and wife. There is a growing tendency for the law to attach specific legal consequences to relationships outside marriage, but there is not, as yet, a wholly consistent approach in the different statutory provisions. We have for example noted that the Pneumoconiosis etc. (Workers' Compensation) Act 1979 enables a "reputed spouse" to make a claim for compensation in certain circumstances,⁴⁹ but does not define that term. In the statutory provisions governing aggregation of resources for the purposes of Supplementary Benefit the formula now used⁵⁰ is "living together as husband and wife".⁵¹ It may well be that there are valid policy reasons which dictate the use of different language in different statutes; nevertheless there is clearly a risk that difficulties of interpretation will occur. The common law and equity also contribute⁵² to the emerging trend of attaching legal consequences to relationships outside marriage. However, the existence of the present rule, of uncertain scope,⁵³ invalidating contracts for an "immoral"

⁴⁵ *Rawlinson v. Babcock and Wilcox Ltd.* [1967] 1 W.L.R. 481.

⁴⁶ Denis Henry, QC.

⁴⁷ Children Act 1975, s.3.

⁴⁸ Law Commissions Act 1965, s.3(1).

⁴⁹ Sect. 3(1)(c).

⁵⁰ Social Security (Miscellaneous Provisions) Act 1977, s.14(7).

⁵¹ Prior to that Act the statutory formula was "cohabiting as man and wife": Supplementary Benefit Act 1966, Sched. 2 para. 3(1).

⁵² *Cooke v. Head* [1972] 1 W.L.R. 518; *Tanner v. Tanner* [1975] 1 W.L.R. 1341; *Eves v. Eves* [1975] 1 W.L.R. 1338.

⁵³ See G. H. Treitel, *The Law of Contract* (5th ed. 1979) pp. 330-1 and the materials there referred to.

consideration may affect those developments; and it may also deter couples who do not wish to be subject to the rights and duties attached by law to the status of marriage from making proper arrangements to govern the financial and other consequences of their relationship.

Reform and rationalisation of the law would however involve enormous problems, not least because this topic is so largely governed by considerations of social and financial policy. So far we have considered an internal study paper which summarises the areas in English law where legal recognition is given to quasi-marital relationships and those areas where such recognition is withheld. The paper also summarises the more important reforms in this field in other common law countries. Our initial view is that it might be appropriate at some stage to examine, with a view to reform, the rules now governing contracts between couples who live together outside marriage, since it is perhaps in that area that the law is most uncertain and outdated. But it is too early to say when, if at all, this could be done, and if so whether it should be seen as a preliminary to a more general review. In the meantime we continue to watch legal developments and to study the information which is becoming available⁵⁴ both about the extent of extra-marital cohabitation and about the reasons why parties to such relationships do not marry.

PROPERTY LAW (APART FROM LANDLORD AND TENANT)

Land Registration

2.33. We have made substantial progress in the preparation of our report on this topic; work has now also started on the drafting of clauses to give effect to our proposals. The decision of the Court of Appeal⁵⁵ on the extent to which a purchaser may be adversely affected by the rights of a member of the registered proprietor's family has a major bearing on our recommendations on the subject of overriding interests, and we shall have to await the result of the appeal now pending to the House of Lords before completing our proposals on this important subject. We have throughout the year enjoyed close co-operation with the Chief Land Registrar and his staff, which has been invaluable to us. We hope to present our report towards the end of 1980.

Rights Appurtenant to Land

2.34. In last year's annual report⁵⁶ we said that this project covered a great deal of important ground and explained our reasons for turning first to the law of positive and restrictive covenants. We expressed regret that we had been unable to resume work in this area. Our work on the law of landlord and tenant has continued to occupy nearly all the time of those who would otherwise be dealing with this subject; but preparatory work on it is now being done and we hope to be able to achieve some substantial progress in the coming year.

⁵⁴ The O.P.C.S. survey material collated in *Family Formation 1976* (H.M.S.O. 1979) by Karen Dunnell is of great value in this connection.

⁵⁵ *Williams & Glynn's Bank Ltd. v. Boland* [1979] 2 W.L.R. 550.

⁵⁶ Para. 2.30.

Rights of Access to Neighbouring Land

2.35. This project involves an examination of cases in which the owner of one piece of land wants to have access to his neighbour's land in order to do work upon his own—for example, to repair his house. If he has no right of access for this purpose, and if the neighbour is unwilling to allow access, he may find it impossible to do the work. In a recent case⁵⁷ a landowner in this situation was restrained by injunction from trespassing on his neighbour's land in order to remedy the defective condition of his own building; and we have received further evidence of hardship in individual cases. A working paper on the subject (of which a first draft has been completed) will be ready for publication in the near future.

Family Property

2.36. During the year we have taken part in the inter-departmental consultation arising out of our *Third Report on Family Property: the Matrimonial Home (Co-ownership and Occupation Rights) and Household Goods*⁵⁸ and have discussed the reactions of outside bodies with your Department. We have also noted with interest the debate on our report which took place in the House of Lords on 18 July 1979.⁵⁹

Provisions for Reverter

2.37. We understand that good progress has been made by the working party which was set up last year⁶⁰ to consider the operation of certain statutory rights of reverter (notably under the School Sites Act 1841) and that we may expect to receive its report in the middle of next year after certain consultation has been carried out.

LANDLORD AND TENANT

General

2.38. In our annual report for last year, we reviewed our work in the field of landlord and tenant law and explained some of the problems currently besetting our original project for its codification.⁶¹ We said then that we would reconsider the form and nature of our future work in this field in the light of Parliamentary and other reactions to our already published *Report on Obligations of Landlords and Tenants*⁶² and to the two outstanding reports mentioned in paragraphs 2.39 and 2.40, below, which we hope will be published soon.

Covenants Restricting Dispositions, Alterations and Change of User

2.39. A full draft report without clauses has now been completed and approved by us for the purposes of consultation with your Department, the Department of the Environment and with other Government Departments, to

⁵⁷*John Trenberth Ltd. v. National Westminster Bank Ltd.* (1979) 123 S.J. 388.

⁵⁸Law Com. No. 86.

⁵⁹See *Hansard* (H.L.) 18 July 1979 cols. 1432–1448 and 1455–1465.

⁶⁰See our last annual report, para. 2.33, and Appendix 3 of that report for membership of the working party.

⁶¹Para. 2.34.

⁶²(1975) Law Com. No. 67.

whom copies have been sent. Subject to further consideration of any matter to which their views may give rise, the report will then be submitted to you.

Termination of Tenancies

2.40. The team has now completed its consideration of most of this topic and a draft report is being prepared, also without clauses. We hope to be in a position by the end of the year to settle this draft report for the purposes of consultation with Government Departments, and thereafter to submit it to you.

We shall decide whether to add draft clauses to these two reports before submission to you in the light of the consultation with Government Departments referred to above.

PRIVATE INTERNATIONAL LAW

Obligations

(a) Contract

2.41. The Joint Working Group on Private International Law⁶³ set up by the Scottish Law Commission and ourselves has played a full part in the task of advising the United Kingdom delegation⁶⁴ to the Brussels Group of Experts⁶⁵ which has been considering the draft Convention on the Law applicable to Contractual Obligations. The Brussels Group held meetings in November and February and will meet again in November 1979. A sub-committee of the Brussels Group met in January to consider what choice of law rules for insurance contracts should be included in the draft Convention. Another sub-committee of the Brussels Group was convened in June to consider the explanatory report on the draft Convention.

The Brussels Group of Experts completed consideration of the draft Convention in February this year and Governments of Member States have been asked to submit comments on the draft by the end of 1979. The English text of the draft Convention was issued for consultation by your Department and the Scottish Courts Administration in August with a request for comments by 31 October 1979.

Arbitration agreements and agreements conferring jurisdiction on courts are at present excluded from the draft Convention but the Brussels Group of Experts will meet in November to consider whether, and if so what, choice of law rules for such agreements should be included in a protocol to the Convention. Further discussions will also take place at the November meeting of the Brussels Group on another protocol which will determine the extent to which and the procedures whereby the interpretation of the Convention is to be entrusted to the European Court of Justice.

(b) Tort

2.42. In our last annual report⁶⁶ we mentioned that the Brussels Group had decided that the draft Convention (which originally covered both contractual

⁶³The membership of the Joint Working Group is set out in Appendix 3 of our last annual report.

⁶⁴The United Kingdom delegates are the Honourable Lord Maxwell, Professor A. L. Diamond, Mr K. M. Newman, Dr. P. M. North and Mr. A. Akbar (a member of our legal staff).

⁶⁵This Group was set up by the E.E.C. Commission and comprises representatives from all nine Member States.

⁶⁶Para. 2.37. *

and non-contractual obligations) should be limited to contractual obligations and that at a later date negotiations should be resumed on non-contractual obligations with a view to preparing a separate convention on that subject. The timetable of the proposed negotiations is likely to be considered at the next meeting of the Brussels Group in November 1979. It has been decided that the United Kingdom should take part in these negotiations and your predecessor invited us, in conjunction with the Scottish Law Commission, to undertake the necessary consultations before the United Kingdom position is formulated and to provide continuing advice to the United Kingdom delegation during the negotiations. In response to this request, we and the Scottish Law Commission have set up a new Joint Working Party⁶⁷ to consider both the reform of the choice of law rules on tort/delict in the United Kingdom and to advise the United Kingdom delegation once negotiations on the proposed convention commence. Some preliminary work towards the preparation of a consultative paper has been done.

Foreign Money Liabilities

2.43. We have resumed work on the request for advice from the Foreign and Commonwealth Office on the problems which may arise when money is due in a currency other than that of the place of payment or the place where payment is sought. Study papers have now been prepared analysing the state of the present law and identifying the substantive and procedural issues which may need to be resolved in this field. These papers and a further paper which is being prepared on the Council of Europe Convention on Foreign Money Liabilities will be considered by the Joint Working Party,⁶⁸ which was set up by us and the Scottish Law Commission, to advise on this reference from the Foreign and Commonwealth Office.

Insurance Services Directive—E.E.C. Draft

2.44. The *Report on the Choice of Law Rules in the E.E.C. Draft Non-Life Insurance Services Directive* prepared by the Joint Working Group⁶⁹ which has been advising the United Kingdom delegation to the Brussels Group of Experts was submitted to your predecessor, the Right Honourable the Lord Elwyn-Jones, C.H., on 11 April 1979 and published on 2 August 1979. This report was prepared in the light of the comments received on the consultative document referred to in our last annual report⁷⁰ It concludes that the choice of law rules in the draft Directive are unsatisfactory and would, in conjunction with the rules in the draft Convention on the Law applicable to Contractual Obligations, lead to a complex and confused structure of private international law rules for insurance contracts. The report suggests that the choice of law rules in the draft Convention should apply to all insurance contracts.

Classification of Limitation of Actions

2.45. On 29 March, your predecessor, the Right Honourable the Lord Elwyn-Jones, C.H., asked us under section 3(1)(e) of the Law Commissions Act 1965 "to consider what changes, if any, are desirable in the classification

⁶⁷The membership of this Joint Working Party is shown in Appendix 2.

⁶⁸The membership of this Joint Working Party is shown in Appendix 2.

⁶⁹See para. 2.41, above.

⁷⁰Para. 2.39.

of limitation of actions in private international law, and to make recommendations." The preparation of a working paper on this subject is well advanced and we expect to complete the paper before the end of the year.

Recognition of Foreign Nullity Decrees

2.46. The topic of recognition of foreign nullity decrees was included in the *First Programme of the Law Commission* and some work was done towards the preparation of a working paper on this subject. However, work on this was suspended in 1973 when it became known that the topic of "Celebration and Validity of Marriages and Recognition of Decisions relating to Marriage" would be on the agenda for the 1976 session of The Hague Conference on Private International Law. In the event the Convention which emerged from that session was limited to the Celebration and Recognition of the Validity of Marriages. It did not extend to recognition of foreign decisions relating to marriage, such as nullity decrees. We have now decided to resume work on the law relating to recognition of foreign nullity decrees and we and the Scottish Law Commission have set up a Joint Working Party⁷¹ to examine the subject. Discussion papers for consideration by the Joint Working Party have been prepared.

International Administration of the Estates of Deceased Persons

2.47. This project is concerned with the implementation of the Hague Convention on this topic signed by the United Kingdom. Some work has been done on it during the year, but pressure of other matters has again prevented us from making any substantial progress.

Polygamous Marriages

2.48. From time to time suggestions have been made that section 11(d) of the Matrimonial Causes Act 1973 causes injustice. Under that subsection, a person domiciled in England has no capacity to enter into an actually or potentially polygamous marriage celebrated abroad. Section 11(d), in conjunction with the rule of English private international law that the nature of a marriage is determined by the law of the country in which it is celebrated, has the following effect. If a Moslem man, domiciled in England, goes through a ceremony of marriage in Pakistan, which would be under the Moslem Family Laws Ordinance 1961, the marriage, though valid in Pakistan, will be considered in England to be void. Under section 11(d) the man lacks capacity to enter into the marriage in Pakistan because it is classed as being polygamous in nature, even though it may in fact be monogamous. On the other hand, had he instead chosen to marry in England, his wife-to-be having come here from Pakistan, the marriage would be valid. The implications of section 11(d) have recently been raised with us and we are taking steps to discover whether real difficulty is caused in practice by the present state of the law. We have not taken any decision as to whether this topic merits further examination or whether it could be fitted into any of our current work in the fields of family law or private international law.

⁷¹The membership of this Joint Working Party is shown in Appendix 2.

STATUTE LAW

General

2.49. In our last annual report⁷² we said in the context of statute law revision that we thought that the time had come to take stock of the work that was being done and to consider what more could be done to modernise and simplify the existing body of statute law. This is a complex question which involves a number of processes including consolidation, statute law revision and codification as well as parliamentary procedures. We have been studying discussion papers on present methods of work and possible improvements and we are considering the publication of a report dealing with these topics.

Consolidation

2.50. Consolidation Bills fall into two main categories: those which necessarily take a considerable time because of the volume of legislation to be incorporated or the difficult nature of the subject matter or a combination of these factors, and those which can be dealt with somewhat more speedily because they are short or related to other Bills currently or recently prepared. The latter are frequently prepared by Counsel in the Whitehall office, the former almost always by Counsel at the Law Commission. An example of a long and complicated Bill is to be found in that relating to Highways: work on this continues and has in fact occupied a large part of the time of two draftsmen for over two years. Nevertheless such major consolidations are most useful steps in making the law more readily accessible.

The only way to make continued progress on consolidation is to make the best possible use of the combined services of Parliamentary Counsel both at the Law Commission and at the Whitehall office, and we must again express our thanks to the members of the Parliamentary Counsel Office in Whitehall and to the various Government Departments who have assisted us in this work.

Details of the progress on consolidation are as follows:—

- (i) The following consolidation Acts (other than consolidation Acts relating to Scotland only) were passed before the dissolution of Parliament last May:—

- Agricultural Statistics
- Alcoholic Liquor Duties⁷³
- Capital Gains Tax
- Customs and Excise Duties (General Reliefs)⁷³
- Customs and Excise Management⁷³
- Exchange Equalisation Account
- Excise Duties (Surcharges or Rebates)⁷³
- Hydrocarbon Oil Duties⁷³
- International Monetary Fund
- Matches and Mechanical Lighters Duties⁷³
- Prosecution of Offences
- Tobacco Products Duty⁷³
- Wages Councils

The major consolidations were Capital Gains Tax and Customs and Excise.

⁷² Para. 2.44.

⁷³ These Acts consolidate the legislation about Customs and Excise in separate statutes according to their subject matter.

(ii) Bills on the following topics have been introduced in the current Session of Parliament:—

Child Care
Foster Children
Justices of the Peace
Residential Homes
Sale of Goods

(iii) Bills are in preparation on the following topics:—

Acquisition of Land (Authorisation Procedure)
Civil Aviation
County Courts
Custody and Guardianship
Diseases of Animals
Highways
Judicial Pensions
Litter
Local Authority Health Functions⁷⁴
Magistrates' Courts
Medical
Overseas Development and Co-operation
Pilotage
Representation of the People
Reserve Forces
Reserve Forces (Protection of Civil Interests)
Social Welfare (Local Services)⁷⁵
Social Work (Education and Training)
Trustee Savings Banks
Value Added Tax
Weights and Measures

(iv) Work was begun on the preparation of Bills on the following subjects and in some cases this is at an advanced stage:—

Cinema Performances
Clean Air
Corn Returns
Countryside
New Towns
Prices and Charges
Trade Unions and Employers' Associations

However, this work is not proceeding at present either because of the possibility of substantive changes in the law or because of difficulties which require resolution by primary legislation in advance of consolidation.

⁷⁴ Previously referred to as Public Health (Control of Disease).

⁷⁵ Previously referred to as Local Authorities Social Services.

Statute Law Revision

2.51. A tenth report on statute law revision, together with a draft Statute Law (Repeals) Bill, is in the course of preparation by ourselves and the Scottish Law Commission. We expect it to be ready in time for the Bill to be considered by Parliament during its present Session.

Chronological Table of Local and Personal Acts

2.52. In our last annual report⁷⁶ we explained the essential role of this permanent index in bringing order to the vast body of statute law which is of local application. The work of indexing is being done in stages, the first of which covers the period from 1925 onwards. The detailed research necessary on the Local and Personal Acts passed during this period has now been undertaken and the remaining task is to retrieve the information showing the effect of the Public General Acts and the statutory instruments passed or made during the same period. When this has been done we shall be in a position to publish the Table for the period from 1925 onwards. We hope that this will be in the course of the coming year.

Statutes in Force

2.53. The new Official Revised Edition of the statutes is a self-renewing edition being prepared under the supervision of the Editorial Board chaired by Lord Scarman who was our first Chairman. The members include our present Chairman and Sir Anthony Stainton who is one of the draftsmen working on our consolidation programme.

More than half of the Groups of *Statutes in Force* have been published and completion will be well before the end of 1981. We attach great importance to this work and to its subsequent maintenance as it will be an important contribution to making the law accessible. The present edition of *Statutes Revised* which runs only to the end of 1948 is out of date, and much in it and in the subsequent volumes of the statutes is, in consequence of heavy amendment, almost unusable.

OTHER MATTERS

The Incapacitated Principal

2.54. As we explained in our last annual report⁷⁷ it is our intention to formulate a scheme which will enable a power of attorney, in a proper case, to survive the supervening incapacity of the donor. We have made some progress this year in devising a scheme which will operate without excessive formality but which will provide adequate safeguards against the possible exploitation of donors of powers whose position is often vulnerable. However, because of the pressure of other work, principally in relation to our Landlord and Tenant exercise,⁷⁸ we have not been able to proceed as quickly as we hoped.

⁷⁶ Para. 2.45.

⁷⁷ Para. 2.47.

⁷⁸ See paras. 2.38–2.40, above.

Charging Orders

2.55. We are pleased that the recommendations in our *Report on Charging Orders*,⁷⁹ published in March 1976, are likely to be implemented in the near future. A Bill based upon the draft Bill annexed to our report is now before Parliament.

Miscellaneous Proposals for Law Reform

2.56. During the year we have had a number of diverse law reform proposals submitted to us which we have had to consider. Three of these deserve mention.

(i) *Building Society Law*

A proposal was submitted to us by a private individual for reform of the Building Societies Act 1962 to provide for disputes between a building society and its members to be determined only by the county court for the area where the member lived. After consultation with interested Government Departments we came to the conclusion that this was not a matter which we could justifiably take further and we referred it to the relevant Government Department to be considered in any overall examination of building society legislation which might be undertaken.

(ii) *Interest on Compensation*

The President of the Lands Tribunal has pointed out to us that the Tribunal has no general power to award interest on compensation from a time earlier than the date of its award. Thus, for example, the Tribunal cannot award interest on compensation due under section 34 of the Land Drainage Act 1930, in respect of the period between the accrual of the right to compensation and the date of the award of the Tribunal. By contrast interest normally runs as of right on compensation for compulsory acquisition of land from the date when possession is taken until payment.⁸⁰

The President suggested that the Tribunal ought to have a right to award interest as from accrual of the right to compensation in appropriate cases. Discussions have taken place with him and we are considering the implications of the suggested reform and whether this is a matter which might be undertaken by us or the appropriate government department.

(iii) *Limited Partnerships and Businesses*

A member of the Bar⁸¹ proposed that the Limited Partnership Act 1907 should be amended to allow the extension of limited liability to all partners of a partnership and to a single person carrying on business on his own account. After consultation with the Department of Trade we decided that this question should be referred to the Advisory Committee on Company Law being set up by the Secretary of State.⁸²

⁷⁹ (1976) Law Com. No. 74.

⁸⁰ Compulsory Purchase Act 1965, s.11.

⁸¹ D.C. Potter, QC.

⁸² *Hansard* (H.C.) 20 November 1978 col. 931.

Law Reform Committee

2.57. A Bill to implement most of the recommendations contained in the Law Reform Committee's *Final Report on Limitation of Actions*⁸³ is presently before Parliament, and the Committee is now working on two other matters.

(i) *The Making and Revocation of Wills*

A Sub-Committee has been considering the law relating to the making and revocation of wills. We understand that this exercise is nearing completion and that the Committee hope to submit their final report to you early in the new year.

(ii) *The Powers and Duties of Trustees*

A further Sub-Committee is presently considering the general subject of the powers and duties of trustees, including personal representatives. The response to their Consultative Document, which was published in February 1978, has been heavy and we understand that the Committee is not yet in a position to say when a final report may be completed.

Advice sought by Government Departments

2.58. As mentioned in paragraph 1.3, above, our views are frequently sought by Government Departments on proposals for changes in various fields, mostly emanating from the activities of international bodies. We list below the more important of these matters which have not been considered elsewhere in this Report.

(a) *Draft E.E.C. Directive on Products Liability*

We commented on this draft Directive in 1977 in our *Report on Liability for Defective Products*⁸⁴ and comments similar to ours were made by the Royal Commission on Civil Liability and Compensation for Personal Injury.⁸⁵ Since then the European Parliament has proposed various amendments to this Directive and we have expressed views on these amendments to those Departments which sought our opinion.

(b) *Draft E.E.C. Directive on Commercial Agents*

In our Report on this draft Directive⁸⁶ which was submitted in 1977, we were highly critical both of the policy underlying the draft Directive and of its detailed drafting. The Department of Trade sought our views earlier this year on a revised Directive on Commercial Agents proposed by the E.E.C. Commission to the Council of Ministers and which is now under consideration by a Council Working Party. We expressed the opinion that the revised draft does little to meet the defects of substance and drafting which so concerned us in our Report two years ago and reiterated our original stringent criticisms.

(c) *Draft E.E.C. Directive on Guarantees and Indemnities*

We sent comments on this draft Directive to your Department and to the Department of Trade about a year ago. Since then we have been kept

⁸³ Twenty-first Report (1977) Cmnd. 6923.

⁸⁴ (1977) Law Com. No. 82.

⁸⁵ (1978) Cmnd. 7054.

⁸⁶ (1977) Law Com. No. 84.

informed of the progress of the negotiations of this Directive but have not felt able to offer further views.

(d) *Hague Conference Draft Convention on International Sale of Goods*

This topic is to be considered at the XIVth Session of The Hague Conference in 1980. A Special Commission met in June 1979 and decided to produce a new draft Convention on the law applicable to certain consumer sales (rather than a protocol to the 1955 Convention on the Law Applicable to International Sales of Goods). We provided assistance with the briefing of the United Kingdom delegation to the Special Commission.

(e) *Unidroit Draft Convention on International Agency in the Sale of Goods*

This draft Convention was considered at a Diplomatic Conference held in Bucharest in May and June 1979, though there was insufficient time to consider the whole of the draft and no decision was made as to when or whether the work is to be resumed. We assisted the Department of Trade in the briefing of the United Kingdom delegation to that Diplomatic Conference, though as was the case last year⁸⁷ our resources did not permit us to devote as much time to this project as in the past. We did, however, express doubts as to whether the adoption of this Convention would constitute any improvement of our law.

(f) *Unidroit Draft Convention on the Hotelkeeper's Contract*

A committee of governmental experts, including an expert from the United Kingdom, completed their work in preparing a draft Convention in the autumn of 1978. We expressed views to Departments critical of the draft Convention and concluded that this was not a law reform project to which we would wish to devote any of our resources.

We have been unable to spare the resources to comment on

- (i) the E.E.C. draft Directive on Consumer Credit;
- (ii) the E.E.C. draft Directive on the Legal Consequences of Agreements creating Simple Reservation of Title to Goods;
- (iii) the Council of Europe Committee of Experts' work on the legal protection of consumers;
- (iv) UNCITRAL draft Convention for the International Sale of Goods.

⁸⁷ See our last annual report, para. 1.5.

PART III

GENERAL

Staff

3.1. Our full-time staff numbers 45; the Secretary, 5 draftsmen, 17 other lawyers and 22 non-legal staff. Seven lawyers and an additional librarian assist us part-time.

Library

3.2. The library now contains over 21,000 items and continues to grow. We are most grateful to the staff of the Books Disposal Unit at Her Majesty's Stationery Office who have been able to supply us with many volumes of Parliamentary Debates, Statutes, and other publications over the years. We are also grateful to the many libraries on whose resources we have called during the year, and especially to the Institute of Advanced Legal Studies for continuing to allow us to use its library.

During the year our Librarian's Digest¹ of the law reform proposals made by the Law Commission since its inception was published. The undertaking of this work was given our encouragement and approval in 1977.

Co-operation with the Scottish Law Commission

3.3. The Annual Joint Meeting with the Scottish Law Commission was held at All Souls College Oxford on 23 March, and we are grateful to the College for enabling us to meet in such congenial surroundings. We continue to keep each other informed of the progress we are making, particularly on topics in which we have a common interest.

Relations with Other Lawyers in the United Kingdom

3.4. Again we have to express our gratitude to the Senate of the Inns of Court and the Bar, The Law Society and the Society of Public Teachers of Law for the help and co-operation they so willingly give us.

The Contract Law Reform Sub-Committee of the Society of Public Teachers of Law were kind enough to ask Dr. North and members of the contract team to attend their meeting in April. At this meeting they discussed our Working Paper on *Insurance Law* and also wider issues of contract law reform.

On 30 October members of the Criminal Law Reform Sub-Committee of the Society came to the Commission for discussions with the criminal law team on the progress being made in criminal law and on ways to achieve codification.

At our annual meeting with representatives of the Society of Public Teachers of Law it was suggested to us that there were academic lawyers who would be very glad to assist the Commission on specific projects, possibly, but not necessarily, during a period of sabbatical leave. We are most appreciative of this interest in our work and of the co-operation offered, of which we are hoping to take advantage as soon as we can.

¹ *Law Commission Digest* published by Professional Books Ltd.

We are also planning to invite teachers of law interested in particular areas with which we are dealing to visit the Commission so that we may exchange views with them. We hope in this way both to consolidate our links with more established law teachers and to make contacts with the less senior members of the profession. A meeting to discuss family law is planned for 14 November.

Relations with Lawyers Overseas

3.5. The continued exchange of working papers and reports with law reform agencies both in the Commonwealth and elsewhere is most helpful in keeping us in touch with the trends in other jurisdictions. Mr. Forbes visited the Federal Law Commissions of Australia and Canada and the Law Reform Commissions of Victoria and New South Wales during his work overseas with the Royal Commission on Criminal Procedure.

Among the visitors from overseas in the past year were:

Sir Denys Roberts, KBE (Chief Justice, Hong Kong)

Dr. Eric Zimmerman (Directorate of Legal Services, E.E.C.)

Dr. E. Deutsch (Director, University of Göttingen, Federal Republic of Germany) and 30 German students

Mr. Justice M. D. Kirby (Chairman, Australian Law Reform Commission)

Mr. Anthony Thursfield (Secretary, Northern Territories Law Review Committee)

Mr. N. H. Crago (Chairman, Western Australia Law Reform Commission)

Judge (Dr.) Roberto MacLean (Law Reform Commission, Peru)

Senator Gareth Evans (Member of the Senate, Parliament of Australia)

Judge Moshe Nacht (Director of Courts, Israel)

Mr. J. Bickley (Western Australia Law Reform Commission)

Professor Manfred Raschke (Judge, Supreme Court, Federal Republic of Germany) and a party of Commercial Judges

Justice Elizabeth Evatt (Chief Judge, Family Court, Australia)

Judge Edward J. Houston } (Commissioners, Law Reform
Dr. Gerard V. LaForest } Commission, Canada)

Judge M. Movshovitch (Judge, Tel-Aviv Magistrate Court, Israel)

Mr. Justice John Nimmo, CBE, OStJ (Judge, Federal Court of Australia and Chairman of the Commonwealth Legal Aid Commission)

Mr. P. M. Ruddock (Chairman, Joint Select Committee on the Family Law Act, Parliament of Australia)

Professor Eliaha Harnon (Professor of Criminal Law, Hebrew University of Jerusalem)

Professor Seno Adji (Chief Justice, Indonesia)

Judge Minerva C. Genovea (Court of First Instance, Philippines)

Mr. Louis W. Boyle (Deputy District Attorney, San Diego County,
California).

(Signed) MICHAEL KERR, *Chairman.*

STEPHEN M. CRETNEY.

STEPHEN EDELL.

W. A. B. FORBES.

PETER M. NORTH.

J. C. R. FIELDSEND, *Secretary.*

16 November 1979.

APPENDIX 1

LIST OF THE LAW COMMISSION'S PUBLICATIONS

A. Working Papers

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
1966		
No. 1.	Transfer of Land: Root of Title to Freehold Land	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	Law Com. No. 8.
No. 3.	Restrictive Covenants	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)	Law Com. No. 40.
No. 6.	Liability of Vendors and Lessors for Defective Premises (Second Paper)	Law Com. No. 40.
1967		
No. 7.	Provisional Proposals for Amendments to the Landlord and Tenant Act 1954, Part II (Business Tenancies)	Law Com. No. 17.
No. 8.	Provisional Proposals Relating to Obligations of Landlords and Tenants	Law Com. No. 67.
No. 9.	Family Law: Matrimonial and Related Proceedings. Financial Relief	Law Com. No. 25.
No. 10.	Proposals for Changes in the Law Relating to Land Charges affecting Unregistered Land and to Local Land Charges	Law Com. Nos. 18 and 62.
No. 11.	Powers of Attorney	Law Com. No. 30.
No. 12.	Proof of Paternity in Civil Proceedings	Law Com. No. 16.
No. 13.	Exploratory Working Paper on Administrative Law	Law Com. No. 20.
No. 14.	Interpretation of Statutes (Joint Working Paper — Scottish Law Commission Memorandum No. 6)	Law Com. No. 21.
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)	Law Com. No. 24.
No. 19.	Loss of Services	Law Com. Nos. 25 and 56.

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
No. 20.	Nullity of Marriage	Law Com. No. 33.
No. 21.	Polygamous Marriages	Law Com. No. 42.
1969		
No. 22.	Restitution of Conjugal Rights	Law Com. No. 23.
No. 23.	Malicious Damage to Property	Law Com. No. 29.
No. 24.	Transfer of Land: Rentcharges (the subject of a further Working Paper No. 49).	
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	Law Com. No. 55.
No. 27.	Personal Injury Litigation: Assessment of Damages, Itemization of Pecuniary Loss and the Use of Actuarial Tables as an Aid to Assessment	Law Com. No. 56.
No. 28.	Family Law: Jurisdiction in Matrimonial Causes (other than Nullity)	Law Com. No. 48.
No. 29.	Codification of the Criminal Law: Subject III. Territorial and Extra-Territorial Extent of the Criminal Law	Law Com. No. 91.
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	Law Com. No. 89.
No. 32.	Transfer of Land: Land Registration (First Paper).	
No. 33.	Criminal Law: Perjury and Kindred Offences.	
1971		
No. 34.	Family Law: Jactitation of Marriage (the subject of a further Working Paper No. 48).	
No. 35.	Family Law: Solemnisation of Marriage	Law Com. No. 53.
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	Law Com. No. 48.
No. 39.	Exemption Clauses in Contracts for Services (Joint Working Paper – Scottish Law Commission Memorandum No. 15)	Law Com. No. 69.
No. 40.	Administrative Law	Law Com. No. 73.
No. 41.	Personal Injury Litigation: Assessment of Damages	Law Com. No. 56.

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
No. 42.	Family Law: Family Property Law	Law Com. Nos. 52, 61 and 86.
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).	
No. 46.	Charging Orders on Land	Law Com. No. 74.
1973		
No. 47.	Injuries to Unborn Children	Law Com. No. 60.
No. 48.	Family Law: Declarations in Family Matters.	
No. 49.	Transfer of Land: Rentcharges	Law Com. No. 68.
*No. 50.	Codification of the Criminal Law: General Principles. Inchoate Offences: Conspiracy, Attempt and Incitement	Law Com. No. 76.
No. 51.	Transfer of Land: "Subject to Contract" Agreements	Law Com. No. 65.
*No. 52.	Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability	Law Com. No. 75.
*No. 53.	Family Law: Matrimonial Proceedings in Magistrates' Courts	Law Com. No. 77.
1974		
No. 54.	Criminal Law: Offences of Entering and Remaining on Property	Law Com. No. 76.
No. 55.	Codification of the Criminal Law: General Principles. Defences of General Application	Law Com. No. 83.
No. 56.	Criminal Law: Conspiracy to Defraud.	
†August 1974	Private International Law: E.E.C. Preliminary Draft Convention on the Law Applicable to Contractual and Non-Contractual Obligations (prepared jointly with the Scottish Law Commission).	
*No. 57.	Codification of the Criminal Law: Conspiracies Relating to Morals and Decency	Law Com. No. 76.
*No. 58.	Breach of Confidence.	
1975		
*No. 59.	Contribution	Law Com. No. 79.
*No. 60.	Firm Offers.	
*No. 61.	Penalty Clauses and Forfeiture of Monies Paid	
*No. 62.	Criminal Law: Offences Relating to the Administration of Justice.	Law Com. No. 96.

* on sale at H.M. Stationery Office.

† This consultative document received a wide circulation but was not put on sale at H.M. Stationery Office and was not given a number in the series.

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
*No. 63.	Codification of the Criminal Law: Conspiracies to Effect a Public Mischief and to Commit a Civil Wrong	Law Com. No. 76.
*No. 64.	Liability for Defective Products (Joint Working Paper—Scottish Law Commission Memorandum No. 20)	Law Com. No. 82.
*No. 65.	Pecuniary Restitution on Breach of Contract.	
1976		
*No. 66.	Interest	Law Com. No. 88.
*No. 67.	Transfer of Land: Land Registration (Fourth Paper).	
*No. 68.	Custody of Children – Jurisdiction and Enforcement within the United Kingdom (Joint Working Paper—Scottish Law Commission Memorandum No. 23).	
*No. 69.	The Incapacitated Principal.	
*No. 70.	Law of Contract: the Parol Evidence Rule.	
1977		
*No. 71.	Law of Contract: Implied Terms in Contracts for the Supply of Goods	Law Com. No. 95.
*No. 72.	Codification of the Criminal Law: Treason, Sedition and Allied Offences.	
1979		
*No. 73.	Insurance Law: Non-Disclosure and Breach of Warranty.	
*No. 74.	Family Law: Illegitimacy.	

An unabridged reprint of Working Papers 1–64, bound in seven volumes with a preface by the then Chairman, has been published by Professional Books, Milton Trading Estate, Abingdon, Oxon. OX14 4SY at £135.

* on sale at H.M. Stationery Office.

B. Reports

(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 showing implementation. Those marked with an asterisk do not call for legislation.)

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
1965		
Law Com. No. 1.	First Programme of the Law Commission	*
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	Criminal Law Act 1967 (c. 58).
Law Com. No. 4.	First Annual Report 1965-1966	*
Law Com. No. 5.	Landlord and Tenant: Interim Report on Distress for Rent	No
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	Criminal Law Act 1967 (c. 58).
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)	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63).
1967		
Law Com. No. 9.	Transfer of Land: Interim Report on Root of Title to Freehold Land	Law of Property Act 1969 (c. 59).
Law Com. No. 10.	Imputed Criminal Intent (<i>Director of Public Prosecutions v. Smith</i>)	In part by section 8 of the Criminal Justice Act 1967 (c. 80).
Law Com. No. 11.	Transfer of Land: Report on Restrictive Covenants	In part by Law of Property Act 1969 (c. 59).
Law Com. No. 11A.	Sea Fisheries (Shellfish) Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Shellfish Fisheries and Shellfish (Scot. Law Com. No. 6A) (Cmnd. 3267)	Sea Fisheries (Shellfish) Act 1967 (c. 83).
Law Com. No. 12.	Second Annual Report 1966-1967	*
Law Com. No. 13.	Civil Liability for Animals	Animals Act 1971 (c. 22).
1968		
Law Com. No. 14.	Second Programme of Law Reform	*
Law Com. No. 15.	Third Annual Report 1967-1968 (H.C. 312)	*

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 16.	Blood Tests and the Proof of Paternity in Civil Proceedings (H.C. 2)	Family Law Reform Act 1969 (c. 46).
1969		
Law Com. No. 17.	Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (H.C. 38)	Law of Property Act 1969 (c. 59).
Law Com. No. 18.	Transfer of Land: Report on Land Charges Affecting Unregistered Land (H.C. 125)	Law of Property Act 1969 (c. 59).
Law Com. No. 18A.	Trustee Savings Banks Bill: Report by the two Commissions on the Consolidation of the Trustee Savings Banks Acts 1954 to 1968 (Scot. Law Com. No. 10) (Cmnd. 4004)	Trustee Savings Banks Act 1969 (c. 50).
Law Com. No. 19.	Proceedings against Estates (Cmnd. 4010)	Proceedings Against Estates Act 1970 (c. 17).
Law Com. No. 20.	Administrative Law (Cmnd. 4059)	*
Law Com. No. 21.	Interpretation of Statutes: Report by the two Commissions (Scot. Law Com. No. 11) (H.C. 256)	No
Law Com. No. 22.	Statute Law Revision: First Report (Cmnd. 4052)	Statute Law (Repeals) Act 1969 (c. 52).
Law Com. No. 23.	Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (H.C. 369)	Matrimonial Proceedings and Property Act 1970 (c. 45).
Law Com. No. 24.	Exemption Clauses in Contracts: First Report. Amendments to the Sale of Goods Act 1893; Report by the two Commissions (Scot. Law Com. No. 12) (H.C. 403)	Supply of Goods (Implied Terms) Act 1973 (c. 13).
Law Com. No. 25.	Family Law: Report on Financial Provision in Matrimonial Proceedings (H.C. 448)	Matrimonial Proceedings and Property Act 1970 (c. 45); Law Reform (Miscellaneous Provisions) Act 1970 (c. 33).
Law Com. No. 26.	Breach of Promise of Marriage (H.C. 453)	Law Reform (Miscellaneous Provisions) Act 1970 (c. 33).
Law Com. No. 27.	Fourth Annual Report 1968–1969 (H.C. 27)	*
1970		
Law Com. No. 28.	Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Cmnd. 4433)	Wild Creatures and Forest Laws Act 1971 (c. 47).
Law Com. No. 29.	Criminal Law: Report on Offences of Damage to Property (H.C. 91)	Criminal Damage Act 1971 (c. 48).
Law Com. No. 30.	Powers of Attorney (Cmnd. 4473)	Powers of Attorney Act 1971 (c. 27).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 31.	Administration Bonds, Personal Representatives' Rights of Retainer and Preference and Related Matters (Cmnd. 4497)	Administration of Estates Act 1971 (c. 25).
Law Com. No. 32.	Civil Liability for Dangerous Things and Activities (H.C. 142)	*
Law Com. No. 33.	Family Law: Report on Nullity of Marriage (H.C. 164)	Nullity of Marriage Act 1971 (c. 44).
Law Com. No. 34.	Hague Convention on Recognition of Divorces and Legal Separations: Report by the two Commissions (Scot. Law Com. No. 16) (Cmnd. 4542)	Recognition of Divorces and Legal Separations Act 1971 (c. 53).
Law Com. No. 35.	Limitation Act 1963 (Cmnd. 4532)	Law Reform (Miscellaneous Provisions) Act 1971 (c. 43).
Law Com. No. 36.	Fifth Annual Report 1969-1970 (H.C. 170)	*
Law Com. No. 37.	Statute Law Revision: Third Report (Cmnd. 4546)	Statute Law (Repeals) Act 1971 (c. 52).
Law Com. No. 38.	Coinage Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Coinage (Scot. Law Com. No. 18) (Cmnd. 4544)	Coinage Act 1971 (c. 24).
Law Com. No. 39.	Vehicles (Excise) Bill: Report by the two Commissions 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)	Vehicles (Excise) Act 1971 (c. 10).
Law Com. No. 40.	Civil Liability of Vendors and Lessors for Defective Premises (H.C. 184)	Defective Premises Act 1972 (c. 35).
1971		
Law Com. No. 41.	National Savings Bank Bill: Report by the two Commissions on the Consolidation of Enactments Relating to the National Savings Bank (Scot. Law Com. No. 20) (Cmnd. 4574)	National Savings Bank Act 1971 (c. 29).
Law Com. No. 42.	Family Law: Report on Polygamous Marriages (H.C. 227)	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c. 38).
Law Com. No. 43.	Taxation of Income and Gains Derived from Land: Report by the two Commissions (Scot. Law Com. No. 21) (Cmnd. 4654)	In part by section 82 of the Finance Act 1972 (c. 41).
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)	Town and Country Planning Act 1971 (c. 78).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 46.	Road Traffic Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Road Traffic (Scot. Law Com. No. 22) (Cmnd. 4731)	Road Traffic Act 1972 (c. 20).
Law Com. No. 47.	Sixth Annual Report 1970-1971 (H.C. 32)	*

1972

Law Com. No. 48.	Family Law: Report on Jurisdiction in Matrimonial Causes (H.C. 464)	Domicile and Matrimonial Proceedings Act 1973 (c. 45).
Law Com. No. 49.	Statute Law Revision: Fourth Report by the two Commissions (Scot. Law Com. No. 26) (Cmnd. 5108)	Statute Law (Repeals) Act 1973 (c. 39).
Law Com. No. 50.	Seventh Annual Report 1971-1972 (H.C. 35)	*
Law Com. No. 51.	Matrimonial Causes Bill: Report on the Consolidation of Certain Enactments Relating to Matrimonial Proceedings, Maintenance Agreements, and Declarations of Legitimacy, Validity of Marriage and British Nationality (Cmnd. 5167)	Matrimonial Causes Act 1973 (c. 18).

1973

Law Com. No. 52.	Family Law: First Report on Family Property. A New Approach (H.C. 274)	Legislative proposals deferred until later reports.
Law Com. No. 53.	Family Law: Report on Solemnisation of Marriage in England and Wales (H.C. 250)	No
Law Com. No. 54.	Third Programme of Law Reform (H.C. 293)	*
Law Com. No. 55.	Criminal Law: Report on Forgery and Counterfeit Currency (H.C. 320)	No
Law Com. No. 56.	Report on Personal Injury Litigation—Assessment of Damages (H.C. 373)	No
Law Com. No. 57.	Statute Law Revision: Fifth Report by the two Commissions (Scot. Law Com. No. 32) (Cmnd. 5493)	Statute Law (Repeals) Act 1974 (c. 22).
Law Com. No. 58.	Eighth Annual Report 1972-1973 (H.C. 34)	*

1974

Law Com. No. 59.	Friendly Societies Bill: Report by the two Commissions on the Consolidation of the Friendly Societies Acts 1896 to 1971 and Certain Other Enactments Relating to the Societies to which these Acts Apply (Scot. Law Com. No. 35) (Cmnd. 5634)	Friendly Societies Act 1974 (c. 46).
Law Com. No. 60.	Report on Injuries to Unborn Children (Cmnd. 5709)	Congenital Disabilities (Civil Liability) Act 1976 (c. 28).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 61.	Family Law: Second Report on Family Property, Family Provision on Death (H.C. 324)	Inheritance (Provision for Family and Dependents) Act 1975 (c. 63).
Law Com. No. 62.	Transfer of Land: Report on Local Land Charges (H.C. 71)	Local Land Charges Act 1975 (c. 76).
Law Com. No. 63.	Statute Law Revision: Sixth Report by the two Commissions (Scot. Law Com. No. 36) (Cmnd. 5792)	Statute Law (Repeals) Act 1975 (c. 10).
Law Com. No. 64.	Ninth Annual Report 1973–1974 (H.C. 40)	*
1975		
Law Com. No. 65.	Transfer of Land: Report on “Subject to Contract” Agreements (H.C. 119)	*
Law Com. No. 66.	Supply Powers Bill: Report by the two Commissions on the Consolidation of Certain Enactments Relating to Supply Powers (Scot. Law Com. No. 38) (Cmnd. 5850)	Supply Powers Act 1975 (c. 9).
Law Com. No. 67.	Codification of the Law of Landlord and Tenant: Report on Obligations of Landlords and Tenants (H.C. 377)	No
Law Com. No. 68.	Transfer of Land: Report on Rentcharges (H.C. 602)	Rentcharges Act 1977 (c. 30).
Law Com. No. 69.	Exemption Clauses: Second Report by the two Commissions (Scot. Law Com. No. 39) (H.C. 605)	Unfair Contract Terms Act 1977 (c. 50).
Law Com. No. 70.	Statute Law Revision: Seventh Report by the two Commissions (Scot. Law Com. No. 40) (Cmnd. 6303)	Statute Law (Repeals) Act 1976 (c. 16).
Law Com. No. 71.	Tenth Annual Report 1974–1975 (H.C. 51)	*
1976		
Law Com. No. 72.	Jurisdiction of Certain Ancient Courts (Cmnd. 6385)	Administration of Justice Act 1977 (c. 38).
Law Com. No. 73.	Report on Remedies in Administrative Law (Cmnd. 6407)	Rules of the Supreme Court (Amendment No. 3) 1977 (S.I. 1977 No. 1955).
Law Com. No. 74.	Charging Orders (Cmnd. 6412)	Bill before Parliament.
Law Com. No. 75.	Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers’ Liability (Cmnd. 6428)	No
Law Com. No. 76.	Criminal Law: Report on Conspiracy and Criminal Law Reform (H.C. 176)	In part by Criminal Law Act 1977 (c. 45).
Law Com. No. 77.	Matrimonial Proceedings in Magistrates’ Courts (H.C. 637)	Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 78.	Eleventh Annual Report 1975-1976 (H.C. 94)	*
1977		
Law Com. No. 79.	Law of Contract: Report on Contribution (H.C. 181)	Civil Liability (Contribution) Act 1978 (c. 47).
Law Com. No. 80.	Statute Law Revision: Eighth Report by the two Commissions (Scot. Law Com. No. 44) (Cmnd. 6719)	Statute Law (Repeals) Act 1977 (c. 18).
Law Com. No. 81.	Rent Bill: Report on the Consolidation of the Rent Act 1968, Parts III, IV and VIII of the Housing Finance Act 1972, the Rent Act 1974, sections 7 to 10 of the Housing Rents and Subsidies Act 1975 and Certain Related Enactments (Cmnd. 6751)	Rent Act 1977 (c. 42).
Law Com. No. 82.	Liability for Defective Products: Report by the two Commissions (Scot. Law Com. No. 45) (Cmnd. 6831)	No
Law Com. No. 83.	Criminal Law: Report on Defences of General Application (H.C. 556)	No
Law Com. No. 84.	Law of Contract: Report on the Proposed E.E.C. Directive on the Law Relating to Commercial Agents (Cmnd. 6948)	*
Law Com. No. 85.	Twelfth Annual Report 1976-1977 (H.C. 96)	*
1978		
Law Com. No. 86.	Family Law: Third Report on Family Property. The Matrimonial Home (Co- ownership and Occupation Rights) and Household Goods (H.C. 450)	No
Law Com. No. 87.	Statute Law Revision: Ninth Report by the two Commissions (Scot. Law Com. No. 48) (Cmnd. 7189)	Statute Law (Repeals) Act 1978 (c. 45).
Law Com. No. 88.	Law of Contract: Report on Interest (Cmnd. 7229)	No
Law Com. No. 89.	Criminal Law: Report on the Mental Element in Crime (H.C. 499)	No
Law Com. No. 90.	Interpretation Bill: Report by the two Commissions on the Interpretation Act 1889 and Certain Other Enactments relating to the Construction and Operation of Acts of Parliament and Other Instruments (Scot. Law Com. No. 53) (Cmnd. 7235)	Interpretation Act 1978 (c. 30).
Law Com. No. 91.	Codification of the Criminal Law: Territorial and Extra-territorial Extent of the Criminal Law	No
Law Com. No. 92.	Thirteenth Annual Report 1977-1978 (H.C. 87)	*

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 93.	Customs and Excise Management Bill: Report by the two Commissions on the Consolidation of the Enactments relating to the Collection and Management of the Revenues of Customs and Excise (Scot. Law Com. No. 54) (Cmnd. 7418)	Customs and Excise Management Act 1979 (c. 2).
1979		
Law Com. No. 94.	Justices of the Peace Bill: Report on the Consolidation of Certain Enactments relating to Justices of the Peace (including Stipendiary Magistrates), Justices' Clerks and the Administrative and Financial Arrangements for Magistrates' Courts and to Matters connected therewith (Cmnd. 7583)	Bill before Parliament.
Law Com. No. 95.	Law of Contract: Report on Implied Terms in Contracts for the Supply of Goods (H.C. 142)	No
Law Com. No. 96.	Criminal Law: Report on Offences relating to Interference with the Course of Justice (H.C. 213)	No
Law Com. No. 97.	Fourteenth Annual Report 1978-1979	*

C. Joint Working Group Report

11 April 1979

Private International Law: Report on the Choice of Law Rules in the Draft Non-Life Insurance Services Directive by a Joint Working Group of the Law Commission and Scottish Law Commission.

APPENDIX 2

MEMBERSHIP OF WORKING PARTIES

(1) Joint Working Party on Private International Law (paragraph 2.42(b))

Chairman: Professor A. L. Diamond (Institute of Advanced Legal Studies)
Mr. A. Akbar (Law Commission)
Mr. A. E. Anton, CBE (Scottish Law Commission)
Mr. J. Clarkson (Scottish Law Commission)
Mr. L. Collins (Herbert Smith & Co.)
Dr. P. M. North (Law Commission)

(2) Joint Working Party on Foreign Money Liabilities (paragraph 2.43)

Chairman: Dr. P. M. North (Law Commission)
Mr. A. Akbar (Law Commission)
Mr. A. E. Anton, CBE (Scottish Law Commission)
Mr. R. Armitage (Treasury Solicitor's Department)
Mr. R. J. Ayling (Department of Trade and Industry)
Mr. R. D. D. Bertram (Scottish Law Commission)
Mr. R. Brodie (Scottish Courts Administration)
Mr. R. Cassels (Royal Bank of Scotland)
Mr. A. Cope (Law Commission)
Miss M. McLellan (Lord Chancellor's Department)
Mr. A. Parry (Foreign & Commonwealth Office)
Secretary: Miss J. A. Killick (Law Commission)

(3) Joint Working Party on Recognition of Foreign Nullity Decrees (paragraph 2.46)

Joint Chairmen: { Mr. A. E. Anton, CBE (Scottish Law Commission)
Dr. P. M. North (Law Commission)
Mr. A. Akbar (Law Commission)
Mr. J. Clarkson (Scottish Law Commission)
Mr. S. M. Cretney (Law Commission)
The Hon. Lord Dunpark (Court of Session)
Mr. J. Siddle (Foreign & Commonwealth Office)
Secretary: Miss A. E. Tutton (Law Commission)

APPENDIX 3

PARTICIPANTS IN THE SEMINAR ON ILLEGITIMACY

(other than members of the two Commissions)

The Bishop of Truro

The Hon. Mr. Justice Hollings

Her Honour Judge Jean Graham Hall

Mr. L. Abse, MP

Mr. P. Bottomley, MP

Mrs. M. Bramall (National Council for One-Parent Families)

Mrs. J. Cheetham (University Lecturer in Applied Social Studies, Oxford)

Professor E. M. Clive (Professor of Scots Law, Edinburgh)

Mgr. M. F. Connelly (Catholic Child Welfare Council)

Mr. D. J. Cusine (Faculty of Law, Aberdeen)

Mr. J. M. Eekelaar (Pembroke College, Oxford, Oxford Centre for Socio-Legal Studies)

Mr. A. B. Ewbank, QC (Chairman, Family Bar Association)

Baroness Faithfull, OBE

Mr. B. M. Hoggett (Department of Law, Manchester)

Mrs. A. S. Hopkinson, JP (The Mothers' Union)

Mr. P. S. C. Lewis (All Souls College, Oxford)

Mr. M. Maclagan (Trinity College, Oxford, Portcullis Pursuivant of Arms)

Mr. J. D. Waite, QC (Chancery Bar)

APPENDIX 4

RESPONSIBILITIES OF COMMISSIONERS AND LEGAL STAFF

(other than consultants and part-time staff)

CONTRACT AND TORT

Generally: Chairman, Dr. P. M. North, Mr. M. W. Parkington with Mr. P. Jacob, Miss J. A. Killick and Mr. S. M. Lewis

Breach of Confidence: Dr. P. M. North, Mr. R. H. Streeten with Mr. A. Cope

CRIMINAL LAW

Generally: Chairman, Mr. W. A. B. Forbes, QC, Mr. C. W. Dymont with Mr. M. Churaman, Mr. A. Cope and Mr. M. N. Farmer

FAMILY LAW

Generally: Mr. S. M. Cretney, Mr. Brian O'Brien with Mr. T. L. Rees and Miss A. E. Tutton

LAND LAW (APART FROM LANDLORD AND TENANT)

Generally: Mr. Stephen Edell, Mr. R. T. Oerton with Mr. A. J. Tuck

Land Registration: Mr. S. M. Cretney, Mr. Brian O'Brien with Mrs. J. G. Totty

Reverter: Mr. Brian O'Brien

LANDLORD AND TENANT

Generally: Mr. Stephen Edell, Mr. R. T. Oerton with Mr. A. J. Tuck

PRIVATE INTERNATIONAL LAW

Generally: Chairman, Dr. P. M. North, Mr. A. Akbar with Mr. A. Cope, Miss J. A. Killick and Miss A. E. Tutton

International Administration of Estates: Mr. Stephen Edell, Mr. R. T. Oerton with Miss A. E. Tutton

STATUTE LAW

Consolidation: Chairman, Mr. Peter Graham with Miss M. S. Christie, Mr. P. F. A. Knowles, Mr. D. H. S. Robson and Mr. E. R. Sutherland

Statute Law Revision: Chairman, Mr. R. H. Streeten with Mr. A. M. Rowland

OTHER MATTERS

The Incapacitated Principal: Mr. Stephen Edell, Mr. Brian O'Brien.

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
41 The Hayes, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
Southey House, Wine Street, Bristol BS1 2BQ
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*

ISBN 0 10 232280 5