

# The Law Commission

(LAW COM. No. 85)

## TWELFTH ANNUAL REPORT

1976-1977

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

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*Ordered by The House of Commons to be printed  
13th December 1977*

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LONDON  
HER MAJESTY'S STATIONERY OFFICE

70p net

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 Cooke, *Chairman*.

Mr. Stephen Edell.

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**THE LAW COMMISSION  
TWELFTH ANNUAL REPORT: 1976-1977**

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# THE LAW COMMISSION

## TWELFTH ANNUAL REPORT : 1976-1977

*To the Right Honourable the Lord Elwyn-Jones, C.H.,  
Lord High Chancellor of Great Britain*

We have the honour to present our Twelfth Annual Report pursuant to section 3(3) of the Law Commissions Act 1965. The Report deals with the period 24 November 1976 to 1 November 1977.

### **Arrangement of this Report**

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

## PART I

### **MATTERS OF GENERAL IMPORTANCE**

#### **Law Reform and the Commonwealth**

2. The strength of the law reform movement in the Commonwealth has been amply demonstrated in the course of the past year. At the Fifth Commonwealth Law Conference, held at Edinburgh in July 1977, law reform was the first of the four main topics for discussion. That conference was followed, in August 1977, by a meeting in London of Commonwealth law reform agencies, at which the representatives of no less than twenty-seven legal systems in the Commonwealth examined their institutions, methods and procedures for the promotion of law reform. Though the institutions differ widely according to the requirements of the system of which they form part, the problems of method and procedure which they have encountered show many striking similarities. It is partly because of these similarities that we have so much to learn from one another. Thus, in England and Wales, we have found it profitable to consider the practice of other Commonwealth

law reform agencies in regard, for example, to research and consultation. Moreover, in formulating substantive proposals for the reform of the law, we have often derived much enlightenment from studying the problems of other countries, including in particular countries within the Commonwealth, and the solutions to those problems which have been adopted or proposed. We believe that in return we have been able to help other Commonwealth countries by imparting to them the results of our own work and our own experience.

3. We have indeed no doubt that the exchange of ideas and information is one of the most fruitful forms of co-operation between Commonwealth law reform agencies. It is our policy to facilitate and sustain such an exchange by every means in our power. Much information of high interest is published by the Commonwealth Secretariat in the quarterly numbers of the Commonwealth Law Bulletin. The Bulletin meets a large variety of needs; but we still urgently require a means by which any country in the Commonwealth can inform itself quickly and in detail of law reform recommendations made in other member countries and of the extent to which those recommendations have been implemented. We should like to pay tribute to the pioneering work of the Australian Law Commission in this field. With our encouragement and approval, our own librarian, Mr. Raistrick, is about to prepare a digest of the individual recommendations for law reform made in all our reports since our foundation, with notes showing how far the recommendations have been implemented. Similar information covering all countries of the Commonwealth would be of great value.

### **Consumer Protection**

4. Consumer protection has continued to be a prominent theme of our activities during the year under review. In our report on *Liability for Defective Products* (a report prepared jointly with the Scottish Law Commission)<sup>1</sup> we conclude, in agreement with our Scottish colleagues, that the law of England and of Scotland is in need of reform so as to provide additional rights and remedies in respect of personal injury and death caused by defective products.<sup>2</sup> The report proposes substantial and important changes in the law of both countries; and the two Commissions are in broad agreement as to the general scheme of reform which they propose, though there are differences between them as to the scope of the additional rights and remedies which should be provided. Legislation on the lines of the report is in our view a very desirable measure of consumer protection.

5. The Unfair Contract Terms Bill, which received the Royal Assent on 26 October, embodies many of the proposals contained in our second report on exemption clauses.<sup>3</sup> Throughout the passage of the Bill through Parliament we have been involved in discussions as to the form and content of the Bill both with your Office and with the Department of Prices and Consumer Protection. We have welcomed the opportunity to take part in these discussions. In the sphere of consumer protection, and indeed in every sphere of law reform with which we are concerned, we do not regard

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<sup>1</sup> Law Com. No. 82; Scot. Law Com. No. 45; (1977) Cmnd. 6831; see also para. 47 below.

<sup>2</sup> *ibid.*, para. 125.

<sup>3</sup> *Exemption Clauses: Second Report* (Law Com. No. 69; Scot. Law Com. No. 39).

ourselves as having sufficiently discharged our duty by the presentation of a report. We think it is also part of our duty to help with any legislation which results from our report, and indeed to study the effects of such legislation when in operation.

### **Some Observations on the General Scope of our Duties**

6. In advising Ministers during the passage through Parliament of Bills based on our reports, and in reviewing the operation in practice of reforms which have emerged from our proposals, we are discharging two of many responsibilities which are necessarily implicit in our functions but are not perhaps immediately apparent. Among these responsibilities is the duty of advising on draft international conventions and draft instruments of the European Economic Community which may result in changes to the law of England. Such conventions and instruments may of course be of vital importance to the course of law reform in this country, and we give examples of some of them which are engaging or have engaged our attention:

(1) *Draft E.E.C. Convention on the Law applicable to Contractual and Non-Contractual Obligations*

We refer to our work on this draft Convention in paragraphs 38 and 39 below. The Convention has considerable potential significance, and a fair proportion of our limited resources has been devoted to it for some years.

(2) *Draft E.E.C. Regulation on Conflict of Laws on Employment Relationships*

Our work on this is referred to in paragraph 40 below.

(3) *Misleading and Unfair Advertising*

We have submitted comments to the Department of Prices and Consumer Protection on the draft E.E.C. Directive on this subject.

(4) *Standard Terms in Consumer Contracts*

We have given preliminary advice to the Department of Prices and Consumer Protection in connection with the draft E.E.C. Directive on this subject.

(5) *International Sale of Goods*

We have submitted comments to the Department of Trade on the United Nations draft Convention on the International Sale of Goods. This draft Convention is a revision of the 1964 Uniform Law on International Sales. Our comments are intended to assist in preparing the brief for the United Kingdom delegation to the plenary session of the United Nations Commission for International Trade Law.

(6) *Penalty Clauses*

The United Kingdom was represented, at the Committee of Experts set up by the Council of Europe to examine the subject of penalty clauses in private law, by a member of the Scottish Law Commission and by a member of our own staff. The Final Activity Report of the Committee of Experts was submitted to the Committee on Legal Co-operation in November 1976 and is now under consideration by the Committee of Ministers' Deputies.

7. Our primary functions are the preparation of reports containing recommendations for law reform, and the preparation of measures of consolidation and statute law revision. But the illustrations given in the preceding paragraphs show how the proper performance of our duties involves calls on our resources which are not confined within the precise limits of those primary functions. The calls on the time of individual Commissioners are even more extensive; and we may mention, as a typical example, Mr. Marsh's membership of the Royal Commission on Civil Liability and Compensation for Personal Injury.

### **E.E.C. Regulations and Directives**

8. In paragraph 41 below we refer to our report on the proposed E.E.C. Directive on the law relating to commercial agents.<sup>4</sup> In that report we have spoken in critical terms of the draft Directive not only in respect of its policy, but also in respect of its drafting. We have had similar difficulties with regard to other draft instruments of the E.E.C. Since the law-making activities of the Community are likely to have an increasing influence on English private law, the importance of establishing and maintaining high standards in the drafting of Community instruments can hardly be exaggerated.

### **Methods of Facilitating Consolidation**

9. In paragraph 50(c) below we refer to a major project for the consolidation of the law relating to highways. The consolidation Bill will be ready for introduction in the forthcoming Session of Parliament, and if passed it will make a significant and much needed contribution to the clear and consistent presentation of an important part of our statute law. A good deal of our scarce and precious drafting strength has, over a period of more than a year, been deployed on the Bill. In order to produce a satisfactory consolidation, many amendments of the law are required, and we accordingly prepared a preconsolidation amending Bill to effect those amendments. All this work was of course done with the knowledge and approval of the Department of Transport and its predecessor, the Department of the Environment, and indeed with abundant help from them. In March of this year, however, when the work had been virtually completed, it became clear that there was little prospect of an amending Bill being promoted in the foreseeable future. This was a serious setback. We are now trying to rescue the highways consolidation in other ways.<sup>5</sup> The point which we wish to emphasise here is that the pre-consolidation amending Bill, confined to amendments designed to pave the way for consolidation, has in our view a valuable contribution to make towards facilitating and expediting the process of consolidation; but that contribution will not be made unless Ministers are prepared to introduce such Bills and Parliament is prepared to treat them as non-controversial. We believe that an encouraging precedent is to be found in the Land Drainage Amendment Act of the Session 1975-76 which prepared the way for the consolidating Land Drainage Act of that Session; and we hope it may be found possible to follow that precedent on future occasions.

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<sup>4</sup> Law Com. No. 84, published on 12 October 1977.

<sup>5</sup> See para 50(c) below.



## PART II

### LAW REFORM PROGRAMMES : REPORT ON PROGRESS

10. Items I, VIII, IX and XVII, mentioned below derive from our *First Programme of Law Reform*, Items XVIII and XIX from our Second and Item XXI from our Third. In the following Progress Report we omit items which have been merged in others and those on which work was completed before the beginning of the period under report.

#### Item I. Examination of the Law of Contract

11. Our *Report on Contribution*,<sup>6</sup> with a draft Bill appended to give effect to our recommendations, was submitted to you on 15 December 1976.

12. We have received many comments on our working paper on *The Parol Evidence Rule*<sup>7</sup> and these comments are now being analysed.

13. Work on consideration, minors' contracts and misrepresentation is proceeding. We hope to publish working papers on at least two of these three subjects in the near future.

14. We have now completed our analysis of comments received in response to our working papers on *Pecuniary Restitution on Breach of Contract*, *Penalty Clauses and Forfeiture of Moneys Paid* and *Firm Offers* but have been unable to date to make any further progress on the first two of these subjects. Our work on firm offers has now been subsumed under the work we are doing in relation to the doctrine of consideration.

15. On 8 March 1977 our working paper on *Implied Terms in Contracts for the Supply of Goods*<sup>8</sup> was published. This paper is primarily concerned with implied terms in contracts for the supply of goods otherwise than by sale or hire-purchase. Comments that we have received are being considered and we hope to report to you reasonably soon with our recommendations.

#### Item II. Exemption Clauses

16. In July 1975, we submitted to you our second report on exemption clauses.<sup>9</sup> Many of the proposals in this report were embodied in what has become the Unfair Contract Terms Act. We have been involved in discussions both with your office and the Department of Prices and Consumer Protection throughout the passage of this Bill through Parliament.

#### Item VIII. Codification of the Law of Landlord and Tenant

17. We are still working on two substantial topics in this field: the termination of tenancies, and covenants against assignment, sub-letting,

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<sup>6</sup> Law Com. No. 79.

<sup>7</sup> Working Paper No. 70, published on 2 November 1976.

<sup>8</sup> Working Paper No. 71.

<sup>9</sup> *Exemption Clauses: Second Report* (Law Com. No. 69; Scot. Law Com. No. 39).

alterations and change of use. Together with our earlier *Report on Obligations of Landlords and Tenants*,<sup>10</sup> the reports on these subjects will in due course constitute the part of the Code in which most of the reforms in the law will appear.

18. During the year, those members of our legal staff who worked on the obligations report were also engaged in discussions held between your Department and the Department of the Environment as to the prospects of introducing a Bill on this subject and as to the contents of such a Bill. The discussions are still proceeding.

### **Item IX. Transfer of Land**

#### *(a) Rights appurtenant to land*

19. We have to report that the demands of our work on the law of landlord and tenant and of our work on matrimonial property have resulted in no progress being made in the preparation of our planned report on positive and restrictive covenants affecting freehold land. We propose to return to the subject of such covenants as soon as we have submitted our report on matrimonial property.<sup>11</sup>

#### *(b) Land registration*

20. Consultation on the fourth (and last) of our series of working papers is complete and we are now reviewing the series as a whole in the light of the comments received. We have, in a small way, anticipated our report by indicating our support for two provisions now in the Administration of Justice Act 1977: one relating to the abolition of the mortgage caution as a means of protecting mortgages,<sup>12</sup> and the other concerned with rectification of the register where the registered proprietor is in possession.<sup>13</sup> That is not however to say that we may not in due course have further recommendations to make in the latter connection: our working paper suggested a more extensive revision of the Land Registration Act 1925 in that area.

21. It is likely that our report on land registration will propose extensive amendments of the law; the preparation of the report will take a considerable time.

#### *(c) Rentcharges*

22. The Rentcharges Bill, based on that appended to our report on the subject,<sup>14</sup> was introduced into the House of Commons by Mr. Alfred Evans, Member for Caerphilly. It received the Royal Assent on 22 July and its substantive provisions came into operation on 23 August 1977. The provisions contained in the Act relating to the apportionment and redemption of rentcharges will come into force when the Department of the Environment and the Welsh Office have prepared the necessary regulations and forms: we understand that their present aim is to bring the new machinery into operation on 1 January 1978.

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<sup>10</sup> Law Com. No. 67, published on 11 June 1975.

<sup>11</sup> See paras. 32 and 33 below.

<sup>12</sup> Section 26 (*c.f.* Working Paper No. 67, paras. 35 and 76).

<sup>13</sup> Section 24 (*c.f.* Working Paper No. 45, paras. 78-88).

<sup>14</sup> Law Com. No. 68.

## **Item XVII. Interpretation of Statutes**

23. Since the draft Interpretation Bill which we are preparing in collaboration with the Scottish Law Commission is primarily a measure of consolidation and statute law revision, it is dealt with under Part IV below.<sup>15</sup>

## **Item XVIII. Codification of the Criminal Law**

24. The Criminal Law Act 1977 implements, with some amendments, those recommendations in our *Report on Conspiracy and Criminal Law Reform*<sup>16</sup> which relate to conspiracy and offences of entering and remaining on property; it also gives effect to our recommendation that cinematograph exhibitions should be brought within the Obscene Publications Act 1959.

25. Our report on general defences, covering duress, coercion, necessity and entrapment, with a draft Bill annexed, was submitted to you on 27 July 1977.<sup>17</sup>

26. A draft report on certain aspects of the mental element in crime has been prepared following wide consultation, and discussions are proceeding on the draft clauses designed to give effect to its conclusions.

27. Work is continuing on the preparation of a report on offences relating to the administration of justice.

28. As part of our preparatory work on a report on conspiracy to defraud, we have completed a draft scheme of offences to ensure that no gaps that need to be filled would be left on the abolition of the common law offence of conspiracy to defraud. Detailed consultation with Government departments is continuing.

29. Work is continuing on attempts, incitement and the questions of impossibility and withdrawal in relation to inchoate offences generally. We are also dealing with parties, complicity, liability for the acts of another and liability of corporations. Working papers by the working party assisting us with the general part of the criminal law have been published<sup>18</sup> on all these subjects. We are giving priority to a report on attempts, to be followed by one or more reports on the other subjects.

30. A working paper on *Treason, Sedition and Allied Offences* was published on 21 July 1977.<sup>19</sup>

31. Consultation is continuing with Government departments on aspects of the territorial extent of the criminal law.

## **Item XIX. Family Law**

### *Family property*

32. Our *First Report on Family Property: a New Approach*<sup>20</sup> recommended the introduction into the law of a principle of co-ownership of matrimonial homes; and the working paper<sup>21</sup> which preceded it suggested that

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<sup>15</sup> See para. 53 below.

<sup>16</sup> Law Com. No. 76.

<sup>17</sup> Law Com. No. 83, published on 29 September 1977.

<sup>18</sup> Working Papers Nos. 43 and 44.

<sup>19</sup> Working Paper No. 72.

<sup>20</sup> Law Com. No. 52.

<sup>21</sup> Working Paper No. 42.

there was room for improvement in the Matrimonial Homes Act 1967 (which deals with rights of occupation of the matrimonial home). Our report containing detailed proposals for giving effect to the principle of co-ownership of the matrimonial home, and for amending the 1967 Act, is almost ready for delivery and will be submitted to you in the very near future.

33. Hitherto we had planned to submit to you a separate report dealing with the use and enjoyment of the household goods but we have now decided that it would be more convenient to deal with that topic at the same time as we deal with co-ownership of and rights of occupation in the matrimonial home. Accordingly, we propose to submit to you a single report dealing with—

- (a) co-ownership of the matrimonial home,
- (b) occupation rights in the matrimonial home, and
- (c) use and enjoyment of the household goods;

and we propose to annex to the report three draft Bills relating to those three topics respectively.

#### *Declarations as to status*

34. In our task of examining the law relating to illegitimate children mentioned in paragraph 37 below we will subsume the problems which arise in relation to declarations of legitimacy.

#### *Conflicts of jurisdiction affecting children*

35. Comments have been received on the first working paper which we have issued on this subject in collaboration with the Scottish Law Commission and which deals with the jurisdiction of United Kingdom courts to make custody and wardship orders.<sup>22</sup>

36. In our last annual report<sup>23</sup> we said that it was our intention to publish a second working paper dealing with the international aspects of the problems of conflicts of jurisdiction affecting the custody of children. These problems have recently been the subject of discussions between Commonwealth Law Ministers at their meeting in Winnipeg in August 1977; and they are to be given further study within the Commonwealth as a result of suggestions made by yourself, the Lord Advocate, and other Ministers at that meeting. Moreover, it has been announced that the agenda for the 1980 meeting of The Hague Conference on Private International Law will include an item concerned with the custody of children. The decision to publish a second working paper requires to be reconsidered in the light of these international developments; and we are now consulting the Scottish Law Commission and your own and other government departments as to how we should proceed.

#### *Affiliation proceedings and the law relating to illegitimate children*

37. As a preliminary step to the preparation of a working paper we have had valuable discussions with the Family Law Group of the Society of Public

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<sup>22</sup> Working Paper No. 68; Memorandum No. 23.

<sup>23</sup> *Eleventh Annual Report 1975-76*; Law Com. No. 78, para. 31. For present membership of the Working Party assisting the Law Commissions in this task see Appendix 3.

Teachers of Law and we are grateful that Professor H. K. Bevan of Hull University has agreed to become a member of the working party which we set up in October 1976.<sup>24</sup> The working party has approved the general framework of our planned working paper and the drafting of that paper has now begun.

## **Item XXI. Private International Law**

### *Obligations*

38. The Steering Group on Private International Law<sup>25</sup> set up by the two Law Commissions continues to assist the United Kingdom delegation<sup>26</sup> to the Brussels group of experts by preparing memoranda for submission to them and by discussion of the approach to be adopted on certain aspects of the E.E.C. draft Convention on the Law applicable to Contractual and Non-Contractual Obligations. In the year under review, the Steering Group has prepared six memoranda on various articles of the draft Convention.

39. The U.K. delegation has requested that the draft Convention should be limited to contractual obligations. The Brussels group has taken no decision on this request, but is expected to do so next year. Meanwhile the group is concentrating on the contractual aspects of the draft Convention. The group held meetings in December, February, May and September and will meet again in December 1977. A sub-committee of the main group met in Brussels in June to consider the contractual aspects of maritime transport.

40. In February 1977 the Department of Employment invited the Law Commissions to comment on the E.E.C. draft Regulation on Conflict of Laws on Employment Relationships within the Community. This request was referred to the Steering Group and their advice was submitted to the Department of Employment in March 1977.

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<sup>24</sup> The membership of the working party is shown in Appendix 3 of our last annual report.

<sup>25</sup> The membership of the Steering Group is shown in Appendix 3.

<sup>26</sup> The United Kingdom delegates are Lord Maxwell, Mr. K. M. H. Newman, Professor Aubrey L. Diamond and Mr. A. Akbar.

## PART III

### LAW REFORM OUTSIDE THE PROGRAMMES

#### Agency (E.E.C. Draft Directive on Commercial Agency)

41. In response to your reference under section 3(1)(e) of the Law Commissions Act 1965 dated 1 March 1977, we submitted to you on 3 June 1977 our report on the proposed E.E.C. Directive on the law relating to commercial agents.<sup>27</sup>

#### Agency (Incapacitated Principal)

42. We are preparing a report in the light of the consultation we have received on our working paper,<sup>28</sup> which revealed substantial support for our proposals. We hope to publish a report with a draft Bill next year.

#### Breach of Confidence

43. Work is proceeding on the preparation of a report, which we hope to publish next year.

#### Foreign Money Liabilities

44. The decision of the House of Lords in *Miliangos v. George Frank (Textiles) Ltd.*<sup>29</sup> and the later English and Scottish cases developing the principles laid down by the House of Lords have given added significance to our work in the field of foreign money liabilities. The joint working party,<sup>30</sup> set up by the Scottish Law Commission and ourselves to examine 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, met in January and will meet again in the autumn.

#### Interest

45. Work on the law and practice relating to interest on debt (where interest has not been provided for by contract) and on damages is almost complete and a report, together with a draft Bill, will be submitted to you soon.

#### International Administration of the Estates of Deceased Persons

46. Though our work on this subject, on which we are maintaining close liaison with the Scottish Law Commission, has made progress, we have been unable to complete the preparation of the report because of the pressure of other work.

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<sup>27</sup> Law Com. No. 84, published on 12 October 1977.

<sup>28</sup> Working Paper No. 69.

<sup>29</sup> [1976] A.C. 443.

<sup>30</sup> For membership see Appendix 3.

## **Products Liability**

47. Our report on *Liability for Defective Products*,<sup>31</sup> made jointly with the Scottish Law Commission, was submitted to you on 21 April 1977. In the report the two Law Commissions make recommendations for the reform of the law of the United Kingdom and, in the light of those recommendations, they offer advice as to the Council of Europe's Convention on Product Liability in regard to Personal Injury and Death and as to the proposal for an E.E.C. Directive concerning liability for defective products.

## **Trespassers—Civil Liability of Occupiers**

48. Our *Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability*<sup>32</sup> was published in March 1976. When the Occupiers' Liability Bill was introduced last autumn to implement our recommendations, we were actively involved in discussions with your Office as to the form that Bill might take and, particularly, its interrelation with the Unfair Contract Terms Bill.<sup>33</sup> We were sorry to see that the Occupiers' Liability Bill failed to get a Second Reading in the House of Commons.

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<sup>31</sup> Law Com. No. 82; Scot. Law Com. No. 45; (1977) Cmnd. 6831, published on 15 June.

<sup>32</sup> Law Com. No. 75.

<sup>33</sup> See para. 16 above.

## PART IV

### STATUTE LAW GENERALLY

#### Consolidation

49. The following consolidation Acts (other than consolidation Acts relating to Scotland only) have been passed by Parliament since the submission of our last annual report:—

Agricultural Holdings (Notice to Quit) Act 1977

British Airways Board Act 1977

National Health Service Act 1977

Protection from Eviction Act 1977

Rent Act 1977<sup>34</sup>

50. The following Bills the prospects of which were mentioned in paragraphs 50 and 51 of our last annual report call for brief mention:—

(a) The Employment Protection (Consolidation) Bill had to be withdrawn at a late stage of its parliamentary career because it was overtaken by further amending legislation. It should pass next Session.

(b) The Northern Ireland (Emergency Powers) Bill similarly had to be withdrawn because of amending legislation at a late stage. There are good prospects for its early reintroduction.

(c) The Highways Bill was a Bill in the case of which we thought it necessary that there should be fairly extensive amendments of the existing law in order to produce a satisfactory consolidation. We accordingly prepared a draft pre-consolidation amending Bill; but, as indicated in paragraph 9 above, there now seems to be no serious prospect of such a Bill being introduced. We therefore propose to submit the consolidation Bill with a Law Commission report recommending amendments to the existing law. Given the exceptional size of the consolidation, the amendments needed to produce a satisfactory result are inevitably numerous. The amendments we shall propose, however, will in our view all fall within the principles already laid down by the Joint Committee on Consolidation Bills.<sup>35</sup>

(d) The Patents consolidation Bill will no longer be needed because the law has been satisfactorily restated for new patents in the Patents Act 1977.

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<sup>34</sup> Incorporating amendments to give effect to recommendations made by the Law Commission in a report (Law Com. No. 81).

<sup>35</sup> See the *Fifth Report of the Joint Committee on Consolidation Bills . . . Rent Bill [H.L.] 18 May 1977 (H.L. 169-I)* under the chairmanship of Lord Russell of Killowen at p. ix: "In considering whether to approve these recommendations the Committee took the view that amendments to the law in a consolidation Bill should be for the following purposes: to tidy up errors of the past, to remove ambiguities, and generally to introduce common sense on points where the form of drafting in the past appeared to lead to a result which departed from common sense; though not to introduce any substantial change in the law or one that might be controversial—indeed, nothing that Parliament as a whole would wish to reserve for its consideration."



(e) As stated in paragraph 51 of our last annual report there was a possibility that a Countryside consolidation Bill might be ready for introduction in the 1976-77 Session. It has not unfortunately been possible to make progress until very recently, but work has now begun in Conquest House.

51. Bills are in preparation on the following topics and many of them will be ready for introduction in the new Session of Parliament:—

Acquisition of Land (Authorisation Procedure)

Alcoholic Liquor Duties

Capital Gains

Child Care<sup>36</sup>

Civil Aviation

Commonwealth Development Corporation

Countryside

Customs and Excise (General Relief)

Customs and Excise (Management and Powers)

Employment Protection (Consolidation)

Export Guarantees and Overseas Investment

Films

Foster Children

Highways

Hydrocarbon Oil

International Monetary Fund and Bank

Magistrates' Courts

Northern Ireland (Emergency Powers)

Oaths

Price Commission

Prices and Charges

Public Health (Control of Disease)

Refuse Disposal

Reserve and Auxiliary Forces

Tobacco Duties

Trade Unions and Employers Associations

Trustee Savings Banks

52. The exceptional length of this list owes much to the large contribution being made by the Parliamentary Counsel Office.

### **Interpretation**

53. Considerable progress has been made with the preparation of an Interpretation Bill. It is too early, however, to say if it will be ready in time for introduction during the forthcoming Session of Parliament.

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<sup>36</sup> Referred to in para. 50 of our last annual report as "Children in Care".

## **Statute Law Revision**

54. The Statute Law (Repeals) Act 1977, which received the Royal Assent on 16 June, wholly repealed 222 Acts of Parliament and one Church Assembly Measure and partially repealed 207 Acts of Parliament and four Church Assembly Measures. The Act also assigned short titles to eight Acts of Parliament.

55. The Administration of Justice Act 1977, which received the Royal Assent on 29 July, gave effect to our proposals in our report on the *Jurisdiction of Certain Ancient Courts*.<sup>37</sup> Section 23 and Schedule 4 curtailed the jurisdiction of a number of courts and Part V of Schedule 5 wholly repealed three Acts, and partially repealed 25 other Acts relating to ancient courts.

56. Material is being assembled for inclusion in a further Statute Law (Repeals) Bill to be submitted to you and the Lord Advocate by the two Law Commissions.

## **Private Acts**

57. Work continues on the task of reading through the Private Acts and noting all repeals, amendments and expiries and recording them in the list of Acts already prepared.

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<sup>37</sup> Law Com. No. 72.

## PART V

### GENERAL

#### **Membership of the Commission**

58. On 1 October Mr. Hodgson ceased to be a Law Commissioner on his appointment to the High Court Bench. We are much indebted to him for the contribution which he has made to the Commission's work, and our congratulations and good wishes go with him to his new appointment. He has been succeeded by Mr. W. A. B. Forbes, Q.C., a distinguished member of the Bar, to whom we extend a warm welcome.

#### **Staff**

59. Our full-time staff numbers 48: the Secretary, 6 draftsmen, 19 other lawyers and 22 non-legal staff. In addition 4 lawyers and 2 others assist us part-time.

#### **Library**

60. The acquisition of early Parliamentary Debates, taking our collection back to the beginning of the 1st series (1803), in addition to our normal additions, takes our total holdings to almost 20,000.

61. We are most grateful to those other libraries whose resources we have called on during the past year.

#### **Relations with Lawyers in the United Kingdom**

62. The Scottish Law Commission paid a visit to London on 26 and 27 April for our Annual Joint Meeting. The principal topic for discussion was the draft E.E.C. Convention on Contractual and Non-Contractual Obligations which has, as we have pointed out above,<sup>38</sup> occupied a considerable portion of the time of those most concerned with it in both Commissions. Our work on liability for defective products came to a conclusion—at any rate for the time being—with the submission of our joint report on the subject on 21 April. Work continues in collaboration with the Scottish Law Commission on conflicts of jurisdiction affecting the custody of children, on foreign money liabilities and on the preparation of a new Interpretation Bill. We have also had useful exchanges of view on proposals for legislation to implement The Hague Convention on the International Administration of the Estates of Deceased Persons.<sup>39</sup>

63. Consultation with the Law Reform Consultant and the legislative draftsmen in Northern Ireland has been concerned principally with our responsibilities in the field of statute law; inevitably, however, other topics of common interest arise not infrequently which require us to consult each other.

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<sup>38</sup> See paras. 6(1), 38 and 39.

<sup>39</sup> Para. 46 above.

64. Consultation with the Senate of the Inns of Court and the Bar, the Law Society and the Society of Public Teachers of Law was, in one sphere or another, virtually continuous throughout the year. As usual we reviewed the operation of our communications with the three branches of the profession at separate meetings with their representatives in the spring and summer; we used the occasion to exchange views on other subjects of topical interest. We wish to emphasise again as in previous reports how much our work owes to those numerous members of the profession who are so ready to help us with their wisdom and experience.

### **Relations with Lawyers Overseas**

65. The Fifth Commonwealth Law Conference was held in Edinburgh at the end of July. Our Chairman contributed a paper on the scope of judicial development of the law and Mr. Marsh contributed another on the agencies of law reform in the Commonwealth. Four of our number were able to attend the opening day of the Conference when the discussion was devoted to various aspects of law reform.

66. In the following week three of us took part in the meeting of Commonwealth Law Reform Agencies held on 2 and 3 August in London under the auspices of the Commonwealth Secretariat at Marlborough House. After the meeting had been opened by the Secretary-General the following items on the agenda were discussed in turn:

1. The Machinery of Law Reform.
2. Programmes and Priorities.
3. Research and Consultation.
4. Form and Implementation of Reports.
5. Collaboration and Mutual Assistance in Law Reform.

We submitted a paper on the subject-matter of the third item above.

67. The many visitors to Conquest House from overseas included:

Judge B. Z. A. El Beshir	}	(Sudan)
Judge A. E. Mohamed		
Judge A. R. Thiik		

The Hon. Roy McMurtry (Attorney General, Ontario)

Mr. Frank Callaghan (Deputy Minister, Ontario)

Mr. Archie Campbell (Senior Crown Counsel, Ontario)

Professor Harry D. Krause (University of Illinois, U.S.A.)

Mr. S. Basnayake (United Nations Legal Secretariat, New York)

Judge Sandra Oxner (Law Reform Commission of Canada)

M. Daniel Jacoby (President, Law Revision Commission, Quebec)

M. Jean Alarie (Commissioner, Law Revision Commission, Quebec)

M. Claud Groleau (Special Adviser, Ministry of Justice, Quebec)

Mr. A. T. Evans, M.P. (Chairman, Statute Law Revision Committee, Parliament of Victoria, Australia)

Judge (Dr.) Ricardo Nugent (President, Law Reform Commission, Peru)

Mr. Julian Disney (Law Commissioner, New South Wales Law Reform Commission)

Mr. Murray Wilcox (Commissioner, Australian Law Reform Commission)

Mr. Ewoud H. Hondius (Faculteit der Rechtsgeleerdheid, Rijksuniversiteit te Leiden, Holland)

Dr. Hans Stenberg (Office of the Consumer Ombudsman, Stockholm, Sweden)

Mr. Justice E. S. Venkataramiah (High Court of the Karnataka, India)

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

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

Mr. Edward F. Ryan (Consultant, Law Reform Commission of Canada)

Professor Irenius (Judge, Court of Appeal, Stockholm, Sweden)

Mr. B. J. Cameron (Deputy Secretary of Justice, New Zealand)

Mr. C. A. Kelsick (Chairman, Trinidad & Tobago Law Commission)

Judge Hannah Hardouf (District Labour Court, Tel Aviv, Israel)

Professor Krzeczunowicz (Addis Ababa, Ethiopia)

Professor Dr. Ernst-Werner Fuss (University of Würzburg, West Germany)

Mr. S. Kobayashi (Commissioner of Japanese Economic Welfare Council)

Mr. T. Saito (Consumers Economy Division, Japanese Ministry of Agriculture and Forestry)

Mr. M. Mishiro (Specialist on Product Safety Affairs, Japanese Ministry of International Trade and Industry)

Mr. Y. Kubouchi (Japan Federation of Economic Organisation)

(Signed) SAMUEL COOKE, *Chairman.*  
STEPHEN EDELL.  
W. A. B. FORBES.  
NORMAN S. MARSH.  
PETER M. NORTH.

J. M. CARTWRIGHT SHARP, *Secretary.*

1 November 1977

APPENDIX 1

**LIST OF THE LAW COMMISSION'S PUBLICATIONS**  
**up to and including Twelfth Annual Report**

(a) Working Papers published (where a report has resulted its reference number is given in brackets).

- 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).
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- 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).
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- 1968 No. 15. Family Law: Arrangements for the Care and Upbringing of Children.  
No. 16. Provisional Proposals Relating to Termination of Tenancies.  
No. 17. Codification of the Criminal Law: General Principles. The Field of Enquiry.  
No. 18. Provisional Proposals Relating to Amendments to sections 12-15 of the Sale of Goods Act 1893 and Contracting Out of the Conditions and Warranties implied by those sections (Joint Working Paper—Scottish Law Commission Memorandum No. 7) (Law Com. No. 24).  
No. 19. Loss of Services (Law Com. Nos. 25 and 56).  
No. 20. Nullity of Marriage (Law Com. No. 33).  
No. 21. Polygamous Marriages (Law Com. No. 42).
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- 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.
- No. 30. Codification of the Criminal Law: Strict Liability and the Enforcement of the Factories Act 1961.
- No. 31. Codification of the Criminal Law: General Principles. The Mental Element in Crime.
- No. 32. Transfer of Land: Land Registration (First Paper).
- No. 33. Criminal Law: Perjury and Kindred Offences.
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- 1971** No. 34. Family Law: Jactitation of Marriage (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).
- No. 42. Family Law: Family Property Law (Law Com. Nos. 52 and 61).
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- 1972** No. 43. Codification of the Criminal Law: General Principles. Parties, Complicity and Liability for the Acts of Another.
- No. 44. Codification of the Criminal Law: General Principles. Criminal Liability of Corporations.
- No. 45. Transfer of Land: Land Registration (Third Paper).
- No. 46. Charging Orders on Land (Law Com. No. 74).
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- 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).
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\* On sale at Her Majesty's Stationery Office.

- \*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).
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- 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.
- † 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.
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- 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.
- \*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.
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- 1976 \*No. 66. Interest.
- \*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.
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- 1977 \*No. 71. Law of Contract: Implied Terms in Contracts for the Supply of Goods.
- \*No. 72. Codification of the Criminal Law: Treason, Sedition and Allied Offences.
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*An unabridged reprint of Working Papers 1-64, bound in seven volumes with a preface by the Chairman, has been published by Professional Books, Milton Trading Estate, Abingdon, Oxon OX14 4SY at £85 net.*

\* On sale at Her Majesty's Stationery Office.

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



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

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

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- 1966** Law Com. No. 2. Law Commission's First Programme on Consolidation and Statute Law Revision.  
Law Com. No. 3. Proposals to Abolish Certain Ancient Criminal Offences.  
Law Com. No. 4. First Annual Report 1965-1966.  
Law Com. No. 5. Landlord and Tenant: Interim Report on Distress for Rent.  
Law Com. No. 6. Reform of the Grounds of Divorce: the Field of Choice (Cmnd. 3123).  
Law Com. No. 7. Proposals for Reform of the Law Relating to Maintenance and Champerty.  
Law Com. No. 8. Report on the Powers of Appeal Courts to Sit in Private and the Restrictions upon Publicity in Domestic Proceedings (Cmnd. 3149).
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- 1967** Law Com. No. 9. Transfer of Land: Interim Report on Root of Title to Freehold Land.  
Law Com. No. 10. Imputed Criminal Intent (*Director of Public Prosecutions v. Smith*).  
Law Com. No. 11. Transfer of Land: Report on Restrictive Covenants.  
Law Com. No. 11A. Sea Fisheries (Shellfish) Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Shellfish Fisheries and Shellfish (Scot. Law Com. No. 6A) (Cmnd. 3267).  
Law Com. No. 12. Second Annual Report 1966-1967.  
Law Com. No. 13. Civil Liability for Animals.
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- 1968** Law Com. No. 14. Second Programme of Law Reform.  
Law Com. No. 15. Third Annual Report 1967-1968 (H.C. 312).  
Law Com. No. 16. Blood Tests and the Proof of Paternity in Civil Proceedings (H.C. 2).
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- 1969** Law Com. No. 17. Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (H.C. 38).  
Law Com. No. 18. Transfer of Land: Report on Land Charges Affecting Unregistered Land (H.C. 125).  
Law Com. No. 18A. Trustee Savings Banks Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of the Trustee Savings Banks Acts 1954 to 1968 (Scot. Law Com. No. 10) (Cmnd. 4004).  
Law Com. No. 19. Proceedings against Estates (Cmnd. 4010).  
Law Com. No. 20. Administrative Law (Cmnd. 4059).  
Law Com. No. 21. Interpretation of Statutes: Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 11) (H.C. 256).  
Law Com. No. 22. Statute Law Revision: First Report (Cmnd. 4052).

- Law Com. No. 23. Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (H.C. 369).
- Law Com. No. 24. Exemption Clauses in Contracts: First Report. Amendments to the Sale of Goods Act 1893: Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 12) (H.C. 403).
- Law Com. No. 25. Family Law: Report on Financial Provision in Matrimonial Proceedings (H.C. 448).
- Law Com. No. 26. Breach of Promise of Marriage (H.C. 453).
- Law Com. No. 27. Fourth Annual Report 1968-1969 (H.C. 27).
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- 1970** Law Com. No. 28. Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Cmnd. 4433).
- Law Com. No. 29. Criminal Law: Report on Offences of Damage to Property (H.C. 91).
- Law Com. No. 30. Powers of Attorney (Cmnd. 4473).
- Law Com. No. 31. Administration Bonds, Personal Representatives' Rights of Retainer and Preference and Related Matters (Cmnd. 4497).
- Law Com. No. 32. Civil Liability for Dangerous Things and Activities (H.C. 142).
- Law Com. No. 33. Family Law: Report on Nullity of Marriage (H.C. 164).
- Law Com. No. 34. Hague Convention on Recognition of Divorces and Legal Separations: Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 16) (Cmnd. 4542).
- Law Com. No. 35. Limitation Act 1963 (Cmnd. 4532).
- Law Com. No. 36. Fifth Annual Report 1969-1970 (H.C. 170).
- Law Com. No. 37. Statute Law Revision: Third Report (Cmnd. 4546).
- Law Com. No. 38. Coinage Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Coinage (Scot. Law Com. No. 18) (Cmnd. 4544).
- Law Com. No. 39. Vehicles (Excise) Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Excise Duties on Mechanically-Propelled Vehicles, and to the Licensing and Registration of such Vehicles (Scot. Law Com. No. 19) (Cmnd. 4547).
- Law Com. No. 40. Civil Liability of Vendors and Lessors for Defective Premises (H.C. 184).
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- 1971** Law Com. No. 41. National Savings Bank Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of Enactments Relating to the National Savings Bank (Scot. Law Com. No. 20) (Cmnd. 4574).
- Law Com. No. 42. Family Law: Report on Polygamous Marriages (H.C. 227).
- Law Com. No. 43. Taxation of Income and Gains Derived from Land: Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 21) (Cmnd. 4654).
- Law Com. No. 44. Law Commission's Second Programme on Consolidation and Statute Law Revision (H.C. 338).

- Law Com. No. 45. Town and Country Planning Bill: Report on the Consolidation of Certain Enactments Relating to Town and Country Planning (Cmnd. 4684).
- Law Com. No. 46. Road Traffic Bill: Report by the Law Commission and the Scottish Law Commission on the Consolidation of Certain Enactments Relating to Road Traffic (Scot. Law Com. No. 22) (Cmnd. 4731).
- Law Com. No. 47. Sixth Annual Report 1970-1971 (H.C. 32).

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- 1972 Law Com. No. 48. Family Law: Report on Jurisdiction in Matrimonial Causes (H.C. 464).
- Law Com. No. 49. Statute Law Revision: Fourth Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 26) (Cmnd. 5108).
- Law Com. No. 50. Seventh Annual Report 1971-1972 (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).

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- 1973 Law Com. No. 52. Family Law: First Report on Family Property. A New Approach (H.C. 274).
- Law Com. No. 53. Family Law: Report on Solemnisation of Marriage in England and Wales (H.C. 250).
- 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).
- Law Com. No. 56. Report on Personal Injury Litigation—Assessment of Damages (H.C. 373).
- Law Com. No. 57. Statute Law Revision: Fifth Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 32) (Cmnd. 5493).
- Law Com. No. 58. Eighth Annual Report 1972-1973 (H.C. 34).

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- 1974 Law Com. No. 59. Friendly Societies Bill: Report 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).
- Law Com. No. 60. Report on Injuries to Unborn Children (Cmnd. 5709).
- Law Com. No. 61. Family Law: Second Report on Family Property. Family Provision on Death (H.C. 324).
- Law Com. No. 62. Transfer of Land: Report on Local Land Charges (H.C. 71).
- Law Com. No. 63. Statute Law Revision: Sixth Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 36) (Cmnd. 5792).
- 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 on the Consolidation of Certain Enactments Relating to Supply Powers (Scot. Law Com. No. 38) (Cmnd. 5850).
- Law Com. No. 67. Codification of the Law of Landlord and Tenant: Report on Obligations of Landlords and Tenants (H.C. 377).
- Law Com. No. 68. Transfer of Land: Report on Rentcharges (H.C. 602).
- Law Com. No. 69. Exemption Clauses: Second Report (Scot. Law Com. No. 39) (H.C. 605).
- Law Com. No. 70. Statute Law Revision: Seventh Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 40) (Cmnd. 6303).
- Law Com. No. 71. Tenth Annual Report 1974-1975 (H.C. 51).
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- 1976 Law Com. No. 72. Jurisdiction of Certain Ancient Courts (Cmnd. 6385).
- Law Com. No. 73. Report on Remedies in Administrative Law (Cmnd. 6407).
- Law Com. No. 74. Charging Orders (Cmnd. 6412).
- Law Com. No. 75. Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability (Cmnd. 6428).
- Law Com. No. 76. Criminal Law: Report on Conspiracy and Criminal Law Reform (H.C. 176).
- Law Com. No. 77. Matrimonial Proceedings in Magistrates' Courts (H.C. 637).
- Law Com. No. 78. Eleventh Annual Report 1975-1976 (H.C. 94).
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- 1977 Law Com. No. 79. Law of Contract: Report on Contribution (H.C. 181).
- Law Com. No. 80. Statute Law Revision: Eighth Report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 44) (Cmnd. 6719).
- 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).
- Law Com. No. 82. Liability for Defective Products (Scot. Law Com. No. 45) (Cmnd. 6831).
- Law Com. No. 83. Criminal Law: Report on Defences of General Application (H.C. 556).
- 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.

APPENDIX 2

IMPLEMENTATION OF THE LAW COMMISSION'S  
LEGISLATIVE PROPOSALS

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Proposals to Abolish Certain Ancient Criminal Offences (Law Com. No. 3)	22.6.66	Criminal Law Act 1967 (c. 58)
Landlord and Tenant: Interim Report on Distress for Rent (Law Com. No. 5)	6.10.66	No
Proposals for Reform of the Law Relating to Maintenance and Champerty (Law Com. No. 7)	22.11.66	Criminal Law Act 1967 (c. 58)
The Powers of Appeal Courts to Sit in Private and the Restrictions upon Publicity in Domestic Proceedings (Law Com. No. 8)	23.11.66	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)
Transfer of Land: Interim Report on Root of Title to Freehold Land (Law Com. No. 9)	14.2.67	Law of Property Act 1969 (c. 59)
Imputed Criminal Intent ( <i>Director of Public Prosecutions v. Smith</i> ) (Law Com. No. 10)	28.2.67	In part by section 8 of the Criminal Justice Act 1967 (c. 80)
Transfer of Land: Report on Restrictive Covenants (Law Com. No. 11)	22.3.67	In part by Law of Property Act 1969 (c. 59)
Sea Fisheries (Shellfish) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 11A)	11.5.67	Sea Fish (Conservation) Act 1967 (c. 84)
Civil Liability for Animals (Law Com. No. 13)	21.12.67	Animals Act 1971 (c. 22)
Blood Tests and the Proof of Paternity in Civil Proceedings (Law Com. No. 16)	31.10.68	Family Law Reform Act 1969 (c. 46)
Landlord and Tenant: Report on the Landlord and Tenant Act 1954, Part II (Law Com. No. 17)	22.1.69	Law of Property Act 1969 (c. 59)
Transfer of Land: Report on Land Charges Affecting Unregistered Land (Law Com. No. 18)	20.3.69	Law of Property Act 1969 (c. 59)
Trustee Savings Banks Bill (Joint Report with Scottish Law Commission) (Law Com. No. 18A)	17.4.69	Trustee Savings Banks Act 1969 (c. 50)
Proceedings against Estates (Law Com. No. 19)	2.5.69	Proceedings Against Estates Act 1970 (c. 17)
Interpretation of Statutes (Joint Report with Scottish Law Commission) (Law Com. No. 21)	11.6.69	No
Statute Law Revision: First Report (Law Com. No. 22)	8.7.69	Statute Law (Repeals) Act 1969 (c. 52)
Proposal for the Abolition of the Matrimonial Remedy of Restitution of Conjugal Rights (Law Com. No. 23)	26.8.69	Matrimonial Proceedings and Property Act 1970 (c. 45)

<i>Title of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
Exemption Clauses in Contracts: First Report. Amendments to the Sale of Goods Act 1893 (Joint Report with Scottish Law Commission) (Law Com. No. 24)	18.9.69	Supply of Goods (Implied Terms) Act 1973 (c. 13)
Financial Provision in Matrimonial Proceedings (Law Com. No. 25)	23.9.69	Matrimonial Proceedings and Property Act 1970 (c. 45); Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Breach of Promise of Marriage (Law Com. No. 26)	15.10.69	Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Statute Law Revision: Second Report. Draft Wild Creatures and Forest Laws Bill (Law Com. No. 28)	4.8.70	Wild Creatures and Forest Laws Act 1971 (c. 47)
Criminal Law: Offences of Damage to Property (Law Com. No. 29)	16.9.70	Criminal Damage Act 1971 (c. 48)
Powers of Attorney (Law Com. No. 30)	23.9.70	Powers of Attorney Act 1971 (c. 27)
Administration Bonds, Personal Representatives' Rights of Retainer and Preference and Related Matters (Law Com. No. 31)	15.10.70	Administration of Estates Act 1971 (c. 25)
Nullity of Marriage (Law Com. No. 33)	4.12.70	Nullity of Marriage Act 1971 (c. 44)
Hague Convention on Recognition of Divorces and Legal Separations (Joint Report with Scottish Law Commission) (Law Com. No. 34)	1.12.70	Recognition of Divorces and Legal Separations Act 1971 (c. 53)
Limitation Act 1963 (Law Com. No. 35)	25.11.70	Law Reform (Miscellaneous Provisions) Act 1971 (c. 43)
Statute Law Revision: Third Report. Draft Statute Law (Repeals) Bill (Law Com. No. 37)	15.12.70	Statute Law (Repeals) Act 1971 (c. 52)
Coinage Bill (Joint Report with Scottish Law Commission) (Law Com. No. 38)	26.11.70	Coinage Act 1971 (c. 24)
Vehicles (Excise) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 39)	2.12.70	Vehicles (Excise) Act 1971 (c. 10)
Civil Liability of Vendors and Lessors for Defective Premises (Law Com. No. 40)	16.12.70	Defective Premises Act 1972 (c. 35)
National Savings Bank Bill (Joint Report with Scottish Law Commission) (Law Com. No. 41)	13.1.71	National Savings Bank Act 1971 (c. 29)

<i>Titles of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
Polygamous Marriages (Law Com. No. 42)	3.2.71	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c. 38)
Taxation of Income and Gains Derived from Land (Joint Report with Scottish Law Commission) (Law Com. No. 43)	28.4.71	In part by section 82 of the Finance Act 1972 (c. 41)
Town and Country Planning Bill (Law Com. No. 45)	10.6.71	Town and Country Planning Act 1971 (c. 78)
Road Traffic Bill (Joint Report with Scottish Law Commission) (Law Com. No. 46)	26.7.71	Road Traffic Act 1972 (c. 20)
Jurisdiction in Matrimonial Causes (Law Com. No. 48)	14.9.72	Domicile and Matrimonial Proceedings Act 1973 (c. 45)
Statute Law Revision: Fourth Report. Draft Statute Law (Repeals) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 49)	28.9.72	Statute Law (Repeals) Act 1973 (c. 39)
Matrimonial Causes Bill (Law Com. No. 51)	18.12.72	Matrimonial Causes Act 1973 (c. 18)
First Report on Family Property: a New Approach (Law Com. No. 52)	6.6.73	Legislative proposals deferred until later reports
Solemnisation of Marriage in England and Wales (Law Com. No. 53)	9.5.73	No
Criminal Law: Forgery and Counterfeit Currency (Law Com. No. 55)	18.7.73	No
Personal Injury Litigation—Assessment of Damages (Law Com. No. 56)	25.7.73	No
Statute Law Revision: Fifth Report. Draft Statute Law (Repeals) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 57)	6.12.73	Statute Law (Repeals) Act 1974 (c. 22)
Friendly Societies Bill (Joint Report with Scottish Law Commission) (Law Com. No. 59)	24.6.74	Friendly Societies Act 1974 (c. 46)
Report on Injuries to Unborn Children (Law Com. No. 60)	22.8.74	Congenital Disabilities (Civil Liability) Act 1976 (c. 28)
Family Provision on Death (Law Com. No. 61)	30.10.74	Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)
Local Land Charges (Law Com. No. 62)	18.12.74	Local Land Charges Act 1975 (c. 76)

<i>Titles of relevant Reports</i>	<i>Date of Publication</i>	<i>Implemented</i>
Statute Law Revision: Sixth Report. Draft Statute Law (Repeals) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 63)	5.12.74	Statute Law (Repeals) Act 1975 (c. 10)
Supply Powers Bill (Joint Report with Scottish Law Commission) (Law Com. No. 66)	8.1.75	Supply Powers Act 1975 (c. 9)
Codification of the Law of Landlord and Tenant: Obligations of Landlords and Tenants (Law Com. No. 67)	17.6.75	No
Transfer of Land: Report on Rentcharges (Law Com. No. 68)	9.10.75	Rentcharges Act 1977 (c. 30)
Exemption Clauses: Second Report (Joint Report with Scottish Law Commission) (Law Com. No. 69)	2.10.75	Unfair Contract Terms Act 1977 (c. 50)
Statute Law Revision: Seventh Report. Draft Statute Law (Repeals) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 70)	5.12.75	Statute Law (Repeals) Act 1976 (c. 16)
Jurisdiction of Certain Ancient Courts (Law Com. No. 72)	4.2.76	Administration of Justice Act 1977 (c. 38)
Report on Remedies in Administrative Law (Law Com. No. 73)	25.3.76	No
Charging Orders (Law Com. No. 74)	26.3.76	No
Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability (Law Com. No. 75)	31.3.76	No
Criminal Law: Report on Conspiracy and Criminal Law Reform (Law Com. No. 76)	23.3.76	In part by Criminal Law Act 1977 (c. 45)
Matrimonial Proceedings in Magistrates' Courts (Law Com. No. 77)	20.10.76	No
Law of Contract: Report on Contribution (Law Com. No. 79)	10.3.77	No
Statute Law Revision: Eighth Report. Draft Statute Law (Repeals) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 80)	27.1.77	Statute Law (Repeals) Act 1977 (c. 18)
Rent Bill: Report on the Consolidation of the Rent Act 1968, etc. (Law Com. No. 81)	19.4.77	Rent Act 1977 (c. 42)
Liability for Defective Products (Joint Report with Scottish Law Commission) (Law Com. No. 82)	15.6.77	No
Criminal Law: Report on Defences of General Application (Law Com. No. 83)	29.9.77	No



## APPENDIX 3

### MEMBERSHIP OF ADVISORY BODIES

#### (1) Working Party on International Conflicts of Jurisdiction affecting the Custody of Children (paragraph 36).

Joint Chairmen: { The Hon. Mr. Justice Cooke (Law Commission)  
The Hon. Lord Hunter, V.R.D. (Scottish Law Commission)  
Mr. A. E. Anton, C.B.E. (Scottish Law Commission)  
Mr. R. K. Batstone (Foreign and Commonwealth Office)  
Mr. M. C. Blair (Lord Chancellor's Office)  
Mr. John Churchill (Law Commission)  
Sir Denis Dobson, K.C.B., O.B.E., Q.C. (Law Commission)  
Mr. G. C. Duke (Scottish Courts Administration)  
Lady Johnston (Law Commission)  
Mr. R. L. Jones (Home Office)  
Dr. P. M. North (Law Commission)  
Mr. N. R. Whitty (Scottish Law Commission)  
Mr. J. W. Wilson (Supreme Court, Northern Ireland)

Secretary: Mr. T. L. Rees (Law Commission)

#### (2) Steering Group on Private International Law (paragraph 38).

Joint Chairmen: { The Hon. Mr. Justice Cooke (Law Commission)  
The Hon. Lord Hunter, V.R.D. (Scottish Law Commission)  
Mr. A. Akbar (Law Commission)  
Mr. J. B. Allan (Scottish Law Commission)  
Mr. A. E. Anton, C.B.E. (Scottish Law Commission)  
Dr. P. M. North (Law Commission)

Secretary: Miss J. A. Killick (Law Commission)

#### (3) Working Party on Foreign Money Liabilities (paragraph 44).

Chairman: Dr. P. M. North (Law Commission)  
Mr. A. Akbar (Law Commission)  
Mr. A. E. Anton, C.B.E. (Scottish Law Commission)  
Mr. R. Armitage (Treasury Solicitor's Department)  
Mr. R. J. Ayling (Departments of Trade, Industry, Prices and Consumer Protection)  
Mr. R. K. Batstone (Foreign and Commonwealth Office)  
Mr. R. Brodie (Scottish Courts Administration)  
Mr. R. Cassels (Royal Bank of Scotland)  
Sir Stanley Krusin, C.B. (Law Commission)  
Mr. J. P. H. Mackay, Q.C. (Scottish Law Commission)  
Mr. H. V. Richardson, O.B.E. (Lord Chancellor's Office)

Secretary: Miss J. A. Killick (Law Commission)

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