

The Law Commission

(LAW COM. No. 119)

SEVENTEENTH ANNUAL REPORT 1981-1982

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

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

The Commissioners are—

The Honourable Mr. Justice Ralph Gibson, *Chairman*.

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Mr. Brian Davenport, Q.C.

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Dr. Peter North.

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THE LAW COMMISSION
SEVENTEENTH ANNUAL REPORT: 1981-1982

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THE LAW COMMISSION

SEVENTEENTH ANNUAL REPORT: 1981-1982

*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 Seventeenth Annual Report pursuant to section 3(3) of the Law Commissions Act 1965. It covers the period from 1 November 1981 to 31 October 1982, but for convenience we mention some developments since then.

PART I

THE PAST YEAR IN OUTLINE

Reports on Family Law and Family Property

1.1 During the year since our last annual report¹ we have submitted to you three reports containing recommendations for reform in the field of family law. The reports, which include draft Bills to implement the recommendations, deal with the subjects of illegitimacy,² time limits on divorce and nullity petitions³ and financial relief after foreign divorce⁴:—

- (i) *Illegitimacy*: This report proposes that the legal consequences of illegitimacy as they adversely affect the non-marital child should be removed from the law. The distinctive affiliation procedure, with special limitations upon the powers of the court to order financial provision for the non-marital child, should be abolished. The policy proposed would require extensive changes in the law concerning guardianship and custody, inheritance, adoption, citizenship and proof of parentage in relation to the non-marital child. In the light of consultation, we did not feel able to persist with proposals in our working paper⁵ which would have involved the automatic attribution of parental authority to the father of an extra-marital child.
- (ii) *Time Restrictions on Divorce and Nullity Petitions*: The main conclusion in the report is that the present rule (which restricts the right to petition for divorce during the first three years of marriage to cases where exceptional hardship or exceptional depravity can be proved in a preliminary hearing) is unsatisfactory; we propose that it should be replaced by an absolute bar on the presentation of petitions for one year after the date of the marriage.

¹*Sixteenth Annual Report 1980-1981* (1982) Law Com. No. 113.

²*Family Law: Illegitimacy* (1982) Law Com. No. 118. See paras. 2.28-2.31, below.

³*Family Law: Time Restrictions on Presentation of Divorce and Nullity Petitions* (1982) Law Com. No. 116. See paras. 2.34-2.36, below.

⁴*Family Law: Financial Relief after Foreign Divorce* (1982) Law Com. No. 117. See paras. 2.37-2.40, below.

⁵*Family Law: Illegitimacy* (1979) Working Paper No. 74.

- (iii) *Financial Relief after Foreign Divorce*: The report puts forward proposals for remedying the problem which arises when a marriage is terminated abroad without provision being made for the grant of financial relief. Our main recommendation is that the High Court should have power to entertain applications for financial provision and property adjustment orders notwithstanding the existence of a prior foreign divorce, annulment or legal separation. The jurisdiction would be exercisable on proof that the parties have a sufficient connection with this country; and that it would be appropriate in all the circumstances of the case to make an award.

1.2 We have also submitted to you a report on family property law,⁶ in which we examine the implications of the decision of the House of Lords in *Williams & Glyn's Bank Ltd. v. Boland*⁷ and make recommendations for reform. The law, as declared in that case, has serious consequences in terms of complicating ordinary conveyancing transactions and increasing the risk that an innocent purchaser may find himself affected by a matrimonial dispute in which the vendor is involved. Although the decision does, to some extent, promote the interests of wives and others with property interests in the family home, the additional protection is partial and imperfect. We conclude that the interests of purchasers and lenders should be protected by means of the existing systems of registration. That would mean that an equitable co-ownership interest, such as that of a wife in the matrimonial home, could easily be protected by registration. In order to protect purchasers and lenders, they would not be affected by the interest if it were not registered in the appropriate manner; but this would not affect the wife (or other owner's) right to pursue a claim against the vendor or borrower personally. In order to remedy the uncertainty of the present law, and to provide greater security for married women, we recommend that a scheme of equal co-ownership of the matrimonial home which was proposed in an earlier report⁸ should be introduced.

Report on Private International Law

1.3 A further report which has been submitted to you during the course of the year deals with the problems of classification of limitation of actions in private international law.⁹ We have considered whether a claim in which there is a foreign element should be brought within the period laid down by English law, as at present, or within the period specified by the law of the country which governs the substance of the claim. Our principal recommendation is that the English rule, whereby statutes of limitation are classed as procedural, should be abandoned. In cases therefore where, under our rules of private international

⁶*Property Law: The Implications of Williams & Glyn's Bank Ltd. v. Boland* (1982) Law Com. No. 115. See paras. 2.51–2.54, below.

⁷[1981] A.C. 487.

⁸*Family Law: Third Report on Family Property. The Matrimonial Home (Co-ownership and Occupation Rights) and Household Goods* (1978) Law Com. No. 86.

⁹*Classification of Limitation in Private International Law* (1982) Law Com. No. 114. See paras. 2.67–2.70, below.

law a foreign law is applicable in proceedings in our courts, the rule of that foreign law relating to limitation should also be applied. An important qualification would be that if a court or arbitrator in this country should determine that application of the period of limitation prescribed by the foreign law would, on the facts of a particular case, be contrary to public policy, then the court or arbitrator should decline to apply it. A draft Bill appended to the report would give effect to our recommendations.

Working Papers

1.4 During the year we have completed four working papers inviting comment and criticism of our provisional proposals for reform in various fields of law. Two papers in the field of criminal law deal respectively with offences against public order¹⁰ and criminal libel.¹¹ Another paper considers the problems which arise in regard to the contractual capacity of young persons.¹² The fourth paper, which was issued jointly with the Scottish Law Commission, discusses problems encountered by persons domiciled in this country who enter into a marriage abroad which is a polygamous in form¹³:—

- (i) *Offences against Public Order*: The paper examines in detail the old common law offences against public order and the extent to which they are in need of restatement and reform. Our provisional conclusion is that the common law offences in this area should be replaced by modern statutory offences of affray, riot and unlawful assembly. We also propose the abolition of a number of archaic statutory crimes. The paper does not consider the Public Order Act 1936, since the provisions of this Act are being separately reviewed by the Home Office.
- (ii) *Criminal Libel*: The common law offence of criminal libel is of ancient origin and in past times was oppressively used to punish critics of the government. The paper discusses the question whether in a modern society it should ever be a crime, as distinct from a civil wrong, to libel another and analyses the defects and anomalies of the existing law. Our provisional conclusion is that the common law offence should be abolished and replaced by a statutory offence which would penalise only those who indulge in deliberate “character assassination”. We also propose a new statutory offence to strengthen the law to deal with those who send “poison-pen” letters.
- (iii) *Minors’ Contracts*: The present law on contracts made by minors is uncertain and anomalous and the paper examines the policy behind the law and discusses ways in which the law might be improved. On the assumption that reform of the law is thought to be desirable, two main options are canvassed. One involves making detailed changes to remove particular anomalies while maintaining the broad principle

¹⁰*Offences against Public Order* (1982) Working Paper No. 82. See paras. 2.19–2.20, below.

¹¹*Criminal Libel* (1982) Working Paper No. 84. See paras. 2.21–2.22, below.

¹²*Minors’ Contracts* (1982) Working Paper No. 81. See paras. 2.1–2.2, below.

¹³*Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage* (1982) Working Paper No. 83; Consultative Memorandum No. 56. See paras. 2.73–2.77, below.

of the present law that contracts made by persons under 18 years of age are enforceable by them but unenforceable against them. The other option is more radical, but simpler, and involves reducing the age of full contractual capacity to 16 years.

- (iv) *Polygamous Marriages*: Many immigrants from the Indian sub-continent who have made their permanent home here later get married in their country of origin under a system of law which recognises the right to take more than one wife. Because these marriages are potentially polygamous they were, until the recent decision of the Court of Appeal in *Hussain v. Hussain*,¹⁴ regarded as being void in this country. The joint consultative document reviews the law and practice of both England and Wales and Scotland regarding polygamous marriages. Our provisional conclusion is that a potentially polygamous marriage celebrated abroad should be valid here if it is in fact monogamous and that legislation is needed to confirm and clarify the decision in *Hussain's* case, which itself gives rise to a number of difficulties and anomalies. The consultative document is being widely distributed, in particular to the relevant immigrant communities.

Civil Procedure

1.5 In our last annual report¹⁵ we referred to the public interest in and comment upon the working of civil procedure and upon what are seen by many as side effects of the present rules and their working, namely delay and expense. We also said that there are two aspects of the work which would need to be done by any new body which takes civil procedure under review and, as the Royal Commission on Legal Services suggested,¹⁶ keeps it under continuous review. The first is the work of re-appraising the whole system of civil procedure; the second is the identification of, and the making of proposals for reform of, particular parts of the present system which are causing avoidable delay and unnecessary expense.

1.6 Public interest in, and comment about, the working of civil procedure have continued during the past year. However, public discussion of the need for a radical examination of civil procedure—to which we have ourselves contributed—does not always acknowledge, or show awareness of, the continuing labours and achievements of those who are concerned with the civil process and the administration of justice. This is a most suitable year in which to repair that omission. There have been many achievements by way both of reform and of innovation, some of a major nature.

1.7 Reforms affecting the procedure and practice of the High Court during the year under review include the following:—

¹⁴[1982] 3 W.L.R. 679.

¹⁵Paragraphs 1.3–1.5.

¹⁶*The Royal Commission on Legal Services: Final Report* (1979) Cmnd. 7648, paras. 6.30 and 43.4.

- (i) The Supreme Court Act 1981 came into force on 1 January 1982. The Act restates in modern terms the law relating to the Supreme Court. It contains important new provisions relating to the civil division of the Court of Appeal which empower the Lord Chancellor to prescribe the classes of proceedings in the county courts in which leave to appeal is required¹⁷ and to designate certain cases for hearing by a court of two judges instead of three.¹⁸ The Act also created the office of Registrar of Civil Appeals¹⁹ which was recommended by the Scarman Report on the Civil Division of the Court of Appeal.²⁰
- (ii) All the main recommendations of the Oliver Report²¹ relating to the jurisdiction and administration of the Chancery Division have been implemented, together with those relating to procedure.²²
- (iii) New provisions have been introduced dealing with the enforcement of judgments by garnishee orders,²³ with a new regime for vacation sittings²⁴ and with the jurisdiction of official referees.²⁵

1.8 On 1 September 1982 an entire new code of County Court Rules²⁶ came into force, replacing the County Court Rules of 1936. A revised code of civil procedure has thereby been made available for application in courts where some 90 per cent of all non-matrimonial civil litigation is conducted. Many changes have been made, obsolete rules have been omitted and the procedure has been assimilated in many respects to that of the High Court. Order 19 of the new code includes the provisions for the compulsory arbitration of small claims, with informal hearings and limited costs, which were earlier simplified and extended.²⁷

1.9 Action has also been taken for the examination of procedure in matrimonial cases. In July 1982 a committee was established,²⁸ under the chairmanship of Mrs. Justice Booth, D.B.E., to examine the procedure of the High Court and of county courts in respect of proceedings under the Matrimonial Causes Act 1973, and to recommend reforms which might mitigate the intensity of disputes, encourage settlements, and provide further for the welfare of children. Moreover, on 8 March 1982 the Government announced²⁹ the setting up of an inter-departmental committee to advise Ministers on the nature and scope of existing conciliation services (that is to

¹⁷Schedule 3 (Amendments of County Courts Act 1959), para. 14.

¹⁸Section 54.

¹⁹Section 89 and Schedule 2.

²⁰*Report of the Master of the Rolls Working Party on the Court of Appeal, Civil Division* (1978).

²¹*Report of the Review Body on the Chancery Division of the High Court* (1981) Cmnd. 8205.

²²Rules of the Supreme Court (Amendment No. 2) 1982, S.I. 1982 No. 1111; Rules of the Supreme Court (Amendment No. 3) 1982, S.I. 1982 No. 1786.

²³Supreme Court Act 1981, s. 40.

²⁴Supreme Court Act 1981, ss. 57 and 71; Rules of the Supreme Court (Amendment No. 2) 1982.

²⁵Rules of the Supreme Court (Amendment No. 2) 1982.

²⁶County Court Rules 1981, S.I. 1981 No. 1687.

²⁷On 1 April 1981 the financial limit for claims to which the provisions apply was increased from £200 to £500.

²⁸*Hansard* (H.L.), 30 July 1982, vol. 439, Written Answers, cols. 513-514.

²⁹*Hansard* (H.C.), 8 March 1982, vol. 19, Written Answers, col. 348.

say, the provision of facilities and services to assist the parties to actual or potential proceedings, with a view to bringing about a settlement or reducing the area and intensity of conflicts) and whether they should be extended.

1.10 In May 1982 a new law reform body, the Supreme Court Procedure Committee, was established under the chairmanship of Lord Justice Kerr. It is constituted with sub-committees representing the Chancery, Queen's Bench and Family Divisions of the High Court, each under the chairmanship of the judge member of the Supreme Court Procedure Committee for that Division. The objects of the Supreme Court Procedure Committee are to consider and recommend reforms in practice and procedure for the saving of time and costs. It will also promote and co-ordinate the work of specialist sub-committees and seek to improve and expedite the process of consultation on proposed reforms.

1.11 Procedure in the High Court is a vitally important part of the whole structure of the civil process but that structure includes, in addition to the county courts, the civil work of the magistrates' courts and the work of the many different administrative tribunals and statutory inquiries which consider issues of importance. In any one year the total number of cases heard by tribunals already greatly exceeds the number of contested civil cases disposed of by trials before the High Court and the county courts.³⁰ There is considerable variety in the form of procedure applied in different tribunals and in the rules relating to legal representation. The supervision of the procedure of administrative tribunals and inquiries is of course the responsibility of the Council on Tribunals. Any general review of civil procedure in the courts would have to take account of the work of the tribunals and the procedural rules applied in them.

1.12 In announcing the setting up of the Supreme Court Procedure Committee, the Lord Chief Justice, Lord Lane, said: "There is justifiable concern, among the general public and within the judiciary and the legal professions, that everything possible should be done to reduce delays and costs in High Court litigation."³¹ The establishment of this committee and of the committee to examine procedure in matrimonial cases have been warmly welcomed. The committees are not, however, a substitute for a new body capable of carrying out that general and continuing review of the whole of civil procedure which the Royal Commission on Legal Services suggested should be undertaken. This is acknowledged by the terms of reference of the Supreme Court Procedure Committee which are: "To initiate, or consider and make recommendations upon, suggestions for changes in practice and procedure, which appear to be desirable in the interests of the more rapid disposal of business or the saving of costs and which are considered to be matters of urgency, which should not await the more general review of procedure recommended by the Royal Commission on Legal Services."

³⁰*Royal Commission on Legal Services: Final Report (1979)* Cmnd. 7648, vol. 1, para. 15.1.

³¹For the full text of the statement issued by the Lord Chief Justice, see *The Solicitors' Journal*, 4 June 1982, vol. 126, p. 383.

1.13 Since the Royal Commission reported in 1979 it has been asserted and reasserted that there is a need for a general and continuing review of the whole of civil procedure by a new body established for that purpose. The assertions reflect an increased awareness, on the part of both lawyers and the public generally, that there must be changes if our system of civil procedure is adequately to meet the needs of society; and that in assessing what those changes should be it will be necessary to re-appraise the fundamental assumptions upon which the present system is based. It is clear to us, however, that further work is needed to develop the case for a new review body. In particular, it is necessary to explain what is meant by a general and continuing review of civil procedure; to state what programme of work it would be appropriate for the body to undertake; and to describe the character of the reforms and changes which might be expected to emerge as a result of their labours. Consideration must also be given to the constitution of an effective review body, with an estimate of the probable cost, and its relationship with existing bodies concerned with law reform and procedure. In short, the objective should be to produce definite proposals, which can be considered and subjected to detailed criticism, and which would enable the usefulness of a review body to be judged. Much of the work of producing these proposals can be carried forward by those who are interested in the proper working of the civil process. To that end, we are planning a seminar on civil procedure. The seminar would consider discussion papers which had been prepared and circulated in advance and would provide an opportunity for the different views to be properly presented and debated. Those invited to be participants would include members of the judiciary, practising and academic lawyers, administrators, and representatives of business and professional interests and other consumers. Our hope is that in consequence of the seminar acceptable proposals can be produced for the establishment of a review body with broad terms of reference.

Administration of Justice Act 1982

1.14 The Administration of Justice Bill received the Royal Assent on 28 October 1982. As respects England and Wales, the measure implements reforms in a number of different fields. We refer later in this report to its provisions concerning the assessment of damages in personal injury cases,³² the powers of the courts to award interest on debts or damages³³ and the law of wills.³⁴ The Act also amends the Law Commissions Act 1965 to provide for occasions when a temporary vacancy occurs in the membership of the Law Commission.³⁵

Empirical Research

1.15 In our last annual report³⁶ we referred to the importance of the use of the social sciences in determining law reform priorities, in the preparation of

³²See para. 2.13, below.

³³See para. 2.16, below.

³⁴See para. 2.106, below.

³⁵Administration of Justice Act 1982, s. 64.

³⁶Paragraphs 1.15–1.17.

proposals and in the provision of factual information relevant to policy decisions.

1.16 During the year the Law Commission has maintained and strengthened its links with the Social Science Research Council and the Oxford Centre for Socio-Legal Studies. Dr. Peter North has succeeded Mr. Stephen Cretney as a member of the Social Sciences and the Law Committee of the S.S.R.C., and Mr. Cretney has become a member of the Standing Committee of the Oxford Centre. At a seminar in July 1982 organised by the Social Science Research Council, in which our Chairman participated, a paper contributed by Mr. Cretney on the use of socio-legal techniques in law reform was considered. As a result of the discussion which took place at the seminar, the Law Commission is taking steps to improve its procedures for recognising at an early stage of any project areas of work in which socio-legal research could usefully be carried out. To that end we have provided to the Oxford Centre a statement of our current law reform projects, and of future planned work. We have also had discussions with Mr. Donald Harris and Dr. R. Markovits of the Oxford Centre as to the means by which advice can be obtained about relevant research work already being carried out, the carrying out of new research and the effective direction of such research. We are grateful for the help which we have received. Further meetings with the Oxford Centre are planned at regular intervals.

1.17 We have had useful discussions with Mr. Barry Irving, Director of Studies of the Police Foundation, as to how the Foundation might assist us in obtaining information relevant to our work in the field of criminal law, and in particular in relation to our reference on binding over to keep the peace.³⁷ We are grateful to him for his help.

Secretary

1.18 Mr. John Gasson, formerly Head of the Legal Services Branch in your Department, took up his duties as Secretary of the Law Commission on 1 November 1982. We welcome him and the other members of the legal and administrative staff who have joined the Law Commission during the course of the year. In April 1981 Mr. Frank Streeten, the Assistant Solicitor in charge of our statute law revision work, agreed to act as our Secretary over the period until a new Secretary was appointed. That period proved to be longer than had been expected and heavy burdens of additional work were imposed upon him. He bore them cheerfully and did the work with great skill. We are very grateful to him, and also for the fact that the Law Commission's important work on statute law revision will again become his chief responsibility.

³⁷See para. 2.23, below.

PART II
LAW REFORM PROJECTS—REPORT ON PROGRESS
CONTRACT AND TORT

Minors' Contracts

2.1 Our working paper on minors' contracts¹ was published on 8 June 1982. It puts forward two alternative possibilities for reform. One is to leave the principles of the present law as they are now, but to resolve certain anomalies, repeal the Infants Relief Act 1874 and remedy the mischief which arises where a minor obtains goods on credit and subsequently fails to pay for them. The other, more radical, proposal is that the age of full contractual capacity should be reduced to 16 years. Minors of 16 years and over would be fully liable on their contracts as if they were adults. Minors below that age would have no liability at all in contract.

2.2 We felt that the second proposal might have social consequences which we had no particular expertise to assess and we therefore refrained from making any formal recommendation in its favour. We nevertheless wished to receive comments on it, particularly from those who had experience of dealing with young people. To this end we published, at the same time as the working paper, a short pamphlet² explaining the essence of our alternative proposals. Some 25,000 copies of this pamphlet have been distributed, mainly to schools throughout England and Wales, and comments invited from teachers, pupils and others concerned with the contractual position of the young. We are in this way receiving the views of a large number of people who would not have commented in response to the working paper alone. We have asked for comments on the working paper by 31 December 1982.

Supply of Goods

2.3 We have made considerable progress with the preparation of a working paper on contracts for the supply of goods. This reference concerns the implied terms as to fitness and quality, the remedies for breach of the implied terms and the circumstances in which a buyer loses his right to reject the goods. Preliminary decisions on the main policy issues were taken jointly with a team from the Scottish Law Commission in July 1982. It is hoped that a first draft of a joint working paper will be settled before the end of 1982.

2.4 The most significant proposals for reform under consideration by the joint team are a new definition of merchantable quality, designed to clarify the present law and to provide relief in cases of minor defects in goods, and a flexible regime of remedies for breach of the implied terms. This regime would abandon the present statutory dichotomy of conditions and warranties and

¹*Minors' Contracts* (1982) Working Paper No. 81.

²*Law Reform: An Invitation for Views. Minors' Contracts: Old Enough for all Contracts at 16?*

contain different provisions for consumer and commercial transactions. In consumer transactions the buyer would be entitled to request the seller to repair minor defects or replace the goods and to reject them if a repair or replacement is not effected satisfactorily and promptly having regard to the nature of the breach. In commercial transactions the buyer would be entitled to reject the goods unless the seller could show that the nature and consequences of the breach are so slight that rejection would be unreasonable.

Supply of Services

2.5 On 20 July 1982 it was announced³ that the Lord Chancellor had made the following reference to the Law Commission concerning the law on the supply of services:—

“To consider in the light of Part II of the Supply of Goods and Services Act 1982—

- (a) what reforms, if any, should be made to the terms to be implied by law in a contract for the supply of a service;
- (b) whether, as against a consumer, the exclusion or restriction of the supplier’s liability for breach of any such implied terms should be prohibited;
- (c) the consequences of breach by a supplier of any of such implied terms;

and to make recommendations.”

2.6 Our work on this reference will take account of general legal issues which the proposals we put forward would create for trades, professions and service industries. In the context of a broad reference of this nature, it would not be appropriate or practical for us to undertake a detailed investigation of the ways in which individual service industries operate. Furthermore, we shall not be considering which types of services should be excluded by the Secretary of State from the ambit of the Supply of Goods and Services Act 1982 by virtue of section 12(4) of that Act^{3a}.

2.7 We explained at the time when the reference was made to us that we would not be able to commence work on it until our working paper on contracts for the supply of goods⁴ has been completed. At this stage it is not certain to what extent collaboration with the Scottish Law Commission will be involved.

³*Hansard* (H.C.), 20 July 1982, vol. 28, Written Answers, col. 104.

^{3a}The Supply of Services (Exclusion of Implied Terms) Order 1982, S.I. 1982 No. 1771, provides that section 13 of the Supply of Goods and Services Act 1982 shall not apply to:

- (i) the services of an advocate in court or before any tribunal, inquiry or arbitrator and in carrying out preliminary work directly affecting the conduct of the hearing;
- (ii) the services rendered to a company by a director of the company in his capacity as such.

⁴See paras. 2.3–2.4, above.

Pecuniary Restitution on Breach of Contract

2.8 In our working paper⁵ we dealt with three separate problems. The first related to partial performance of "entire contracts". The second related to recovery of money paid in advance under a contract; and the third related to the right of a buyer to recover the full purchase price of goods to which the seller had no title.

2.9 We are in the process of completing a draft report and a draft Bill in relation to the first problem. The substance of our recommendation will be that a party who partially performs an entire contract should be entitled to recover a sum representing the benefit received by the other party unless the parties have "contracted out" of our proposed new remedy. No final decision has yet been made whether to make any recommendations in respect of the second problem. We have decided that the third problem, which concerns sections 12 and 54 of the Sale of Goods Act 1979, should be dealt with as part of our project on contracts for the supply of goods.⁶

Parol Evidence Rule

2.10 During the course of the year we have been able to devote resources to this project on which a working paper⁷ was published in 1976. Our work has been concentrated on a problem raised on consultation concerning the effect upon assignees of abolishing the parol evidence rule. It was decided to proceed with a further limited consultation confined to this problem. A consultative document has been prepared and should be ready to be distributed shortly. We will await the outcome of this consultation before deciding how to proceed further.

Supply of Goods and Services Act 1982

2.11 The Supply of Goods and Services Act 1982 received the Royal Assent on 13 July 1982. Part I of the Act deals with certain contracts for the supply of goods other than contracts of sale and hire-purchase. This Part of the Act is based very substantially on the recommendations in our report on implied terms in contracts for the supply of goods⁸ and on the draft Bill annexed to that report. In substance this Part of the Act assimilates the implied terms in contracts for the supply of goods with the statutory implied terms in contracts for sale and hire-purchase. Part I of the Act comes into force on 4 January 1983.

2.12 Part II of the Act deals with contracts for the supply of services. It is intended to be a codification of the existing common law and is based on suggestions made in a report⁹ by the National Consumer Council. It is as a result of the passage through Parliament of this Part of the Act that our

⁵*Law of Contract: Pecuniary Restitution on Breach of Contract* (1975) Working Paper No. 65.

⁶See paras. 2.3-2.4, above.

⁷*Law of Contract: The Parol Evidence Rule* (1976) Working Paper No. 70.

⁸*Law of Contract: Implied Terms in Contracts for the Supply of Goods* (1979) Law Com. No. 95.

⁹*Service Please: Services and the Law: A Consumer View* (1981).

reference on the law of services¹⁰ arose. Part II of the Act comes into force on 4 July 1983.^{10a}

Earlier Reports: The Present Position

(i) *Personal Injury Litigation: Assessment of Damages*

2.13 Some of the recommendations made by the Pearson Commission¹¹ in 1978 relating to assessment of damages have been implemented by the Administration of Justice Act 1982. Many of these recommendations are broadly similar to recommendations we made in 1973 in our report on the assessment of damages in personal injury litigation.¹² The main matters dealt with are the abolition of the actions for loss of services, loss of consortium and loss of expectation of life; the introduction of awards of provisional damages for personal injuries and of damages for bereavement or loss of society; and an increase in the range of dependants entitled to bring an action for damages under the Fatal Accidents Act 1976. There are also provisions to the effect that claims for the “lost years” income shall not survive for the benefit of the deceased’s estate: these provisions reverse the decision of the House of Lords in *Gammell v. Wilson*.¹³

(ii) *Trespassers: Civil Liability of Occupiers*

2.14 We have noted with interest the debate in the House of Lords, during the committee stage of the Administration of Justice Bill, on an amendment (subsequently withdrawn) proposed by the Lord Stanley of Alderley intended to establish a duty on occupiers of land towards trespassers and other uninvited entrants.¹⁴ The duty thus proposed was based on the recommendations contained in a report¹⁵ we made in 1976. A further amendment was moved (and, again, later withdrawn) at the report stage of the Bill,¹⁶ intended to enable business occupiers to exclude or restrict their liability to people coming on to land for recreational purposes, something which cannot at present be done because of the Unfair Contract Terms Act 1977. Reference was made on both occasions to discussions which have taken place between officials of your Department and representatives of various bodies concerned that uncertainty over the extent of the duty owed by occupiers to uninvited entrants, and the inability of business occupiers to exclude or restrict such duty, was inhibiting public access to the countryside. We took part in these discussions and tendered advice on proposals resulting from them.

¹⁰See paras. 2.5–2.7, above.

^{10a}Supply of Goods and Services Act 1982 (Commencement) Order 1982, S.I. 1982 No. 1770.

¹¹*Report of the Royal Commission on Civil Liability and Compensation for Personal Injury* (1978) Cmnd. 7054.

¹²*Report on Personal Injury Litigation—Assessment of Damages* (1973) Law Com. No. 56.

¹³[1982] A.C. 27.

¹⁴*Hansard* (H.L.), 30 March 1982, vol. 428, cols. 1318–1324.

¹⁵*Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers’ Liability* (1976) Law Com. No. 75.

¹⁶*Hansard* (H.L.), 6 May 1982, vol. 429, cols. 1290–1293.

(iii) *Liability for Defective Products*

2.15 The draft E.E.C. Directive relating to liability for defective products is still the subject of negotiations between Member States of the E.E.C. The question of implementing our report on liability for defective products,¹⁷ made jointly with the Scottish Law Commission in 1977, will depend on the outcome of these negotiations.

(iv) *Interest*

2.16 Part III of the Administration of Justice Act 1982 enlarges the powers of the High Court and of county courts to award interest on debts and damages to include all stages up to the date of judgment. It does not, however, give effect to the main recommendation in our report on interest¹⁸ under which there would be an automatic right to statutory interest in respect of unpaid contract debts. During the passage through Parliament of the Administration of Justice Bill an unsuccessful attempt was made to incorporate this recommendation into the Bill.¹⁹

(v) *Insurance Law*

2.17 In 1980 we reported on non-disclosure and breach of warranty in insurance law.²⁰ Since then the Department of Trade has issued a consultative document and has been involved in discussions with various organisations on the subject of reform in this area of the law. We understand that these discussions are continuing and that the Government intends to legislate on the subject at an early opportunity.

(vi) *Breach of Confidence*

2.18 Our report on breach of confidence,²¹ published in 1981, contains comprehensive proposals for clarifying and reforming the law of England and Wales concerning civil liability for the misuse of information which has been acquired in confidence or obtained improperly. During the year there have been two developments. First, consultations concerning our recommendations have taken place between your Department and interested organisations, including other government departments. Secondly, the Scottish Law Commission has issued for restricted circulation a consultation paper²² setting out their provisional proposals for the reform of the law of Scotland in this field. Comments on this paper were invited by 31 July 1982.

¹⁷*Liability for Defective Products* (1977) Law Com. No. 82; Scot. Law Com. No. 45.

¹⁸*Law of Contract: Report on Interest* (1978) Law Com. No. 88.

¹⁹*Hansard* (H.L.), 6 April 1982, vol. 429, cols. 165-174.

²⁰*Insurance Law: Non-Disclosure and Breach of Warranty* (1980) Law Com. No. 104.

²¹*Breach of Confidence* (1981) Law Com. No. 110.

²²*Breach of Confidence: Consultation Paper* (1982). In this paper the Scottish Law Commission explain that they have altered the approach in their Consultative Memorandum No. 40 (*Confidential Information*) published in 1977 in the light of the comments they had received and of further analysis of the problems.

CRIMINAL LAW

Offences against Public Order

2.19 A working paper²³ was published on 30 March 1982. It made provisional proposals for the abolition of the common law offences of affray, rout, riot and unlawful assembly and their replacement by three new statutory offences of affray, riot and unlawful assembly. It also proposed the repeal without replacement of certain old statutory offences²⁴ in the field of public order.

2.20 Our working paper has elicited much helpful comment and criticism from a wide range of organisations and individuals. We are now reconsidering our provisional proposals for the purpose of making a final report. We expect to submit this report, together with a draft Bill, during the first half of 1983.

Criminal Libel

2.21 Reconsideration of the details of a possible new offence to replace the common law offence of criminal libel resulted in some delay in the completion of our working paper on criminal libel. The working paper has, however, now been completed.²⁵ It proposes the abolition of criminal libel and its replacement by a very much narrower offence of criminal defamation, triable on indictment. The new offence would penalise any person who publishes an untrue statement which is defamatory of another and likely to cause him significant harm, but only if he intends to defame the other and knows or believes the statement to be untrue. The proposed offence is intended to cover only the most serious cases of defamation. The working paper also proposes the creation of a separate summary offence to penalise those who send "poison-pen" letters.

2.22 Criminal libel is an offence which is currently little used, but it is potentially of importance because of its considerable breadth and the issues which it raises in relation to freedom of the press and freedom of speech in general. Relatively little critical attention has been paid to the offence and our working paper represents one of the few detailed studies of it to have been undertaken. Comments on our provisional proposals are being asked for by 30 April 1983 and we are hoping that there will be a substantial response from commentators.

Binding Over to Keep the Peace

2.23 In 1981 we received from you a reference under section 3(1)(e) of the Law Commissions Act 1965 to enable us to deal comprehensively with this

²³*Offences against Public Order* (1982) Working Paper No. 82.

²⁴Tumultuous Petitioning Act 1661; Shipping Offences Act 1793; Seditious Meetings Act 1817, s.23; Vagrancy Act 1824, s. 4 (so far as it relates to being armed with an offensive weapon with intent to commit an arrestable offence); Metropolitan Police Act 1839, s.54(13); City of London Police Act 1839, s.35(13). We also invited views on the need for replacing the old legislation providing for special offences against public order in the vicinity of Parliament.

²⁵*Criminal Libel* (1982) Working Paper No. 84. It was published on 24 November 1982.

subject. A substantial amount of research and preparatory work has been carried out since then. However, examination of the problems relating to binding over to keep the peace has led us to consider whether research into some aspects of current practice and other matters are required before we can publish an adequately documented working paper, and if so, the range of problems suitable for such research. This question is still under consideration. We are grateful to the Statistics Department of the Home Office which has provided us with statistics relating to binding over orders from their computer record.

Conspiracy to Defraud

2.24 We have now been able to resume our work on conspiracy to defraud. It is an important project in the field of criminal law. Our working paper²⁶ was published in 1974 and there have been substantial changes and developments in the law since then in some relevant areas, such as offences under the Companies Act and offences relating to cheque and credit cards. It is therefore likely that there will be a need for further consultation before a report is prepared.

Offences against Religion and Public Worship

2.25 We have continued to receive comments on our working paper²⁷ and we have done further work in assessing the response to it. The preparation of a report was delayed pending the outcome of proceedings in the *Gay News* case²⁸ before the European Commission of Human Rights. On 7 May 1982 the European Commission declared that the application made to it in this case was inadmissible and accordingly the proceedings were terminated.

Treason, Sedition and Allied Offences

2.26 The provisional proposals put forward in our working paper²⁹ were limited to the law of England and Wales. Because the law of treason applies throughout the United Kingdom, we shall need to undertake consultation on how best to carry the work forward.

Criminal Code: The General Part

2.27 In our last annual report³⁰ we referred to the establishment under our aegis of a small group of distinguished academic lawyers, headed by Professor J. C. Smith, Q.C.,³¹ to study and draft the principles upon which the General

²⁶*Criminal Law: Conspiracy to Defraud* (1974) Working Paper No. 56.

²⁷*Offences against Religion and Public Worship* (1981) Working Paper No. 79.

²⁸*Gay News Ltd. and Another v. United Kingdom*, Application No. 8710/79.

²⁹*Codification of the Criminal Law: Treason, Sedition and Allied Offences* (1977) Working Paper No. 72.

³⁰Paragraphs 1.6–1.7.

³¹The other members of the group are Professor Edward Griev (University of Leicester), Mr. Peter Glazebrook (Jesus College, Cambridge) and Mr. Ian Dennis (University College, London).

Part of a criminal code should be based. The work of the group has continued during the year and we plan to meet its members in March 1983 to review the progress that has been made.

FAMILY LAW

Illegitimacy

2.28 On 6 October 1982 we submitted to you a report on illegitimacy, together with a draft Family Law Reform Bill.³² The report recommends that the legal consequences of illegitimacy adversely affecting the non-marital child should be removed. The distinctive affiliation procedure, with special limitations on the courts' powers to order financial provision for the non-marital child, would be abolished and other changes made in the law concerning guardianship and custody, inheritance, adoption, citizenship, and proof of parentage in relation to the non-marital child. The report also recommends that a child, conceived by artificial insemination with the consent of the husband of the child's mother, should be treated as a child of that marriage.

2.29 The report accepts the principle that the law should seek to recognise the relationship between a non-marital child and the father in those cases where it would be in the child's interests to do so. It accordingly contains provisions whereby the father can apply to the court for parental rights. In the light of the comments received on our working paper,³³ we rejected the tentative proposal that the legal position of non-marital children should in all respects be assimilated to that of marital children, since this would have involved automatically conferring full parental rights on all fathers of non-marital children.

2.30 In one area of the law, namely, entitlement to British citizenship under the British Nationality Act 1981, we have not prepared draft legislation. We have recommended that a non-marital child should, to the same extent as a marital child, be able to acquire British citizenship by descent from the father. British citizenship is, however, a United Kingdom matter and we hope that satisfactory procedures for establishing legal paternity can be agreed throughout the United Kingdom after consultation with those responsible for the law in Scotland (including the Scottish Law Commission) and Northern Ireland.

2.31 The report is a substantial and lengthy document. Although the removal of legal discrimination against the non-marital child may appear to be a simple matter, the detailed working out of the recommendations has proved to be a formidable task. Implementation of the recommendations would involve many consequential changes in different areas of the law.

³²*Family Law: Illegitimacy* (1982) Law Com. No. 118. The report was published on 20 December 1982.

³³*Family Law: Illegitimacy* (1979) Working Paper No. 74.

Financial Consequences of Divorce

2.32 Not long after the publication on 15 December 1981 of our report on the financial consequences of divorce,³⁴ the Government announced³⁵ their intention, when an opportunity occurs, to bring forward legislation to implement those of our recommendations for reform³⁶ which would require amendment of the Matrimonial Causes Act 1973.³⁷

2.33 Action has been taken on two other recommendations³⁸ in this report, namely, that there should be systematic consideration of matrimonial conciliation services and of the procedures of the courts in matrimonial cases. On 8 March 1982 it was announced³⁹ that the Government had decided to set up an inter-departmental committee to advise Ministers on the nature and scope of existing conciliation facilities and whether these services should be extended. More recently, the announcement was made⁴⁰ of the establishment of a committee, under the chairmanship of Mrs. Justice Booth, D.B.E., to examine the procedure of the High Court and of county courts in respect of proceedings under the Matrimonial Causes Act 1973.

Time Restrictions on the Presentation of Divorce and Nullity Petitions

2.34 A report, together with a draft Matrimonial Causes (Time Restrictions) Bill, has been submitted to you and was published on 21 October 1982.⁴¹ The report recommends that the present restriction on divorce in the first three years of marriage, which requires proof of exceptional hardship or depravity in order to obtain leave to file a petition, be replaced by an absolute bar on petitioning during the first year of the marriage. We canvassed the issues in a working paper⁴² and a pamphlet⁴³ published in 1980.

2.35 We believe it right to retain a restriction on divorce in the early years of marriage in order that divorce should not be seen to be made more easily available and the institution of marriage thereby possibly devalued. The inability to petition for one year will, we hope, be a sufficient indication that neither marriage nor divorce should be undertaken without proper consideration. It should nevertheless not impose too great a hardship on the few couples whose marriages do irretrievably break down at a very early stage. The report

³⁴*Family Law: The Financial Consequences of Divorce. The Response to the Law Commission's Discussion Paper, and Recommendations on the Policy of the Law* (1981) Law Com. No. 112.

³⁵*Hansard* (H.C.), 26 January 1982, vol. 16, Written Answers, cols. 322-323.

³⁶Summarised in (1981) Law Com. No. 112, para. 46.

³⁷*Ibid.*, para. 46(5) and (6). On 1 December 1982 Mr. Martin Stevens, M.P., introduced a private member's Bill to implement these recommendations.

³⁸*Ibid.*, para. 46(3) and (4).

³⁹*Hansard* (H.C.), 8 March 1982, vol. 19, Written Answers, col. 348.

⁴⁰*Hansard* (H.L.), 30 July 1982, vol. 434, Written Answers, cols. 513-514.

⁴¹*Family Law: Time Restrictions on Presentation of Divorce and Nullity Petitions* (1982) Law Com. No. 116.

⁴²*Time Restrictions on Presentation of Divorce and Nullity Petitions* (1980) Working Paper No. 76. The working paper is reproduced as Appendix C to our report.

⁴³*Law Reform. An Invitation for Views. Divorce in the Early Years of Marriage.*

points out that other remedies available during the early years of marriage, including judicial separation, provide adequate legal protection for the parties and any children; all that would effectively be withheld, therefore, is the "licence to re-marry". In this connection we have noted the very considerable increase in recourse to judicial separation, and we are grateful to Mrs. S. Maidment (of Keele University) and Mrs. P. A. Garlick (of Manchester University) for assisting us by each producing a local research study into the use made of judicial separation proceedings.

2.36 The report also recommends that the present requirement to file nullity petitions within three years of a marriage be relaxed in cases where the petitioner has been affected by mental disorder.

Financial Relief after Foreign Divorce

2.37 A report, together with a draft Overseas Divorces (Financial Relief) Bill, has been submitted to you and was published on 21 October 1982.⁴⁴ The report contains recommendations to enable courts in England and Wales⁴⁵ to order financial relief, corresponding to the relief available on divorce in England and Wales, in appropriate cases where a marriage has been terminated outside the British Isles.

2.38 Under the present law, where a marriage has been terminated by foreign proceedings in which no financial order has been made, the courts in this country have no power to grant financial relief. The hardship to which this gap in the law may give rise is illustrated by a number of recent cases⁴⁶ and the difficulties of formulating satisfactory proposals for reform were given full consideration in our working paper, published in 1980.⁴⁷

2.39 The report recommends that before an application for relief can be made, the applicant must first of all obtain the leave of the court for the making of the application. The objects of this preliminary "filter" procedure are to ensure that orders are only made where appropriate, and that potential respondents are adequately protected against claims for the making of which there is no substantial ground. At this stage the applicant would merely have to satisfy the court that there is substantial ground for making the application for relief. On the hearing of the substantive application, the applicant would need to satisfy the court that in all the circumstances it would be appropriate that an order be made.

2.40 Our recommendations for rules governing the circumstances in which the court should have jurisdiction to entertain claims for relief are broader than

⁴⁴*Family Law: Financial Relief after Foreign Divorce* (1982) Law Com. No. 117.

⁴⁵A report of the Scottish Law Commission recommending changes in the law of Scotland was published on 28 October 1982. See *Family Law: Report on Financial Provision after Foreign Divorce* (1982) Scot. Law Com. No. 72.

⁴⁶Notably *Quazi v. Quazi* [1980] A.C. 744.

⁴⁷*Family Law: Financial Relief after Foreign Divorce* (1980) Working Paper No. 77. The working paper is reproduced as Appendix C to our report.

those we provisionally proposed.⁴⁸ In addition to the grounds of jurisdiction based on the domicile or habitual residence of either of the parties to the marriage, the report recommends that the court should be able to assume jurisdiction in certain circumstances where either or both of the parties had an interest in a dwelling-house which was at some time during the marriage the matrimonial home. When the court assumes jurisdiction on the latter ground, the powers of the court would be restricted to the making of property adjustment orders in relation to the matrimonial home.

Conflicts of Jurisdiction affecting Children

2.41 During the year work started, in collaboration with the Scottish Law Commission, on the preparation of a joint report dealing with the jurisdiction to make child custody orders, and with the enforcement of those orders, within the United Kingdom. The report will make proposals for harmonising the present rules, thus reducing the likelihood of conflicts of jurisdiction and opportunities for the evasion of court orders. We hope to complete the report, together with a draft Bill, during the course of 1983. We are being greatly assisted in this work by Mr. R. L. Jones (formerly an Assistant Secretary in the Home Office) who has wide experience in the international aspects of custody cases.

2.42 The joint report will not be directly concerned with the resolution of international custody conflicts, which are the subject of two recent conventions concluded respectively in the Council of Europe⁴⁹ and the Hague Conference.⁵⁰ The United Kingdom signed⁵¹ the Council of Europe Convention on 20 May 1980; and we understand that the Government is about to undertake consultations on the Hague Convention. Our report will take account of developments in the international field, with a view to ensuring that the scheme which we shall propose in respect of the United Kingdom rules could be operated in conjunction with the provisions of either or both of these conventions.

The Ground for Divorce

2.43 We aim to begin work early in 1983 on this topic with a view to producing a consultative paper containing an analysis of the legal issues and options for reform. In a previous annual report⁵² we indicated some of the reasons why the present law has given rise to critical comment, pointing out, in

⁴⁸We have also had to make provision for the possible application of the European Judgments Convention, to which effect has been given in this country by the Civil Jurisdiction and Judgments Act 1982.

⁴⁹European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, 20 May 1980. European Treaty Series, No. 105.

⁵⁰Hague Convention on the Civil Aspects of International Child Abduction, 25 October 1980. The United Kingdom has not yet signed this convention.

⁵¹The convention has not, however, yet been ratified by the United Kingdom.

⁵²*Fourteenth Annual Report 1978-1979* (1980) Law Com. No. 97, para. 2.24.

particular, the inconsistency between the “no fault” ground for divorce, which is that the marriage has irretrievably broken down, and the inclusion of fault-based facts amongst those required to establish the ground. You have already set up a committee to review procedure in matrimonial cases (the Booth Committee)⁵³ and we will take account of the work of the committee in preparing our paper.

Declarations as to Status

2.44 Owing to the need to give priority to completion of our recent report on illegitimacy,⁵⁴ we have not made any further progress with the preparation of a report on declarations in family matters, which was the subject of a working paper⁵⁵ issued some years ago. We intend to resume work on the preparation of a report in 1983. One of the topics discussed in the working paper, namely the lack of any power to make a declaration of paternity, has been dealt with in our report on illegitimacy.

Other Family Law Work

2.45 In a previous annual report⁵⁶ we said that we had given some consideration to the legal position of unmarried couples who live together as husband and wife, and we expressed the view 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. We have now put in hand a preliminary survey of the present law governing the enforceability of agreements between cohabiting partners, which is being undertaken by Mr. C. J. Barton of the North Staffordshire Polytechnic. It remains to be decided whether this survey should form part of a more general review of the law relating to extra-marital cohabitation.

PROPERTY LAW (APART FROM LANDLORD AND TENANT)

Rights Appurtenant to Land

2.46 We explained in our last annual report⁵⁷ that our first report on the subject of appurtenant rights will recommend reform of the present law of positive and restrictive covenants.

2.47 We also explained the general form which our proposals are likely to take. The place in the law which is now occupied by covenants (other than those between landlord and tenant) will in future be taken by a new legal interest in land to be known as a “land obligation”. Subject to registration, land

⁵³*Hansard* (H.L.), 30 July 1982, vol. 439, Written Answers, cols. 513-514. See paras. 1.9 and 2.33, above.

⁵⁴*Family Law: Illegitimacy* (1982) Law Com. No. 118. See paras. 2.28-2.31, above.

⁵⁵*Family Law: Declarations in Family Matters* (1973) Working Paper No. 48.

⁵⁶*Fourteenth Annual Report 1978-1979* (1980) Law Com. No. 97, para. 2.32.

⁵⁷Paragraph 2.54.

obligations (whether positive or restrictive) will continue to exist as between successive owners of the benefited and burdened land, thus reversing the present rule that the burden of a positive covenant does not run with the land.

2.48 We shall also make proposals designed to cater for the special needs of freehold property developments (including freehold flats). Developers will be able, before selling off units in their developments, to set up "development schemes" which are designed to fulfil the same purposes as "building schemes" under the existing law but which will have other important functions as well. In particular, they will enable the developer to provide for a "manager" (usually a management company) with power to enforce land obligations imposed upon the units, including obligations to contribute towards the manager's own costs in making repairs and providing services. The development scheme may also impose reciprocal obligations upon the manager which are enforceable by the unit owners.

2.49 By early August 1982 a draft Bill giving legislative form to these proposals was virtually complete. At this stage, however, we decided to make it the subject of a limited round of specialist consultation. Accordingly we have sent copies of the draft Bill, together with a full explanatory note, to several government departments and to a number of professional and other bodies. Our consultees fall into two categories. From some we are seeking views on particular problems, of a relatively isolated and technical nature, which have arisen in the course of preparing the draft Bill. From others, however, we are seeking approval of the draft Bill's general approach and content. The history of this project is long and sad. The fact that positive covenants do not run with the burdened land has been seen for very many years as leaving a major gap in the law; and the Wilberforce Report⁵⁸ (containing recommendations which would be implemented by our draft Bill) was published as long ago as 1965. Since then several sustained attempts to remedy the situation have foundered for one reason or another and there have been disagreements amongst lawyers, not about the basic objects to be achieved, but on the legislative form which these technical but very important legal changes ought to take. The subject is a difficult one and it raises a number of problems on which different views may very reasonably be held. At the point which has now been reached, however, it seems to us important that disagreements about details should be laid to rest and that all those concerned should feel able to unite in support of a scheme which can be seen to achieve the ends which are desired. It is this unity which we hope to achieve through the present consultation.

2.50 One particular difficulty has still to be overcome. We think it essential that land obligations, if they are to bind successive purchasers of the burdened land, should be registered under the Land Registration Act 1925 or the Land Charges Act 1972. Since they are legal interests, it would be both logical and desirable if, in the case of registered land, they should appear (like easements) on the registered titles of both the benefited and the burdened land. Representatives of H.M. Land Registry feel, however, that this would make

⁵⁸*Report of the Committee on Positive Covenants Affecting Land* (1965) Cmnd. 2719.

demands upon their manpower which they could not fulfil unless their general programme were delayed or more staff made available to them. We fully understand this difficulty and we are very conscious of the importance of maintaining, in the interests of all those who are involved in land transactions, the efficiency and expansion of the Registry's work. Discussions are continuing and we hope that it will be possible to solve what is clearly a very real problem.

Land Registration

2.51 Our report⁵⁹ on the implications of the decision of the House of Lords in the case of *Williams & Glyn's Bank Ltd. v. Boland*⁶⁰ has been submitted to you and was published on 19 August 1982. The law as declared in the *Boland* case is that a co-ownership interest in registered land, when coupled with actual occupation of the land by the co-owner, becomes an "overriding interest" which binds a purchaser or mortgagee, even where the co-owner is not on the title and the purchaser or mortgagee has no notice of the co-owner's interest.

2.52 The report points out that the law in this field is now in a most unsatisfactory state. Although the effect of the *Boland* decision is to confer some protection on co-owners in the event of an unauthorised dealing in the land, this protection is far from complete. Purchasers and mortgagees, moreover, are positively put at risk: they now need to take special precautions in every conveyancing transaction for detecting the existence of a co-ownership interest. These precautions tend to create delays and expense in conveyancing, and even the most stringent precautions may prove inadequate for their purpose. The situation is worsened by the obscurity of the law on the question of the existence, or extent, of a co-ownership interest.

2.53 The conclusions of the report are that purchasers and mortgagees need to be properly protected against the possibility of undisclosed co-ownership interests; that married co-owners need to be further protected in their enjoyment of the matrimonial home; and that there should be clear and fair rules as to co-ownership of the matrimonial home. To give effect to these conclusions, the report makes three central recommendations, the first primarily for overcoming the present conveyancing difficulties of purchasers and mortgagees, and the second and third primarily for protecting and establishing the interests of married co-owners in the matrimonial home. These recommendations are as follows:—

- (i) co-ownership interests in land should be registrable at H.M. Land Registry and should be protected against purchasers and mortgagees if, and only if, they are so registered;
- (ii) the interest of every married co-owner in the matrimonial home should carry with it a right to prevent any dealing being made without that co-owner's consent or a court order;
- (iii) as a general rule married couples should, in the absence of agreement to the contrary, have an equal ownership of the matrimonial home.

⁵⁹*Property Law: The Implications of Williams & Glyn's Bank Ltd. v. Boland* (1982) Law Com. No. 115.

⁶⁰[1981] A.C. 487.

2.54 The report further proposes that these recommendations should be implemented by legislation based upon the draft Matrimonial Homes (Co-ownership) Bill annexed to our third report on family property⁶¹ and indicates that we intend to put in hand the drafting of a new Bill when it seems helpful to do so. The report points out that the *Boland* decision provides an added reason for the introduction of equal co-ownership of the matrimonial home.

2.55 Completion of our work on *Boland* has released resources for the completion of our main project on aspects of land registration. We have decided to carry out this work in two stages. The first stage would cover the topics of inspection of the register, identity and boundaries, leases, the minor interests index and conversion of title. Work on these topics is well advanced and we expect to be able to submit a report on them to you early in 1983. The second stage would cover overriding interests, rectification of the register and the connected topic of indemnity, and the protection and priority of minor interests. Work on this stage should be completed by the end of 1983.

Family Property

2.56 Of the three books contained in our third report on family property,⁶² only Book Two (“Rights in Respect of Occupation of the Matrimonial Home”) has yet been implemented.⁶³ There have been no developments in regard to Book Three (“Use and Enjoyment of the Household Goods”).

2.57 Book One (“Co-ownership of the Matrimonial Home”) made recommendations for statutory co-ownership of the home and as to the means by which spouses’ rights as co-owners should be protected. Some aspects of our recommendations were called into question by the decision of the House of Lords in *Williams & Glyn’s Bank Ltd. v. Boland*,⁶⁴ but we have now reported⁶⁵ on the implications of this case and have recommended the implementation of Book One as part of the solution to the difficulties to which the decision gives rise.

Rights of Access to Neighbouring Land

2.58 Our working paper,⁶⁶ and the pamphlet⁶⁷ which summarised the issues raised by it, produced a very full and useful response, but we have not yet been able to devote resources to the preparation of a final report. However, the question of whether a landowner should be able to obtain access to his

⁶¹*Family Law: Third Report on Family Property. The Matrimonial Home (Co-ownership and Occupation Rights) and Household Goods* (1978) Law Com. No. 86.

⁶²See n.61, above.

⁶³The recommendations were implemented partly by the Housing Act 1980 and partly by the Matrimonial Homes and Property Act 1981.

⁶⁴[1981] A.C. 487.

⁶⁵*Property Law: The Implications of Williams & Glyn’s Bank Ltd. v. Boland* (1982) Law Com. No. 115. See paras. 2.51–2.54, above.

⁶⁶*Rights of Access to Neighbouring Land* (1980) Working Paper No. 78.

⁶⁷*Law Reform: An Invitation for Views. Rights of Access to Neighbouring Land.*

neighbour's land in order to repair his own building is an important one and we hope to be able to make progress with this project during the course of 1983.

Statutory Rights of Reverter

2.59 As stated in our last annual report⁶⁸ the report of a working party on rights of reverter, which we had submitted to you, was published on 19 November 1981.⁶⁹ The working party, which had been set up by us, reported on the serious practical difficulties caused by the existence of statutory rights of reverter enacted during the 19th century. The enactments concerned⁷⁰ are complex and antiquated but their principal effect is that when land granted in Victorian times for schools, churches and other charitable purposes ceases to be used for those purposes, the ownership of the land reverts to the grantor or his successors.

2.60 In submitting the report of the working party to you, we explained that the proposals put forward by the working party would require the taking of policy decisions by the Government. We recognise that some of their proposals raise difficult issues of policy and we are glad to learn that the departments concerned are taking action to resolve them.

Chancel Repairs

2.61 We first mentioned this matter in 1970⁷¹ when our attention was drawn to the problem which arises when a purchaser of land discovers that he has a liability to pay for the repair of the chancel of the parish church. The liability may not appear on the title to the land purchased, but successive purchasers are nevertheless bound by it. We made inquiries into the incidence of the liability but concluded⁷² that the subject was not urgent and that we should not revert to it until we had the necessary decisions from the church authorities.

2.62 Recently attention has again been focused on the problem by a particular case in which a landowner, who was unaware that there was any liability, had to pay a five-figure sum for the repair of the chancel of his parish church. Partly in consequence of this case, The Law Society asked us to take further action in the matter.

2.63 The problem is complex and the number of cases in which it arises each year appears not to be large. We felt that it would not be right to give our attention to it unless we knew that we had the support of the Church of

⁶⁸Paragraphs 2.61-2.62.

⁶⁹*Property Law: Rights of Reverter* (1981) Law Com. No. 111.

⁷⁰The main enactments are the School Sites Act 1841, the Literary and Scientific Institutions Act 1854, the Consecration of Churchyards Act 1867 and the Places of Worship Sites Act 1873.

⁷¹*Fifth Annual Report 1969-1970* (1970) Law Com. No. 36, para. 28.

⁷²*Eighth Annual Report 1972-1973* (1973) Law Com. No. 58, para. 24.

England for proposals for reform: all the churches affected by the liability belong to the Church of England. We were therefore very glad that it was possible for the General Synod, at its meeting in February 1982, to debate a paper which we had helped to prepare. That paper proposed a progressive phasing out of the liability, leading to its eventual extinction. A motion welcoming these proposals was carried by a very substantial majority.

2.64 We hope to issue a working paper containing provisional proposals for reform in 1983. We are most grateful to Mr. B. M. F. O'Brien, a former Secretary of the Law Commission, who has undertaken the task of preparing a draft working paper.

LANDLORD AND TENANT

Landlord and Tenant

2.65 In 1978⁷³ we reviewed our work in the field of landlord and tenant and explained some of the problems affecting our original project for the codification of the basic law. We said then that we would reconsider our work in the light of the reactions to our report on obligations of landlords and tenants,⁷⁴ published in 1975, and to two further reports then in preparation, one on covenants restricting dispositions, alterations and change of user and the other on termination of tenancies. These two reports were later sent, in draft and without clauses, to your Department, to the Department of the Environment and to other government departments for the purposes of consultation.

2.66 We have now received the reactions of the government departments including, very recently, those of the Department of the Environment. We shall therefore be able to begin the work necessary to put the two reports into their final form so that they can be submitted to you and published in due course. We have not yet decided whether either or both of them will be accompanied by draft Bills. Before we take the decision we must assess the work which would be involved in the preparation of draft Bills and the other demands on our resources in the light of the reactions which we have received.

PRIVATE INTERNATIONAL LAW

Classification of Limitation of Actions

2.67 A report,⁷⁵ together with a draft Foreign Limitation Periods Bill, has been submitted to you and was published on 16 June 1982. Our principal recommendation is that in the case of a claim with a foreign element the period within which the claim may be brought should in every category of case be

⁷³*Thirteenth Annual Report 1977-1978* (1978) Law Com. No. 92, para. 2.34.

⁷⁴*Codification of the Law of Landlord and Tenant: Report on Obligations of Landlords and Tenants* (1975) Law Com. No. 67.

⁷⁵*Classification of Limitation in Private International Law* (1982) Law Com. No. 114.

governed by the law of the country which governs the claim, and not (as is the rule at present in many cases) by English law as the law of the forum.

2.68 The effect of this recommendation is substantially similar to the provisional proposal in our working paper,⁷⁶ though we have abandoned the suggestion in the working paper that all statutes of limitation should be classified as substantive rather than procedural for choice of law purposes. In the light of the comments received on consultation, we concluded that the purpose of the proposal would be better achieved by a more direct legislative technique than that of reclassification.

2.69 The courts would have power under our recommendations to refrain from applying the period of limitation prescribed by the foreign law where to do so would be contrary to English rules of public policy in the particular circumstances.

2.70 We understand that your Department has been undertaking consultations with a view to determining whether our proposals are generally acceptable.

Foreign Money Liabilities

2.71 In our last annual report⁷⁷ we referred to a joint report, submitted by the Law Commission and the Scottish Law Commission,⁷⁸ on two Council of Europe conventions relating to foreign money liabilities. The report recommended that the United Kingdom should not become a party to either the Convention on Foreign Money Liabilities (1967) or the Convention on the Place of Payment of Money Liabilities (1972). On 23 December 1981 the Lord Privy Seal indicated⁷⁹ that the Government had decided to accept these recommendations.

2.72 We have concluded our analysis of the comments that we have received upon our working paper on foreign money liabilities⁸⁰ which was published on 22 October 1981. This paper surveyed the law and procedure over the whole field of foreign money liabilities in the light of the decision of the House of Lords in *Miliangos v. George Frank (Textiles) Ltd.*⁸¹ A number of the comments we received on the paper are very detailed and raise issues of policy which will require reconsideration. We hope, however, to be able to report our conclusions to you during the course of 1983.

⁷⁶*Classification of Limitation in Private International Law* (1980) Working Paper No. 75.

⁷⁷Paragraph 2.71.

⁷⁸*Private International Law: Council of Europe Conventions on Foreign Money Liabilities (1967) and on the Place of Payment of Money Liabilities (1972)*, (1981) Law Com. No. 109; Scot. Law Com. No. 66.

⁷⁹*Hansard* (H.C.), 23 December 1981, vol. 15, Written Answers, col. 420.

⁸⁰*Private International Law: Foreign Money Liabilities* (1981) Working Paper No. 80.

⁸¹[1976] A.C. 443.

Polygamous Marriages

2.73 In a previous annual report⁸² we expressed the intention of examining the rule, embodied in section 11(d) of the Matrimonial Causes Act 1973, that a marriage entered into by a person domiciled in England and Wales is void in this country if the marriage is celebrated abroad in polygamous form, even though the marriage is in fact monogamous. We explained that, in the light of information obtained by means of a limited consultation we carried out in December 1979 as to the nature and extent of any difficulties to which the rule gave rise in practice, and of a survey⁸³ of immigrant families that had previously been carried out in a particular area, we had concluded that the rule was a source of difficulty.

2.74 During the course of the year we prepared a working paper. The Scottish Law Commission decided to join in the project since the rule embodied in section 11(d) of the Matrimonial Causes Act 1973 is probably of application there as a principle of common law. Accordingly the working paper took the form of a joint consultative document. The consultative document⁸⁴ was published on 13 September 1982.

2.75 The consultative document proposes, in relation to marriages that are in fact monogamous, the reversal of the rule that no person domiciled in England and Wales or in Scotland has the capacity to contract a marriage celebrated abroad in polygamous form. It also makes provisional recommendations for related changes in the present law, including the abolition of the concept of the "potentially polygamous" marriage.

2.76 At a very late stage in the preparation of the consultative document the Court of Appeal in *Hussain v. Hussain*⁸⁵ reversed the generally accepted view of the effect of section 11(d) of the Matrimonial Causes Act 1973. It had previously been thought that if, for instance, a Muslim man who had come to this country from Pakistan and become domiciled here returned to his country of origin on a visit and there entered into a marriage in polygamous form according to his religious law, the marriage would be regarded as void under the law of England and Wales. In *Hussain's* case it was held that such a marriage should be recognised as valid here provided that it was actually monogamous. We considered whether in the light of this decision we should proceed with our work in this area. Our conclusion was that the decision did not remove the need for statutory reform and indeed that the decision itself gave rise to difficulties and anomalies which call for resolution by legislation. Accordingly we issued the consultative document in a substantially unaltered form but with the addition of passages discussing the *Hussain* decision and the problems which arise from it.

⁸²*Fifteenth Annual Report (1979-1980)*, (1981) Law Com. No. 107, para. 2.44.

⁸³The survey was carried out by Dr. David Pearl of Fitzwilliam College, Cambridge, under the auspices of the Social Science Research Council.

⁸⁴*Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage* (1982) Working Paper No. 83; Consultative Memorandum No. 56.

⁸⁵*The Times*, 28 June 1982; now reported at [1982] 3 W.L.R. 679.

2.77 We are grateful to the Commission for Racial Equality and the Joint Council for the Welfare of Immigrants for the advice they have given us as to the best method of ensuring the most effective consultation with the relevant immigrant communities upon our proposals. We are also grateful for the assistance given by a number of government departments who provided us with information for the purpose of the preparation of the consultative document.

Choice of Law Rules in Tort

2.78 Work has been resumed on the task of preparing, jointly with the Scottish Law Commission, a consultative document which will consider reform of the choice of law rules in tort and delict in Great Britain. The Joint Working Party on Private International Law which was set up⁸⁶ by us and the Scottish Law Commission, and which is considering the reform of this area of the law, has met during the year and has made some of the necessary policy decisions. Further meetings will take place in the near future. The members of the Joint Working Party are listed in Appendix 2. We are grateful for their assistance and in particular to Mr. C. G. J. Morse (King's College, London), who has prepared a substantial paper on the comparative law aspects of the subject.

Recognition of Foreign Nullity Decrees

2.79 We have been able to devote additional resources to this project during the course of the year, though progress has not been as fast as we had hoped. On a number of outstanding policy issues we are seeking the views of the Joint Working Party on Recognition of Foreign Nullity Decrees which was set up⁸⁷ by us and the Scottish Law Commission. The members of the Joint Working Party are listed in Appendix 2. We expect to be able to issue a joint consultative paper early in 1983.

Choice of Law Rules relating to Marriage

2.80 In 1970⁸⁸ we turned our attention to a number of then outstanding problems of private international law arising in matrimonial proceedings, including the rules as to the recognition of foreign marriages and foreign nullity decrees.⁸⁹ Work on these problems continued, in collaboration with the Scottish Law Commission, until 1973 when it was suspended⁹⁰ in the hope that broad international agreement could be achieved at the Hague Conference on Private International Law. In 1976, at the Thirteenth Session of the Hague Conference, a convention in this field was concluded, namely the Convention on Celebration and Recognition of the Validity of Marriages. Unfortunately, this has not proved to be one of the more successful of the Hague Conventions. No

⁸⁶See our *Fourteenth Annual Report (1978-1979)*, (1980) Law Com. No. 97, para. 2.42.

⁸⁷*Ibid.*, para. 2.46.

⁸⁸*Fifth Annual Report (1969-1970)*, (1970) Law Com. No. 36, para. 58.

⁸⁹As to foreign nullity decrees, see para. 2.79, above.

⁹⁰*Eighth Annual Report (1972-1973)*, (1973) Law Com. No. 58, para. 49.

State has yet ratified it and we learnt during the course of the year that the Government does not propose that the United Kingdom should sign or ratify the Convention. This means that reform of this area of the law will have to be pursued in this country, rather than on an international basis. We indicated in our working paper on polygamous marriages⁹¹ that we would turn our attention to this matter as soon as resources permit. We are now giving thought to the best way in which to take this work forward.

International Administration of Estates

2.81 In a previous annual report⁹² we explained that, in consultation with your Department and the Scottish Law Commission, we had decided to suspend work on this project. We pointed out that the Hague Convention on the International Administration of Estates had been ratified by only two countries—Portugal and Czechoslovakia—and requires a third ratification before it comes into force. We also said that the position would be reviewed from time to time.

2.82 The situation concerning the Convention remains unchanged. We have accordingly done no further work on the project. We do not propose to mention it in future annual reports unless and until there are further international developments.

STATUTE LAW

Consolidation

2.83 During the 1981–82 Session of Parliament the following consolidations (other than consolidation Acts relating to Scotland only) were passed:—

- Agricultural Training Board Act 1982
- Aviation Security Act 1982
- Civil Aviation Act 1982
- Industrial Training Act 1982
- Industrial Development Act 1982
- Insurance Companies Act 1982
- Iron and Steel Act 1982

2.84 The major consolidation was the Civil Aviation Act 1982. The necessary pre-consolidation amendments for this Act were made by the Civil Aviation (Amendment) Act 1982. This enabled work which had been carried out over a period of several years to be brought to a satisfactory conclusion.

⁹¹*Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage* (1982) Working Paper No. 83, paras. 5.30–5.31.

⁹²*Fifteenth Annual Report (1979–1980)*, (1980) Law Com. No. 107, para. 2.45.

2.85 Consolidation Bills are in preparation on the following topics:—

- Car Tax
- Companies
- County Courts
- Countryside
- Exhibition of Films
- Housing
- Litter
- Matrimonial Homes
- Medical Profession
- Mental Health
- Pilotage
- Public Health (Infectious Diseases)
- Representation of the People
- Reserve Forces (Protection of Civil Interests)
- Road Traffic and Road Traffic Regulation
- Value Added Tax
- Weights and Measures

2.86 Work on the consolidation of the Companies Acts is proceeding at a pace which will enable the legislation to be introduced, as planned, during the 1983–84 Session of Parliament. As mentioned in our last annual report,⁹³ the Law Commission and the Department of Trade jointly issued a consultative paper⁹⁴ seeking views on the structure of the consolidation. In particular, it canvassed the question of whether the legislation should be divided between several Acts and, if so, what the most convenient division would be. The paper has drawn an extensive and interesting response from the professional and business communities, reflecting a wide range of opinions. Those who responded were pretty evenly divided on the central question of whether there should be one Act or several and there was also much divergence of opinion as to how the statutory material should be allocated if there were to be more than one Act. For the present the consolidation is being prepared in the form of several Bills, but the structure of the proposed consolidation will be reviewed in the course of the coming year before the legislation is submitted to you for presentation to Parliament.

2.87 The need for a comprehensive consolidation of the Housing Acts has been apparent for many years. In our last annual report⁹⁵ we said that the prospect of achieving an early consolidation of the whole of the statute law in this field was receding. However, we are glad to report that satisfactory arrangements have now been made by the Department of the Environment for departmental assistance on the consolidation to be provided. We have therefore been able to make a fresh start on this substantial project.

2.88 Another important project in hand is the consolidation of the Representation of the People Acts. These Acts were last consolidated in 1949,

⁹³Paragraph 2.85.

⁹⁴*Consolidation of the Companies Act: A Consultative Document* (1981).

⁹⁵Paragraph 2.84.

but have since been amended to such an extent that the legislation has become difficult to operate in practice. The consolidation is ready for introduction early in the 1982-83 Session of Parliament.⁹⁶ As a by-product of the work done on it, it may be possible to produce two short Bills to consolidate the legislation on related topics.

2.89 Work will shortly begin on two important new projects. The first is a consolidation of the legislation relating to capital transfer tax, now scattered among several Finance Acts passed since 1975. Few areas of the statute law are of greater concern to the ordinary person and his advisers than the tax laws and we regard the consolidation of tax legislation as a matter which should have high priority in our consolidation programme. The work on the capital transfer tax legislation will be carried out by a senior draftsman under special arrangements made with the First Parliamentary Counsel and the Board of Inland Revenue with a view to the introduction of a consolidation Bill during the 1983-84 Session of Parliament. The other new project is the consolidation of the law of England and Wales relating to the supervision of building work, the building regulations and building control. It is important that this body of law should be readily accessible. The present law is mainly to be found in the Public Health Acts and Part II of the Health and Safety at Work etc. Act 1974 and extensive amendment of it is proposed in the Housing and Building Control Bill now before Parliament. We are glad to report that on this project too we are receiving departmental support.

2.90 As in previous years, a number of suggestions for possible consolidations have been made to us. We are glad to receive these suggestions and grateful for the interest and thought that lies behind them. Each suggestion is carefully considered in consultation with the responsible department. If the subject merits consolidation its relative priority has to be assessed in the light of other proposals, the possibility of impending legislative changes and the resources available to do the work both within the Law Commission and the department concerned. These considerations quite often dictate that work on a particular project cannot be begun for some time, perhaps for several years. But we make every effort to maintain the overall pace of consolidation or re-consolidation.

2.91 During the year under review we have received proposals for the consolidation of particular areas of statute law from members of Parliament, government departments, the Senate of the Inns of Court and the Bar, The Law Society and the Justices' Clerks' Society. The subjects suggested include electricity supply, children and young persons, housing, off-shore exploration and exploitation of oil and gas resources, sex discrimination and equal pay, taxation and wills. The Justices' Clerks' Society sent us detailed proposals for the consolidation, in three measures, of the guardianship and child custody legislation, the law governing the other criminal jurisdiction of juvenile courts and miscellaneous statutory provisions for the protection of children. We are taking all the suggestions we have received into account in formulating our future programme of work on consolidation.

⁹⁶The Representation of the People Bill was introduced on 18 November 1982.

Statute Law Revision

2.92 During the year under review priority has been given to work on the modernisation of the Telegraph Acts 1863–1916. The Acts are so archaic and internally inconsistent that they cannot satisfactorily be consolidated and need to be replaced by a completely new code. However, the preparation of a new code has itself been hampered by the existence of obscure provisions in the legislation concerning 19th century agreements with telegraph, railway and canal companies. Detailed research and consultation into the effect of these provisions has been undertaken, in co-operation with the Department of Industry, British Telecommunications and transport and water undertakings, and many have been identified as being spent, superseded, obsolete or no longer of practical utility. A member of our legal staff has also assisted the Department of Industry by providing necessary background information on the origins of the Telegraph Acts for the purposes of a consultative document on the reform of the Telegraph Acts,⁹⁷ which was issued by the Government in July 1982. Legislation has since been introduced to reform the Telegraph Acts.⁹⁸

2.93 In collaboration with the Scottish Law Commission research and consultation are being undertaken in regard to other statutory provisions which are of doubtful utility. Much of this work is a result of proposals referred to us by the editorial staff of *Statutes in Force*. Provisions which are found to be ready for repeal will be included in a draft Statute Law (Repeals) Bill to be submitted jointly to you and the Lord Advocate by both Law Commissions. It is sometimes possible for proposals we have formulated in the course of our work on statute law revision to be implemented by other legislation and we continue to take advantage of any opportunities of this nature which occur.⁹⁹

Chronological Table of Local and Personal Acts

2.94 The first stage of this project will show the effect of local and personal legislation enacted during the years 1925–1973 on earlier legislation and will supplement the existing Table of Local and Personal Acts¹⁰⁰ maintained by the Statutory Publications Office (which shows the effect of local and personal legislation passed from 1974 onwards).

2.95 Following the completion of research on the first stage of the project, a text has been prepared for publication showing the information retrieved in two separate chronological tables. The main table covers the series of local Acts which began in 1797, when the existing category of public Acts was divided

⁹⁷*Access to Telephone Services: A Government Consultative Document on the Reform of the Telegraph Acts* (1982).

⁹⁸The Telecommunications Bill, cl.9 and Schedule 2, proposes the introduction of a new Telecommunications Code. The Bill also proposes the repeal of the Telegraph Acts 1863–1916.

⁹⁹For instance, the British Telecommunications Act 1981 implemented some of our proposals for the repeal of spent or obsolete enactments in the Telegraph Acts; and the Administration of Justice Act 1982 repealed the Crown Debts and Judgments Act 1860.

¹⁰⁰This table is appended to the *Chronological Table of the Statutes 1235–1980* (2 vols.), published by H.M. Stationery Office.

into two separate series of “public general Acts” and “public local and personal Acts”, each with their own system of numbering. A subsidiary table covers the different series of private Acts (now known as personal Acts) which began in 1539.

2.96 A word processor is being used to produce the final text so that material obtained as a result of research on further stages of the project can be incorporated as it becomes available.

OTHER MATTERS

The Incapacitated Principal

2.97 The purpose of this project, which has been the subject of a working paper,¹⁰¹ is to produce a scheme enabling the creation of a special type of power of attorney which will survive the supervening mental incapacity of the donor. We envisage that the power will be registered at the Court of Protection once the donor becomes incapable.

2.98 Considerable progress has been made on some of the more difficult areas of the project, including the attorney’s powers and duties during the donor’s incapacity, termination of the power and protection for the attorney and third parties following termination. Much of the time of those working on the project during the year has been devoted to the preparation of clauses to give effect to our proposals: these are now within sight of completion. A draft report is also in hand and we expect to consider the completed draft and its accompanying Bill before the end of 1982.

Benefits Conferred under a Mistake of Law

2.99 In our last annual report¹⁰² we said that we were seeking views¹⁰³ on the question whether the present state of the law relating to benefits conferred under a mistake of law created difficulties in practice. We have come to the conclusion that although there is some evidence of practical, as opposed to theoretical, difficulty caused by the present state of the law, the need for reform is not pressing. We have therefore decided that for the present we should not devote resources to this matter.

Advice to Government Departments, etc.

2.100 We have, as in the past, been asked this year for advice on a variety of matters, mainly in the international field. We include here some of the matters on which we have provided assistance and which are not mentioned elsewhere in this report.

¹⁰¹*The Incapacitated Principal* (1976) Working Paper No. 69.

¹⁰²Paragraph 2.96.

¹⁰³Those consulted included The Law Society (who made inquiries of local law societies), the Senate of the Inns of Court and the Bar and a number of academic lawyers.

(i) *Hague Conference on Private International Law*

2.101 The Fifteenth Session of the Hague Conference will take place in 1984. We have provided assistance with the preparatory work on the important topic of trusts, which is on the agenda for that Session, and also in relation to the Extraordinary Session on the revision of the law applicable to international sales of goods, which is to be held at the same time.

(ii) *E.E.C. Convention on Contractual Obligations*

2.102 We indicated in our last annual report¹⁰⁴ that although the E.E.C. Convention on the Law Applicable to Contractual Obligations (1980) had been signed by all the Member States except Greece, further consideration was being given to the question whether jurisdiction in relation to the Convention should be conferred on the European Court of Justice. Discussion of this issue has continued during the year and we have provided advice from time to time. It has not, however, yet proved possible for the Member States to reach agreement.

(iii) *Draft E.E.C. Directive on Insurance Services*

2.103 Considerable effort was made in the second half of 1981, during the United Kingdom's presidency of the Council of Ministers, to complete the negotiations on the draft E.E.C. Non-Life Insurance Services Directive, but without success.¹⁰⁵ The negotiations have continued during 1982. One of the outstanding issues is the provision of appropriate choice of law rules, on which we have provided advice.

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

2.104 In 1977, when we reported¹⁰⁶ on this draft Directive, we were highly critical of the policy underlying it and of its detailed drafting. Negotiation of a revised draft is still continuing. When we commented to the Department of Trade in 1979 on the then current draft, we maintained our original criticisms. During the past year, the Department of Trade sought our views on a further revision of this Directive, as prepared by a Council of Ministers Working Group, and we were able to provide assistance. We are not persuaded that the area covered by the Directive, as now revised, is one requiring reform, but we did express the view that the latest draft constitutes a considerable improvement on its predecessors. We also suggested a list of matters to which we hoped further consideration might be given.

¹⁰⁴Paragraph 2.67.

¹⁰⁵*Hansard* (H.L.), 28 January 1982, vol. 426, cols. 1058-1060.

¹⁰⁶*Law of Contract: Report on the Proposed E.E.C. Directive on the Law relating to Commercial Agents* (1977) Law Com. No. 84.

(v) *Rentcharges and Ground Rents*

2.105 In September 1982 your Department and the Department of the Environment jointly issued a consultation paper¹⁰⁷ proposing new arrangements for the apportionment and redemption of rentcharges and ground rents. The paper canvassed a scheme whereby apportionment and redemption would cease to be carried out through the Department of the Environment and would instead become subject to a procedure which would be operated primarily by the parties themselves. Its subject matter thus fell within the area of the law covered by our report on rentcharges¹⁰⁸ which was published in 1975 and which led to the passing of the Rentcharges Act 1977. We were asked for assistance by both the departments involved prior to the issue of the consultation paper. In response to these requests we provided information on technical aspects of the matter, explained the background to our report and put forward suggestions as to those who should be consulted.

(vi) *Administration of Justice Bill*

2.106 At the request of your Department, we submitted comments on a draft of the clauses in the Administration of Justice Bill¹⁰⁹ relating to wills and other matters.

Law Reform Committee

2.107 The Administration of Justice Act 1982 contains provisions implementing the Law Reform Committee's main recommendations in relation to wills.¹¹⁰

2.108 The Law Reform Committee has completed its work on the powers and duties of trustees and its report¹¹¹ was published on 17 November 1982.

2.109 Work has begun on the considerable body of evidence submitted in response to the consultative document on latent damage¹¹² which was issued in July 1981.

2.110 The Lord Chancellor has referred the problem in the *Harman* case¹¹³ to a Committee which is to be chaired by Mr. Justice Bingham¹¹⁴ and includes two other members of the Law Reform Committee. The terms of reference are: "to examine the duty owed by a party to proceedings or his solicitor not to use documents disclosed to him on discovery for any purpose unconnected with those proceedings and to consider whether any changes are, in the opinion of the Committee, desirable".

¹⁰⁷*Apportionment and Redemption of Rentcharges and Ground Rents: Suggested New Arrangements* (1982).

¹⁰⁸*Transfer of Land: Report on Rentcharges* (1975) Law Com. No. 68.

¹⁰⁹The Bill received the Royal Assent on 28 October 1982.

¹¹⁰*19th Report: Interpretation of Wills* (1973) Cmnd. 5301; and *22nd Report: The Making and Revocation of Wills* (1980) Cmnd. 7902.

¹¹¹*23rd Report: The Powers and Duties of Trustees* (1982) Cmnd. 8733.

¹¹²*Latent Damage* (1981).

¹¹³*Home Office v. Harman* [1982] 2 W.L.R. 338 (H.L.).

¹¹⁴The other members of the Committee are the Hon. Michael Beloff, Q.C., Mr. Charles Butcher, Mr Edward Nugee, Q.C., Professor Harry Street, Judge Wingate, Q.C. and Mr. Charles Wintour.

Criminal Law Revision Committee

2.111 The Criminal Law Revision Committee is currently examining sexual offences.¹¹⁵ Its first working paper on sexual offences¹¹⁶ was published in October 1980. During the year under review the Committee has prepared a second working paper¹¹⁷ which deals with offences relating to prostitution and allied offences.

Archbishop of Canterbury's Group on Affinity

2.112 A marriage between persons related within the prohibited degrees of affinity¹¹⁸ (for example, between a man and his step-daughter) is void.¹¹⁹ In recent years there have been four attempts to reform the law¹²⁰ and in three cases personal Acts of Parliament have been passed to enable couples within the prohibited degrees of affinity to marry. Obtaining such an Act is time-consuming and expensive. The consideration of reform in this area necessarily involves, not only an examination of legal issues, but also an evaluation of social and moral questions. We therefore welcome the initiative taken by the Archbishop of Canterbury in setting up a group, under the chairmanship of Baroness Seear,¹²¹ to inquire into these matters. Their terms of reference are: "(a) to review the working of the present law bearing on the marriage of persons related by affinity, taking account of theological, sociological and legal issues and of the practice in other States; (b) to consider whether any general modifications in the law are called for in modern circumstances; and/or (c) whether exceptions should be allowed in particular cases and, if so, according to what criteria and by what procedure these should be authorised." We have sent the group a short paper describing the current state of the law and giving some background material.

¹¹⁵See our *Second Programme of Law Reform* (1968) Law Com. No. 14, Item XVIII.

¹¹⁶*Working Paper on Sexual Offences (apart from the Laws relating to Prostitution)* (1980).

¹¹⁷*Working Paper on Offences relating to Prostitution and Allied Offences*. The working paper was published on 10 December 1982.

¹¹⁸The prohibited degrees are set out in Schedule 1 to the Marriage Act 1949, as amended. The law on this subject was considered in our *Report on Nullity of Marriage* (1970), Law Com. No. 33; the report recommended no change in the law.

¹¹⁹Matrimonial Causes Act 1973, s. 11(1)(a).

¹²⁰The most recent was the Marriage (Step-parents and Step-children) Bill, introduced by Lord Lloyd of Kilgerran: see *Hansard* (H.L.), 4 February 1982, vol. 426, col. 1396. The Bill received its Second Reading on 22 February 1982 but was not proceeded with.

¹²¹The other members of the group are Sir George Baker, the Rev. Canon Gordon Dunstan, Dr. Robert Hart, Miss Ruth Hook, Miss Janet Mattinson, the Rev. Canon Oliver O'Donovan and Miss Joan Rubinstein.

PART III

GENERAL

Responsibilities of Commissioners and Legal Staff

3.1 The responsibilities of Commissioners and legal staff for law reform projects falling within particular fields of law are shown in Appendix I. The Appendix reflects the position at the date of this report.

3.2 Professor G. H. Treitel (Vinerian Professor of English Law, Oxford University) and Mr. F. M. B. Reynolds (Fellow of Worcester College, Oxford and Reader in Law, Oxford University) continue to assist us as consultants on particular projects to reform the law of contract. We are very grateful for their help.

Staff

3.3 The full-time legal staff of the Law Commission consists of the Secretary, five Assistant Solicitors, six Parliamentary Draftsmen and 14 other lawyers. Nine other lawyers, including three Parliamentary Draftsmen, are assisting the Commission on a part-time basis. Of the non-legal staff, 22 are full-time and two part-time.

3.4 We were sorry to learn of the death on 24 September 1982 of Mr. Henry W. W. Huxham, C.B., C.B.E., at the age of 74. A former Solicitor to the Ministry of Labour, Mr. Huxham was a member of the legal staff from 1967 until 1978 and played a substantial part in the preparation of nine reports on statute law revision and a law reform report on the jurisdiction of ancient courts.¹ It is a tribute to the success of his work at the Law Commission that all these reports have been implemented by legislation.

Library

3.5 Our library has a stock of some 22,000 volumes. Liaison is maintained with other law libraries and we are grateful in particular to the Institute of Advanced Legal Studies and the Supreme Court Library for the loan of books not available from our own stock. We have also been able to meet a number of requests from other law libraries for the loan of books.

3.6 Our new librarian is Mrs. Sally Phillips, formerly assistant librarian in the Department of Health and Social Security. Mrs. Phillips is a member of the Publications Sub-Committee of the British and Irish Association of Law Librarians and organised the annual conference of the Association held between 10 and 13 September 1982.

¹*Jurisdiction of Certain Ancient Courts* (1976) Law Com. No. 72.

Publications

3.7 A full list of the published working papers and reports of the Law Commission is given in Appendix 3. This Appendix also indicates the extent to which law reform proposals made by the Law Commission have been implemented by legislation.

3.8 We are conscious of the need to stimulate public, as well as professional, reaction to law reform proposals. To this end we have issued press notices and held press conferences to explain our proposals in working papers and reports published during the year and have also taken part in broadcast discussions on law reform topics with which we are concerned. In the case of our working paper on minors' contracts² we distributed a short pamphlet explaining the essence of our proposals to schools in England and Wales, inviting comments from teachers, pupils and others concerned with the contractual position of the young.

Word Processor

3.9 We have felt for some time that our work in preparing working papers, reports and draft legislation would be greatly facilitated by the use of word processing equipment. We are glad to record that in consequence of representations we made to your Department a word processor has now been installed at Conquest House.

Co-operation with Scottish Law Commission

3.10 We continue to co-operate closely with the Scottish Law Commission on matters of mutual interest. During the course of the year we have worked jointly on five law reform projects, namely, those concerning contracts for the supply of goods,³ conflicts of jurisdiction affecting children,⁴ potentially polygamous marriages,⁵ the choice of law rules in tort and delict,⁶ and the recognition of foreign nullity decrees.⁷ We have had useful joint discussions on other law reform projects, notably financial relief on foreign divorce.⁸ We also work jointly with the Scottish Law Commission on matters in the field of statute law, and in particular on proposals for the consolidation or repeal of enactments which apply both to England and Wales and to Scotland.

3.11 Our annual joint meeting was held in Edinburgh on 22 and 23 April 1982, when we discussed the progress of our joint activities and the impact on the work of each Commission of projects we are undertaking separately. We were able to meet leading Scottish judges, including the Lord President of the

²See paras. 2.1-2.2, above.

³See paras. 2.3-2.4, above.

⁴See paras. 2.41-2.42, above.

⁵See paras. 2.73-2.77, above.

⁶See para. 2.78, above.

⁷See para. 2.79, above.

⁸See paras. 2.37-2.40, above.

Court of Session, and practising and academic lawyers at functions held in the Signet Library by the Law Society of Scotland and in the Parliament House by the Faculty of Advocates. We are most grateful for the generous hospitality which was accorded to us.

3.12 Mr. A. E. Anton, C.B.E., retired from membership of the Scottish Law Commission on 30 September 1982 after distinguished service as a Commissioner since 1966. We welcome his successor, Sheriff C. G. B. Nicholson, Q.C., and the continuing assistance being given by Mr. Anton, in his new capacity of consultant to the Scottish Law Commission, in the preparation of our joint report on conflicts of jurisdiction affecting children⁹ and as a member of the Joint Working Party on Private International Law.¹⁰

Co-operation with Other Lawyers

3.13 We continue to maintain regular contact with the Law Reform Committee of the Senate of the Inns of Court and the Bar, The Law Society and the Society of Public Teachers of Law, both as regards the general progress of our work and as to particular issues raised by our proposals. A very helpful meeting was held on 21 May 1982 with a group of ten academic lawyers from the Society of Public Teachers of Law to discuss the issues raised by our working paper on offences against public order.¹¹ As a result of a preparatory meeting we had in July 1982 with representatives of the Association of Law Teachers, we hope that closer links will be established between the Law Commission and members of the Association, particularly as regards research undertaken at polytechnic law schools which is directed specifically towards the objective of law reform.

3.14 At the President's Conference for Circuit Judges held between 28 and 30 October 1982, the Commissioner responsible for family law contributed a paper on the prospects for reform in this field.

3.15 In order to assist us to keep in touch with the needs and views of members of the legal professions, individual Commissioners and members of the legal staff have taken part in the proceedings of local law societies and other professional bodies and in seminars on specialised legal topics.

Relations with Lawyers Overseas

3.16 We continue to maintain contact with law reform agencies in the Commonwealth and in other countries overseas. During the year under review, individual Commissioners have visited the Australian Law Reform Commission, the New South Wales Law Reform Commission and the Ontario Law Reform Commission and have participated in the proceedings of the Fourth World Conference of the International Society on Family Law held at Harvard

⁹See paras. 2.41-2.42, above.

¹⁰See para. 2.78, above and Appendix 2, below.

¹¹*Offences against Public Order* (1982) Working Paper No. 82. See paras. 2.19-2.20, above.

University. The law schools or other institutions at which lectures have been given include:

Faculty of Law, University of Leiden.

Max-Planck Institute, Hamburg.

Faculty of Law, University of Western Ontario.

Osgood Hall Law School, Toronto.

Workshop on Law Reform organised by the Law Foundation of New South Wales.

Faculty of Law, University of Sydney.

Faculty of Law, Melbourne University.

Faculty of Law, Monash University.

Visitors from Overseas

3.17 Among the visitors to the Law Commission from overseas in the past year were:

Professor Robert Baxt (Monash University, Australia)

Mr. Geoffrey Feltoe (University of Zimbabwe)

Mr. Justice J. C. R. Fieldsend (Chief Justice, Zimbabwe)

Mr. G. N. Gwanmesia (Chief Magistrate, Cameroon)

The Hon. J. C. Griffiths, Q.C. (Attorney General, Hong Kong)

Mr. A. S. Hodge (Secretary, Law Reform Commission of Hong Kong)

Professor J. Hov (University of Bergen, Norway)

Mr. W. H. Hurlburt, Q.C. (Director, Institute of Law Research and Reform, Alberta, Canada)

Professor Donald King (University of St. Louis, U.S.A.)

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

Mr. D. B. Knight, S.C. (Advocate of the Supreme Court of South Africa)

Mrs. Joan May (Centre for Applied Social Sciences, University of Zimbabwe)

Miss Maja Miles (Commentator on Legal and Political Affairs for "Vjesnik", Yugoslavia)

Sir John Minogue (Law Reform Commissioner, Victoria, Australia, 1977-1982)

Dr. Carlos Reina (President, Inter-American Court of Human Rights)

Mrs. Helen Suzman (Member of Parliament, Republic of South Africa)

Mr. David Swain (Senior Lecturer in Sociology, University of Waikato, New Zealand)

Mr. Paul Thomas (Dalhousie University, Halifax, Canada)

Professor Sun Yaming, Professor Wang Jiafu and Mr. Wang Baoshu (Institute of Law, Chinese Academy of Social Sciences) and Mr. Yang

Hong (Law and Regulation Bureau of the State Economic Commission,
People's Republic of China)

(Signed) RALPH GIBSON, *Chairman.*

STEPHEN CRETNEY.

BRIAN DAVENPORT.

STEPHEN EDELL.

PETER NORTH.

JOHN GASSON, *Secretary.*

22 December 1982.

APPENDIX I

RESPONSIBILITIES OF COMMISSIONERS AND LEGAL STAFF

CONTRACT AND TORT

Generally: Dr. P. M. North, Mr. M. W. Parkington with Mr. P. Jacob and Mr. I. H. Maxwell.

Supply of Goods: Mr. B. J. Davenport, Q.C., Chairman, Dr. P. M. North, Mr. M. W. Parkington with Mr. P. Jacob and Mr. O. J. Parker.

CRIMINAL LAW

Mr. B. J. Davenport, Q.C., Chairman, Mr. C. W. Dymont with Mr. M. N. Farmer and Mrs. B. M. Hindley.

FAMILY LAW

Mr. S. M. Cretney, Mr. D. S. Gordon with Mr. R. L. Jones,* Mr. M. Hatcher and Miss J. C. Hern.

PROPERTY LAW

Generally: Mr. S. B. Edell, Mr. R. T. Oerton with Mr. A. J. Tuck and Mr. J. D. Saunders.

Landlord and Tenant: Mr. S. B. Edell, Mr. R. T. Oerton with Mr. A. J. Tuck.

Land Registration: Mr. S. M. Cretney, Mr. D. S. Gordon with Mrs. L. S. Daniel.

PRIVATE INTERNATIONAL LAW

Dr. P. M. North with Mr. A. Akbar, Mr. A. Cope, Mr. R. J. Dormer and Mr. I. H. Maxwell.

STATUTE LAW

Consolidation: Chairman, Mr. J. S. Mason with Miss M. S. Christie,* Mr. M. L. Dunlap, Lady Johnston,* Mr. P. R. Lane, Mrs. M. Leates, Mr. D. H. S. Robson and Mr. G. B. Sellers.

Statute Law Revision: Chairman, Mr. R. H. Streeten with Mr. G. F. Aronson, C. B.* and Mr. A. M. Rowland.

OTHER MATTERS

The Incapacitated Principal: Mr. S. B. Edell with Mr. P. Jacob and Mr. J. D. Saunders.

*Part-time members of the legal staff.

APPENDIX 2

MEMBERSHIP OF WORKING PARTIES

Joint Working Party on Private International Law*

Professor A.L. Diamond	<i>Chairman</i>	Institute of Advanced Legal Studies
Mr. A.E. Anton, C.B.E.		Consultant, Scottish Law Commission
Mr. R.D.D. Bertram		Scottish Law Commission
Mr. L.A. Collins		Messrs. Herbert Smith & Co., London
Mr. B.J. Davenport, Q.C.		Law Commission
The Hon. Lord Maxwell		Scottish Law Commission
Mr. C.G.J. Morse		King's College, London
Dr. P.M. North		Law Commission
Mr. R.J. Dormer,	<i>Secretary</i>	Law Commission

Joint Working Party on Recognition of Foreign Nullity Decrees†

Dr. P.M. North	} <i>Joint</i>	Law Commission
Dr. E.M. Clive		} <i>Chairmen</i>
Mr. S.M. Cretney		Law Commission
The Hon. Lord Dunpark		Court of Session
Mr. J. Siddle		Foreign and Commonwealth Office
Mr. P.J. Tweedale		Office of Law Reform, Northern Ireland
Mr. I.H. Maxwell,	<i>Secretary</i>	Law Commission

*See para. 2.78, above.

†See para. 2.79, above.

APPENDIX 3

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.

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
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.
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	Law Com. No. 96.
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 Incite- ment	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 † 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	Law Com. No. 110.
1975		
No. 59	Contribution	Law Com. No. 79.
No. 60	Firm Offers	
No. 61	Penalty Clauses and Forfeiture of Monies Paid	

†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. 62	Criminal Law: Offences Relating to the Administration of Justice	Law Com. No. 96.
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	Law of Contract: 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	Law Com. No. 104.
No. 74	Family Law: Illegitimacy	Law Com. No. 118.
1980		
No. 75	Classification of Limitation in Private International Law	Law Com. No. 114.
No. 76	Time Restrictions on Presentation of Divorce and Nullity Petitions	Law Com. No. 116.
No. 77	Family Law: Financial Relief after Foreign Divorce	Law Com. No. 117.
No. 78	Rights of Access to Neighbouring Land	
1981		
No. 79	Offences against Religion and Public Worship	
No. 80	Private International Law: Foreign Money Liabilities	
1982		
No. 81	Minors' Contracts	
No. 82	Offences against Public Order	
No. 83	Polygamous Marriages: Capacity to Contract a Polygamous Marriage and the Concept of the Potentially Polygamous Marriage (Joint Working Paper—Scottish Law Commission Consultative Memorandum No. 56)	

<i>Working Paper</i>	<i>Title</i>	<i>Resulting Report</i>
No. 84	Criminal Libel	

Law Commission Working Papers Nos. 50, 52, 53 and 57 to 84 are on sale at H.M. Stationery Office and may be ordered through booksellers.

An unabridged reprint of Law Commission Working Papers Nos. 1-74, bound in nine volumes, is published by Professional Books, Milton Trading Estate, Abingdon, Oxon. OX14 4SY at £180. Vol. 8 (Nos. 65-70) and Vol. 9 (Nos. 71-74) are available separately at £30 each.

B. Reports and Programmes

Publications which have been laid before Parliament under section 3(2) or (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 Law Reform	*
1966		
Law Com. No. 2	First Programme of 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).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
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)	*
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).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
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).
Law Com. No. 31	Administration Bonds, Personal Represen- tatives' 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)	*

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
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	Second Programme of 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).
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)	*

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
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)	Forgery and Counterfeiting Act 1981 (c. 45).
Law Com. No. 56	Report on Personal Injury Litigation—Assessment of Damages (H.C. 373)	Administration of Justice Act 1982 (c. 53).
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 those 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 Supreme Court (Amendment No. 3) 1977; Supreme Court Act 1981 (c. 54).
Law Com. No. 74	Charging Orders (Cmnd. 6412)	Charging Orders Act 1979 (c. 53).
Law Com. No. 75	Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability (Cmnd. 6428)	No

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
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	Family Law: Report on Matrimonial Proceedings in Magistrates' Courts (H.C. 637)	Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22).
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)	Housing Act 1980 (c. 51); Matrimonial Homes and Property Act 1981 (c. 24).
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).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 88	Law of Contract: Report on Interest (Cmnd. 7229)	In part: Administration of Justice Act 1982 (c.53); Rules of the Supreme Court (Amendment No. 2) 1980.
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 Com- missions 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	Criminal Law: Report on the Territorial and Extra-territorial Extent of the Criminal Law	No
Law Com. No. 92	Thirteenth Annual Report 1977-1978 (H.C. 87)	*
Law Com. No. 93	Customs and Excise Management Bill: Report by the two Commissions on the Consolida- tion of the Enactments relating to the Collection and Management of the Rev- enues 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 relat- ing 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)	Justices of the Peace Act 1979 (c. 55).
Law Com. No. 95	Law of Contract: Implied Terms in Contracts for the Supply of Goods (H.C. 142)	Supply of Goods and Services Act 1982 (c. 29).
Law Com. No. 96	Criminal Law: Offences relating to Interference with the Course of Justice (H.C. 213)	No
Law Com. No. 97	Fourteenth Annual Report 1978-1979 (H.C. 322)	*

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 98	Reserve Forces Bill: Report on the Consolidation of Certain Enactments relating to the Reserve and Auxiliary Forces (Cmnd. 7757)	Reserve Forces Act 1980 (c. 9).

1980

Law Com. No. 99	Family Law: Orders for Sale of Property under the Matrimonial Causes Act 1973 (H.C. 369)	Matrimonial Homes and Property Act 1981 (c. 24).
Law Com. No. 100	Highways Bill: Report on the Consolidation of the Highways Acts 1959 to 1971 and Related Enactments (Cmnd. 7828)	Highways Act 1980 (c. 66).
Law Com. No. 101	Magistrates' Courts Bill: Report on the Consolidation of Certain Enactments relating to the Jurisdiction of, and the Practice and Procedure before, Magistrates' Courts and the Functions of Justices' Clerks, and to Matters connected therewith (Cmnd. 7887)	Magistrates' Courts Act 1980 (c. 43).
Law Com. No. 102	Criminal Law: Attempt, and Impossibility in relation to Attempt, Conspiracy and Incitement (H.C. 646)	Criminal Attempts Act 1981 (c. 47).
Law Com. No. 103	Family Law: The Financial Consequences of Divorce: The Basic Policy. A Discussion Paper (Cmnd. 8041)	*
Law Com. No. 104	Insurance Law: Non-Disclosure and Breach of Warranty (Cmnd. 8064)	No
Law Com. No. 105	Judicial Pensions Bill: Report by the two Commissions on the Consolidation of Certain Enactments relating to Pensions and Other Benefits payable in respect of service in Judicial Office (Scot. Law Com. No. 62) (Cmnd. 8097)	Judicial Pensions Act 1981 (c. 20).
Law Com. No. 106	Statute Law Revision: Tenth Report by the two Commissions (Scot. Law Com. No. 63) (Cmnd. 8089)	Statute Law (Repeals) Act 1981 (c. 19); Supreme Court Act 1981 (c. 54); British Telecommunications Act 1981 (c. 38).

1981

Law Com. No. 107	Fifteenth Annual Report 1979-1980 (H.C. 161)	*
Law Com. No. 108	Trustee Savings Bank Bill: Report by the two Commissions on the Consolidation of the Trustee Savings Banks Acts 1969 to 1978 (Scot Law Com. No. 65) (Cmnd. 8257)	Trustee Savings Banks Act 1981 (c. 65).

<i>Report</i>	<i>Title</i>	<i>Implementation</i>
Law Com. No. 109	Private International Law: Council of Europe Conventions on Foreign Money Liabilities (1967) and on the Place of Payment of Money Liabilities (1972) (Joint Report - Scot Law Com. No. 66) (Cmnd. 8318)	*
Law Com. No. 110	Breach of Confidence (Cmnd. 8388)	No
Law Com. No. 111	Property Law: Rights of Reverter (Cmnd. 8410)	No
Law Com. No. 112	Family Law: The Financial Consequences of Divorce. The Response to the Law Commission's Discussion Paper, and Recommendations on the Policy of the Law (H.C. 68)	No

1982

Law Com. No. 113	Sixteenth Annual Report 1980-1981 (H.C. 161)	*
Law Com. No. 114	Classification of Limitation in Private International Law (Cmnd. 8570)	No
Law Com. No. 115	Property Law: The Implications of <i>Williams & Glyn's Bank Ltd. v. Boland</i> (Cmnd. 8636)	No
Law Com. No. 116	Family Law: Time Restrictions on Presentation of Divorce and Nullity Petitions (H.C. 513)	No
Law Com. No. 117	Family Law: Financial Relief after Foreign Divorce (H.C. 514)	No
Law Com. No. 118	Family Law: Illegitimacy (H.C. 98)	No

1983

Law Com. No. 119	Seventeenth Annual Report 1981-82	*
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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.
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