

The Law Commission

(LAW COM. No. 64)

NINTH ANNUAL REPORT 1973-1974

*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 Cooke, *Chairman*.

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**THE LAW COMMISSION
NINTH ANNUAL REPORT: 1973-74**

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THE LAW COMMISSION

NINTH ANNUAL REPORT: 1973-1974

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

We have the honour to present our Ninth Annual Report pursuant to section 3(3) of the Law Commissions Act 1965. The Report deals with the period 31 October 1973 to 29 October 1974.

INTRODUCTION

1. While the range and variety of our work tend steadily to increase, the year under review has been characterised by three dominant themes: injuries to unborn children, reform of the law relating to family property, and reform of the criminal law.

2. Our *Report on Injuries to Unborn Children*¹ was presented to you in June 1974. It is the product of nearly two years' work on a subject of great medical, social and legal complexity. From our point of view, it has been a striking example of the value of the consultative processes which we follow. Without the generous advice and help of the medical profession, no report would have been possible. But apart from providing the medical sinews of the report, our consultations led to radical changes in the provisional views which we had formed on major matters of policy, such as the mother's liability to her own child and the effect of the mother's contributory negligence on the child's rights against others. Those changes are reflected in the passages in our report where we depart from the provisional views which we had expressed in our working paper². This is only one illustration, though perhaps a particularly vivid one, of the fact that for us consultation is a reality and not a mere formality. We welcome the opportunity to change our views when we think they have been shown to be wrong. We have done so on other occasions in the past, and we have no doubt we shall often do so again. We regard this attitude as essential to the proper performance of our functions.

3. The two major features of our current proposals for reform of the law of family property are co-ownership of the matrimonial home and a revision and extension of the powers of the courts to order family provision on death. Our report on *Family Provision on Death*³ has already been submitted to you. When the report on co-ownership of the matrimonial home has been submitted, the two reports should together amount to a fairly comprehensive set of recom-

¹ Law Com. No. 60. See para. 43 below.

² Working Paper No. 47.

³ Law Com. No. 61.

mendations for reform of our family property law. There are, however, a number of other aspects of family law which are likely to engage our attention for some time to come.

4. The reform and codification of the criminal law is a major task in which much of the responsibility for the practical work is shared between the Home Office, the Criminal Law Revision Committee, and ourselves. The output necessarily at this stage consists to a large extent of working papers and other consultative documents. Of these, however, there has during the year under review been a steady flow. We are particularly grateful to the Criminal Law Revision Committee for having arranged for their working paper on *Section 16 of the Theft Act 1968* to be published simultaneously with our own related working paper on *Conspiracy to Defraud*⁴, and to the Home Office for having arranged for their working paper dealing with vagrancy and street offences to be published simultaneously with our own related working paper on *Conspiracies Relating to Morals and Decency*⁵. Though the field to be covered is vast and a great deal of consultative work remains to be done, the progress which is being made encourages us to hope that in the not too distant future we shall see the beginning of a planned succession of Bills which will lay the foundations of a comprehensive criminal code.

Arrangement of this report

5. Part I of this report contains a detailed progress report on Items in our law reform programmes (excluding Items which have already been dealt with or for any other reason no longer need engage our attention); Part II gives an account of work done on law reform outside our programmes; Part III reviews the work done in the field of consolidation, statute law revision, and statute law generally; and in Part IV we outline briefly the year's developments in the organisation and other activities of the Law Commission. In Appendix 1 we set out lists of the Commission's papers which have been (a) published by the Commission as working papers or (b) laid before or presented to Parliament. In Appendix 2 we summarise in tabular form the extent to which our legislative proposals have been implemented by Parliament, and in Appendix 3 we give the membership of advisory bodies set up during the year or set up during previous years and still functioning but with substantially altered membership.

⁴ Working Paper No. 56.

⁵ Working Paper No. 57.

PART I

LAW REFORM PROGRAMMES: REPORT ON PROGRESS

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

Item I. Examination of the Law of Contract

7. In our last annual report⁶ we explained our decision to suspend work on the production of a contract code and to publish a series of working papers on particular aspects of the English law of contract with a view to determining whether any and if so what amendments of general principles are required. We have been working on several topics, including irrevocable offers, consideration, penalty clauses, forfeiture of deposits and the doctrine of total failure of consideration. We hope to publish working papers on some aspects of these in the near future. Meanwhile we have reconstituted the advisory panel originally set up in February 1967⁷ to advise us on problems arising in our examination of the law of contract; the revised list of names is given in Appendix 3.

Item II. Exemption Clauses

8. The Law Commission and the Scottish Law Commission have now reached an advanced stage in the preparation of their second report on exemption clauses. It will deal in particular with the exclusion of liability in connection with the supply of services and generally with other exclusions of liability not covered by the Supply of Goods (Implied Terms) Act 1973, which implemented the Commissions' first report⁸ on this subject.

Item VIII. Codification of the Law of Landlord and Tenant

9. In accordance with the decisions set out in our last annual report⁹ our work has been concentrated on the three interim reports, with draft clauses, to which we are to give priority. Between them they will contain most of the reforms we are likely to advocate in this branch of the law in the Code. The first report which deals with the obligations of landlords and tenants is nearly ready for submission to you. The preparation of a second (on covenants against assignment, alterations and change of use) is proceeding and we hope to complete it in the first half of 1975. Work on the third which deals with the termination of tenancies is being resumed.

⁶ *Eighth Annual Report 1972-73*; Law Com. No. 58; paras. 3-5.

⁷ See *Second Annual Report 1966-1967*; Law Com. No. 12; para. 31 and Appendix II.

⁸ Law Com. No. 24; Scot. Law Com. No. 12.

⁹ Paras. 15 and 16.

10. The Housing Act 1974, which received the Royal Assent on 31 July, contained provisions¹⁰ which took account of our conclusions concerning the disclosure by landlords of their identity and the informal advice which we gave to the Department of the Environment about variable service charges¹¹.

Item IX. Transfer of Land

(a) Rights appurtenant to land

11. During the last year our legal staff and those of us who are responsible for our land law work have been heavily involved in preparing our report and drafting the Bill about co-ownership of matrimonial homes, a subject which is dealt with in this report in its appropriate place as part of Family Law¹². We have given this task the first call on resources which would otherwise have been devoted to rights appurtenant to land. In consequence we have not yet been able to resume our work on the latter subject.

(b) Land registration

12. The preparation of the fourth (and probably last) of our series of working papers, which will deal with the methods of protecting interests on the register of title, is far advanced and we can expect to publish it early in 1975.

(c) Rentcharges

13. We hope that our report on this subject, with a draft Bill annexed, will be delivered to you before the end of the present year.

(d) Local land charges

14. Our report on this subject, with a draft Bill appended to give effect to our recommendations, was submitted to you on 21 October 1974¹³.

(e) Agreements for purchase and sale "subject to contract" ("gazumping")

15. We are preparing a report on this topic. No legislation will be recommended.

(f) Charging orders on land

16. Further consideration has led us to think that we should take this opportunity to recommend the amendment, in some respects, of the law relating to charging orders on assets other than land (and the proceeds of sale of land). Our report, with draft clauses, will accordingly not have the words "on land" in its title. We expect to submit it in 1975.

Part XVIII. Codification of the Criminal Law

(a) General principles of the criminal law

17. The Working Party¹⁴ which has been assisting us in our study of the general part of the criminal code completed its consideration of certain defences

¹⁰ Ss. 121, 122 and 124. The Housing and Planning Bill which lapsed at the dissolution of Parliament in February contained similar clauses.

¹¹ See our last annual report, paras. 17 and 20.

¹² Para. 25 below.

¹³ Law Com. No. 62.

¹⁴ For the membership see Appendix 3 of our last annual report.

of general application (duress, necessity, coercion and entrapment). The results of this study and the provisional views arrived at by the Working Party have been embodied in a working paper¹⁵ upon which comments are sought by 1 January 1975.

18. The publication of the working paper on defences of general application completes the preliminary study given by the Working Party to the major topics falling within the general part of the code. We should like to record our thanks and appreciation for the great help we have had from the Working Party.

19. As we said in paragraph 36 of our last annual report we have now reached a stage in our work on the general part where we have to reconsider the provisional conclusions in our working papers together with the comments received on them in order to decide in what form we can recommend legislation. We have started to prepare a report on some aspects of the mental element in crime; it will take account of the views received on the provisional proposals made in Working Paper No. 31.

20. Apart from the many helpful comments on our working paper on *Inchoate Offences*¹⁶, we have had great assistance from discussions at a seminar arranged for us by the Warden and Fellows of All Souls College, Oxford, at which the more important questions raised in the paper were considered. At this seminar, which was attended by yourself and the chairman of the Criminal Law Revision Committee, Lord Edmund-Davies, there was a broad measure of agreement with our provisional conclusions. In particular there was general agreement with our provisional view that the offence of conspiracy should be restricted to conspiracy to commit a crime.

21. Difficulties have arisen in the drafting of clauses to implement our report on the territorial extent of the criminal law and these have delayed its completion.

(b) *Certain specific offences*

22. In our last annual report we said that we would issue working papers on each of the six areas of the law wherein implementation of our proposal to limit the offence of conspiracy to conspiracies to commit crimes might leave gaps in the law which it would be desirable to fill by the creation of new substantive offences. We have now completed three working papers on *Conspiracy to Defraud*¹⁷, *Conspiracies relating to Morals and Decency*¹⁸ and *Offences of Entering and Remaining on Property*¹⁹; this last paper covers one aspect of conspiracies to commit a civil wrong, namely the tort of trespass, and deals with the offence of conspiracy to trespass as found to exist in *Reg v. Kamara*²⁰.

¹⁵ Working Paper No. 55; *Defences of General Application*.

¹⁶ Working Paper No. 50.

¹⁷ Working Paper No. 56.

¹⁸ Working Paper No. 57.

¹⁹ Working Paper No. 54.

²⁰ [1974] A.C. 104.

Work has begun on working papers which will deal with offences against the administration of justice and with the remaining conspiracy offences. The report of the Phillimore Committee on Contempt of Court and any legislation that may result from it will have a bearing on our work on offences against the administration of justice.

23. At about the same time as we began our consideration of conspiracy to defraud the Criminal Law Revision Committee was asked to examine section 16 of the Theft Act 1968. The Committee's working paper on *Section 16 of the Theft Act 1968* and our working paper on *Conspiracy to Defraud* are complementary to each other, and we have worked closely with the Committee to ensure that this should be so. The two documents have been published simultaneously, so that the inter-related problems with which they deal may be viewed as a whole. Comments are asked for by 1 January 1975.

24. In much the same way it was found that the work of a Home Office Working Party on Vagrancy and Street Offences overlapped with some aspects of our work on conspiracies relating to morals and decency. There has been close co-operation with this Working Party and we have similarly arranged for our paper to be published at the same time as their working paper. Comments on our working paper are asked for by 31 March 1975.

Item XIX. Family Law

Family property

25. To give effect to the recommendations outlined in our *First Report on Family Property: A New Approach*²¹ we stated in our last annual report²² our intention of preparing further reports with draft clauses annexed dealing with the following subjects:

- (a) family provision on death from the estate of a deceased person; and
- (b) co-ownership by husband and wife of the matrimonial home and occupation rights therein.

In view of the close links between these subjects, we had contemplated that our reports on them should appear together. On further consideration, however, we did not think that simultaneous publication of the two reports was necessary. In the event, our report on *Family Provision on Death*²³, including a draft Bill, was submitted to you on 29 July 1974. The report on the ownership of the matrimonial home is still in the course of preparation, and while good progress is being made the drafting of the complex legislation required is necessarily proving a lengthy process.

26. We are giving further consideration to the law relating to the use and enjoyment of household goods with a view to submitting a report.

27. The Hague Conference on Private International Law has placed consideration of the law applicable to matrimonial property on its agenda for 1976 and this topic mentioned under Item XXI at paragraph 36 below.

²¹ Law Com. No. 52.

²² Para. 44.

²³ Law Com. No. 61.

Matrimonial proceedings in magistrates' courts

28. The comments received on our Working Paper No. 53 show that the provisional proposals which we then put forward have met with complete approval. In addition, our provisional proposals, limited as they were in scope, were welcomed by the Committee on One-Parent Families under the chairmanship of Mr. Justice Finer²⁴. The appearance of the Committee's report makes it important that our own report should be completed as soon as possible. We have considered, together with members of the Working Party²⁵, the comments received and the preparation of our final report with draft clauses has begun. We hope to submit it early in 1975.

Declarations as to status

29. Consultation on Working Paper No. 48 on *Declarations in Family Matters* has been completed but pressure of other work has led us to postpone preparation of our final report and draft clauses. Work on our final report has now been started.

Conflict of laws: miscellaneous problems

30. This topic is now dealt with under Item XXI below at paragraph 35.

Family courts

31. The *Report of the Committee on One-Parent Families*²⁶ (the "Finer Report") contains detailed recommendations for the establishment of a family court. No useful purpose would be served by our own Working Party going over ground already traversed in the Finer Report. We have therefore decided, not to dissolve the Working Party, but to suspend its operations indefinitely. If, in the light of decisions hereafter made by Ministers about the Finer recommendations, it appears that there is a function for the Working Party to perform, we shall reconvene it.

Conflicts of jurisdiction affecting children

32. The Working Party²⁷ set up by the Law Commission and the Scottish Law Commission in May 1972 to consider conflicts of jurisdiction affecting orders for the custody and wardship of children continues its work. The subject has wide international implications and it is likely to be a considerable time before we can issue a working paper covering the whole field; progress is being made with drafting that part of the paper which deals with conflicts of jurisdiction within the United Kingdom. In January of this year members of the Working Party had a valuable discussion with Mr. M. H. van Hoogstraten (Secretary General of The Hague Conference) and Mr. G. A. L. Droz on The Hague Convention of 1961. Some members of the Working Party also attended meetings of the Council of Europe's Committee of Experts on the Legal Representation and Custody of Minors.

²⁴ See *Report of the Committee on One-Parent Families*; (1974) Cmnd. 5629, para. 4.366.

²⁵ For membership see Appendix 3 below.

²⁶ (1974) Cmnd. 5629.

²⁷ For the present membership of this Working Party see Appendix 3 below.

Item XXI. Private International Law

Obligations

33. The Joint Working Group²⁸ set up by the Scottish Law Commission and ourselves has now completed its preliminary study of a draft Convention designed to harmonise the rules of private international law of the member States of the E.E.C. in the field of contractual and non-contractual obligations. A consultative document has been issued to a number of individuals and bodies interested in this matter, inviting their views on the draft Convention. Members of the Law Commission's legal staff attended a colloquium in Copenhagen organised by the Danish Institute of European Market Law to discuss the draft Convention.

Property

34. Members of the Law Commission's legal staff have also attended meetings of the body set up by the E.E.C. to consider the possibility of preparing a convention regulating rules of private international law in the field of corporeal and incorporeal property²⁹. No such convention has yet been prepared.

Conflict of laws in respect of marriage

35. As mentioned in paragraph 49 of our last annual report, work on outstanding problems in conflict of laws relating to matrimonial matters was temporarily suspended. The Hague Conference on Private International Law has now placed the preparation of a convention on conflict of laws in respect of marriage on its agenda for the 1976 session. We welcome the possibilities of international agreement that this decision opens up and the Scottish Law Commission and ourselves have set up a Working Group³⁰ on this subject, whose first task will be to advise H.M. Government how to answer a preliminary questionnaire issued by the Conference.

The law applicable to matrimonial property

36. The agenda of The Hague Conference for its 1976 session includes consideration of the law applicable to matrimonial property and it is to be hoped that it will prove possible to reach some measure of harmonisation of the laws of member countries. From the point of view of private international law, matrimonial property presents problems of considerable complexity. The Scottish Law Commission and ourselves have collaborated in giving advice to H.M. Government concerning the answers to be given to a preliminary questionnaire on the subject issued by The Hague Conference; in this task we have received the valuable help of Mr. M. D. A. Freeman of University College, University of London. We have not, however, set up a Working Group to deal with this subject.

²⁸ For membership see Appendix 3 below.

²⁹ Membership of the Joint Working Group set up by the Law Commissions to consider the proposal for a convention on this subject is set out in Appendix 3 of our last annual report.

³⁰ For membership see Appendix 3 below.

PART II

LAW REFORM OUTSIDE THE PROGRAMMES

Administrative Law

37. We have started preparing our report on the part of this subject which has been referred to us, namely remedies in administrative law. We now think that it will not be necessary to wait for the completion of the research project on the work of the Queen's Bench Divisional Court which Mr. L. J. Blom-Cooper, Q.C. and Mr. Gavin Drewry are directing under the auspices of the Social Science Research Council. Nevertheless we are in close touch with the directors of this research and hope to be able to take into account those aspects of their findings which are relevant to our report.

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

38. Our help has been enlisted by the Department of Trade in considering the European Economic Community's draft directive on commercial agents. A member of our legal staff has attended numerous meetings with the Department of Trade and with members of the staff of the Commission of the E.E.C. both in London and at Liège.

Agency (Incapacitated Principal)

39. As recorded in our last annual report³¹ the Lord Chancellor, then Lord Hailsham of St. Marylebone, asked the Law Commission to consider the law and practice governing powers of attorney and other forms of agency in relation to the mental incapacity of the principal, and to make recommendations. Work on this subject has started, but we do not expect to be in a position to issue a working paper at an early date.

Breach of Confidence

40. Working Paper No. 58 on *Breach of Confidence* was sent on 15 October 1974 to H.M.S.O. for publication. The Warden and Fellows of All Souls College, Oxford, have agreed to hold a seminar for us on this subject in January 1975.

Contribution between Separate Contractors

41. The study of this topic has continued and the preparation of a working paper has reached an advanced stage.

Foreign Money Liabilities

42. During the year there has been no meeting of the interdepartmental Working Party³² set up by ourselves and the Scottish Law Commission to examine problems which may arise if a sum of money is due in a currency other

³¹ Para. 55.

³² For membership see Appendix 3 of our last annual report.

than that of the place where payment is sought. We hope that it will be possible for the Working Party to meet during the coming year to consider the preliminary studies which we are preparing.

Injuries to Unborn Children

43. Our report³³ on this subject, which was referred to us in November 1972, was submitted to you on 14 June 1974. A draft Bill is annexed to the report.

International Administration of the Estates of Deceased Persons

44. We have been asked, as mentioned in our last annual report³⁴, to advise what legislation is needed to give effect to the convention on this subject, which was approved by the Twelfth Session of The Hague Conference in October 1972. The Principal Registry of the Family Division and the Chief Chancery Master, in consultation with the Estate Duty Office and the officials concerned with the matter in Northern Ireland, are rendering us great help in assembling the preliminary material for our report. We hope to report, with draft legislation annexed, in 1975.

Products Liability

45. The Anglo-Scottish Working Party mentioned in paragraph 60 of our *Seventh Annual Report*³⁵ has met and given initial consideration to a preliminary paper which we hope to develop into a working paper for widespread consultation. A member of our legal staff has been one of the United Kingdom representatives at a number of meetings at Strasbourg of the Council of Europe's Committee of Experts on the Liability of Producers.

Tax Law

46. The Consultative Group examining certain proposed changes in estate duty law submitted their report to the Scottish Law Commission and ourselves on 21 December 1973. The Board of Inland Revenue were represented on the Group and are, accordingly, aware of the work done; but the Group's report will not be published. No taxation topic is at present under review by us but we and our Scottish colleagues have taken steps to preserve the arrangements with the Inland Revenue under which our Consultative Groups have operated and can operate again.

Trespassers—Civil Liability of Occupiers

47. We now have all the comments that we expect to receive on our working paper on the *Civil Liability of Occupiers to Trespassers*³⁶ and are considering the lines on which our final report should be framed.

³³ Law Com. No. 60, (1974) Cmnd. 5709 published on 22 August.

³⁴ Para. 64.

³⁵ Law Com. No. 50.

³⁶ No. 52.

PART III

STATUTE LAW GENERALLY

Consolidation

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

- Legal Aid Act 1974,
- Slaughterhouses Act 1974,
- Juries Act 1974,
- Friendly Societies Act 1974³⁷,
- Insurance Companies Act 1974,
- Solicitors Act 1974.

49. Bills on the following topics are being prepared and we expect most of them to be ready for introduction in the course of the next session of Parliament:

- House of Commons (Disqualification),
- Ministers of the Crown,
- Ministers of the Crown (Transfer of Functions),
- National Health Service,
- Nursing Homes,
- Police Pensions,
- Restrictive Trade Practices (possibly two or three Bills),
- Salmon and Freshwater Fisheries,
- Social Security,
- Supply Powers.

50. A Bill has also been prepared to consolidate the enactments relating to the issue of warrants for by-elections when the House of Commons is in recess. It is hoped that this, too, may be introduced next session, but the timing of this Bill is under discussion in the light of the conclusions of the Speaker's *Conference on Electoral Law* embodied in the letter of 26 November 1973 from the Speaker to the Prime Minister³⁸.

51. Work is in progress on the consolidation of the enactments relating to Reserve and Auxiliary Forces, and work has recently been started on the Countryside enactments (including National Parks) and the Highways enact-

³⁷ Incorporating amendments to give effect to recommendations made by the Law Commissions in a report (Law Com. No. 59; Scot. Law Com. No. 35).

³⁸ (1973) Cmnd. 5500.

ments. These will all be major Bills. It is also hoped to start work during 1975 on the Rent Acts, another major topic that recent legislation has made ripe for consolidation even though the last Rent Act consolidation was as recent as 1968.

52. A Bill for consolidating the statute law relating to land drainage has been drafted, but numerous facilitating amendments are required before a satisfactory consolidation can be introduced. If these amendments were made only a little more work would be needed before the consolidation could be ready for introduction.

53. We have referred in paragraph 46 above to certain proposed amendments of estate duty law. The question whether legislation should be introduced to make those amendments involves questions of policy which are not for us to decide. We have completed the drafting of a Bill to consolidate the enactments relating to estate duty, but the introduction of the consolidation Bill is dependent on the introduction of legislation to give effect to the amendments to which we have referred.

54. Further work on a Fatal Accidents consolidation still depends on the outcome of legislation on the proposals contained in our *Report on Personal Injury Litigation—Assessment of Damages*³⁹.

55. In both our First and Second Programmes on Consolidation and Statute Law Revision⁴⁰ we drew attention to the Public Health legislation as being in need of consolidation, probably in two or more Acts to suit the convenience of users. The supplemental provisions, however, in Part XII of the Public Health Act 1936 and elsewhere are in need of amendment and should, if possible, be modernised before the rest of the code is taken in hand. To advise us how best to proceed, we have set up a small Working Party under the chairmanship of Sir Stanley Krusin, C.B., and including representatives of the Department of the Environment and the Department of Health and Social Security and the Editorial Director of *Statutes in Force*. We expect to receive their advice in the coming year.

Statute Law Revision

56. The Statute Law (Repeals) Act 1974, which received the Royal Assent on 27 June, wholly repealed 54 Acts of Parliament and partially repealed 310. A draft Statute Law (Repeals) Bill has been prepared by the Law Commissions and submitted to you as an appendix to their sixth report on Statute Law Revision⁴¹. It would repeal 40 Acts of Parliament entirely and 117 in part.

57. For many years it has been the practice in the course of statute law revision to repeal spent repealing enactments, that is to say (a) those sections in earlier statutes which repeal other enactments, and (b) the repeal schedules relating to those sections. Since 1850 the repeal of a repealing enactment is

³⁹ Law Com. No. 56.

⁴⁰ Law Com. No. 2; Law Com. No. 44.

⁴¹ Law Com. No. 63; Scot. Law Com. No. 36.

not to be construed as reviving any enactment previously repealed (see now Interpretation Act 1889, s. 11). The Editorial Board of *Statutes in Force* has decided that spent repealing enactments, whether they have been repealed or not, shall be omitted from the text of Acts published in that edition. In view of this decision we think that in general the repeal of repealing enactments will no longer serve any practical purpose. We have therefore decided not to seek the repeal of spent repealing enactments in future statute law revision Bills, save where there are special reasons or where the repeal of other provisions in the same Act is proposed. If our new practice appears to be giving rise to difficulties we will think again.

58. In January 1974 we were informed by the Public Bill Office of the House of Commons that they agreed to our suggestion that future Appropriation Acts and Consolidated Fund Acts should repeal those of their predecessors which are spent instead of leaving them to be dealt with by Statute Law (Repeals) Bills.

Private Acts

59. With the approval of the Statute Law Committee and the co-operation of the Scottish Law Commission, we have begun work on a chronological table of all the private Acts passed since the year 1539⁴², showing to what extent each has been repealed, amended or otherwise dealt with. This table will help us in our work of statute law revision and in other law reform tasks. It will also be useful to other users of the private Acts who at present have no means of knowing for certain how far any particular Act is in force; the position of users of private Acts would become, in the absence of the proposed table, substantially worse in this respect when the extensive repeals of private Acts by the Local Government Act 1972 eventually come into operation.

60. The work will take some years to complete. When it is finished it will greatly assist the preparation of an alphabetical index of the contents of the private Acts, if and when that further task is authorised.

61. When these two works of reference have been completed, it will be possible for the Law Commissions and the promoters of Private Bills to set about bringing order into an important part of the Statute Book which has hitherto been neglected.

⁴² Up to this year no distinction was made between private and public Acts and both are listed together in the existing *Chronological Table of the Statutes*.

PART IV

MISCELLANEOUS

Staff and Accommodation

62. Our full time staff numbers 48; the Secretary, five draftsmen, 20 other lawyers and 22 non-legal staff. In addition, there are three lawyers and one member of the non-legal staff on a part-time basis. The increase in numbers of our legal staff and the need for a large room to be set aside for the work on the private Acts mentioned in the three foregoing paragraphs made it necessary for us to take over additional accommodation on the third and fourth floors of Conquest House.

Library

63. The library continues to expand and we have been able to provide substantial storage space for statutes and other volumes in the room used for the work on private Acts. We are grateful to the Supreme Court Library for lending us a great number of volumes of private Acts passed in the nineteenth century.

Relations with Lawyers in the United Kingdom

64. In April 1974 we were the guests of the Scottish Law Commission in Edinburgh on the occasion of the annual joint meeting of the two Commissions. The main topic discussed with them was the proposals that we intend to submit to Ministers on exemption clauses⁴³. We were also able to review briefly a number of other topics which are of concern to us both. We are most grateful to the Scottish Law Commission and to Edinburgh University for their hospitality. Apart from our co-operation on such subjects as exemption clauses and products liability, we find ourselves increasingly involved in the work on conflict of laws which we have undertaken jointly under our Third Programmes.

65. We continue to exchange views with the Law Reform Consultant in Northern Ireland and with other legal authorities there.

66. (i) The Senate of the Inns of Court and the Bar has recently succeeded to the responsibilities of the Bar Council in the sphere of law reform. We look forward to close collaboration with the new Law Reform Committee set up by the Senate under the chairmanship of Mr. Robert Goff, Q.C. This Committee, which will include judges as well as barristers, replaces the Law Reform Committee of the Bar Council, to whom we shall always remain grateful for their frequent and invaluable help in the past.

(ii) The Law Society has given us assistance on many occasions during the year, both formally and informally through solicitors nominated by them for

⁴³ See para. 8 above.

a particular purpose. At The Law Society's Annual Conference in Harrogate on 19 October 1974, you paid a tribute, with which we wish warmly to associate ourselves, to the contribution that solicitors are making to law reform generally and to our work in particular.

(iii) The third main source of expert legal comment on our proposals is the Society of Public Teachers of Law, who unfailingly furnish us with informed advice on very diverse topics. On 21 September 1974 a group of members meeting in Cardiff had a constructive discussion of a study paper prepared by the Law Commission on penalty clauses in contracts and forfeiture of deposits. We understand that the Society are arranging a conference in Cambridge next year to give their members an opportunity to exchange views on our working paper on *Conspiracy to Defraud*⁴⁴ and the Criminal Law Revision Committee's working paper on *Section 16 of the Theft Act 1968*. They have kindly invited two of our number to attend.

Relations with Lawyers Overseas

67. At the suggestion of Lord Hailsham of St. Marylebone, our chairman attended a Conference of European Constitutional Courts held at Baden-Baden from 14-16 October 1974. Although we have no constitutional court in this country, the study of constitutional developments in Europe is of great value and importance to British lawyers and we hope that we shall continue to be associated with the deliberations of continental lawyers in this sphere. Other Commissioners have held discussions with law reform agencies in various parts of the Commonwealth.

68. Among the numerous visitors to the Law Commission from overseas were:

- Mr. Justice Steyn (South Africa)
- Miss I. Smietanka (Ministry of Justice, Poland)
- Mr. Nordskov Nielsen (Ombudsman, Denmark)
- Mr. Mihaly Ficsor (Ministry of Justice, Hungary)
- Sayed Khalafalla El Rashid (Chief Justice, Sudan)
- Professor John M. Gradwohl (University of Nebraska, U.S.A.)
- Mr. J. B. M. Baxter (Minister of Justice, New Brunswick, Canada)
- Mr. Justice T. R. Berger (British Columbia)
- Mr. D. Costello (Attorney General, Ireland)
- Mr. R. Hayes (Department of Justice, Ireland)
- Dr. P. Westerlind (President, Market Court, Sweden)
- Dr. D. Posser (Minister of Justice, Land North Rhine Westphalia)
- Mr. D. J. E. Malingre (Conseil D'Etat, France)
- Mr. A. M. Silungwe (Minister of Legal Affairs and Attorney General, Zambia)
- Mr. J. Keeler (Law Reform Committee, South Australia)
- Mr. H. E. Rossiter (Parliamentary Counsel, New South Wales)
- Mr. A. B. Melaku (Legal Adviser to Ethiopian Parliament)
- Mr. N. Sepenuk (Attorney, Portland, Oregon, U.S.A.)
- Dr. Sayed Mohamed Ahmed El Mahdi (Khartoum University, Sudan)
- Dr. Mohamed El Fatih Hamid (Khartoum University, Sudan)

⁴⁴ Working Paper No. 56; see para. 23 above.

Judge Lännergren (Sweden)
Mr. Harald Rangnitt (Sweden)
Mr. Leonard J. King (Attorney General, South Australia)
Professor R. Stevens (Yale Law School, U.S.A.)
Professor A. B. Kasunmu (Dean, Faculty of Law, Lagos University)
Professor M. Rybicki (Institute of Legal Studies, Poland)
Professor A. Harmathy (Budapest, Hungary)
Mr. Justice F. M. Neasey (Chairman, Law Reform Committee of Tasmania)
Miss D. Silvēstēr (Family and Children's Law Commission, British Columbia)
Mr. Justice Andrews (Queensland Law Reform Commission)
Mr. T. L. Clark (New South Wales, Australia)
Mr. Justice Ademola (High Court, Ibadan, Nigeria)
Mr. J. Côté (Law Reform Commission, Canada)
Dr. Lateef Adegbite (Attorney General, West Nigeria)
Mr. John J. Balluff (California Law Revision Commission)
Mr. C. G. Watkins (Law Reform Commission, Canada)
Professor Harding (Western Australia Law Reform Commission)
Mr. Justice Minogue (ex Chief Justice, Papua New Guinea)
Mr. Yutaka Tajima (Japan)
Professor Eric Wright (Santa Clara University, California)
Mr. N. K. F. O'Neill (Papua New Guinea)
Professor S. M. Waddams (University of Toronto)
Dr. I. Wiener (Academy of Sciences, Hungary)
Professor R. Sharwood (Executive Director, Victoria Law Foundation)

(Signed) SAMUEL COOKE, *Chairman.*
CLAUD BICKNELL.
AUBREY L. DIAMOND.
DEREK HODGSON.
NORMAN S. MARSH.

J. M. CARTWRIGHT SHARP, *Secretary.*

29 October 1974.

APPENDIX I

LIST OF THE LAW COMMISSION'S PUBLICATIONS

up to and including Ninth Annual Report

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

- 1966** No. 1. Transfer of Land: root of title to freehold land (Law Com. No. 9).
No. 2. Draft proposals on powers of the Court of Appeal to sit in private and restrictions upon publicity in legitimacy proceedings (Law Com. No. 8).
No. 3. Restrictive covenants (Law Com. No. 11).
No. 4. Should English wills be registrable?
No. 5. Liability of trade vendors of new dwelling houses to first and subsequent purchasers (First paper) (Law Com. No. 40).
No. 6. Liability of vendors and lessors for defective premises (Second paper) (Law Com. No. 40).
-
- 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.
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. Explanatory working paper on administrative law (Law Com. No. 20).
No. 14. Interpretation of statutes (Joint Working Paper—Scottish Law Commission Memorandum No. 6) (Law Com. No. 21).
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- 1968** No. 15. Family Law: arrangements for the care and upbringing of children.
No. 16. Provisional proposals relating to termination of tenancies.
No. 17. Codification of the Criminal Law: general principles. The field of enquiry.
No. 18. Provisional proposals relating to amendments to sections 12–15 of the Sale of Goods Act 1893 and contracting out of the conditions and warranties implied by those sections (Joint Working Paper—Scottish Law Commission Memorandum No. 7) (Law Com. No. 24).
No. 19. Loss of services (Law Com. Nos. 25 and 56).
No. 20. Nullity of marriage (Law Com. No. 33).
No. 21. Polygamous marriages (Law Com. No. 42).
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- 1969** No. 22. Restitution of conjugal rights (Law Com. No. 23).
No. 23. Malicious damage to property (Law Com. No. 29).
No. 24. Transfer of Land: rentcharges (the subject of a further Working Paper No. 49).

- 1970** No. 25. The Law of Landlord and Tenant: working party's provisional proposals relating to covenants restricting dispositions, parting with possession, change of user and alterations.
- No. 26. Criminal Law: forgery (Law Com. No. 55).
- No. 27. Personal injury litigation: assessment of damages, itemization of pecuniary loss and the use of actuarial tables as an aid to assessment (Law Com. No. 56).
- No. 28. Family Law: jurisdiction in matrimonial causes (other than nullity) (Law Com. No. 48).
- No. 29. Codification of the Criminal Law: subject III. Territorial and extra-territorial extent of the criminal law.
- No. 30. Codification of the Criminal Law: strict liability and the enforcement of the Factories Act 1961.
- No. 31. Codification of the Criminal Law: general principles. The mental element in crime.
- No. 32. Transfer of Land: land registration (First paper).
- No. 33. Criminal Law: perjury and kindred offences.
-
- 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).
- *No. 40. Administrative Law.
- No. 41. Personal injury litigation: assessment of damages (Law Com. No. 56).
- No. 42. Family Law: family property law (Law Com. Nos. 52 and 61).
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- 1972** No. 43. Codification of the Criminal Law: general principles. Parties, complicity and liability for the acts of another.
- No. 44. Codification of the Criminal Law: general principles. Criminal liability of corporations.
- No. 45. Transfer of Land: land registration (Third paper).
- No. 46. Charging orders on land.
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- 1973** No. 47. Injuries to unborn children (Law Com. No. 60).
- *No. 48. Family Law: declarations in family matters.
- *No. 49. Transfer of Land: rentcharges.
- *No. 50. Codification of the Criminal Law: general principles. Inchoate offences: conspiracy, attempt and incitement.
- *No. 51. Transfer of Land: "subject to contract" agreements.
- *No. 52. Liability for damage or injury to trespassers and related questions of occupiers' liability.
- *No. 53. Family Law: matrimonial proceedings in magistrates' courts.

* On sale at H.M. Stationery Office.

- 1974 *No. 54. Criminal Law: offences of entering and remaining on property.**
- *No. 55. Codification of the Criminal Law: general principles. Defences of general application.**
- *No. 56. Criminal Law: conspiracy to defraud.**
- *No. 57. Codification of the Criminal Law: conspiracies relating to morals and decency.**
- *No. 58. Breach of confidence.**

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

- 1965 Law Com. No. 1. First Programme of the Law Commission.
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- 1966 Law Com. No. 2. Law Commission's First Programme on Consolidation and Statute Law Revision.
Law Com. No. 3. Proposals to abolish certain ancient criminal offences.
Law Com. No. 4. First Annual Report 1965-66.
Law Com. No. 5. Landlord and Tenant: interim report on distress for rent.
Law Com. No. 6. Reform of the grounds of divorce: the field of choice (Cmnd. 3123).
Law Com. No. 7. Proposals for reform of the law relating to maintenance and champerty.
Law Com. No. 8. Report on the powers of appeal courts to sit in private and the restrictions upon publicity in domestic proceedings (Cmnd. 3149).
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- 1967 Law Com. No. 9. Transfer of Land: interim report on root of title to freehold land.
Law Com. No. 10. Imputed criminal intent (*Director of Public Prosecutions v. Smith*).
Law Com. No. 11. Transfer of Land: report on restrictive covenants.
Law Com. No. 11A. Sea Fisheries (Shellfish) Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of certain enactments relating to shellfish fisheries and shellfish (Scot. Law Com. No. 6A) (Cmnd. 3267).
Law Com. No. 12. Second Annual Report 1966-67.
Law Com. No. 13. Civil liability for animals.
-
- 1968 Law Com. No. 14. Second Programme of Law Reform.
Law Com. No. 15. Third Annual Report 1967-68 (H.C. 312).
Law Com. No. 16. Blood tests and the proof of paternity in civil proceedings (H.C. 2).
-
- 1969 Law Com. No. 17. Landlord and Tenant: report on the Landlord and Tenant Act 1954, Part II (H.C. 38).
Law Com. No. 18. Transfer of Land: report on land charges affecting unregistered land (H.C. 125).
Law Com. No. 18A. Trustee Savings Banks Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of the Trustee Savings Banks Acts 1954 to 1968 (Scot. Law Com. No. 10) (Cmnd. 4004).
Law Com. No. 19. Proceedings against estates (Cmnd. 4010).
Law Com. No. 20. Administrative Law (Cmnd. 4059).
Law Com. No. 21. Interpretation of statutes: report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 11) (H.C. 256).
Law Com. No. 22. Statute Law Revision: first report (Cmnd. 4052).
Law Com. No. 23. Proposal for the abolition of the matrimonial remedy of restitution of conjugal rights (H.C. 369).

- Law Com. No. 24. Exemption clauses in contracts: first report. Amendments to the Sale of Goods Act 1893: report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 12) (H.C. 403).
- Law Com. No. 25. Family Law: report on financial provision in matrimonial proceedings (H.C. 448).
- Law Com. No. 26. Breach of promise of marriage (H.C. 453).
- Law Com. No. 27. Fourth Annual Report 1968-69 (H.C. 27).
-
- 1970** Law Com. No. 28. Statute Law Revision: second report. Draft Wild Creatures and Forest Laws Bill (Cmnd. 4433).
- Law Com. No. 29. Criminal Law: report on offences of damage to property (H.C. 91).
- Law Com. No. 30. Powers of attorney (Cmnd. 4473).
- Law Com. No. 31. Administration bonds, personal representatives' rights of retainer and preference and related matters (Cmnd. 4497).
- Law Com. No. 32. Civil liability for dangerous things and activities (H.C. 142).
- Law Com. No. 33. Family Law: report on nullity of marriage (H.C. 164).
- Law Com. No. 34. Hague Convention on Recognition of Divorces and Legal Separations: report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 16) (Cmnd. 4542).
- Law Com. No. 35. Limitation Act 1963 (Cmnd. 4532).
- Law Com. No. 36. Fifth Annual Report 1969-70 (H.C. 170).
- Law Com. No. 37. Statute Law Revision: third report (Cmnd. 4546).
- Law Com. No. 38. Coinage Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of certain enactments relating to coinage (Scot. Law Com. No. 18) (Cmnd. 4544).
- Law Com. No. 39. Vehicles (Excise) Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of certain enactments relating to excise duties on mechanically propelled vehicles, and to the licensing and registration of such vehicles (Scot. Law Com. No. 19) (Cmnd. 4547).
- Law Com. No. 40. Civil liability of vendors and lessors for defective premises (H.C. 184).
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- 1971** Law Com. No. 41. National Savings Bank Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of enactments relating to the National Savings Bank (Scot. Law Com. No. 20) (Cmnd. 4574).
- Law Com. No. 42. Family Law: report on polygamous marriages (H.C. 227).
- Law Com. No. 43. Taxation of income and gains derived from land: report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 21) (Cmnd. 4654).
- Law Com. No. 44. Law Commission's Second Programme on Consolidation and Statute Law Revision (H.C. 338).
- Law Com. No. 45. Town and Country Planning Bill: report on the consolidation of certain enactments relating to town and country planning (Cmnd. 4684).

- Law Com. No. 46. Road Traffic Bill: report by the Law Commission and the Scottish Law Commission on the consolidation of certain enactments relating to road traffic (Scot. Law Com. No. 22) (Cmnd. 4731).
- Law Com. No. 47. Sixth Annual Report 1970-71 (H.C. 32).
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- 1972** Law Com. No. 48. Family Law: report on jurisdiction in matrimonial causes (H.C. 464).
- Law Com. No. 49. Statute Law Revision: fourth report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 26) (Cmnd. 5108).
- Law Com. No. 50. Seventh Annual Report 1971-72 (H.C. 35).
- Law Com. No. 51. Matrimonial Causes Bill: report on the consolidation of certain enactments relating to matrimonial proceedings, maintenance agreements, and declarations of legitimacy, validity of marriage and British nationality (Cmnd. 5167).
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- 1973** Law Com. No. 52. Family Law: first report on family property. A new approach (H.C. 274).
- Law Com. No. 53. Family Law: report on solemnisation of marriage in England and Wales (H.C. 250).
- Law Com. No. 54. Third Programme of Law Reform (H.C. 293).
- Law Com. No. 55. Criminal Law: report on forgery and counterfeit currency (H.C. 320).
- Law Com. No. 56. Report on personal injury litigation—assessment of damages (H.C. 373).
- Law Com. No. 57. Statute Law Revision: fifth report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 32) (Cmnd. 5493).
- Law Com. No. 58. Eighth Annual Report 1972-73 (H.C. 34).
-
- 1974** Law Com. No. 59. Friendly Societies Bill: report on the consolidation of the Friendly Societies Acts 1896 to 1971 and certain other enactments relating to the societies to which these Acts apply (Scot. Law Com. No. 35) (Cmnd. 5634).
- Law Com. No. 60. Report on injuries to unborn children (Cmnd. 5709).
- Law Com. No. 61. Family provision on death (H.C. 324).
- Law Com. No. 62. Local land charges.
- Law Com. No. 63. Statute Law Revision: sixth report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 36).
- Law Com. No. 64. Ninth Annual report 1973-74.

APPENDIX 2

IMPLEMENTATION OF THE LAW COMMISSION'S
LEGISLATIVE PROPOSALS

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Proposals to abolish certain ancient criminal offences (Law Com. No. 3)	22.6.66	Criminal Law Act 1967 (c. 58)
Proposals for reform of the law relating to maintenance and champerty (Law Com. No. 7)	22.11.66	Criminal Law Act 1967 (c. 58)
The powers of appeal courts to sit in private and the restrictions upon publicity in domestic proceedings (Law Com. No. 8)	23.11.66	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)
Transfer of Land: interim report on root of title to freehold land (Law Com. No. 9)	14.2.67	Law of Property Act 1969 (c. 59)
Imputed criminal intent (<i>Director of Public Prosecutions v. Smith</i>) (Law Com. No. 10)	28.2.67	In part by section 8 of the Criminal Justice Act 1967 (c. 80)
Transfer of Land: report on restrictive covenants (Law Com. No. 11)	22.3.67	In part by Law of Property Act 1969 (c. 59)
Sea Fisheries (Shellfish) Bill (Joint Report with Scottish Law Commission) (Law Com. No. 11A)	11.5.67	Sea Fish (Conservation) Act 1967 (c. 84)
Civil liability for animals (Law Com. No. 13)	21.12.67	Animals Act 1971 (c. 22)
Blood tests and the proof of paternity in civil proceedings (Law Com. No. 16)	31.10.68	Family Law Reform Act 1969 (c. 46)
Landlord and Tenant: report on the Landlord and Tenant Act 1954, Part II (Law Com. No. 17)	22.1.69	Law of Property Act 1969 (c. 59)
Transfer of Land: report on land charges affecting unregistered land (Law Com. No. 18)	20.3.69	Law of Property Act 1969 (c. 59)
Trustee Savings Banks Bill (Joint report with Scottish Law Commission) (Law Com. No. 18A)	17.4.69	Trustee Savings Banks Act 1969 (c. 50)
Proceedings against estates (Law Com. No. 19)	2.5.69	Proceedings Against Estates Act 1970 (c. 17)
Interpretation of statutes (Joint report with Scottish Law Commission) (Law Com. No. 21)	11.6.69	No
Statute Law Revision: first report (Law Com. No. 22)	8.7.69	Statute Law (Repeals) Act 1969 (c. 52)
Proposal for the abolition of the matrimonial remedy of restitution of conjugal rights (Law Com. No. 23)	26.8.69	Matrimonial Proceedings and Property Act 1970 (c. 45)
Exemption clauses in contracts: first report. Amendments to the Sale of Goods Act 1893 (Joint report with Scottish Law Commission) (Law Com. No. 24)	18.9.69	Supply of Goods (Implied Terms) Act 1973 (c. 13)

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Financial provision in matrimonial proceedings (Law Com. No. 25)	23.9.69	Matrimonial Proceedings and Property Act 1970 (c. 45); Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Breach of promise of marriage (Law Com. No. 26)	15.10.69	Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Statute Law Revision: second report. Draft Wild Creatures and Forest Laws Bill (Law Com. No. 28)	4.8.70	Wild Creatures and Forest Laws Act 1971 (c. 47)
Criminal Law: offences of damage to property (Law Com. No. 29)	16.9.70	Criminal Damage Act 1971 (c. 48)
Powers of attorney (Law Com. No. 30)	23.9.70	Powers of Attorney Act 1971 (c. 27)
Administration bonds, personal representatives' rights of retainer and preference and related matters (Law Com. No. 31)	15.10.70	Administration of Estates Act 1971 (c. 25)
Nullity of marriage (Law Com. No. 33)	4.12.70	Nullity of Marriage Act 1971 (c. 44)
Hague Convention on Recognition of Divorces and Legal Separations (Joint report with Scottish Law Commission) (Law Com. No. 34)	1.12.70	Recognition of Divorces and Legal Separations Act 1971 (c. 53)
Limitation Act 1963 (Law Com. No. 35)	25.11.70	Law Reform (Miscellaneous Provisions) Act 1971 (c. 43)
Statute Law Revision: third report. Draft Statute Law (Repeals) Bill (Law Com. No. 37)	15.12.70	Statute Law (Repeals) Act 1971 (c. 52)
Coinage Bill (Joint report with Scottish Law Commission) (Law Com. No. 38)	26.11.70	Coinage Act 1971 (c. 24)
Vehicles (Excise) Bill (Joint report with Scottish Law Commission) (Law Com. No. 39)	2.12.70	Vehicles (Excise) Act 1971 (c. 10)
Civil liability of vendors and lessors for defective premises (Law Com. No. 40)	16.12.70	Defective Premises Act 1972 (c. 35)
National Savings Bank Bill (Joint report with Scottish Law Commission) (Law Com. No. 41)	13.1.71	National Savings Bank Act 1971 (c. 29)
Polygamous marriages (Law Com. No. 42)	3.2.71	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c. 38)
Taxation of income and gains derived from land (Joint report with Scottish Law Commission) (Law Com. No. 43)	28.4.71	In part by section 82 of the Finance Act 1972 (c. 41)

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Town and Country Planning Bill (Law Com. No. 45)	10.6.71	Town and Country Planning Act 1971 (c. 78)
Road Traffic Bill (Joint report with Scottish Law Commission) (Law Com. No. 46)	26.7.71	Road Traffic Act 1972 (c. 20)
Jurisdiction in matrimonial causes (Law Com. No. 48)	14.9.72	Domicile and Matrimonial Proceedings Act 1973 (c. 45)
Statute Law Revision: fourth report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 49)	28.9.72	Statute Law (Repeals) Act 1973 (c. 39)
Matrimonial Causes Bill (Law Com. No. 51)	18.12.72	Matrimonial Causes Act 1973 (c. 18)
First report on family property: a new approach (Law Com. No. 52)	6.6.73	Legislative proposal deferred until later reports
Solemnisation of marriage in England and Wales (Law Com. No. 53)	9.5.73	No
Criminal Law: forgery and counterfeit currency (Law Com. No. 55)	18.7.73	No
Personal injury litigation—assessment of damages (Law Com. No. 56)	25.7.73	No
Statute Law Revision: fifth report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 57)	6.12.73	Statute Law (Repeals) Act 1974 (c. 22)
Friendly Societies Bill (Joint report with Scottish Law Commission) (Law Com. No. 59)	24.6.74	Friendly Societies Act 1974 (c. 46)
Report on injuries to unborn children (Law Com. No. 60)	22.8.74	No
Family provision on death (Law Com. No. 61)	30.10.74	No
Local land charges (Law Com. No. 62)		No
Statute Law Revision: sixth report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 63)	5.12.74	No

APPENDIX 3

MEMBERSHIP OF ADVISORY BODIES

(1) Advisory Panel on the Law of Contract (paragraph 7).

The Right Hon. Lord Devlin
The Right Hon. Lord Diplock
The Right Hon. Lord Justice Megaw, C.B.E., T.D.
The Right Hon. Lord Justice Roskill
The Hon. Mr. Justice Donaldson

Professor P. S. Atiyah
Mr. A. R. Barrowclough, Q.C.
Professor G. J. Borrie
Mr. L. A. Duffield
Professor A. G. Guest
Mr. Mark Littman, Q.C.
Mr. R. A. MacCrimdale, Q.C.
Dr. F. A. Mann
Professor F. J. Odgers
Mr. A. L. Price, Q.C.
Dr. L. S. Sealy
Mr. Mark H. Sheldon
Mr. G. H. Treitel
Professor K. W. Wedderburn
Professor J. F. Wilson

(2) Working Party on Matrimonial Proceedings in Magistrates' Courts (paragraph 28).

Chairman: The Right Hon. Lord Justice Scarman, O.B.E.
The Hon. Mr. Justice Cooke (Law Commission)
Mr. H. Homfray Cooper (Home Office)
Professor L. C. B. Gower (Southampton University)
Lady Johnston (Law Commission)
Mr. R. L. Jones (Home Office)
Mr. H. W. Wollaston (Home Office)

Secretary: Mr. P. C. Edwards (Home Office)

(3) Working Party on Conflicts of Jurisdiction Affecting Children (paragraph 32).

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(4) Working Group on Private International Law (Obligations) (paragraph 33).

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(5) Working Group on Conflict of Laws in respect of Marriage (paragraph 35).

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