

# The Law Commission

(LAW COM. No. 71)

## TENTH ANNUAL REPORT 1974-1975

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

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*Ordered by The House of Commons to be printed  
17th December 1975*

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LONDON  
HER MAJESTY'S STATIONERY OFFICE

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

The Commissioners are—

The Honourable Mr. Justice Cooke, *Chairman*.

Mr. Aubrey L. Diamond.

Mr. Stephen Edell.

Mr. Derek Hodgson, Q.C.

Mr. Norman S. Marsh, Q.C.

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

**THE LAW COMMISSION**  
**TENTH ANNUAL REPORT: 1974-1975**

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## THE LAW COMMISSION

### TENTH ANNUAL REPORT: 1974-75

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

We have the honour to present our Tenth Annual Report pursuant to section 3(3) of the Law Commissions Act 1965. The Report deals with the period 30 October 1974 to 18 November 1975.

### INTRODUCTION

#### Ten Years of the Law Commission

1. The year under review includes the tenth anniversary of our foundation<sup>1</sup>, and this, our Tenth Annual Report, is an occasion on which it is appropriate to pause for a momentary glance backward and a brief survey of the forward horizon.

2. We have prepared seventy-one reports and other documents which have been submitted to Parliament and we have published sixty-six working papers<sup>2</sup>. Some of these reports and papers have been prepared in collaboration with the Scottish Law Commission. Of the seventy-one documents submitted to Parliament, thirty-seven contain proposals for law reform, ten contain proposals for the amendment of Acts with a view to their consolidation, six contain proposals for statute law revision and five are programmes of work<sup>3</sup>.

3. Of our thirty-seven reports recommending law reform, twenty-eight have already been implemented, either wholly or in part, by Act of Parliament. In addition, Parliament has enacted legislation to give effect, with or without modifications, to every one of our total of sixteen reports dealing with the amendment of Acts with a view to their consolidation or with statute law revision. In the period during which we have been responsible for consolidation, Parliament has enacted seventy consolidation Acts, excluding consolidation Acts which extend to Scotland only.

4. We do not propose to duplicate information which may be found in Appendix 2 to this Report by an enumeration of the subjects on which we have made recommendations for law reform which have been implemented by

<sup>1</sup> The Law Commissions Act 1965, under which the Law Commission and the Scottish Law Commission were established, received the Royal Assent on 15 June 1965.

<sup>2</sup> This figure includes the consultative document, prepared by the Law Commissions and published in August 1974, on the E.E.C. Preliminary Draft Convention on the Law Applicable to Contractual and Non-Contractual Obligations.

<sup>3</sup> The balance which produces the total of seventy-one is made up of nine Annual Reports and four reports on law reform subjects which do not contain specific legislative proposals.

Parliament. The scope of our activities is sufficiently illustrated by considering the broad headings under which those subjects fall. They are:—

Family Law,  
Criminal Law,  
Consumer Protection,  
The Law of Property and Conveyancing,  
The Law of Landlord and Tenant,  
Consolidation,  
Statute Law Revision,  
Miscellaneous subjects including aspects of the law of contract, of tort, of private international law, of limitation of actions, and of taxation.

5. We would select family law as the field in which we have so far made the greatest progress. In that field, the emphasis is now changing from matrimonial proceedings to family property law. Meanwhile, the recent publication of our second report on exemption clauses<sup>4</sup> marks a further stage in our work on consumer protection, and our working paper on liability for defective products<sup>5</sup> canvasses a number of possible changes in the law in this area. A group of recent working papers on criminal law<sup>6</sup> marks our another region in which we hope for early progress. Other matters with which we are dealing include conflict of laws, contract, tort, landlord and tenant, administrative law, consolidation and statute law revision. We have, therefore, every reason to look forward to an extremely active and stimulating future.

6. In the course of the past ten years a great number of countries and states within the Commonwealth have followed the British example by establishing Law Commissions or other agencies specifically devoted to law reform. A recent arrival to be welcomed is the Federal Law Reform Commission of Australia. We are greatly encouraged by these developments, which testify to the world-wide interest in law reform and enrich the sources on which we draw for information and inspiration.

### **Other Systems of Law**

7. Indeed, a feature of the past ten years has been our growing involvement as a law reform agency with other systems of law. Not only do we have close relationships with the law reform bodies in other parts of the United Kingdom and throughout the Commonwealth, particularly in those countries which share many basic principles of the common law. We have also come into contact, to an ever increasing degree, with legal systems, in Europe and elsewhere, which do not share our common law traditions but derive from the civil law.

8. We are, of course, interested in other systems of law for the lessons they can teach us in reforming our own law. But that is not the only reason why such systems command our attention. International organisations and conferences have for a long time provided an independent and external source of changes in the law, and several such bodies are very active at the present time. For example, in paragraphs 40 to 44 below we refer to work which is being

<sup>4</sup> Law Com. No. 69, prepared jointly with the Scottish Law Commission.

<sup>5</sup> Working Paper No. 64, prepared jointly with the Scottish Law Commission.

<sup>6</sup> Working Papers Nos. 50, 54, 56, 57, 62 and 63, referred to in Appendix 1.

done in the field of private international law by the Council of Europe, the European Economic Community and The Hague Conference on Private International Law; and in paragraph 52 we refer to a working paper on liability for defective products, published jointly by the Law Commission and the Scottish Law Commission, in which it has been necessary to consider proposals on this subject made in a draft directive by the Commission of the E.E.C. and in a draft convention of the Council of Europe. Participation in work of this character is an increasingly important part of our functions.

### **Consolidation of Statute Law**

9. An important event in the past year has been the publication of the *Report of the Committee on the Preparation of Legislation* under the chairmanship of the Rt. Hon. Sir David Renton, K.B.E., T.D., Q.C., M.P.<sup>7</sup> One of the chapters of particular concern to the Law Commission is that (chapter XIV) which deals with consolidation. It shows that the pace of consolidation has increased since responsibility for it was first imposed on the Law Commissions ten years ago; the committee propose that responsibility should remain with the Law Commissions<sup>8</sup>. Nevertheless the committee draw attention to the fact that the present pace of consolidation does not keep abreast of the impact of new legislation on the statute book<sup>9</sup>. They recommend that the pace should be further accelerated<sup>10</sup> but recognise that this will not be possible without an increase in the number of draftsmen available to the Law Commissions<sup>11</sup>.

10. We are delighted to find that the committee have endorsed our long-standing conviction that there must be a further increase in the rate of consolidation and we are very conscious of the fact that, if a substantial inroad is to be made into the extensive areas of the statute book which are in need of consolidation, we shall need more draftsmen.

11. In this connection the past year has been an unhappy one since during its course we found our drafting strength reduced by the loss of two draftsmen. Within the last few weeks that loss has been made good, but the problem of securing additional draftsmen remains.

### **Arrangement of this Report**

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

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<sup>7</sup> (1975) Cmnd. 6053. Our chairman served as a member of this committee.

<sup>8</sup> *ibid.*, para. 14.33.

<sup>9</sup> *ibid.*, para. 14.3.

<sup>10</sup> *ibid.*, para. 14.36.

<sup>11</sup> *ibid.*, para. 14.33.

## PART I

### LAW REFORM PROGRAMMES: REPORT ON PROGRESS

13. 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

14. In our last annual report<sup>12</sup> we explained that we were preparing 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 principle are required. We have published working papers on Contribution<sup>13</sup>, Firm Offers<sup>14</sup>, Penalty Clauses and Forfeiture of Monies Paid<sup>15</sup>, and Pecuniary Restitution on Breach of Contract<sup>16</sup>. We should like to acknowledge the help we have received in our work on the law of contract from Mr. H. G. Beale of the University of Bristol, Professor J. M. Evans of the University of Toronto (formerly of L.S.E.), Mr. J. H. Farrar of the University of Bristol, Mr. I. F. Fletcher of the University College of Wales, Aberystwyth and Mr. J. Mickleburgh of the University of Newcastle.

15. A member of our staff attended meetings of the Council of Europe committee of experts on penalty clauses in civil law last autumn and in May 1975.

16. We are at present working on several other topics, including consideration and misrepresentation, and hope to publish working papers on some aspects of these and other subjects in due course.

#### Item II. Exemption Clauses

17. The Second Report<sup>17</sup> of the Law Commissions on Exemption Clauses, with draft legislation appended, was submitted to Ministers on 30 July.

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

18. As we said in our last annual report<sup>18</sup> we are giving priority to three interim reports with draft clauses, which will contain most of the reforms we are likely to advocate in the Code of the Law of Landlord and Tenant. The first

<sup>12</sup> *Ninth Annual Report 1973-74*; Law Com. No. 64, para. 7.

<sup>13</sup> Working Paper No. 59 (see our last annual report, para. 41).

<sup>14</sup> Working Paper No. 60.

<sup>15</sup> Working Paper No. 61.

<sup>16</sup> Working Paper No. 65.

<sup>17</sup> Law Com. No. 69; Scot. Law Com. No. 39, published on 2 October 1975.

<sup>18</sup> Para. 9.

of these<sup>19</sup> deals with the obligations of landlords and tenants and was submitted to you on 9 April 1975. We annexed to it a draft Landlord and Tenant (Implied Covenants) Bill. We have now decided that the report dealing with termination of tenancies should be the second report in the series. The third interim report, dealing with covenants against assignment, alterations and change of use, will follow.

19. We have suffered a serious loss in the death in July 1975 of Mr. Lionel Blundell, Q.C. Since November 1970<sup>20</sup>, though he suffered frequently from grave ill-health, his great experience and enthusiasm contributed most notably to our work. He has left behind him a large body of work of great value, which will be used in preparing our reports.

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

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

20. Throughout the year under review those of us who are responsible for our land law work have continued to give priority to the preparation of a report relating to co-ownership of matrimonial homes, and we have not yet been able to resume work on the subject of rights appurtenant to land. Progress on the matrimonial homes topic has, however, been such<sup>21</sup> that we expect to be able to devote a great deal of time to rights appurtenant to land next year.

### *(b) Land registration*

21. It has been our practice, in preparing our series of land registration working papers, to discuss the subject-matter of each paper with H.M. Land Registry before issuing it. The discussions on the fourth (and last) in the series have been more protracted than we anticipated, and that working paper has not yet been published. We expect to publish it in the course of the next few months. In the meantime, we have started the process of reviewing the topics covered in the earlier papers in the series, consultation on which is complete.

### *(c) Rentcharges*

22. Our report on this subject, with a draft Bill appended to give effect to our recommendations, was submitted to you on 30 July 1975<sup>22</sup>.

### *(d) Local land charges*

23. The Local Land Charges Bill introduced into the House of Lords on 11 June 1975 was based on that annexed to our report on this subject<sup>23</sup>. It received the Royal Assent on 12 November 1975.

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

24. Our report on this subject, not recommending any legislation, was submitted to you on 13 November 1974<sup>24</sup>.

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<sup>19</sup> *Report on Obligations of Landlords and Tenants*; Law Com. No. 67, published on 11 June 1975.

<sup>20</sup> See our *Sixth Annual Report 1970-71*; Law Com. No. 47, para. 17.

<sup>21</sup> Para. 35 below.

<sup>22</sup> Law Com. No. 68, published on 9 October 1975.

<sup>23</sup> Law Com. No. 62.

<sup>24</sup> Law Com. No. 65.

(f) *Charging orders*

25. We have almost completed our work on this subject and our report and draft Bill will, we expect, be submitted soon.

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

26. Work is continuing on the preparation of a report on some aspects of the mental element in crime. We have kept in touch with the Criminal Law Revision Committee who, in their consideration of offences against the person, have an obvious interest in the definitions which we shall recommend in regard to intention, knowledge and recklessness.

27. We have issued working papers on *Offences relating to the Administration of Justice*<sup>25</sup> and on *Conspiracies to effect a public mischief and to commit a civil wrong*<sup>26</sup>, which are the last in the series connected with the proposal made in Working Paper No. 50 that the offence of conspiracy should be restricted to conspiracy to commit an offence. Comments were asked for by October 1975.

28. Consultation has continued on the other working papers in this series<sup>27</sup>, and in regard to the paper on *Conspiracies relating to Morals and Decency*<sup>28</sup> we had assistance from discussions at a seminar held at Jesus College, Cambridge, in April 1975.

29. We have decided that conspiracy to defraud and offences relating to the administration of justice could conveniently be treated separately from other aspects of the law of conspiracy. So far as the rest of the field is concerned we are treating the preparation of a report as a matter of the greatest urgency.

30. As contemplated by our *Second Programme of Law Reform*<sup>29</sup>, the law of sexual offences has now been referred to the Criminal Law Revision Committee for examination.

31. We have prepared a first study paper on treason and cognate subjects in order to define the problems with which we shall have to deal.

32. Further work on the territorial extent of the criminal law has had to give way to more urgent tasks.

**Item XIX. Family Law<sup>30</sup>**

*Family property*

33. In order to give effect to the recommendations set out in our *First report on family property: a new approach*<sup>31</sup> we have had under preparation three further reports (each with draft clauses annexed) dealing with—

- (a) family provision on death from the estate of a deceased person;

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<sup>25</sup> Working Paper No. 62.

<sup>26</sup> Working Paper No. 63.

<sup>27</sup> Working Papers Nos. 54, 56 and 57.

<sup>28</sup> Working Paper No. 57.

<sup>29</sup> Law Com. No. 14.

<sup>30</sup> See also paras. 42 and 43 below for work on private international law relating to family law.

<sup>31</sup> Law Com. No. 52.

- (b) co-ownership by husband and wife of the matrimonial home and occupation rights therein; and
- (c) the use and enjoyment of household goods.

34. On 13 February 1975 you introduced into the House of Lords the Inheritance (Provision for Family and Dependants) Bill based on the Bill annexed to our *Second report on family property: family provision on death*<sup>32</sup>. This Bill received the Royal Assent on 12 November 1975. We should like to take this opportunity to express our indebtedness to Mr. Joseph Jackson, Q.C., who gave us the benefit of his great experience when this legislation was in preparation.

35. Our third report on family property will deal with the co-ownership of the matrimonial home and occupation rights in it. The drafting of the legislation required was a task of such complexity that we were not able, in our last annual report<sup>33</sup>, to make any forecast as to the date when we should submit our report to you. Work on this draft legislation has, however, now reached an advanced stage.

36. The fourth report on family property will deal with the use and enjoyment of household goods. Much work has been done on this subject and we hope to complete our final report, with a draft Bill appended, at about the same time as our report on the co-ownership of the matrimonial home.

#### *Matrimonial proceedings in magistrates' courts*

37. As we said in our last annual report<sup>34</sup> the appearance of the report<sup>35</sup> by the Committee on One-Parent Families, under the chairmanship of the late Mr. Justice Finer, made it important that our own report should be completed as soon as possible. It was not feasible, however, to complete it before the provisions of the Children Bill reached their final form in their passage through Parliament. This Bill has now received the Royal Assent and, with the invaluable help of the Home Office official members of our working party<sup>36</sup>, we have made considerable further progress with our report and a draft Bill to accompany it.

#### *Declarations as to status*

38. Pressure of other work has prevented us from making progress on this topic.

#### *Conflicts of jurisdiction affecting children*

39. The Working Party<sup>37</sup> set up by the Law Commission and the Scottish Law Commission has now reached an advanced stage in the preparation of a draft working paper dealing with that part of its terms of reference which relates to conflicts of jurisdiction within the United Kingdom and allied administrative problems. It is intended to publish later a second working paper dealing with

<sup>32</sup> Law Com. No. 61, published 30 October 1974.

<sup>33</sup> Para. 25.

<sup>34</sup> Para. 28.

<sup>35</sup> (1974) Cmnd. 5629.

<sup>36</sup> For the membership of the Working Party see Appendix 3 of our last annual report.

<sup>37</sup> For the membership of the Working Party see Appendix 3 of our last annual report.

the international aspects of the Working Party's terms of reference, but the formulation of provisional proposals must await further progress in the Council of Europe committee of experts on the legal representation and custody of minors (the meetings of which continue to be attended by some members of the Working Party).

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

### *Obligations*

40. Memoranda were received from a large number of individuals and bodies who were consulted on the 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<sup>38</sup>. These comments have now been considered by the Joint Working Group<sup>39</sup> set up by the Scottish Law Commission and ourselves to study the draft convention. The Law Commissions have not yet reported on the matter, but the advice of the Joint Working Group has been made known to Ministers for the purpose of enabling H.M. Government to brief the British delegation which attended a meeting in Brussels in September. A small steering group is now engaged in preparing a brief for the British delegation for the next meeting at Brussels, which is to take place in December.

### *Property*

41. There has been no occasion to convene the Joint Working Group on Private International Law (Corporeal and Incorporeal Property) as no further progress has been made with the proposed convention by the E.E.C. Working Group on Private International Law.

### *Conflict of laws in respect of marriage*

42. As mentioned in paragraph 35 of our last annual report the Law Commissions have set up a Working Group<sup>40</sup> to study this topic, which is under consideration by The Hague Conference on Private International Law. The first meeting of the Conference's Special Commission took place in May 1975 but no draft convention has resulted so far. Our Working Group has given advice on proposals made by H.M. Government at the second meeting of the Special Commission in October 1975.

### *The law applicable to matrimonial property*

43. Paragraph 36 of our last annual report recorded that the Law Commissions gave advice to H.M. Government about the answers to be given to a preliminary questionnaire issued by the secretariat of The Hague Conference on this subject; in this work we received valuable help from Mr. M. D. A. Freeman of University College, London. Subsequently, Mr. Freeman has attended meetings of the Special Commission of The Hague Conference in February and June 1975. On the latter occasion the Special Commission prepared a preliminary draft of a convention. In collaboration with the Scottish Law Commission we set up in April a Working Group to deal with this project<sup>41</sup>.

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<sup>38</sup> See our last annual report, para. 33.

<sup>39</sup> For membership see Appendix 3 of our last annual report.

<sup>40</sup> The membership of this Working Group is shown in Appendix 3 below.

<sup>41</sup> The membership of this Working Group is shown in Appendix 3 below.

*The law applicable to agency*

44. The third matter on the agenda of The Hague Conference on Private International Law for its 1976 session is the law applicable to agency. Mr. I. G. F. Karsten of the London School of Economics and Political Science attended a meeting of the Special Commission of The Hague Conference in May 1975 and we were consulted on the answers submitted by H.M. Government to the preliminary questionnaire issued by the secretariat of The Hague Conference.

## PART II

### LAW REFORM OUTSIDE THE PROGRAMMES

#### Administrative Law

45. Our remit on this subject is limited to remedies in administrative law. Our report has now been prepared and draft legislation to implement the recommendations in the report is in the course of preparation. We hope to publish the report and the draft legislation shortly.

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

46. We have continued to assist the Department of Trade in considering the European Economic Community's draft directive on commercial agents. A member of our legal staff has attended various meetings on the subject.

#### Agency (Incapacitated Principal)

47. As mentioned in paragraph 39 of our last annual report, we are considering the law and practice governing powers of attorney and other forms of agency in relation to the mental incapacity of the principal. Our study of this topic leading to the preparation of a working paper has continued.

#### Breach of Confidence

48. We are continuing to receive comments on the provisional proposals which we put forward in Working Paper No. 58 for reforming the law of breach of confidence. At a stimulating seminar on the subject, arranged for us at All Souls College, Oxford, on 10 and 11 January 1975, we were able to hear a wide range of views put forward by representatives of the news media, industry, the judiciary, practising and academic lawyers and others particularly interested in the problems of breach of confidence and privacy generally. Our consultations are not yet complete but in any event we doubt whether it will be possible to prepare a final report until the views of the Government are known regarding the implementation of the recommendations contained in the Younger Report<sup>42</sup>.

#### Foreign Money Liabilities

49. There has been no meeting during the year of the Working Party set up by the Scottish Law Commission and ourselves<sup>43</sup> to examine the problems that may arise if a sum of money is due in a currency other than that of the place of payment or the place where payment is sought. No useful progress could be made while litigation on matters within this reference was pending, and now that the decision of the House of Lords in *Miliangos v. George Frank (Textiles) Ltd.*<sup>44</sup> has been given we will consider what aspects of the reference need further attention.

<sup>42</sup> *Report of the Committee on Privacy*, (1972) Cmnd. 5012.

<sup>43</sup> See Appendix 3 of our *Eighth Annual Report*; Law Com. No. 58.

<sup>44</sup> *The Times*, 6 November 1975; for the case at first instance and in the Court of Appeal see [1975] Q.B. 487.

## **Interest**

50. Under section 3(1)(e) of the Law Commissions Act 1965 you asked us on 21 November 1974:—

“To consider the law and practice relating to interest on debt (where interest has not been provided for by contract) and on damages, and to make recommendations.”

We had been working on the subject of interest on contract debts under Item I of our First Programme but your reference now enables us to include in our study the law relating to interest on damages where the claim is founded in tort. Much work has been done and we hope to publish a working paper on this subject in 1976.

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

51. A first draft of our report, recommending what legislation is needed to give effect to the convention on this subject approved by the Twelfth Session of The Hague Conference on Private International Law in October 1972, has now been written. In its preparation we have received generous help from the Principal Registry of the Family Division, the Chief Chancery Master, the Estate Duty Office and officials of other departments affected, including the Northern Ireland Office. It is our intention to submit with the completed report a draft of the legislation we propose.

## **Products Liability**

52. The Anglo-Scottish Working Party mentioned in paragraph 60 of our *Seventh Annual Report*<sup>45</sup> completed the preparation of a working paper designed for widespread consultation. This paper was considered and amended by the Law Commissions and published in June 1975<sup>46</sup>. The paper covers the subject of products liability generally but takes particular account of the draft directive now being prepared by the Commission of the E.E.C. and the draft convention now being prepared by the Council of Europe. Comments have been asked for by 1 January 1976.

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

53. Preparation of a final report is well advanced on the liability of occupiers for injury or damage to trespassers and related questions; draft legislation will be annexed to it and we expect the report to be ready for publication early in 1976.

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<sup>45</sup> Law Com. No. 50.

<sup>46</sup> Working Paper No. 64; Memorandum No. 20.

### PART III

## STATUTE LAW GENERALLY

### Consolidation

54. The heavy demands of the Government's legislative programme necessitated the recall to Whitehall in the Spring of the senior draftsman attached to the Law Commission, leaving us two below our usual complement. In consequence of this and of the loss of another draftsman at the beginning of this year some consolidation Bills mentioned in paragraph 49 of our last annual report as being in preparation and possibly ready for introduction in the course of the 1974-75 Session of Parliament have been delayed. These are the consolidation Bills relating to the National Health Service and to Restrictive Trade Practices. Moreover the consolidation Bill relating to Police Pensions has been held up largely as a result of pressure of work on programme Bills.

55. 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:—

Supply Powers Act 1975<sup>47</sup>,

Social Security Act 1975,

Social Security (Northern Ireland) Act 1975,

Industrial Injuries and Diseases (Old Cases) Act 1975,

Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975,

Social Security (Consequential Provisions) Act 1975<sup>48</sup>,

Ministers of the Crown Act 1975,

Ministerial and other Salaries Act 1975,

House of Commons Disqualification Act 1975,

Northern Ireland Assembly Disqualification Act 1975,

Nursing Homes Act 1975,

Export Guarantees Act 1975,

Salmon and Freshwater Fisheries Act 1975,

Iron and Steel Act 1975,

Recess Elections Act 1975,

Airports Authority Act 1975.

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<sup>47</sup> Incorporating amendments to give effect to recommendations made by the Law Commissions in a report (Law Com. No. 66; Scot. Law Com. No. 38).

<sup>48</sup> This Bill was not, strictly speaking, a consolidation Bill, but its provisions were consequential on the four preceding Bills and it was specially referred to the Joint Committee on Consolidation Bills.

56. Bills are in preparation on the following topics and most of them should be ready for introduction in the new Session of Parliament:—

Adoption,  
Countryside,  
Lotteries and Amusements,  
National Health Service,  
Police Pensions,  
Protection from Eviction,  
Rent,  
Resale Prices,  
Restrictive Practices Court,  
Restrictive Trade Practices,  
Rights of Employees,  
Supplementary Benefits.

57. A consolidation of the enactments relating to land drainage is ready for introduction as soon as parliamentary time can be found for the facilitating amendments referred to in paragraph 52 of our last annual report.

58. The work of our Tax Consultative Group, referred to in paragraphs 46 and 53 of our last annual report, was overtaken by the Finance Act 1975, which abolished estate duty and put capital transfer tax in its place. We were told, however, that the draft estate duty legislation which the Group had considered was of substantial assistance to those who prepared the Act of 1975 (as is now evident from its terms).

59. In paragraph 51 of our last annual report we referred to the work being done to consolidate the Highways enactments. This will be a very long Bill indeed and it would be unrealistic to expect it to be ready for introduction before the Session of 1976–77.

60. The Working Party under the chairmanship of Sir Stanley Krusin, C.B., on the consolidation of the Public Health legislation<sup>49</sup> has recommended that there should be five separate Bills, each dealing with a different aspect of the subject. The commencement of this major consolidation project must await the availability of a draftsman. Preconsolidation amendments and repeals are likely to be required.

61. A certain amount of material now in the Public Health Act 1936 and elsewhere would not readily fit into any of the proposed consolidation Bills and would have to be left where it is. It is hoped that the opportunity will arise for this material to be re-enacted in a suitable form in one or more Bills dealing with the powers of local authorities.

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<sup>49</sup> Referred to in para. 55 of our last annual report.

### **Statute Law Revision**

62. The Statute Law (Repeals) Act 1975, which received the Royal Assent on 13 March 1975, wholly repealed 40 Acts of Parliament and partially repealed 117. A draft Statute Law (Repeals) Bill has been prepared by the Law Commissions and submitted to you as an appendix to their seventh report on Statute Law Revision<sup>50</sup>. It would entirely repeal 92 Acts of Parliament and one Church Assembly Measure and repeal 212 Acts of Parliament in part.

### **Private Acts**

63. Work has continued on the preparation of the chronological table of private Acts referred to in paragraph 59 of our last annual report. The private Acts from the present time back to the beginning of the nineteenth century have now been listed. At the beginning of October 1975 an experienced librarian joined the Commission's staff to work full time on the preparation of a chronological table and faster progress may now be expected.

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<sup>50</sup> Law Com. No. 70; Scot. Law Com. No. 40; submitted to Ministers on 28 October 1975.

## PART IV

### GENERAL

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

64. On 14 June Mr. Claud Bicknell's term of appointment as a Law Commissioner expired. We are indebted to him for all that he has contributed to our work. We welcome as his successor Mr. Stephen Edell, who was a solicitor in active practice until his appointment.

#### **Staff**

65. Our full-time staff numbers forty-nine; the Secretary, five draftsmen, twenty-one other lawyers and twenty-two non-legal staff. In addition, there are four lawyers and two members of the non-legal staff on a part-time basis.

#### **Library**

66. The library now contains over 16,000 items. We have been able to supply more and more of our needs from our own stock and now lend to other libraries and government departments over three times the number of items we borrow. The librarian maintains contacts with law librarians at home and abroad through the British and Irish Association of Law Librarians and the International Association of Law Libraries.

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

67. Our co-operation with the Scottish Law Commission on the production of our second report on exemption clauses has necessitated frequent consultation and a number of meetings both in Scotland and in England. The two Commissions are in constant touch concerning their work on conflicts of jurisdiction affecting the custody of children, on work jointly undertaken under their respective Third Programmes on private international law topics, and on products liability, a subject which occupied most of our discussions at our annual joint meeting in London in April.

68. We have had occasion to exchange views with the Law Reform Consultant in Northern Ireland and with legal draftsmen and other officials there; in particular we have been in contact over statute law revision proposals being prepared in both countries.

69. We would like to express our gratitude to the Senate of the Inns of Court and the Bar, to The Law Society and to the Society of Public Teachers of Law, all of whom have given abundantly of their time in formulating most helpful comments on our consultative documents. We are especially obliged to those able and energetic individuals who serve on the committees of all three branches of the profession which are concerned with law reform. We

would also like to thank the Society of Public Teachers of Law for organising a meeting in March at Jesus College, Cambridge, on the subject of fraud at which our Working Paper No. 56 on *Conspiracy to Defraud* was subjected to a most illuminating discussion. Two of our number attended the meeting.

70. On 13 October three of us had the welcome opportunity to hold a discussion with members of the committee of JUSTICE on administrative law. At this meeting we had the benefit of hearing Professor K. J. Keith's description of the New Zealand experience.

### **Relations with Lawyers Overseas**

71. In May 1975 our Chairman was one of a group of United Kingdom judges, led by Lord Justice Stephenson, who visited the Court of the European Communities at Luxembourg. The work of the Court was studied in some detail. It is essential that English lawyers should be familiar both with the developing principles of Community law and with the procedures by which the Court despatches the considerable volume of business with which it deals. The visit was most instructive, and we are indeed indebted to President Lecourt and his colleagues for the care and attention which they devote to making their work understood as an integral part of the jurisprudence of the countries of the E.E.C.

72. In 1974 the Law Commission were invited by Dr. O. M. Stone, at that time Vice-President of the International Society on Family Law and now its President, to take part in the Society's first world conference, which took place in April 1975 in West Berlin on the theme "The Child and the Law". We were represented by two senior members of our staff at this conference, which proved of great interest for our own work on family law.

73. Mr. I. B. Delano, a lawyer concerned with setting up a law reform agency in the Western State of Nigeria, spent ten weeks in Conquest House making a particular study of our work on criminal law.

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

- Mr. M. A. Ahmed (Northern Nigeria)
  - Mr. S. Bashar (Northern Nigeria)
  - Mr. N. A. Matete (Lesotho)
  - Justice Roger Traynor (formerly of the California Supreme Court and a former Chief Justice)
  - Professor Brian Coote (University of Auckland, New Zealand)
  - Professor S. J. Stoljar (Australian National University, Canberra)
  - Dr. Peter Westerlind (President of the Market Court, Sweden)
  - Mrs. Janice Palmer (Legal Assistant to the Law Reform Commissioner, Melbourne, Australia)
  - Dr. Alberto M. Orol (Ministry of Justice, Argentina)
  - Mr. F. Basher
  - Mr. Z. Ghoorwal
  - Miss R. Habib
  - Mr. A. Payman
- } Legal Trainees, Afghanistan

Mr. Barry L. Strayer (Department of Justice, Canada)  
Mr. Y. P. Ghai (University of Uppsala, Sweden)  
Dr. M. Simon (formerly President of a Chamber of the Court of Appeal of Paris)  
Mr. Y. O. Adio (Ministry of Justice, Western State, Nigeria)  
Professor Donald B. King (Saint Louis University, Missouri, U.S.A.)  
Mr. Justice A. N. Ray (Chief Justice of India)  
Herr W. Stadler (Bavarian Ministry of Justice, West Germany)  
Mr. L. K. Domeracki (Ministry of Justice, Poland)  
Mr. M. R. K. Atadika (Secretary, Ghana Bar Association)  
Professor E. Deutsch (Director, Institute of International and Comparative Private Law, Göttingen University, West Germany)  
Professor Wolfgang F. von Marschall (Frankfurt University, West Germany)  
Professor Rödiger (Giessen University, West Germany)  
Mr. J. M. Bennett (Chief Legal Officer, New South Wales Law Reform Commission)  
Professor Louis Waller (Monash University, Australia)  
Mr. J. Aryitey (Deputy Chief Legal Adviser, Ghana National Trading Corporation)  
Mr. D. Fernando (Secretary, Bar Council, Sri Lanka)  
Mr. H. Harahap (Attorney General's Office, Indonesia)  
Mr. M. Kapi (Public Solicitor's Office, Papua New Guinea)  
Mr. K. Los (Deputy Public Solicitor, Papua New Guinea)  
Mr. K. Mensah (Solicitor Secretary, First Ghana Building Society)  
Mr. B. Narakobi (Chairman, Law Reform Commission, Papua New Guinea)  
Mr. A. Norvor (Ghana Law Reform Commission)  
Mr. B. Odoki (Law Development Centre, Kampala, Uganda)  
Miss M. Taylor (Office of the Chief Minister and member of the Law Reform Commission, Papua New Guinea)  
Mr. J. H. Smythe, M.B.E., Q.C. (Vice-Chairman designate of the Sierra Leone Law Reform Commission)  
Mr. James Wood (New South Wales Law Reform Commission)  
Professor K. J. Keith (member of the Public and Administrative Law Reform Committee, New Zealand).

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

J. M. CARTWRIGHT SHARP, *Secretary.*

18 November 1975.

## APPENDIX 1

### LIST OF THE LAW COMMISSION'S PUBLICATIONS

#### up to and including Tenth Annual Report

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

- 1966** No. 1. Transfer of Land: root of title to freehold land (Law Com. No. 9).  
No. 2. Draft proposals on powers of the Court of Appeal to sit in private and restrictions upon publicity in legitimacy proceedings (Law Com. No. 8).  
No. 3. Restrictive covenants (Law Com. No. 11).  
No. 4. Should English wills be registrable?  
No. 5. Liability of trade vendors of new dwelling houses to first and subsequent purchasers (First paper) (Law Com. No. 40).  
No. 6. Liability of vendors and lessors for defective premises (Second paper) (Law Com. No. 40).
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- 1967** No. 7. Provisional proposals for amendments to the Landlord and Tenant Act 1954, Part II (Business tenancies) (Law Com. No. 17).  
No. 8. Provisional proposals relating to obligations of landlords and tenants (Law Com. No. 67).  
No. 9. Family Law: matrimonial and related proceedings. Financial relief (Law Com. No. 25).  
No. 10. Proposals for changes in the law relating to land charges affecting unregistered land and to local land charges (Law Com. Nos. 18 and 62).  
No. 11. Powers of attorney (Law Com. No. 30).  
No. 12. Proof of paternity in civil proceedings (Law Com. No. 16).  
No. 13. 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.

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- 1971** No. 34. Family Law: jactitation of marriage (the subject of a further Working Paper No. 48).
- No. 35. Family Law: solemnisation of marriage (Law Com. No. 53).
- No. 36. Transfer of Land: appurtenant rights.
- No. 37. Transfer of Land: land registration (Second paper).
- No. 38. Family Law: jurisdiction in suits for nullity of marriage (Law Com. No. 48).
- \*No. 39. Exemption clauses in contracts for services (Joint Working Paper—Scottish Law Commission Memorandum No. 15) (Law Com. No. 69).
- \*No. 40. Administrative Law.
- 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 (Law Com. No. 68).
- \*No. 50. Codification of the Criminal Law: general principles. Inchoate offences: conspiracy, attempt and incitement.
- \*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.
- \*No. 53. Family Law: matrimonial proceedings in magistrates' courts.

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\*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.
- † 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.
- \*No. 58. Breach of confidence.
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- 1975 \*No. 59. Contribution.
- \*No. 60. Firm offers.
- \*No. 61. Penalty clauses and forfeiture of monies paid.
- \*No. 62. Criminal Law: offences relating to the administration of justice.
- \*No. 63. Codification of the Criminal Law: conspiracies to effect a public mischief and to commit a civil wrong.
- \*No. 64. Liability for defective products (Joint Working Paper—Scottish Law Commission Memorandum No. 20).
- \*No. 65. Pecuniary Restitution on Breach of Contract.

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\*On sale at H.M. Stationery Office.

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

(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.
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- 1968** Law Com. No. 14. Second Programme of Law Reform.  
Law Com. No. 15. Third Annual Report 1967-68 (H.C. 312).  
Law Com. No. 16. Blood tests and the proof of paternity in civil proceedings (H.C. 2).
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- 1969** Law Com. No. 17. Landlord and Tenant: report on the Landlord and Tenant Act 1954, Part II (H.C. 38).  
Law Com. No. 18. Transfer of Land: report on land charges affecting unregistered land (H.C. 125).  
Law Com. No. 18A. Trustee Savings Banks Bill: report by the 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).
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- 1970** Law Com. No. 28. Statute Law Revision: second report. Draft Wild Creatures and Forest Laws Bill (Cmnd. 4433).
- Law Com. No. 29. Criminal Law: report on offences of damage to property (H.C. 91).
- Law Com. No. 30. Powers of attorney (Cmnd. 4473).
- Law Com. No. 31. Administration bonds, personal representatives' rights of retainer and preference and related matters (Cmnd. 4497).
- Law Com. No. 32. Civil liability for dangerous things and activities (H.C. 142).
- Law Com. No. 33. Family Law: report on nullity of marriage (H.C. 164).
- Law Com. No. 34. Hague Convention on Recognition of Divorces and Legal Separations: report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 16) (Cmnd. 4542).
- Law Com. No. 35. Limitation Act 1963 (Cmnd. 4532).
- Law Com. No. 36. Fifth Annual Report 1969-70 (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).
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- 1974** Law Com. No. 59. Friendly Societies Bill: report on the consolidation of the Friendly Societies Acts 1896 to 1971 and certain other enactments relating to the societies to which these Acts apply (Scot. Law Com. No. 35) (Cmnd. 5634).
- Law Com. No. 60. Report on injuries to unborn children (Cmnd. 5709).
- Law Com. No. 61. Family Law: second report on family property. Family provision on death (H.C. 324).
- Law Com. No. 62. Transfer of Land: report on local land charges (H.C. 71).
- Law Com. No. 63. Statute Law Revision: sixth report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 36) (Cmnd. 5792).
- Law Com. No. 64. Ninth Annual Report 1973-74 (H.C. 40).
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- 1975** Law Com. No. 65. Transfer of Land: report on "subject to contract" agreements (H.C. 119).
- Law Com. No. 66. Supply Powers Bill: report on the consolidation of certain enactments relating to supply powers (Scot. Law Com. No. 38) (Cmnd. 5850).
- Law Com. No. 67. Codification of the Law of Landlord and Tenant: report on obligations of landlords and tenants (H.C. 377).
- Law Com. No. 68. Transfer of Land: report on rentcharges (H.C. 602).
- Law Com. No. 69. Exemption Clauses: second report (Scot. Law Com. No. 39) (H.C. 605).
- Law Com. No. 70. Statute Law Revision: seventh report by the Law Commission and the Scottish Law Commission (Scot. Law Com. No. 40).
- Law Com. No. 71. Tenth Annual Report 1974-75.

## APPENDIX 2

### IMPLEMENTATION OF THE LAW COMMISSION'S LEGISLATIVE PROPOSALS

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Proposals to abolish certain ancient criminal offences (Law Com. No. 3)	22.6.66	Criminal Law Act 1967 (c. 58)
Landlord and Tenant: interim report on distress for rent (Law Com. No. 5)	6.10.66	No
Proposals for reform of the law relating to maintenance and champerty (Law Com. No. 7)	22.11.66	Criminal Law Act 1967 (c. 58)
The powers of appeal courts to sit in private and the restrictions upon publicity in domestic proceedings (Law Com. No. 8)	23.11.66	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)
Transfer of Land: interim report on root of title to freehold land (Law Com. No. 9)	14.2.67	Law of Property Act 1969 (c. 59)
Imputed criminal intent ( <i>Director of Public Prosecutions v. Smith</i> ) (Law Com. No. 10)	28.2.67	In part by section 8 of the Criminal Justice Act 1967 (c. 80)
Transfer of Land: report on restrictive covenants (Law Com. No. 11)	22.3.67	In part by Law of Property Act 1969 (c. 59)
Sea Fisheries (Shellfish) Bill (Joint report with Scottish Law Commission) (Law Com. No. 11A)	11.5.67	Sea Fish (Conservation) Act 1967 (c. 84)
Civil liability for animals (Law Com. No. 13)	21.12.67	Animals Act 1971 (c. 22)
Blood tests and the proof of paternity in civil proceedings (Law Com. No. 16)	31.10.68	Family Law Reform Act 1969 (c. 46)
Landlord and Tenant: report on the Landlord and Tenant Act 1954, Part II (Law Com. No. 17)	22.1.69	Law of Property Act 1969 (c. 59)
Transfer of Land: report on land charges affecting unregistered land (Law Com. No. 18)	20.3.69	Law of Property Act 1969 (c. 59)
Trustee Savings Banks Bill (Joint report with Scottish Law Commission) (Law Com. No. 18A)	17.4.69	Trustee Savings Banks Act 1969 (c. 50)
Proceedings against estates (Law Com. No. 19)	2.5.69	Proceedings Against Estates Act 1970 (c. 17)
Interpretation of statutes (Joint report with Scottish Law Commission) (Law Com. No. 21)	11.6.69	No
Statute Law Revision: first report (Law Com. No. 22)	8.7.69	Statute Law (Repeals) Act 1969 (c. 52)
Proposal for the abolition of the matrimonial remedy of restitution of conjugal rights (Law Com. No. 23)	26.8.69	Matrimonial Proceedings and Property Act 1970 (c. 45)

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Exemption clauses in contracts: first report. Amendments to the Sale of Goods Act 1893 (Joint report with Scottish Law Commission) (Law Com. No. 24)	18.9.69	Supply of Goods (Implied Terms) Act 1973 (c. 13)
Financial provision in matrimonial proceedings (Law Com. No. 25)	23.9.69	Matrimonial Proceedings and Property Act 1970 (c. 45); Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Breach of promise of marriage (Law Com. No. 26)	15.10.69	Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)
Statute Law Revision: second report. Draft Wild Creatures and Forest Laws Bill (Law Com. No. 28)	4.8.70	Wild Creatures and Forest Laws Act 1971 (c. 47)
Criminal Law: offences of damage to property (Law Com. No. 29)	16.9.70	Criminal Damage Act 1971 (c. 48)
Powers of attorney (Law Com. No. 30)	23.9.70	Powers of Attorney Act 1971 (c. 27)
Administration bonds, personal representatives' rights of retainer and preference and related matters (Law Com. No. 31)	15.10.70	Administration of Estates Act 1971 (c. 25)
Nullity of marriage (Law Com. No. 33)	4.12.70	Nullity of Marriage Act 1971 (c. 44)
Hague Convention on Recognition of Divorces and Legal Separations (Joint report with Scottish Law Commission) (Law Com. No. 34)	1.12.70	Recognition of Divorces and Legal Separations Act 1971 (c. 53)
Limitation Act 1963 (Law Com. No. 35)	25.11.70	Law Reform (Miscellaneous Provisions) Act 1971 (c. 43)
Statute Law Revision: third report. Draft Statute Law (Repeals) Bill (Law Com. No. 37)	15.12.70	Statute Law (Repeals) Act 1971 (c. 52)
Coinage Bill (Joint report with Scottish Law Commission) (Law Com. No. 38)	26.11.70	Coinage Act 1971 (c. 24)
Vehicles (Excise) Bill (Joint report with Scottish Law Commission) (Law Com. No. 39)	2.12.70	Vehicles (Excise) Act 1971 (c.10)
Civil liability of vendors and lessors for defective premises (Law Com. No. 40)	16.12.70	Defective Premises Act 1972 (c. 35)
National Savings Bank Bill (Joint report with Scottish Law Commission) (Law Com. No. 41)	13.1.71	National Savings Bank Act 1971 (c. 29)
Polygamous marriages (Law Com. No. 42)	3.2.71	Matrimonial Proceedings (Polygamous Marriages) Act 1972 (c. 38)

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Taxation of income and gains derived from land (Joint report with Scottish Law Commission) (Law Com. No. 43)	28.4.71	In part by section 82 of the Finance Act 1972 (c. 41)
Town and Country Planning Bill (Law Com. No. 45)	10.6.71	Town and Country Planning Act 1971 (c. 78)
Road Traffic Bill (Joint report with Scottish Law Commission) (Law Com. No. 46)	26.7.71	Road Traffic Act 1972 (c. 20)
Jurisdiction in matrimonial causes (Law Com. No. 48)	14.9.72	Domicile and Matrimonial Proceedings Act 1973 (c. 45)
Statute Law Revision: fourth report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 49)	28.9.72	Statute Law (Repeals) Act 1973 (c. 39)
Matrimonial Causes Bill (Law Com. No. 51)	18.12.72	Matrimonial Causes Act 1973 (c. 18)
First report on family property: a new approach (Law Com. No. 52)	6.6.73	Legislative 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	Inheritance (Provision for Family and Dependents) Act 1975 (c. 63)
Local land charges (Law Com. No. 62)	18.12.74	Local Land Charges Act 1975 (c. 76)
Statute Law Revision: sixth report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 63)	5.12.74	Statute Law (Repeals) Act 1975 (c. 10)
Supply Powers Bill (Joint report with Scottish Law Commission) (Law Com. No. 66)	8.1.75	Supply Powers Act 1975 (c. 9)

<i>Titles of relevant reports</i>	<i>Date of publication</i>	<i>Implemented</i>
Codification of the Law of Landlord and Tenant: obligations of landlords and tenants (Law Com. No. 67)	17.6.75	No
Transfer of Land: report on rentcharges (Law Com. No. 68)	9.10.75	No
Exemption Clauses: second report (Joint report with Scottish Law Commission) (Law Com. No. 69)	2.10.75	No
Statute Law Revision: seventh report. Draft Statute Law (Repeals) Bill (Joint report with Scottish Law Commission) (Law Com. No. 70)		No

APPENDIX 3

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