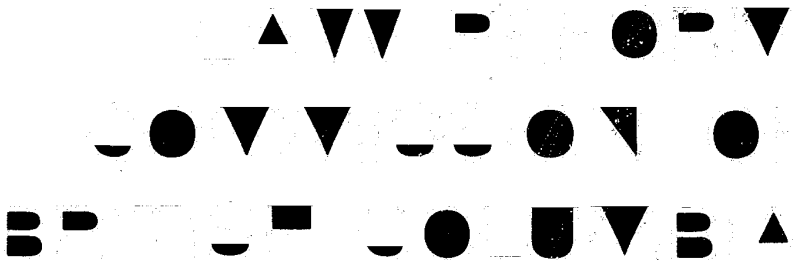




ANNUAL REPORT 1977

47456
954747



MINISTRY OF ATTORNEY GENERAL

annual report
of the
**LAW REFORM COMMISSION
OF BRITISH COLUMBIA**

1977



PRINTED BY
AUTHORITY OF THE LEGISLATIVE ASSEMBLY

LRC 36

NCJRS

MAY 12 1978

ACQUISITIONS

The Law Reform Commission of British Columbia was established by the *Law Reform Commission Act* in 1969 and began functioning in 1970.

The Commissioners are:

DOUGLAS LAMBERT, *Chairman*

LEON GETZ

PAUL D. K. FRASER

PETER FRASER

Arthur L. Close is Counsel to the Commission.

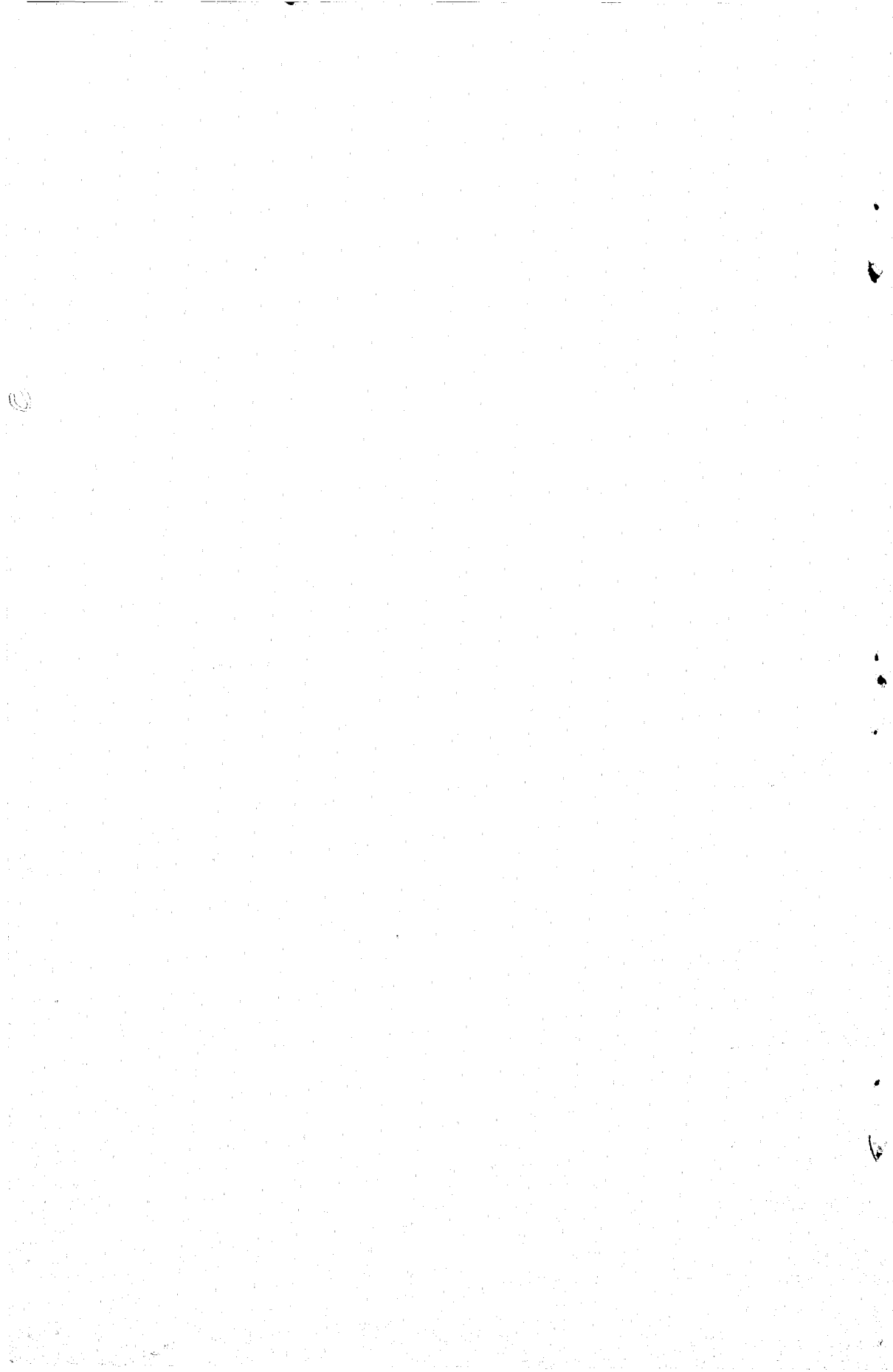
Anthony J. Spence and Patricia Lane are Legal Research Officers to the Commission.

Patricia Kilpatrick is Secretary to the Commission.

The Commission offices are located on the 10th Floor,
1055 West Hastings Street, Vancouver, B.C. V6E 2E9.

TABLE OF CONTENTS

	Page
I. Introduction	5
II. Membership of the Commission	5
III. The Programme	6
1. Debtor-Creditor Relationships	6
(a) Enforcement of Judgments	6
(b) Reviewable Transactions	6
(c) Law of Guarantees	6
2. Tort Liability of Public Bodies	7
3. Statute Law Revision: Applicability of English Law	7
(a) The Main Project	7
(b) <i>The Offences Against the Person Act, 1828, s. 28</i>	7
4. The Law of Evidence	7
(a) Comprehensive Reform	7
(b) The Rule in <i>Hollington v. Hewthorn</i>	8
(c) Proof of Foreign Marriage	8
(d) The Parol Evidence Rule	8
5. Statute of Frauds	8
6. Arbitration	9
7. Civil Procedure	9
(a) <i>The Replevin Act</i>	9
(b) The Role of the Attorney-General as a Necessary Party in Civil Litigation Arising out of Alleged Injury to the Public	9
(c) Class Actions	9
(d) Litigants' Costs Indemnification	10
(e) Civil Juries	10
8. Waiver of Conditions Precedent in Contracts	10
9. Estates Projects	10
(a) Modification of Wills on Divorce	10
(b) Privacy and Wills	10
10. Subjects of Interest	10
IV. Conclusion	11
1. Carrying out the Programme	11
2. Acknowledgments	11
Appendix A	13
Appendix B	14



TO THE HONOURABLE GARDE B. GARDOM, Q.C.
ATTORNEY-GENERAL FOR BRITISH COLUMBIA

The Law Reform Commission of British Columbia has the honour to present its Annual Report, outlining the progress made by the Commission during the calendar year 1977.

I. INTRODUCTION

The Law Reform Commission of British Columbia was constituted by the *Law Reform Commission Act* which became law on July 1, 1969 and this Report marks the eighth full year of its operation. During the past year, six formal Reports were submitted to you on a variety of matters. They include Reports on the Rule in *Hollington v. Hewthorn*, Waiver of Conditions Precedent in Contracts, Proof of Marriage in Civil Proceedings, the *Statute of Frauds*, the Tort Liability of Public Bodies, and the *Offences Against the Person Act, 1828*. We have also issued a Working Paper on the *Replevin Act*. The contents of these documents are described more particularly below.

Despite difficulties referred to later in this Report, we feel that we have had a productive year and are particularly gratified in having concluded certain long term studies and in bringing others much closer to conclusion.

For reasons set out in previous Annual Reports, the emphasis of the Commission's work continues to be on private law matters. Early in 1978 we will be reviewing our programme and expect to add a number of new studies.

II. MEMBERSHIP OF THE COMMISSION

As presently constituted the Commission consists of four members: Messrs. Douglas Lambert, Leon Getz, Paul D. K. Fraser and Peter Fraser. Details of their appointments may be found in previous Annual Reports. For the first half of 1977 Leon Getz was our full-time Chairman and Ronald C. Bray was a part-time Commissioner. Mr. Getz ceased to be full-time Chairman at the end of June 1977, though he carried out the duties of Chairman for some months thereafter and he continues to serve as a part-time Commissioner. On December 22, 1977 Mr. Lambert was appointed as Chairman with effect from January 1, 1978 and he will serve on a full-time basis.

Mr. Bray was first associated with the Commission as a consultant on our Project on the *Mechanics' Lien Act* and in 1971 he was appointed as a member of the Commission. In 1973, following the resignation of Mr. Justice E. D. Fulton, Mr. Bray was appointed Chairman *pro tem.* and served us for a year in that capacity. His sudden death in June 1977 shocked and saddened us all. He brought to our deliberations a broad legal knowledge and an incisive mind, a combination of qualities which will not be easy to duplicate. We are grateful for having had the opportunity to work with him.

Professor Leon Getz was the first Counsel to the Commission and during the first year of its existence worked tirelessly to establish it as a "going concern." After a return to law teaching, he came back to the Commission in 1974 as our first full-time Chairman. His able leadership and his profound scholarship contributed immeasurably to our work and the impact he has made on the Commission will be felt for many years to come. Professor Getz resigned as full-time Chairman in June to return to teach at the Faculty of Law, University of British Columbia, but he continues to serve in a part-time capacity.

III. THE PROGRAMME

The description of our programme below is limited to those projects upon which we have reported in the past year or upon which work is in progress. Details of other Reports, and projects which have been discontinued with the reason for the discontinuance, may be found in earlier Annual Reports. Included as Appendix A is a table setting out all Reports which the Commission has made to date, and references to legislation in which our recommendations have been implemented in whole or in part. In Appendix B there is another table setting out those matters which are now under consideration.

1 Debtor-Creditor Relationships

(a) *Enforcement of Judgments*—The Commission has published three working papers in this project. Working Paper No. 18, on the *Attachment of Debts Act*, contains a large number of detailed proposals for the clarification and extension of the scope of this statute, among them a proposal for what we have called a "continuing garnishing order," effective for a specified period, and designed to overcome the difficulty that, under present law, a garnishing order is a "one shot" remedy that either has immediate effect or none at all.

The development of our final recommendations and the preparation of our Report are virtually complete and we hope to submit them to you early in 1978.

Working Paper No. 21 on the *Creditors' Relief Act*, canvasses the alternatives of amendment and repeal of this legislation. It also includes detailed suggestions for improvement of the substance and drafting of the statute, should the Commission recommend that the Act be retained. Work continues on this aspect of the project.

Working Paper No. 22 is concerned with Execution Against Land. In the paper we made a number of proposals designed to improve those provisions of the *Execution Act* which relate to land. We are currently re-evaluating our views in the light of government initiatives in this area and the contents of the *Execution Amendment Act, 1977* (1977 B.C. Bill No. 60 introduced and given first reading only).

Work is also proceeding in other aspects of this study.

(b) *Reviewable Transactions*—Considerable research material was developed in connection with our study on the *Bulk Sales Act*, referred to in our 1976 Annual Report. On reviewing that material we concluded that it would be preferable to defer proceeding further on a separate project on bulk sales until we also examined the operation of other statutes such as the *Fraudulent Conveyances Act* and the *Fraudulent Preferences Act* which provide analogous relief.

Accordingly this study has been retitled as "Reviewable Transactions" and we hope to proceed with the broader examination in 1978.

(c) *Law of Guarantees*—This project is an outgrowth of the Commission's work on the *Statute of Frauds*, which is more fully referred to elsewhere in this Report. It became apparent in the course of that work that the law of guarantees, and consumer guarantees in particular, is surrounded by a great deal of uncertainty and doubt, is in some respects inequitable, and is ripe for re-examination. A Working Paper setting out a number of proposals for change with respect to guarantees of consumer debts is virtually complete and we expect to circulate it early in 1978.

2. Tort Liability of Public Bodies

The Commission has made its final Report on this project. In that Report we recommend *inter alia* that the immunity enjoyed by the municipalities from liability for failure to maintain highways in a safe condition should be abrogated. Other recommendations relate to the defence of statutory authority and the application of the Rule in *Rylands v. Fletcher* to public bodies. Copies of the Report are available from the Queen's Printer.

3. Statute Law Revision: Applicability of English Law

(a) *The Main Project*—The *English Law Act*, R.S.B.C. 1960, c. 129 provides that the Laws of England, as they existed on November 19, 1858 are in force in British Columbia to the extent that they are not inapplicable through local circumstances and have not been repealed or superseded by federal or provincial legislation. It follows from this that an uncertain number of English statutes are in force in this Province.

The aim of this project is to introduce a degree of certainty concerning the extent to which English statute law is in force here. We hope to develop a list of statutes which are in force, with a view to giving that list legislative force and repealing the balance of the English statutes.

This has always been recognized as a long-term project and our previous work has been devoted largely to gathering background information. As a result of these efforts we now have a collection of comparative materials concerning law reform in this area which we believe is unrivalled in the Commonwealth. In 1977 considerable progress was made in organizing these materials, and a preliminary list of statutes has been established. Our research in this area will continue in 1978.

(b) *The Offences Against the Person Act, 1828, s. 28*—This provision of an English statute is one which the British Columbia courts have held to be in force by virtue of the *English Law Act*. It provides that a person who has faced criminal proceedings for a minor assault is, if certain conditions are met, freed of civil liability to the person he assaulted.

In 1977, in a short Report, we recommended that this anomalous rule be abrogated and that the *Offences Against the Person Act* be repealed to the extent that it is in force in the Province. Copies of the Report may be obtained from the Queen's Printer.

4. The Law of Evidence

(a) *Comprehensive Reform*—In our 1976 Annual Report we set out the Commission's position concerning a project aimed at the comprehensive reform of the law of evidence. Essentially it was our view that the time was not ripe for devoting our resources to such a project and that our primary focus should be the examination of particular aspects of the law of evidence from time to time.

We are fortified in this view by more recent events. At the 1977 meeting of the Uniform Law Conference the divergence of recommendations emanating from other law reform bodies, who have made comprehensive reports, emerged as a matter of concern. It was concluded that a special task force with both federal and provincial representation should be constituted with a view to developing comprehensive reforms which are acceptable to all jurisdictions. The establishment of such a task force would make a similar project of our own even more untimely.

We will watch the work of the task force with interest. Our progress on particular topics in the law of evidence is set out below.

(b) *The Rule in Hollington v. Hewthorn*—A Report on this topic was submitted to you in 1977. The Rule in *Hollington v. Hewthorn* may be simply stated by saying that in civil proceedings, evidence that a party has previously been convicted of an offence arising out of the same facts as are at issue in the civil proceedings, is not admissible. It is a rule that has been widely criticized, and has been altered or proposed to be altered by statute in a number of jurisdictions, both in Canada and elsewhere. We recommended that, subject to a number of qualifications, the rule be abrogated. The central recommendation, repeal of the rule, was implemented by the *Evidence Amendment Act, 1977* (1977 B.C. Bill No. 2); although that legislation was not as far-reaching as our recommendations and instead followed the Model Act adopted by the Uniform Law Conference. Copies of the Report are available from the Queen's Printer.

(c) *Proof of Foreign Marriage*—In British Columbia courts, strict proof of marriage is required in divorce proceedings, and for this reason the courts require, in addition to the evidence of the parties, or someone else who was present at the ceremony, the production of the marriage certificate or a certified copy, unless good cause can be shown for its nonproduction. If the marriage was not celebrated in Canada or a Commonwealth country it is also necessary to adduce direct expert evidence, by testimony or affidavit, to show that the evidence tendered to prove the marriage would be received in the courts of the country in which it was celebrated as evidence of the marriage. These requirements frequently present great difficulties for litigants, and result in unnecessary expense and delay. In 1977 we submitted a Report containing recommendations which, if implemented, would go some way toward reducing this expense and delay. These recommendations would permit *viva voce* evidence by a party to, or witness of, a marriage ceremony to be introduced and that evidence would, if uncontradicted, be sufficient. Copies of the Report may be obtained from the Queen's Printer.

(d) *The Parol Evidence Rule*—Where the parties to a contract have embodied its terms in a written document, as a general rule extrinsic evidence is not admissible to add to, vary, subtract from or contradict the terms of the written instrument. This rule is often known as the parol evidence rule. There are a number of exceptions to the rule and in British Columbia the rule has been abrogated with respect to consumer contracts (*Trade Practices Act*, S.B.C. 1974, c. 96, s. 27).

The rule and its scope were recently explored in a short working paper (No. 70) issued by the English Law Commission and it was their tentative conclusion that the rule no longer serves a useful purpose and ought to be abrogated. A study on the parol evidence rule was added to our programme in 1977.

5. Statute of Frauds

The *Statute of Frauds* was originally enacted in England in 1677, with the object of preventing fraudulent persons avoiding their obligations under a variety of transactions by taking advantage of certain inadequacies in the then prevailing law of evidence and proof. In essence, the Statute superimposed upon these transactions certain formal requirements of writing. The *Statute of Frauds* was received into the law of British Columbia, and was re-enacted, in slightly modified form, as part of the legislation of the Province. It has become encrusted with a refined and idiosyncratic body of case law, and its operation frequently produces hardship and injustice. In the view of some, it encourages precisely the kinds of fraud that it was originally designed to suppress.

The tercentenary of the *Statute of Frauds* was marked by a submission of a Report containing recommendations for substantial changes in its substance and operation. While we concluded that a writing requirement of some kind should be retained our recommended modifications would significantly limit or avoid the harsh and unjust consequences which may result under the existing Statute. Copies of our Report may be obtained from the Queen's Printer.

6. Arbitration

This project was added to our programme in the hope of developing recommendations which would make arbitration proceedings speedier and less costly than at present. Our progress suffered a setback due to the appointment of our consultant to the Supreme Court of British Columbia, but work has now resumed under the supervision of a member of our research staff. We hope to circulate a working paper late in 1978.

7. Civil Procedure

(a) *The Replevin Act*—The *Replevin Act* provides a procedure whereby a person having a claim to goods which are in the possession of another may reclaim them before actual adjudication of his right to possession. The Act has a number of objectionable features, not the least of which is its language. Replevin Rule 13, for example, tells us:

If the Sheriff makes such a return of the property distrained, taken, or detained, having been eloined, as would have warranted the issuing of a *capias* in withernam by the law of England on the fifth day of December, 1859, then upon the filing of such return an order shall be issued on precipe in the words or to the effect of Form No. 3 in the Schedule hereto, which shall have the same force and effect as *capias* in withernam had, and before executing such order the Sheriff shall take security as provided by Rule 6.

In August 1977 we circulated our Working Paper No. 23 on the *Replevin Act*. In that paper we raised the issue of whether the remedy should be totally abolished. As an alternative to abolition we proposed that the Act be repealed but that a new remedy, available on interlocutory application, be added to the Rules of Court for the interim recovery of personal property.

We hope to submit our final Report in 1978.

(b) *The Role of the Attorney-General as a Necessary Party in Civil Litigation Arising out of Alleged Injury to the Public*—Generally speaking, a private individual has no standing to sue to protect the public at large from a wrongful invasion of its rights. He may only sue when the interference with the public right is such as to interfere with a private right of his own or where he has suffered special damage peculiar to himself. Where such factors are absent only the Attorney-General, suing either alone or, more usually, at the relation of a private individual or public authority, may seek redress in the courts in respect of a wrongful invasion of a public right. The role of the Attorney-General has recently been a matter of particular controversy in England owing to the decision of the House of Lords in *Gouriet v. U.P.W.*, [1977] 3 W.L.R. 300.

In 1976 you requested the Commission to examine this area. Our preliminary research is now complete and we are in the process of developing specific proposals for reform. We hope to circulate a working paper in 1978.

(c) *Class Actions*—It has long been recognized there are situations in which it is appropriate to allow a litigant to bring an action on his own behalf and on behalf of numerous other persons who may have similar claims. Rule 5 (11) of

the Supreme Court Rules permits such actions but the scope and operation of the Rule is often uncertain, and its scope has been criticized as undesirably narrow.

We consider that it is particularly desirable that the law in this area be uniform throughout Canada and we intend, as far as possible, to co-ordinate this project with similar work being done by the Law Reform Commission of Ontario and, through the Uniform Law Conference, with the reforms adopted or under consideration in other provinces.

(d) *Litigants' Costs Indemnification*—Occasionally the trial of an action will be aborted through no fault of a litigant, or the decision of a trial court will be reversed on appeal. In both cases an unfair financial burden may be placed on one or more of the parties. A number of Australian jurisdictions have enacted legislation which creates a fund to indemnify such parties in certain cases. In this study we will examine the experience of those jurisdictions and consider the feasibility of similar reforms in this Province. Our research is proceeding.

(e) *Civil Juries*—This study is devoted to an examination of the law and practice surrounding the use of civil juries in British Columbia. Work has not yet begun on this study.

8. Waiver of Conditions Precedent in Contracts

In 1959, the Supreme Court of Canada, in the case of *Turney v. Zhilka*, enunciated the rule that a condition precedent inserted in an agreement for the sole benefit of one party, may not be waived by that party. Canadian law, in this respect, differs from the law of almost every other common law jurisdiction.

In 1977, we submitted a Report concerning the Rule in *Turney v. Zhilka* in which we concluded that continued adherence to the rule could not be supported and that it should be abrogated. Copies of the Report may be obtained from the Queen's Printer.

9. Estates Projects

(a) *Modification of Wills on Divorce*—It has long been a rule of law that a person's will is revoked by that person's marriage unless the will was made in contemplation of the marriage (*Wills Act*, R.S.B.C. 1960, c. 408, s. 16). This rule seems to be designed to avoid giving effect to testamentary arrangements which have become obsolete in the light of changed personal circumstances. But no analogous rule has evolved whereby a person's will is modified, by operation of law, on that person's divorce although in the view of some the same considerations would appear to apply.

The desirability of such a rule has been considered by law reform agencies elsewhere in Canada. In 1977 the rule was adopted by the Province of Manitoba in the context of a larger Act relating to marital property, although the operation of that Act has now been suspended. A study of this subject was recently added to our programme.

(b) *Privacy and Wills*—Concern has been expressed to the Commission about the extent to which the legal procedures relating to the administration of estates require that publicity be given to a deceased person's testamentary arrangements and dispositions. This issue is currently under examination by us.

10. Subjects of Interest

Preliminary research is proceeding on a number of matters which are not yet part of the Commission's programme. In most cases the research is to determine if a particular topic is appropriate for formal inclusion in our programme as a Commission project.

Many of these matters which are under preliminary consideration arise out of particular suggestions made and problems drawn to our attention by the legal profession and by members of the public. We always welcome this kind of assistance. Even if the particular suggestion or problem is not one which we feel is appropriate for a Commission study we are usually able to transmit it to a person or agency which is in a position to act.

IV. CONCLUSION

1. Carrying out the Programme

As we said in the Introduction to this Report, we believe that we have had a productive year. Our progress has been due in large measure to the impetus of the work begun and pressed energetically forward by Leon Getz throughout his Chairmanship. However, the lack, since June 1977, of a Chairman having a continuing preoccupation with the planning and accomplishment of the work of the Commission has caused a considerable setback in the discharge of our task, as has the vacancy in the ranks of the Commissioners since the death of Mr. Bray.

Because we could not offer a stable working environment or continuing communication on the details of projects between the Commissioners and our legal staff we have not considered it wise to replace staff who have resigned. As a result some research and writing has been delayed or deferred. On a number of difficult matters we have postponed decisions that we felt should not be made without being considered by a full complement of Commissioners.

We are optimistic that the designation of Mr. Lambert as Chairman will be followed by the appointments of a further Commissioner and senior staff which will enable us to press forward the work of the Commission with renewed vigour; though clearly there will be some further delay before our production is back to a desirable level.

An examination of Appendix A indicates that there are seventeen of our Reports, well over half of those containing substantive recommendations, in which the central recommendations have not been implemented. During the 1977 Legislative Session, the longest in the history of the Province, the only legislation that was passed on a matter on which we had reported was the *Evidence Amendment Act, 1977* which curtailed the application of the Rule in *Hollington v. Hewthorn* prohibiting evidence of a conviction in criminal proceedings from being used as proof of facts relating to the offence in later civil proceedings. The *Evidence Amendment Act, 1977* did not carry into effect a number of the recommendations in our Report but followed instead the Model Act adopted by the Uniform Law Conference which was significantly less comprehensive in its application.

We are anxious to explore means of ensuring that our work remains relevant to the perceptions of the Government and the Legislature as to the issues on which reform is desirable, practicable and timely.

2. Acknowledgments

We wish to extend our thanks to the research staff of the Commission, Arthur Close, our Counsel, and Anthony Spence and Patricia Lane, our Legal Research Officers, for their efforts on our behalf. As we pointed out in our 1976 Annual Report, our policy of doing the greater part of our research work internally, rather than relying upon outside consultants, has placed a heavy burden of responsibility upon the shoulders of our permanent staff, and they have responded to the challenge with energy, enthusiasm and careful scholarship.

In particular, we wish to acknowledge the contribution of Mr. Close. In the absence of a full-time Chairman during the latter half of the year, he assumed responsibility for the day-to-day operation and administration of the Commission in addition to his research and writing.

During 1977 we continued to receive the advice and assistance of Mr. David Cohen, a former Legal Research Officer with the Commission. We have benefited greatly from his continuing interest in our work and we thank him for his efforts.

Our support staff, Patricia Kilpatrick and Irene Mitchell, also made a notable contribution to the work of the Commission. They brought intelligence and efficiency to their duties and shared the concern that our work should be of the highest quality in every respect.

The support which we have received from the organized bar and its individual members in past years continued in 1977. We rely heavily on the assistance of the legal profession in a number of ways. At the research stage of our projects, individual lawyers assist us in gathering facts and in acting as a "sounding board" with respect to various approaches to difficult issues. Requests for help of this kind are invariably the subject of a generous response. At the more formal stage of consultation, various Sections of the British Columbia Branch of the Canadian Bar Association assist our deliberations with thoughtful submissions on the various proposals and tentative conclusions set out in our working papers. We wish to thank all members of the bar who gave generously of their time and experience in 1977.

We also wish to make a long overdue acknowledgment of the contribution which the Office of the Queen's Printer has made to our operation over the years. The printing and publication of our Reports is an important part of our activities and our relationship with the Queen's Printer has been an exceptionally happy one. It is our experience that their work is always of the highest quality, and the speed and skill with which our Reports are published is greatly appreciated. Our particular thanks go to Mr. William Prior for his continuing assistance.

Our relationship with Allan Higenbottam, Legislative Counsel, and Allan Roger, his Deputy, has continued to be a close and harmonious one and we have profited greatly by their co-operation in all stages of our work. We also wish to thank Mr. David Vickers, former Deputy Attorney-General, and his successor, Mr. Richard Vogel, for the attention they have given to the Commission and its activities.

DOUGLAS LAMBERT, *Chairman*

PAUL D. K. FRASER

PETER FRASER

LEON GETZ

January 1, 1978

Appendix A

REPORTS MADE BY THE LAW REFORM COMMISSION
OF BRITISH COLUMBIA

No.	Title	Date	Recommendations Implemented in Whole or in Part by
1	Limitations—Abolition of Prescription	Dec. 17, 1970	<i>Land Registry (Amendment) Act, 1971, S.B.C. 1971, c. 30.</i>
2	Annual Report, 1970	Dec. 31, 1970	Not applicable.
3	Frustrated Contracts Legislation	Feb. 17, 1971	<i>Frustrated Contracts Act, S.B.C. 1974, c. 37; Landlord and Tenant Act, S.B.C. 1974, c. 45, s. 61 (e); Commercial Tenancies Act, R.S.B.C. 1960, c. 207, s. 34.</i>
4	Debt Collection and Collection Agents	Mar. 19, 1971	<i>Debt Collection Act, S.B.C. 1973 c. 26.</i>
5	Expropriation	Dec. 20, 1971	Not applicable.
6	Annual Report, 1971	Dec. 31, 1971	
7	Mechanics' Lien Act	June 30, 1972	<i>Conditional Sales Act, S.B.C. 1973, c. 19; Bills of Sale Act, S.B.C. 1973, c. 7.</i>
8	Deficiency Claims and Repossessions	June 22, 1972	
9	Legal Position of the Crown	Dec. 12, 1972	<i>Crown Proceedings Act, S.B.C. 1974, c. 24; Interpretation Act, S.B.C. 1974, c. 42, s. 13.</i>
10	Annual Report, 1972	Dec. 31, 1972	Not applicable.
11	Interim Report on Evidence	Feb. 20, 1973	<i>Attorney-General Statutes Amendment Act, 1975, S.B.C. 1975, c. 4, s. 6.</i>
12	Pre-Judgment Interest	May 16, 1973	<i>Prejudgment Interest Act, S.B.C. 1974, c. 65.</i>
13	Landlord and Tenant—Residential Tenancies	Dec. 11, 1973	<i>Landlord and Tenant Act, S.B.C. 1974, c. 45.</i>
14	Annual Report, 1973	Jan. 1, 1974	Not applicable.
15	Limitations—General	Mar. 25, 1974	<i>Limitations Act, S.B.C. 1975, c. 37.</i>
16	Costs of Accused on Acquittal	June 24, 1974	<i>Judicial Review Procedure Act, S.B.C. 1976, c. 25.</i>
17	Procedure Before Statutory Bodies	Nov. 18, 1974	
18	A Procedure for Judicial Review of the Actions of Statutory Agencies	Dec. 12, 1974	Not applicable.
19	Annual Report, 1974	Jan. 1, 1975	
20	Costs of Successful Unassisted Lay Litigants	Apr. 21, 1975	<i>Miscellaneous Statutes (Court Rules) Amendment Act, S.B.C. 1976, c. 33, s. 94 (a) [in part]; Supreme Court Rule 50 (11), 3 (2).</i>
21	The Termination of Agencies	Apr. 21, 1975	
22	Powers of Attorney and Mental Incapacity	May 12, 1975	Not applicable.
23	Personal Property Security	Oct. 27, 1975	
24	Security Interests in Real Property: Remedies on Default	Dec. 1, 1975	<i>See e.g., Mineral Act, 1977, B.C. Bill No. 73, s. 20 (2).</i>
25	Annual Report, 1975	Jan. 1, 1976	
26	Minors' Contracts	Feb. 24, 1976	Not applicable.
27	Extra-Judicial Use of Sworn Statements	Apr. 26, 1976	
28	Rule in <i>Bain v. Fothergill</i>	June 28, 1976	<i>Evidence Amendment Act, 1977, B.C. Bill No. 2.</i>
29	Annual Report, 1976	Dec. 31, 1976	
30	The Rule in <i>Hollington v. Hewthorn</i>	Jan. 11, 1977	Not applicable.
31	Waiver of Conditions Precedent in Contracts	Apr. 25, 1977	

No.	Title	Date	Recommendations Implemented in Whole or in Part by
32	Proof of Marriage in Civil Proceedings	Apr. 25, 1977	
33	The Statute of Frauds.....	June 24, 1977	
34	Tort Liability of Public Bodies...	June 28, 1977	
35	Offences Against the Person Act, 1828, section 28	Aug. 8, 1977	

Appendix B

MATTERS UNDER CONSIDERATION BY LAW REFORM COMMISSION OF BRITISH COLUMBIA

1. *Debtor-Creditor Relationships*
 - (a) Enforcement of Judgments
 - (i) *Attachment of Debts Act* (Working paper (No. 18) issued in May 1976)
 - (ii) *Creditors' Relief Act* (Working paper (No. 21) issued in July 1976)
 - (iii) Execution Against Land (Working paper (No. 22) issued in August 1976)
 - (b) Reviewable Transactions
 - (c) Law of Guarantees
2. Applicability of English Law
3. The Parol Evidence Rule
4. Arbitration
5. Civil Procedure
 - (a) The *Replevin Act* (Working paper (No. 23) issued in August 1977)
 - (b) The Attorney-General as a Necessary Party in Civil Litigation Involving Alleged Injury to the Public
 - (c) Class Actions
 - (d) Litigants' Costs Indemnification
 - (e) Civil Juries
6. Estates Projects
 - (a) Modification of Wills on Divorce
 - (b) Privacy and Wills

Printed by K. M. MACDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.

1978

LITHOGRAPHED IN CANADA BY K. M. MACDONALD, QUEEN'S PRINTER, VICTORIA, BRITISH COLUMBIA



END