

THE LAW REFORM COMMISSION
AN COIMISIÚN UM ATHCHÓIRIÚ AN DLÍ

TWENTIETH REPORT

IRELAND
The Law Reform Commission
First Floor, I.P.C. House, 35 – 39 Shelbourne Road, Ballsbridge, Dublin 4

From The President
The Hon Mr Justice Vivian Lavan



The Law Reform Commission
AN COIMISIÚN UM ATHCHÓIRIÚ AN DLÍ

IPC House, 35-39 Shelbourne Road, Ballsbridge, Dublin 4, Ireland

Telephone 353 1 637 7600 Fax 353 1 637 7601

E-mail: info@lawreform.ie

24th May 1999

David Byrne Esq., S.C.,
Attorney General,
Government Buildings,
Dublin 2.

Dear Attorney General,

In accordance with section 6 of the *Law Reform Commission Act 1975*, I have the honour to present the **Twentieth Report (1998)** of the Law Reform Commission. It covers the period from 1st January 1998 to 31st December 1998.

Yours sincerely,

A handwritten signature in black ink that reads "Vivian Lavan". The signature is written in a cursive style with a horizontal line underneath the name.

Vivian Lavan
President

Encl.

© Copyright
First Published

The Law Reform Commission 1999
May 1999

ISSN 0332 - 0499

TABLE OF CONTENTS

FOREWARD / RÉAMHFHOCAL	vi -vii
TWENTIETH REPORT OF THE LAW REFORM COMMISSION.....	1
COMMISSIONERS	1
STAFF IN 1998.....	2
FUNCTIONS OF THE COMMISSION	3
FIRST PROGRAMME FOR LAW REFORM.....	4
A NEW PROGRAMME FOR LAW REFORM.....	4
REQUESTS BY THE ATTORNEY GENERAL	5
METHODS OF WORK.....	6
THE CONSULTATION PROCESS.....	6
WORKING GROUPS	6
ORGANISATION, MANAGEMENT & RESOURCES	8
BUSINESS PLAN.....	8
CONSULTATIVE COMMITTEE	8
NEW PREMISES.....	9
INFORMATION TECHNOLOGY	9
New Computer Network	9
LIBRARY	10
New Library.....	10
Library Resources and Services.....	10
Income & Expenditure.....	11
Prompt Payment of Accounts.....	11
THE YEAR'S WORK.....	12
PUBLICATIONS IN 1998	12
Reports.....	12
Consultation Papers	12
RESEARCH IN 1998	13
Criminal Law	13
Family Law	13
Aspects of Civil Liability.....	13
Privacy	14
Land Law and Conveyancing Law.....	14
Private International Law.....	15
Statute Law	15
Miscellaneous	16
ACTION TAKEN IN 1998 IN AREAS COVERED BY REPORTS OF THE COMMISSION	17
Protections for Persons Reporting Child Abuse Act, 1998	17
Criminal Justice (United Nations Convention Against Torture) Bill, 1998	17
Sheriffs' Fees and Expenses Order, 1998	17
ATTENDANCE BEFORE JOINT OIREACHTAS COMMITTEE	18
Report on Privacy: Presentation to Joint Oireachtas Committee.....	18
MEETINGS WITH OTHER LAW REFORM BODIES	19
IN-HOUSE SEMINARS HELD IN 1998.....	20
APPENDIX A: Matters Examined Under the First Programme for Law Reform	21
APPENDIX B: Matters Examined Pursuant to References from The Attorney General.....	24
APPENDIX C: Implementation of The Commission's Recommendation.....	27
LIST OF LAW REFORM COMMISSION'S PUBLICATIONS.....	30

FOREWORD

On 27th July 1998 I succeeded as President of the Law Reform Commission the Honorable Anthony J. Hederman who had been appointed President in October 1992 (when he was still a serving Judge of the Supreme Court) and whose period as President saw the publication of many important and influential Reports of the Commission. In succeeding Judge Hederman I wish to pay tribute to his leadership and work as President and to his significant contribution to law reform in this country.

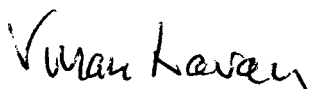
There are challenging times ahead for the Law Reform Commission. In a rapidly - changing society such as ours there is a growing public consciousness of the importance of having a separate, independent law reform body such as the Law Reform Commission. Our Reports and recommendations are now regularly used as points of reference in public discussion and debate on matters of legal reform which not infrequently touch on important issues of the day. The current statutory Programme of Law Reform of the Commission, adopted in 1977, needs however to be renewed. Much work was done in 1998 towards the development of a new and forward looking Programme for Law Reform for submission to the Taoiseach and to the Government under the 1975 Act.

An important development was the Government's decision in March 1998 to establish, under the aegis of the Attorney General, a Consultative Committee on Law Reform which is to have a dual function: first, to assist and advise the Attorney General in his statutory roles of consulting with the Commission in relation to research programmes (i.e., Programmes of Law Reform) and of selecting specific topics for examination by the Commission; and second, to monitor the implementation of the Commission's recommendations for law reform.

During the year the Law Reform Commission appeared for the first time before an Oireachtas Committee, namely, the Joint Committee on Justice, Equality and Law Reform, to present and discuss the Commission's Report on Privacy (Surveillance and the Interception of Communications). While it is not of course the Commission's function to enter the political arena with regard to the implementation of its recommendations for law reform, it is entirely consistent with the Commission's independent, non-political role that it should explain its recommendations to those interested, whether they are our elected representatives or others. The Commission therefore greatly welcomes this development.

Following the Consultants' Report on the Organisation and Management of the Law Reform Commission, referred to in last year's Annual Report, the Commission has embarked on several initiatives of an internal nature designed to enhance its contribution to the law reform process in this country. These are described in this Annual Report.

I look forward during my term of Office as President, as do my fellow commissioners, to advancing in the best possible way on all fronts.



Vivian Lavan
President

RÉAMHFHOCAL

Ar an 27^ú Iúil ceapadh mé mar Uachtarán ar an gCoimisiún um Athchóiriú an Dlí. Is é an té a bhí sa phost seo romham ná an t-Uasal Anthony J. Hederman, a ceapadh ina Uachtarán i nDeireadh Fómhair na bliana 1992 (agus é fós ina Bhreitheamh ar Bhinse na Cúirte Uachtaraí). Le linn a réime mar Uachtarán, is iomaí tuairisc thábhachtach, thairbheach a foilsíodh. Ba mhaith liom anois omós a thabhairt don Breitheamh Hederman agus aitheantas a thabhairt dá cheannasaíocht mar Uachtarán agus do éifeacht a chuid oibre ar mhaithe le athchóiriú an dlí.

Tá dúshlán romhainn amach anois sa Choimisiún um Athchóiriú an Dlí. Sa tsochaí seo againne atá ag athrú go tapaídh, tá tuiscint ag méadú i measc an phobail go bhfuil gá le comhairle athbhreithnithe dlí atá neamhspleách, ar nós an Choimisiúin seo. Is minic a bhaintear feidhm as ár tuairiscí agus ár moltaí mar phointí tagartha i bplé poiblí agus i ndíospóireacht phoiblí ar athchóiriú an dlí, ábhar a bhaineann go minic le ceisteanna móra an lae. Is gá, áfach, go ndéanfar athnuachan ar an gClár um Athchóiriú an Dlí atá ag an gCoimisiún ó 1977 i leith. Is mó obair a deineadh i 1998 chun Clár nua um Athchóiriú an Dlí a chur chun cinn agus a chur faoi bhráid an Taoisigh agus os comhair an Rialtais de réir Acht na bliana 1975.

Dul chun cinn tábhachtach ab ea cinneadh an Rialtais i Márta 1998 coiste comhairleach, faoi choimirce an Ard-Aighne, a bhunú, go bhfuil dhá aidhm aige .i. sa chéad áit, comhairle agus cabhair a thabhairt don Ard-Aighne agus cláracha taighde á phlé aige leis an gCoimisiún agus, sa dara háit, súil a choimeád ar conas a chuirtear moltaí an Choimisiúin i gcrích.

I rith na bliana tháinig ionadaithe an Choimisiúin um Athchóiriú an Dlí os comhair Chomhchoiste an Oireachtais (ar Dlí agus Ceart, Comhionannas agus Athchóiriú Dlí) chun Tuairisc an Choimisiúin ar Phríobháideacht a léiriú agus a phlé. Cé nach bhfuil sé d'aidhm ag an gCoimisiún páirt a ghlacadh sa láthair pholaitiúil maidir le cur i gcrích a chuid moltaí, is ceart go dtabharfadh an Coimisiún míniú ar a chuid moltaí dóibh siúd go bhfuil suim acu iontu, bíodh siad ina gcomhaltaí den Oireachtas nó ná bíodh, agus tá seo ar fad i gcomhréir le stádas neamhspleách, neamhpholaitiúil an Choimisiúin. Dá réir sin, cuireann an Coimisiún fáilte mhór roimh an dul chun cinn seo.

I ndiaidh na Tuarascála um Eagrú agus Riaradh, gur tagraíodh di inár Tuairisc Bhliantiúil don bhliain seo caite, chuir an Coimisiún tús le roinnt tionscnamh sa taobh istigh chun go mb'fhearr a chuirfimid le próiseas athchóirithe an dlí sa tír seo. Tá cur síos orthu siúd sa Tuairisc Bhliantiúil seo.

Le linn dom bheith im Uachtarán, tá súil agamsa, agus ag mo chomh-Choimisinéirí, go raghamaid ar aghaidh sa tslí is fearr i ngach réimse dar gcuid oibre.


Vivian Lavan
Uachtarán

TWENTIETH REPORT OF THE LAW REFORM COMMISSION

This Report covers the period from 1 January 1998 to 31 December 1998. It is addressed to the Attorney General pursuant to section 6 of the Law Reform Commission Act, 1975. The Report details the work undertaken by the Commission in 1998, its publications during that year, and action taken in areas covered by its Reports.

COMMISSIONERS

The Law Reform Commission consists of a President, one full-time Commissioner and three part-time Commissioners.

The President of the Commission for the first half of 1998 was **The Hon. Mr Anthony J Hederman**, former Judge of the Supreme Court, former Attorney General. He had completed a full term of office in October 1997 but had been invited to continue in office for an extended period. He retired in June 1998. He was succeeded in July 1998 by **The Hon. Mr Justice Vivian Lavan**, of the High Court.

The other Commissioners holding office in 1998 were:

- **Arthur F Plunkett, Esq**, BA, Barrister-at-Law, on secondment from the Attorney General's Office (full-time Commissioner);
- **Ms Hilary A Delany**, BA, M Litt, Barrister-at-Law, lecturer, Trinity College Dublin;
- **The Right Hon. Turlough O'Donnell, QC**, former Lord Justice of Appeal in Northern Ireland;
- **Ms Patricia T Rickard-Clarke**, BCL, Solicitor, Partner, McCann FitzGerald, Solicitors.

STAFF IN 1998

The **Director of Research** in 1998 was Gerard Quinn, BA, LLB, LLM (Harv), SJD (Harv), Barrister-at-Law. Dr Quinn held this office while on sabbatical leave from his post as lecturer in law at University College Galway. Dr Quinn completed his term of office at the Commission at the end of 1998.

The **Secretary** to the Commission was John Quirke.

The **Researchers** during 1998 were as follows:

Ms Lia O’Hegarty, BCL, LLM (Mich), LLM (Harv), Barrister-at-Law, and Ms Róisín Pillay, LLB, LLM (Cantab), Barrister-at-Law, were researchers throughout 1998. Ms Deirdre Mulligan, LL.B., LL.M. (Edinburgh), Attorney-at-Law (State of New York) was a researcher until April 1998. She was succeeded in July 1998 by Ms Leesha O’Driscoll, BCL, LLM (European Law), Barrister-at-Law.

Mr Geoffrey St.John Moore, BCL, MLitt, was engaged on a three-month research contract from April to July 1998 to research aspects of the law of limitations. Mr Jason Stewart was engaged on a three-month contract from July to September 1998 to research aspects of damages for civil liability.

A new post created in 1998 was that of **Legal Information Manager**, to which Ms Helen Bradley, BA, MPhil, MLIS, was appointed.

The **Clerical Staff** working at the Commission’s offices throughout 1998 were Ms Mary Teresa Faherty and Ms Dympna Forde. Other clerical staff, who served during part of the year, were Ms Eimer Holohan, Ms Elizabeth McHugh, Ms Sarah Roberts and Ms Debbie McAdams.

FUNCTIONS OF THE COMMISSION

The Law Reform Commission was established by the *Law Reform Commission Act, 1975* as a statutory body corporate to keep the law under review.

Section 4 (1) of the Act states:

"The Commission shall keep the law under review, and in accordance with the provisions of this Act, shall undertake examinations and conduct research with a view to reforming the law, and formulate proposals for law reform.

The scope and content of the Commission's research is determined and directed in two primary ways:

1. **First, by a Programme for Law Reform:** Section 4 (2) (a) of the Act requires the Commission, in consultation with the Attorney General, from time to time to prepare, for submission by the Taoiseach to the Government, programmes for the examination of different branches of the law, with a view to their reform. If a programme prepared by the Commission is approved (with or without amendment) by the Government, the Commission will examine and research the subjects set out in it and, if appropriate, formulate and submit to the Taoiseach proposals for the reform of the law in those areas under section 4(2)(b).
2. **Second, by references from the Attorney General:** Section 4(2)(c) of the Act provides that the Attorney General may request the Commission to examine and research a particular area of the law and, further, may request that proposals for reform in that area be submitted to him. The Commission must comply with such a request whether or not such area of the law is included in the programme submitted by the Commission and approved of by the Government

FIRST PROGRAMME FOR LAW REFORM

Subsequent to its establishment, and pursuant to the provisions of the Act, the Commission prepared its first programme for the examination of different branches of the law, which was subsequently approved by the Government. Copies of the *First Programme for Examination of Certain Branches of the Law with a View to their Reform (First Programme for Law Reform)* were laid before both Houses of the Oireachtas on 4 January 1977.

The *First Programme for Law Reform* envisaged an extensive examination of the law. Among the general areas included in the programme were:

- Administrative Law;
- Conflict of Laws;
- Criminal Law;
- Evidence;
- Family Law;
- Privacy;
- The Law of Sales;
- State Side Actions; and
- Statute Law.

The majority of the topics, in so far as they were considered to call for proposals for law reform, have now been dealt with in reports by the Commission. Details of reports (and associated consultation papers) on topics in the First Programme for Law Reform are contained in APPENDIX A.

A NEW PROGRAMME FOR LAW REFORM

Substantial work was done during 1998 on the formulation of a new programme for law reform which would set the agenda for the Commission's work over a specified period. In November 1998 the Commission invited observations from Government Ministers, non-governmental organisations, academics and members of the judiciary, with a view to identifying priorities for the new programme. The suggestions obtained will be considered by the Consultative Committee referred to below (see "Organisation, Management and Resources").

REQUESTS BY THE ATTORNEY GENERAL

Research undertaken at the request of the Attorney General forms a substantial part of the Commission's work. Details of reports on matters examined pursuant to references from the Attorney General are contained in APPENDIX B.

Request by the Attorney General in 1998

In December 1998, the Attorney General requested the Commission:

“to review the practice of vendors of residential property requiring the payment from prospective purchasers of a booking deposit and in particular—

- (a) to review the present position by which the payment of such a deposit confers no interest in the property on the prospective purchasers;*
- (b) to consider what protection if any could be afforded to such prospective purchasers;*
- (c) without prejudice to the generality of (b) to consider whether it is feasible to equate the payment of a booking deposit with an option to purchase the property;*
- (d) if it is not feasible to confer any form of protection on the prospective purchasers, to review to desirability of permitting such deposits to be required and the feasibility of making such a requirement unlawful”*

and to submit to him proposals for reform in respect of such matters (if any) as the Commission considered appropriate.

This reference was stated to be without prejudice to the general issue of conveyancing law and practice, which is under ongoing examination by the Commission pursuant to a previous reference.

METHODS OF WORK

The Commission's reports and consultation papers are based on careful and thorough research. In the course of research on any topic, consideration is given to caselaw, legislation, jurisprudence and academic writings, both domestic and international. The Commission gives particular attention to the laws of comparable jurisdictions, as well as to proposals put forward by law reform bodies in these jurisdictions.

THE CONSULTATION PROCESS

The consultation process is of central importance to the Commission's work. Consultation may take several forms. In the initial stages of its research, the Commission may meet with professionals working in a particular area, or representatives of interest groups. The Commission will then, in most cases, prepare a consultation paper, which will either be published, or, if the subject is a specialised one, distributed to interested experts. The Commission will seek written submissions from interested parties on the provisional recommendations made in the consultation paper. These submissions will be taken into account in the drafting of the final report on the subject, and any issues or concerns they raise will be dealt with in the report. In some cases, before the drafting of the final report, a seminar will be held, to which the Commission may invite interested parties, or those who have made submissions.

WORKING GROUPS

Under its establishing Act the Commission may set up Working Groups to examine particular areas of the law.

Working Group on Land Law and Conveyancing Law

The Working Group on Land Law and Conveyancing Law was set up in 1987, in response to a request by the Attorney General for an examination by the Commission of certain aspects of conveyancing law and practice. The Working Group has met regularly to review the law in that area and has published six reports to date.

In April 1998 Judge Buckley, while remaining a member of the Group, stepped down as Convenor and was replaced in the role by Commissioner Patricia Rickard-Clarke.

The Group were pleased to welcome four new members in 1998: Mr Chris Hogan, Deputy Registrar of the Land Registry; Mr Brian Gallagher, Solicitor; Professor David Gwynn Morgan of University College Cork; and Professor John Wylie of Cardiff Law School, University of Wales. In December 1998 Mr Tom O'Connor, Solicitor resigned from the Working Group. The members of the Group in 1998 were:

- Ms Patricia T. Rickard-Clarke, Solicitor;
- Mr George Brady, SC;
- His Honour Judge John F Buckley;
- Mr Ernest Farrell, Solicitor;
- Mr Patrick Fagan, Solicitor;
- Mr Brian Gallagher, Solicitor;

- Ms Mary Geraldine Miller, BL;
- Professor David Gwynn Morgan;
- Mr Chris Hogan, Land Registry;
- Mr Tom O'Connor, Solicitor;
- Ms Deborah Wheeler, BL;
- Professor John C.W. Wylie.

The Law Reform Commission wishes to record its appreciation of the contribution which the members of the Working Group have made and continue to make, on a voluntary basis, to the Commission's examination of this difficult and technical area of the law.

ORGANISATION, MANAGEMENT & RESOURCES

BUSINESS PLAN

The Law Reform Commission drew up a Business Plan following a review of the Commission's goals, working methods and procedures. It was prepared following the publication (in 1997) of the *Review of Organisation and Management of the Law Reform Commission* and against the background of the formulation of a new Programme for Law Reform.

The Plan, *inter alia*, referred to the need, recognised when the *Law Reform Commission Bill, 1975* was introduced in the Oireachtas, for a systematic approach to law reform by an independent specialist body, which would enable the law to respond to a rapidly changing society. The Plan identified the role of the Law Reform Commission as being:

“to keep the laws of the State under independent, impartial and expert review, with a view to ensuring that they are regularly and systematically reformed.”

The Plan noted the importance of a comprehensive and forward-looking programme of law reform and the need to adapt current methods of work in order to achieve the goals to be set out in the new Programme for Law Reform. It envisaged adaptations such as the establishment of formal research teams and greater use of working groups and of standing committees of experts. It noted the importance of improving communication and co-operation with government departments, with universities and with law reform bodies abroad.

CONSULTATIVE COMMITTEE

Following extensive consultation between the Commission and the Attorney General on the *Final Report of the Review of Organisation and Management of the Law Reform Commission*, the Government announced in March 1998 the establishment of a Consultative Committee under the auspices of the Office of the Attorney General comprising representatives of certain Government Departments, the Bar Council and the Incorporated Law Society. The function of the Consultative Committee is to assist the Attorney General in his consultations with the Commission in relation to research programmes and in the selection of specific topics for examination by the Commission, and to monitor the implementation of the Commission's recommendations.

NEW PREMISES

During 1998 the Commission secured a change from its premises on the 2nd floor of the Ardilaun Centre at 111, St Stephen's Green - which had become seriously inadequate for the Commission's purposes and were in need of a major refurbishment - to the 1st floor of **I.P.C. House, 35 – 39 Shelbourne Road, Ballsbridge, Dublin 4**. The change was effected on terms satisfactory to the Commission by agreement with Telecom Eireann who have taken over the Commission's former premises on the 2nd floor of the Ardilaun Centre (having already acquired the remainder of that building) and in exchange the Law Reform Commission has taken over Telecom Eireann's lease in the 1st floor of I.P.C. House.

The first floor of I.P.C. House is more spacious and better designed for the Commission's requirements than were the premises at the Ardilaun Centre. Some alterations and refurbishments are required in order to make full use of the new premises but when these are complete, the Commission's medium-term requirements for office accommodation, with satisfactory provision for a separate library and conference room (by comparison with the Ardilaun Centre where the library and conference room were one) and some room for future expansion, will be catered for. A number of car-parking spaces are available to accommodate visitors to the Commission.

The Commission entered into possession of the new premises on 19th November 1998.

INFORMATION TECHNOLOGY

The Commission's Information Technology Plan was approved by the Department of Finance and implementation thereof commenced in 1998.

New Computer Network

The first phase of the computerisation project, the installation of a Windows NT network, was implemented at the new offices of Law Reform Commission at the end of 1998. This has benefited both the research and administrative teams enormously.

LIBRARY

Legal Information Manager

In September 1998 the Law Reform Commission appointed Ms Helen Bradley to the new post of Legal Information Manager to take responsibility for the daily management and development of the library and information service.

The Legal Information Manager works in close consultation with the research team to provide timely access to hard-copy and electronic resources. She maintains contact with other relevant libraries through membership of professional associations including the British and Irish Association of Law Librarians, the Library Association and the Institute of Information Scientists.

New Library

The move to new premises enabled the Commission to allocate greater space to the library and provided an ideal opportunity to re-organise the library in a modern format.

A thorough evaluation of the existing materials and library service has been undertaken and a development plan for the library formulated. This plan envisages an electronic library system which would offer major advantages for such aspects of the functioning of the library as cataloguing, classification, lending and monitoring of usage, and other aspects of library management. Also envisaged are provision of a study/IT area for library users and increased use of information in electronic form, including CD-ROM, online databases or the Internet.

Library Resources and Services

The library's collection includes books, legal journals, law reports, official publications, legislation, Irish unreported judgments and a unique collection of law reform materials from around the world.

The range of services provided by the library during the past year have included a current awareness service, training, and a research support/information service. Document delivery is provided for by subscription to the Information Service at Trinity College Library Dublin and to the Institute for Advanced Legal Studies in London.

FINANCE

Income & Expenditure

The grant-in-aid approved by the Minister for Finance on the recommendation of the Attorney General represents almost the entirety of the Commission's income. Under the present accounting procedure, monies are drawn down on a monthly basis from the grant-in-aid with the consent of the Accounting Officer who is the Director General in the Attorney General's Office. The only other income derives from the sale of publications. It should be noted however that many publications are not sold but are distributed *gratis* to members of the judiciary and members of the Oireachtas, as well as to libraries in various countries and to law reform agencies worldwide who in turn provide the Commission with copies of their work.

The expenses of the Law Reform Commission include rent and premises overheads, salaries of Commissioners and staff, emoluments of external researchers retained for specific tasks, the maintenance of the law library, and the holding from time to time of public seminars.

Prompt Payment of Accounts

There were no late payments by the Law Reform Commission during 1998.

The Secretary keeps all current liabilities of the Commission under review with a view to their prompt discharge. The appropriate payments by the Commission in accordance with its internal procedures are made by cheque on a week-to-week basis.

Standard payment periods are not specified in written contracts.

Statement by Secretary to the Commission

Throughout 1998 the Law Reform Commission was in compliance with the *Prompt Payment of Accounts Act, 1997*.

The payment procedures outlined above were operational throughout this period. While these practices can only provide reasonable and not absolute assurance against material non-compliance with the Act, they would appear to have worked very well, in particular in view of the fact that there were no late payments during the period under review.

THE YEAR'S WORK

By 31 December 1998, the Commission had, since its inception, formulated and submitted to the Taoiseach or the Attorney General:

*fifty-seven Reports containing proposals for reform of the law (as well as an Examination of the Law of Bail);
eleven Working Papers;
thirteen Consultation Papers;
nineteen Reports in accordance with section 6 of the Law Reform Commission Act, 1975; and
a number of specialised papers for limited circulation.*

PUBLICATIONS IN 1998

Reports

In 1998 the Commission published the following Reports on topics contained in the Commission's First Programme:

- *Report on Land Law and Conveyancing Law (6): Further General Proposals Including the Execution of Deeds (LRC 56-1998)*
- *Report on Privacy: Surveillance and the Interception of Communications (LRC 57-1998)*
- *Report on the Implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (LRC 58-1998)*

Consultation Papers

In 1998, the Commission published the following Consultation Papers on topics referred to it by the Attorney General:

- *Consultation Paper on Exemplary, Aggravated and Restitutionary Damages*
- *Consultation Paper on the Statutes of Limitation: Claims in Contract and Tort in respect of Latent Damage (other than Personal Injury)*

RESEARCH IN 1998:

Criminal Law

Homicide

Work continued on the preparation of a Draft Consultation Paper on Homicide which includes a consideration of the *mens rea* of murder, the categories of manslaughter and the partial defence of provocation.

Family Law

Intercountry Adoption

The Commission completed its work on the implementation of the *Hague Convention on Intercountry Adoption, 1993*.

In March 1998 a Seminar was held. Following a review of written submissions received and of oral submissions made at the Seminar, the Commission published its final Report on the topic in June 1998. The Report recommends changes to the Adoption Acts in order to facilitate implementation of the Convention and it recommends the introduction of detailed regulations setting out the procedures to be followed by the various authorities.

Aspects of Civil Liability

Aggravated, Exemplary and Restitutionary Damages

Following a reference from the Attorney General, the Commission published a Consultation Paper on this topic in April 1998 and invited and received written submissions thereon.

The Statutes of Limitation

Following a reference from the Attorney General, the Commission, in December 1998, published a Consultation Paper on the law of limitations as it applies to claims in contract and tort in respect of latent damage other than personal injury.

Provisional recommendations were made for the introduction of a discoverability test. (Such a test already applies in personal injuries claims, following previous recommendations of the Law Reform Commission in a 1987 report, which were implemented in the *Statute of Limitations (Amendment) Act, 1991*.)

Provisional recommendations were also made for the introduction of a “long stop” i.e. an ultimate limitation period which would apply regardless of discoverability.

Civil Liability (Amendment) Act, 1964 – s.2

Following a reference from the Attorney General (in December 1997), research proceeded on section 2 of the *Civil Liability (Amendment) Act, 1964* which provides for a general rule, in

the assessment of damages for non-fatal injuries, of non-deduction of collateral benefits payable consequent on sustaining personal injury.

Privacy

Surveillance and the Interception of Communications

The Commission published its Final Report on the topic of Surveillance and the Interception of Communications in June 1998.

The core recommendation of the Commission was for the introduction of a new tort of privacy-invasive surveillance, as well as a related tort of harassment. The main ancillary recommendation was for the enactment of a tort directed against the unjustified disclosure through publication or otherwise of information, etc., obtained as a result of unlawful surveillance or harassment. A range of defences to the proposed torts was specified. Various recommendations were also made for the introduction of new criminal offences to deal with more extreme forms of surveillance or interception, and for regulatory safeguards in the context of certain types of police surveillance of both private and public places.

The Report included *Proposed Heads of a Bill to Protect the Individual from Privacy-Invasive Surveillance*.

Land Law and Conveyancing Law:

Working Group on Land Law and Conveyancing Law

The Working Group met on thirteen occasions in 1998 and among the topics discussed were the following:

- Acquisition of the fee simple: *Metropolitan Properties v. O'Brien*;
- Positive Freehold Covenants;
- Execution of deeds;
- The Rule Against Perpetuities;
- Section 126 of the *Succession Act, 1965*;
- Variation of Leases.

In May 1998 the sixth report on Land Law and Conveyancing Law, subtitled *Further General Proposals including the Execution of Deeds*, was published.

Private International Law:

Hague Conference on Private International Law

The Commission continued its work in conjunction with the Hague Conference on Private International Law.

Special Commission on International Jurisdiction and the Effects of Foreign Judgments in Civil and Commercial Matters:

Ms Lia O'Hegarty, Researcher, attended on behalf of the Law Reform Commission as a member of the Irish delegation from 9-13 March 1998 at the Special Commission of the Hague Conference on Private International Law on International Jurisdiction and the Effects of Foreign Judgments in Civil and Commercial Matters.

Mr Arthur F Plunkett, Commissioner, and Ms Lia O'Hegarty, Researcher, attended as sole members of the Irish delegation at the Special Commission of the Hague Conference on the same subject from 10-20 November 1998.

At both of these meetings the representatives from the Law Reform Commission participated in the preparation and negotiation of a Draft International Convention which would regulate both jurisdiction and the recognition and enforcement of foreign judgments, in civil and commercial matters.

UNCITRAL

On behalf of the Law Reform Commission, Dr Turlough O'Donnell, Commissioner, was in attendance from 5 to 9 October 1998 at the UNCITRAL Conference on Receivables Financing held in Vienna. The conference was one of a series of meetings at which a Draft International Convention is being prepared and negotiated. The purpose of the Draft Convention is to simplify the law on contracts for the assignment of "receivables" (which term includes a wide range of financial transactions) and thereby to reduce the cost of credit.

Statute Law

Interpretation and Drafting of Legislation

Work continued on the preparation of a Draft Consultation Paper on the method and style of drafting statutes and the interpretation of statute law. Preparation of the draft has involved extensive consultations with the Parliamentary Draftsman's Office.

Miscellaneous

Miscellaneous Provisions Bill

In 1998 the Commission decided to add a new method of work to the process of law reform. The Commission recognised that some issues of law reform can usefully be dealt with through technical amendments to legislation. Many such amendments, while of value in the public interest, would be simple and uncontroversial.

In consultation with the Attorney General it was decided that a Draft *Law Reform (Miscellaneous Provisions) Bill* should be formulated by the Law Reform Commission, preferably on an annual basis. The Commission would welcome proposals for inclusion in each year's Bill from government departments, state agencies, the judiciary and others.

Following this decision, preparation of Heads of a Bill commenced, with a view to submission to the Attorney General of the first *Law Reform (Miscellaneous Provisions) Bill* in 1999. A number of unimplemented recommendations of the Commission in the area of Land and Conveyancing Law were gathered together, along with proposals for minor amendments pertaining to Family Law, Succession Law and Commercial Law.

ACTION TAKEN IN 1998 IN AREAS COVERED BY REPORTS OF THE COMMISSION

Protections for Persons Reporting Child Abuse Act, 1998

In its *Report on Child Sexual Abuse* (1990) the Commission recommended that express statutory immunity from legal proceedings be given to any person who *bona fide* and with due care reports a suspicion of child sexual abuse to the appropriate authority (recommendation 7). Section 3 of the *Protections for Persons Reporting Child Abuse Act, 1998* provides for such immunity (in cases of child abuse generally).

The Commission had emphasised that the need for statutory immunity arose regardless of whether mandatory reporting laws were to be introduced and it had warned that fear of legal proceedings, though frequently mis-placed, was operating as a serious disincentive to the reporting of suspected child sexual abuse.

Criminal Justice (United Nations Convention Against Torture) Bill, 1998

In its *Report on Non-Fatal Offences Against the Person* (1994), the Commission recommended (recommendation 51) the creation of a specific offence of torture. The Commission advised that this would facilitate Ireland's accession to the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and, furthermore, recommended that consideration be given to ratifying that convention.

The Bill seeks to give effect to the Convention and creates a new offence of torture. This would include both acts and omissions by which severe pain and suffering (whether mental or physical) is intentionally inflicted on a person, for one or more specific purposes, namely: for obtaining information or a confession, for inflicting punishment, for intimidation or coercion, or for any reason based on discrimination.

This differs from the approach advocated by the Law Reform Commission in this respect: the Commission had recommended the creation of a broader offence than that defined in the text of the Convention and had further recommended that the intentional infliction of an "inhuman or degrading treatment or punishment" in the performance or purported performance of any official duty be included in the offence or in a separate offence.

Sheriffs' Fees and Expenses Order, 1998 – S.I. No.314 of 1998

In its *Report on Debt Collection (1): The Law Relating to Sheriffs* (1988), the Commission recommended that for purposes of clarification the provisions on the remuneration of sheriffs should be re-stated in legislative form (recommendation 11). The 1998 Order consolidates and updates the law in this area.

ATTENDANCE BEFORE JOINT OIREACHTAS COMMITTEE

***Report on Privacy:
Presentation to the Joint Oireachtas Committee
on Justice, Equality and Women's Rights***

The Joint Oireachtas Committee on Justice, Equality and Women's Rights invited representatives from the Law Reform Commission to a meeting of the Committee on the subject of the Commission's *Report on Privacy: Surveillance and the Interception of Communications*. The Law Reform Commission agreed to send representatives to appear before the Committee in public session on 8 October 1998, the purpose being to assist the Committee in its consideration of the Report.

Mr Arthur F Plunkett, Commissioner, outlined the contents of the Report for the benefit of the Joint Committee and he, Dr Gerard Quinn (Director of Research), and Ms Lia O'Hegarty, (Researcher) proceeded to answer questions raised by Committee members.

This was the first occasion on which representatives from the Law Reform Commission appeared before an Oireachtas Committee.

MEETINGS WITH OTHER LAW REFORM BODIES

The Law Reform Commission is pleased that 1998 marked a continuation, indeed an enhancement, of the good relations which it enjoys with its sister bodies in other jurisdictions - and in particular on these islands.

In February 1998, the Chairman of the **English Law Commission**, Mrs Justice Mary Arden DBE, visited the Offices of the Law Reform Commission.

In October 1998, the **Review Group on the Northern Ireland Criminal Justice System** visited the Attorney General's Office. The representatives from the Law Reform Commission who attended this meeting were Arthur F Plunkett (Commissioner), Dr Gerard Quinn (Director of Research) and Lia O'Hegarty (Researcher). One of the questions under consideration by the Group, following the publication of its Consultation Paper (entitled *Review of the Criminal Justice System in Northern Ireland*), was the appropriate structure(s) which might be put in place for addressing law reform in that jurisdiction.

IN-HOUSE SEMINARS HELD IN 1998

In 1998 the Commission held several in-house seminars at which legal academics and practitioners presented papers on topics broadly related to the Commission's work. The aim of these seminars is to encourage the exchange of ideas between legal experts and the Commission and to provide continuing legal education for the Commission and staff.

The Commission would like to record its gratitude to the following persons who presented seminars in 1998:

Mr Alan Murphy, Senior Clerk to the Joint Oireachtas Committee on Justice, Equality & Law Reform, *The New Committee Structures within the Oireachtas*, 12 February 1998;

Professor Barry Sullivan, Dean, Washington & Lee Law School, *The Decline of Standards in the American Legal Profession*, 20 February 1998;

Ms Constance Cassidy, BL, *Licensing Law with a View to Reform*, 26 February 1998;

Professor Robert Clark, UCD, *Reforms in Copyright Law*, 27 May 1998.

APPENDIX A

MATTERS EXAMINED UNDER THE FIRST PROGRAMME FOR LAW REFORM

MATTER EXAMINED	RESULTING REPORTS *
Administrative Law	Working Paper 8-1979 - Judicial Review of Administrative Action
Animals	Report on Civil Liability for Animals (LRC 2-1982)
Conflict of Laws	<p>Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws (LRC 7-1983)</p> <p>Report on the Recognition of Foreign Divorces and Legal Separations (LRC 10-1985)</p> <p>Report on the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (LRC 16-1985)</p> <p>Report on Private International Law Aspects of Capacity to Marry and Choice of Law Proceedings for Nullity of Marriage (LRC 19-1985)</p> <p>Report on Jurisdiction in Proceedings for Nullity of Marriage (LRC 20-1985)</p> <p>Report on the Service of Documents Abroad re. Civil Proceedings (LRC 22-1987)</p> <p>Report on the Recognition of Foreign Adoption Decrees (LRC 29-1989)</p> <p>Report on the Hague Convention on Succession to the Estates of Deceased Persons (LRC 36-1991)</p> <p>Report on the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (LRC 48-1995)</p> <p>Report on the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (LRC 55-1997)</p> <p>Report on the Implementation of the Hague Convention on Protection of Children and</p>

	Co-operation in respect of Intercountry Adoption, 1993 (LRC 58-1998)
Criminal Law	<p>Report on Vagrancy and Related Offences (LRC 11-1985)</p> <p>Report on Offences under the Dublin Police Acts and Related Offences (LRC 14-1985)</p> <p>Report on Intoxication (LRC 51-1995)</p>
Evidence	<p>Report on the Rule against Hearsay in Civil Cases (LRC 25-1988)</p> <p>Report on the Competence and Compellability of Spouses as Witnesses (LRC 13-1985)</p> <p>Report on Oaths and Affirmations (LRC 34-1990)</p>
Family Law	<p>Working Paper No. 4, 1978 - The Law Relating to Breach of Promise of Marriage</p> <p>Working Paper No. 5, 1978 - The Law Relating to Criminal Conversation and the Enticement and Harboursing of a Spouse</p> <p>Working Paper No. 6, 1979 - The Law Relating to Seduction and the Enticement and Harboursing of a Child</p> <p>Working Paper No. 7, 1979 - The Law Relating to Loss of Consortium and Loss of Services of a Child</p> <p>First Report on Family Law (LRC 1-1981)</p> <p>Report on Illegitimacy (LRC 4-1982)</p> <p>Report on the Age of Majority, the Age for Marriage, and Connected Subjects (LRC 5-1983)</p> <p>Report on the Restitution of Conjugal Rights, Jactitation of Marriage and Related Matters (LRC 6-1983)</p>

	<p>Report on Divorce a Mensa Et Thoro and Related Matters (LRC 8-1983)</p> <p>Report on Nullity of Marriage (LRC 9-1984)</p> <p>Report on Family Courts (LRC 52-1996)</p>
Privacy	<p>Report on Privacy: Surveillance and the Interception of Communications (LRC 57-1998)</p>
Sales	<p>Working Paper No. 1-1977 - The Law Relating to the Liability of Builders, Vendors and Lessors for the Quality and Fitness of Premises</p> <p>Report on Defective Premises (LRC 3-1982)</p> <p>Report on Minors' Contracts (LRC 15-1985)</p> <p>Report on the UN (Vienna) Convention on Contracts for the International Sale of Goods 1980 (LRC 42-1992)</p>

* Where both a Working Paper and a Report, or both a Consultation Paper and a Report, have been published on the same topic, only the Report has been listed in this table. Working Papers and Consultation Papers have been listed only where they have not been followed by a Report.

APPENDIX B

MATTERS EXAMINED PURSUANT TO REFERENCES FROM THE ATTORNEY GENERAL

MATTERS REFERRED	RESULTING REPORTS
<p>Conveyancing Law and Practice, and where this could lead to savings for house purposes (referred 1987).</p>	<p>Report on Land Law and Conveyancing Law: (1) General Proposals (LRC 30-1989)</p> <p>Report on Land Law and Conveyancing Law (2) Enduring Powers of Attorney (LRC 31-1989)</p> <p>Report on Land Law and Conveyancing Law (3) Passing the Risk from Vendor to Purchaser (LRC 39-1991)</p> <p>Report on Land Law and Conveyancing Law (4) The Service of Completion Notices (LRC 40-1991)</p> <p>Report on Land Law and Conveyancing Law (5) Further General Proposals (LRC 44-1992)</p> <p>Report on Interests of Vendor and Purchaser in Land during Period between Contract and Completion (LRC 49-1995)</p> <p>Report on Land Law and Conveyancing Law (6): Further General Proposals Including the Execution of Deeds (LRC 56-1998)</p>
<p>The Law relating to Sheriffs, the collection of taxes and debt collection (referred 1987).</p>	<p>Report on Debt Collection: (1) the Law Relating to Sheriffs (LRC 27-1988)</p> <p>Report on Debt Collection: (2) Retention of Title</p>
<p>The Law relating to compensation for personal injuries cases including in particular:</p> <p>(1) provision for periodic payments and the making of provisional awards (referred 1987); and</p>	<p>Report on the Statute of Limitations in Cases of Latent Personal Injuries (LRC 21-1987)</p> <p>Report on Personal Injuries: Periodic</p>

(2) the Statute of Limitations in cases of latent Personal Injury.	Payments and Structured Settlements (LRC 54-1996)
<p>Aspects of Criminal Law, including:</p> <p>(1) sentencing policy;</p> <p>(2) indexation of fines;</p> <p>(3) confiscating the proceeds of crime; and</p> <p>(4) whether there is need to revise or update the law relating to the various offences which are mainly governed by pre-1922 legislation, including, in particular, the laws relating to dishonesty, malicious damage and offences against the person (referred 1987).</p> <p>Sexual Offences Generally (Including in particular the law relating to rape and the sexual abuse of children) (referred 1987).</p>	<p>Report on Receiving Stolen Property (LRC 23-1987)</p> <p>Report on Malicious Damage (LRC 26-1988)</p> <p>Report on the Confiscation of the Proceeds of Crime (LRC 35-1991)</p> <p>Report on the Indexation of Fines (LRC 37-1991)</p> <p>Report on the Crime of Libel (LRC 41-1991)</p> <p>Report on the Law Relating to Dishonesty (LRC 43-1992)</p> <p>Report on Non-Fatal Offences against the Person (LRC 45-1994)</p> <p>Report on Sentencing (LRC 53-1996)</p> <p>Report on Rape and Allied Offences (LRC 24-1988)</p> <p>Report on Child Sexual Abuse (LRC 32-1990)</p> <p>Report on Sexual Offences Against the Mentally Handicapped (LRC 33-1990)</p>
The Law of defamation and contempt of court (referred 1989).	<p>Report on the Civil Law of Defamation (LRC 38-1991)</p> <p>Report on Contempt of Court (LRC 47-1994)</p>
The law relating to occupiers' liability (referred 1992).	Report on Occupiers' Liability (LRC 46-1994)
The Law relating to Bail (referred 1994).	Report on an Examination of the Law of Bail (LRC 50-1995)

Aggravated, Exemplary and Restitutionary Damages (referred 1997).	Consultation Paper on Aggravated, Exemplary and Restitutionary Damages (1998)
The Statutes of Limitation in cases in contract and tort involving latent damage other than personal injury (referred 1997)	Consultation Paper on the Statutes of Limitation: Claims in Contract and Tort in respect of Latent Damage (other than Personal Injury) (1998)

* Where both a Working Paper and a Report, or both a Consultation Paper and a Report, have been published on the same topic, only the Report has been listed in this table. Working Papers and Consultation Papers have been listed only where they have not been followed by a Report.

APPENDIX C

IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS

(The implementing legislation listed in the chart does not necessarily implement all the recommendations of the corresponding report in full. In many cases only some of the report's recommendations have been implemented by the legislation; in others the Commission's recommendations have been implemented only in a modified form.)

REPORT	IMPLEMENTING LEGISLATION
First Report on Family Law	<i>Family Law Act, 1981</i>
Report on Civil Liability for Animals	<i>Animals Act, 1985</i>
Report on Illegitimacy	<i>Status of Children Act, 1987</i>
Report on the Age of Majority, the Age for Marriage, and Connected Subjects	<i>Age of Majority Act, 1985</i> <i>Family Law Act, 1995</i>
Report on Restitution of Conjugal Rights, Jactitation of Marriage, and Related Matters	<i>Family Law Act, 1988</i> <i>Family Law Act, 1995</i>
Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws	<i>Domicile and Recognition of Foreign Divorces Act, 1986</i>
Report on Divorce <i>a Mensa et Thoro</i> and Related Matters	<i>Judicial Separation and Family Reform Act, 1989</i>
Report on the Recognition of Foreign Divorces and Legal Separations	<i>Domicile and Recognition of Foreign Divorces Act, 1986</i>
Report on Vagrancy and Related Offences	<i>Housing Act, 1988</i> <i>Criminal Law (Sexual Offences) Act, 1993</i> <i>Criminal Justice (Public Order) Act, 1994</i>
Report on the Hague Convention on the Civil Aspects of International Child Abduction and Some Related Matters	<i>Child Abduction and Enforcement of Custody Orders Act, 1991</i>
Report on the Competence and Compellability of Witnesses	<i>Criminal Evidence Act, 1992</i>
Report on Offences Under the Dublin Police Acts and Related Offences	<i>Criminal Justice (Public Order Act), 1994</i>

Report on Jurisdiction in Proceedings for Nullity of Marriage, Recognition of Foreign Nullity Decrees and the Hague Convention on the Celebration and Recognition of the Validity of Marriages	<i>Family Law Act, 1995</i>
Report on Receiving Stolen Property	<i>Larceny Act, 1990</i> <i>Criminal Justice Act, 1993</i> <i>Criminal Evidence Act, 1992</i> <i>Criminal Justice (No. 3) Act, 1994</i>
Report on the Statute of Limitations: Claims in respect of Latent Personal Injuries	<i>Statute of Limitations (Amendment) Act, 1991</i>
Report on the Service of Documents Abroad re Civil Proceedings (Hague Convention)	Hague Convention ratified 1994 Rules of the Superior Courts (no.3), 1994 (S.I. No.101 of 1994) <i>District Court (Service Abroad of Documents in Civil or Commercial Matters) Rules, 1994</i> (S.I. No.120 of 1994), now consolidated in <i>District Court Rules</i> (S.I. No.93 of 1997)
Report on Rape and Allied Offences	<i>Criminal Law (Rape) (Amendment) Act, 1990</i> <i>Criminal Justice Act, 1993</i>
Report on Malicious Damage	<i>Criminal Damage Act, 1991</i> <i>Criminal Justice Act, 1993</i>
Report on the Recognition of Foreign Adoption Decrees	<i>Adoption Act, 1991</i>
Report on Land Law and Conveyancing Law: (1) General Proposals	<i>Landlord and Tenant (Amendment) Act, 1994</i> <i>Family Law Act, 1995</i>
Report on Land Law and Conveyancing: (2) Enduring Powers of Attorney	<i>Powers of Attorney Act, 1996</i>
Report on Child Sexual Abuse	<i>Child Care Act, 1991</i> <i>Criminal Evidence Act, 1992</i> <i>Criminal Law (Sexual Offences) Act, 1993</i> <i>Domestic Violence Act, 1996</i> <i>Criminal Justice (Miscellaneous Provisions) Act, 1997</i>

	<i>Protection for Persons Reporting Child Abuse Act, 1998</i>
Report on Sexual Offences Against the Mentally Handicapped	<i>Criminal Law (Sexual Offences) Act, 1993</i> <i>Criminal Justice (Miscellaneous Provisions) Act, 1997</i>
Report on the Confiscation of the Proceeds of Crime	<i>Criminal Justice (No. 3) Act, 1994</i>
Report on Non-Fatal Offences Against the Person	<i>Non-Fatal Offences Against the Person Act, 1997</i>
Report on Occupiers' Liability	<i>Occupiers' Liability Act, 1995</i>
Examination of the Law of Bail	<i>Bail Act, 1997</i>
Report on Family Courts	<i>Children Act, 1997</i>

The Law Reform Commission
1st Floor
IPC House
35-39 Shelbourne Road
Ballsbridge
Dublin 4

Telephone: 6377 600
Fax Number: 6377 601
E mail: info@lawreform.ie

LIST OF LAW REFORM COMMISSION'S PUBLICATIONS

- First Programme for Examination of Certain Branches of the Law with a View to their Reform (Dec 1976) (Prl. 5984) **[out of print] [photocopy available]** [10p Net]
- Working Paper No. 1-1977, The Law Relating to the Liability of Builders, Vendors and Lessors for the Quality and Fitness of Premises (June 1977) [£1.50 Net]
- Working Paper No. 2-1977, The Law Relating to the Age of Majority, the Age for Marriage and Some Connected Subjects (Nov 1977)**[out of print]** [£1.00 Net]
- Working Paper No. 3-1977, Civil Liability for Animals (Nov 1977) [£ 2.50 Net]
- First (Annual) Report (1977) (Prl. 6961) [40p Net]
- Working Paper No. 4-1978, The Law Relating to Breach of Promise of Marriage (Nov 1978) [£ 1.00 Net]
- Working Paper No. 5-1978, The Law Relating to Criminal Conversation and the Enticement and Harboursing of a Spouse (Dec 1978)**[out of print]** [£ 1.00 Net]
- Working Paper No. 6-1979, The Law Relating to Seduction and the Enticement and Harboursing of a Child (Feb 1979) [£ 1.50 Net]
- Working Paper No. 7-1979, The Law Relating to Loss of Consortium and Loss of Services of a Child (March 1979) [£ 1.00 Net]
- Working Paper No. 8-1979, Judicial Review of Administrative Action: the Problem of Remedies (Dec 1979) [£ 1.50 Net]
- Second (Annual) Report (1978/79) (Prl. 8855) [75p Net]

Working Paper No. 9-1980, The Rule Against Hearsay (April 1980)	[£ 3.50 Net]
Third (<u>Annual</u>) Report (1980) (Pr. 9733)	[75p Net]
First Report on Family Law - Criminal Conversation, Enticement and Harbours of a Spouse or Child, Loss of Consortium, Personal Injury to a Child, Seduction of a Child, Matrimonial Property and Breach of Promise of Marriage (LRC 1-1981) (March 1981)	[£ 2.00 Net]
Working Paper No. 10-1981, Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws (Sep 1981)	[£ 1.75 Net]
Fourth (<u>Annual</u>) Report (1981) (Pl. 742)	[75p Net]
Report on Civil Liability for Animals (LRC 2-1982) (May 1982)	[£ 1.00 Net]
Report on Defective Premises (LRC 3-1982) (May 1982)	[£ 1.00 Net]
Report on Illegitimacy (LRC 4-1982) (Sep 1982)	[£ 3.50 Net]
Fifth (<u>Annual</u>) Report (1982) (Pl. 1795)	[75p Net]
Report on the Age of Majority, the Age for Marriage and Some Connected Subjects (LRC 5-1983) (April 1983)	[£ 1.50 Net]
Report on Restitution of Conjugal Rights, Jactitation of Marriage and Related Matters (LRC 6-1983) (Nov 1983)	[£ 1.00 Net]
Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws (LRC 7-1983) (Dec 1983)	[£ 1.50 Net]
Report on Divorce a Mensa et Thoro and Related Matters (LRC 8-1983) (Dec 1983)	[£ 3.00 Net]
Sixth (<u>Annual</u>) Report (1983) (Pl. 2622)	[£ 1.00 Net]
Report on Nullity of Marriage (LRC 9-1984) (Oct 1984)	[£ 3.50 Net]
Working Paper No. 11-1984, Recognition of Foreign Divorces and Legal Separations (Oct 1984)	[£ 2.00 Net]
Seventh (<u>Annual</u>) Report (1984) (Pl. 3313)	[£ 1.00 Net]
Report on Recognition of Foreign Divorces and Legal Separations (LRC 10-1985) (April 1985)	[£ 1.00 Net]
Report on Vagrancy and Related Offences (LRC 11-1985) (June 1985)	[£ 3.00 Net]
Report on the Hague Convention on the Civil Aspects of International Child Abduction and Some Related Matters (LRC 12-1985) (June 1985)	[£ 2.00 Net]

Report on Competence and Compellability of Spouses as Witnesses (LRC 13-1985) (July 1985)	[£ 2.50 Net]
Report on Offences Under the Dublin Police Acts and Related Offences (LRC 14-1985) (July 1985)	[£ 2.50 Net]
Report on Minors' Contracts (LRC 15-1985) (August 1985)	[£ 3.50 Net]
Report on the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (LRC 16-1985) (August 1985)	[£ 2.00 Net]
Report on the Liability in Tort of Minors and the Liability of Parents for Damage Caused by Minors (LRC 17-1985) (Sep 1985)	[£ 3.00 Net]
Report on the Liability in Tort of Mentally Disabled Persons (LRC 18-1985) (Sep 1985)	[£ 2.00 Net]
Report on Private International Law Aspects of Capacity to Marry and Choice of Law in Proceedings for Nullity of Marriage (LRC 19-1985) (Oct 1985)	[£ 3.50 Net]
Report on Jurisdiction in Proceedings for Nullity of Marriage, Recognition of Foreign Nullity Decrees, and the Hague Convention on the Celebration and Recognition of the Validity of Marriages (LRC 20-1985) (Oct 1985)	[£ 2.00 Net]
Eighth (<u>Annual</u>) Report (1985) (Pl. 4281)	[£ 1.00 Net]
Report on the Statute of Limitations: Claims in Respect of Latent Personal Injuries (LRC 21-1987) (Sep 1987)	[£ 4.50 Net]
Consultation Paper on Rape (Dec 1987)	[£ 6.00 Net]
Report on the Service of Documents Abroad re Civil Proceedings - the Hague Convention (LRC 22-1987) (Dec 1987)	[£ 2.00 Net]
Report on Receiving Stolen Property (LRC 23-1987) (Dec 1987)	[£ 7.00 Net]
Ninth (<u>Annual</u>) Report (1986-1987) (Pl 5625)	[£ 1.50 Net]
Report on Rape and Allied Offences (LRC 24-1988) (May 1988)	[£ 3.00 Net]
Report on the Rule Against Hearsay in Civil Cases (LRC 25-1988) (Sep 1988)	[£ 3.00 Net]
Report on Malicious Damage (LRC 26-1988) (Sep 1988)[out of print]	[£ 4.00 Net]
Report on Debt Collection: (1) The Law Relating to Sheriffs (LRC 27-1988) (Oct 1988)	[£ 5.00 Net]

Tenth (<u>Annual</u>) Report (1988) (PI 6542)	[£ 1.50 Net]
Report on Debt Collection: (2) Retention of Title (LRC 28-1989) (April 1989) [out of print]	[£ 4.00 Net]
Report on the Recognition of Foreign Adoption Decrees (LRC 29-1989)(June 1989)	[£ 5.00 Net]
Report on Land Law and Conveyancing Law: (1) General Proposals (LRC 30-1989) (June 1989)	[£ 5.00 Net]
Consultation Paper on Child Sexual Abuse (August 1989)	[£10.00 Net]
Report on Land Law and Conveyancing Law: (2) Enduring Powers of Attorney (LRC 31-1989)(Oct 1989)	[£ 4.00 Net]
Eleventh (<u>Annual</u>) Report (1989) (PI 7448)	[£ 1.50 Net]
Report on Child Sexual Abuse (September 1990) (LRC 32-1990)	[£ 7.00 Net]
Report on Sexual Offences Against the Mentally Handicapped (September 1990) (LRC 33-1990)	[£ 4.00 Net]
Report on Oaths and Affirmations (LRC 34-1990) (December 1990)	[£ 5.00 Net]
Report on Confiscation of the Proceeds of Crime (LRC 35-1991)(January 1991)	[£ 6.00 Net]
Consultation Paper on the Civil Law of Defamation (March 1991)	[£20.00 Net]
Report on the Hague Convention on Succession to the Estates of Deceased Persons (LRC 36-1991) (May 1991)	[£ 7.00 Net]
Twelfth (<u>Annual</u>) Report (1990) (PI 8292)	[£ 1.50 Net]
Consultation Paper on Contempt of Court (July 1991)	[£20.00 Net]
Consultation Paper on the Crime of Libel (August 1991)	[£11.00 Net]
Report on The Indexation of Fines (LRC 37-1991) (October 1991)	[£ 6.50 Net]
Report on The Civil Law of Defamation (LRC 38-1991) (December 1991)	[£ 7.00 Net]
Report on Land Law and Conveyancing Law: (3) The Passing of Risk from Vendor to Purchaser (LRC 39-1991) (December 1991); (4) Service of Completion Notices (LRC 40-1991) (December 1991)	[£ 6.00 Net]
Report on The Crime of Libel (LRC 41-1991) (December 1991)	[£ 4.00 Net]
Report on United Nations (Vienna) Convention on Contracts for the International Sale of Goods 1980 (LRC 42-1992) (May 1992)	[£ 8.00 Net]

Thirteenth (<u>Annual</u>) Report (1991) (PI 9214)	[£ 2.00 Net]
Report on The Law Relating to Dishonesty (LRC 43-1992) (September 1992)	[£20.00 Net]
Land Law and Conveyancing Law: (5) Further General Proposals (LRC 44-1992) (October 1992) [out of print]	[£ 6.00 Net]
Consultation Paper on Sentencing (March 1993) [out of print]	[£20.00 Net]
Consultation Paper on Occupiers' Liability (June 1993) [out of print]	[£10.00 Net]
Fourteenth (<u>Annual</u>) Report (1992) (PN.0051)	[£ 2.00 Net]
Report on Non-Fatal Offences Against The Person (LRC 45-1994) (February 1994)	[£20.00 Net]
Consultation Paper on Family Courts (March 1994)	[£10.00 Net]
Report on Occupiers' Liability (LRC 46-1994) (April 1994)	[£ 6.00 Net]
Report on Contempt of Court (LRC 47-1994) (September 1994)	[£10.00 Net]
Fifteenth (<u>Annual</u>) Report (1993) (PN.1122)	[£ 2.00 Net]
Report on The Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (LRC 48-1995) (February 1995)	[£10.00 Net]
Consultation Paper on Intoxication as a Defence to a Criminal Offence (February 1995)	[£10.00 Net]
Report on Interests of Vendor and Purchaser in Land during period between Contract and Completion (LRC 49-1995) (April 1995)	[£ 8.00 Net]
Sixteenth (<u>Annual</u>) Report (1994) (PN. 1919)	[2.00 Net]
An Examination of The Law of Bail (LRC 50-1995) (August 1995)	[£10.00 Net]
Report on Intoxication (LRC 51-1995) (November 1995)	[£ 2.00 Net]
Report on Family Courts (LRC 52-1996) (March 1996)	[£10.00 Net]
Seventeenth (<u>Annual</u>) Report (1995) (PN. 2960)	[£2.50 Net]
Report on Sentencing (LRC 53-1996) (August 1996)	[£ 8.00 Net]
Consultation Paper on Privacy: Surveillance and the Interception of Communications (September 1996)	[£20.00 Net]

Report on Personal Injuries (LRC 54-1996) (December 1996)	[£10.00 Net]
Eighteenth (<u>Annual</u>) Report (1996) (PN. 3760)	[£ 2.50 Net]
Consultation Paper on The Implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993 (September 1997)	[£10.00 Net]
Report on The Unidroit Convention on Stolen or Illegally Exported Cultural Objects (LRC 55-1997) (October 1997)	[£15.00 Net]
Consultation Paper on Aggravated, Exemplary and Restitutionary Damages (May 1998)	[£15.00 Net]
Report on Land Law and Conveyancing Law: (6) Further General Proposals including the execution of deeds (LRC 56-1998) (May 1998)	[£8.00 Net]
Report on Privacy: Surveillance and the Interception of Communications (LRC 57-1998) (June 1998)	[£20.00 Net]
Report on the Hague Convention on Protection of Children and Co-operation in Respect on Intercountry Adoption, 1993 (LRC-58) (June 1998)	[£10.00 Net]
Nineteenth (<u>Annual</u>) Report (1997) (PN 6218)	[£3.00 Net]
Consultation Paper on The Statutes of Limitation: Claims in Contract and Tort in Respect of Latent Damage (Other Than Personal Injury) (November 1998)	[£5.00 Net]