

LAW REFORM COMMISSION

COIMISIÚN UM ATHCHÓIRIÚ AN DLÍ



NINETEENTH REPORT 1997

NINETEENTH REPORT OF THE LAW REFORM COMMISSION

This Report covers the period from 1 January 1997 to 31 December 1997. 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 1997, its publications during that year, and legislative implementation of Law Reform Commission reports.

COMMISSIONERS

From January to April 1997, there was no commission in office. A new commission took office on 15 April 1997.

The President of the Commission throughout 1997 was The Hon. Mr Anthony J Hederman, former Judge of the Supreme Court, former Attorney General.

The following Commissioners were newly appointed in April 1997:

- Ms Hilary A. Delany, BA, M Litt, Barrister-at-Law;
- The Right Honourable Dr Turlough O'Donnell, QC;
- Arthur F. Plunkett, Esq., BA, Barrister-at-Law;
- Ms Patricia T. Rickard-Clarke, BCL, Solicitor.

Mr Plunkett took office as a full-time Commissioner from July 1997.

Ms Hilary Delany has lectured in Equity and the Law of Trusts at Trinity College Dublin since 1991. She is the author of *The Courts Acts, 1924-1991* and of *Equity and the Law of Trusts in Ireland*, and is editor of the Irish Law Reports Monthly.

Dr Turlough O'Donnell, QC, is former Lord Justice of Appeal in Northern Ireland and a former Chairman of the Bar Council of Northern Ireland.

Mr Arthur F. Plunkett joined the Attorney General's office (having practised at the Bar) in 1973, and was Deputy Senior Legal Assistant at the time of his appointment to the Commission on secondment.

Ms Patricia T. Rickard-Clarke worked for many years in the Institute of Public Administration. She is now a partner at the firm of Messrs. McCann Fitzgerald, Solicitors, and is head of the firm's Private Client Group specialising in private tax planning, both Irish and international.

STAFF

Dr Gerard Quinn BA, LLB, LLM (Harv), SJD (Harv), Barrister-at-Law, took up office as Director of Research in January 1997. Dr Quinn is on sabbatical leave from his post as lecturer in law at University College Galway.

John Quirke is Secretary to the Commission.

Ms Lia O'Hegarty, BCL, LLM (Mich), LLM (Harv) Barrister-at-Law, Ms Deirdre Mulligan, LLB, LLM (Edinburgh), Attorney-at-Law (State of New York) and Ms Róisín Pillay, LLB, LLM (Cantab) Barrister-at-Law, were researchers. Mr Ben Dietrich, a German lawyer, was a stagiaire at the Commission between October and December 1998.

The clerical staff at the end of 1997 were Ms Mary Teresa Faherty, Ms Dympna Forde, Ms Deborah Parkes and Ms Sarah Roberts.

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 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, 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. The Commission is to 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. If such a request is made, the Commission will examine and research it and, if requested, formulate and submit to the Attorney General proposals for the reform of the area of law in question.

FIRST PROGRAMME FOR LAW REFORM

Subsequent to its establishment, and pursuant to the provisions of the Act, the Commission prepared a 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; and
- Family Law.

The majority of the topics listed in the First Programme for Law Reform have now been dealt with in reports by the Commission. Details of reports on topics in the First Programme for Law Reform are contained in Appendix A.

A NEW PROGRAMME FOR LAW REFORM

In 1997, work began on the formulation of a new programme for law reform. The Commission expects to publish this programme in 1998.

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.

Requests by the Attorney General in 1997

On 13 January 1997, the then Attorney General requested the Commission to examine the principles governing the law of aggravated, exemplary and restitutionary damages, and their effectiveness as a remedy. Without prejudice to this, he also requested the Commission:

- to review the exclusion of exemplary damages from any claim under section 7 (1) of the *Civil Liability Act, 1961*;
- to report as to whether aggravated or restitutionary damages are also excluded from any such claim;
- to review the absence of any statutory provision enabling a court to award exemplary, aggravated or restitutionary damages in a claim brought for the benefit of the dependants of the deceased, where the death of such a person is caused by the wrongful act of another; and
- to submit proposals for any reform in respect of such law as the Law Reform Commission considers appropriate.

On 11 November 1997, the Attorney General pursuant to the provisions of section 4(2)(c) of the *Law Reform Commission Act 1975* requested the Law Reform Commission to review the *Statutes of Limitations, 1957 and 1991* in relation to claims in contract and tort (other than claims in respect of personal injuries) in circumstances where the loss is latent (i.e. in circumstances where the person was not, or could not have been aware of, the accrual of the right of action until after the expiration of the limitation period) and to submit to him proposals for reform in respect of such law (if any) as the Law Reform Commission considers appropriate.

On 12 December 1997, the Law Reform Commission received a further request from the Attorney General, that the Commission examine and report upon the law of section 2 of the *Civil Liability (Amendment) Act, 1964*, (which provides that in a personal injury action (other than fatal injury) account cannot be taken of sums payable consequent on the injury under a contract of insurance or in the form of any pension, gratuity or like benefit payable under statute or otherwise), and submit to him such proposals for reform as the Commission may think appropriate.

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, regulations and academic writings, both domestic and international. The Commission gives particular attention to the law of comparable jurisdictions, as well as 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 then 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. Since its inception in 1991, the Working Group on Land Law and Conveyancing has met regularly to review the law in that area. The Working Group has produced several reports on aspects of Land Law and Conveyancing. The members of the working group in 1997 were:

- Convenor: Judge J F Buckley (former Law Reform Commissioner);
- Ms Patricia T. Rickard-Clarke, Solicitor;
- Mr G Brady, SC;
- Professor J C Brady;
- Mr E Farrell, Solicitor;
- Mr P Fagan, Solicitor;
- Ms M G Miller, BL;
- Mr T O'Connor, Solicitor;
- Ms D Wheeler, BL.

THE DELOITTE AND TOUCHE REPORT

The Review of Organisation and Management of the Law Reform Commission begun in January 1997, on advice by representatives of the Office of the Taoiseach and the Office of the Attorney General given in November 1996. Deloitte and Touche, Consultants, were commissioned to carry out the review.

The Final Report on the Organisation and Management of the Law Reform Commission was published in April 1997. At the outset, the Review referred to the high quality work and the extensive legal research carried out by the Law Reform Commission:

"This review confirms the importance of maintaining an independent Law Reform Commission which has a unique role to play operating, as it does, in a de-politicised environment. The Commission has the wherewithal to look forward and to examine emerging issues in an objective and logical manner. Research output from such examination is invaluable for legislators interested in the development of law and who do not have the resources to examine Irish and comparative law in such detail. In this way, the political process is enriched with objective and independent analysis." [para. 1.4]

Among the recommendations were the following:

- the development of a Second Programme for Law Reform, with a five-year time-frame, in conjunction with the Attorney General;
- the establishment of a Consultative Committee, under the auspices of the Attorney General's Office, comprising representatives from various Government Departments, the Bar Council and the Law Society;
- greater use of external experts appointed on a short-term basis;
- availability of the services of a parliamentary draftsman from time to time;
- an appropriate mechanism with regard to promotion of clerical staff;
- the further development of the library with an emerging European emphasis;
- the general upgrading of information technology in the office;
- the establishment of a Website;
- access to publications on CD Rom;
- broadening awareness of the Commission's work and increased communication with relevant Oireachtas Committees.

When the new Commissioners took up office, their first task was to study the Review with a view to its implementation. A detailed preliminary response thereto was submitted by the Law Reform Commission to the Attorney General on 22 May.

A special committee was then set up within the Commission to examine the information technology (IT) requirements, as recommended in the Review. An Information Technology Business Plan for the Commission was drawn up and was submitted to the Office of the Attorney General in September 1997.

THE YEAR'S WORK

By 31 December 1997, the Commission had, since its inception, formulated and submitted to the Taoiseach or the Attorney General 54 Reports containing proposals for reform of the law, as well as 11 Working Papers, 11 Consultation Papers, a number of specialised papers for limited circulation, 18 Reports in accordance with section 6 of the Law Reform Commission Act, 1975 and an Examination of the Law of Bail.

PUBLICATIONS IN 1997

Reports

In 1997, the Commission published the following Report on a topic contained in the Commission's First Programme:

- Report on the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (LRC 55-1997)

The Report examines the UNIDROIT Convention in the context of its implementation in Irish Law. It examines the Irish law on the restitution of stolen cultural objects and on the return of illegally exported cultural objects. It also discusses the law on the return from Ireland of objects stolen or illegally exported from another jurisdiction.

The Report concludes that Irish law is compatible with the principle on which the Convention is based, that of favouring the dispossessed owner by ensuring the return to him or her of stolen cultural objects. Furthermore, it is concluded that the advantages to Ireland, a country with a major cultural heritage which is in danger, in acceding to the Convention, greatly outweigh any concerns which arise as to its implementation. The Report recommends that Ireland should accede to the *Unidroit Convention on Stolen or Illegally Exported Cultural Objects*, and that legislation should be enacted which gives effect to its provisions. It also makes a number of recommendations regarding Ireland's implementation of the Convention.

Consultation Papers:

In 1997, the Commission also published the following Consultation Paper on a topic contained in the Commission's first programme:

- Consultation Paper on the Implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993

The Consultation Paper examined the present Irish law in relation to intercountry adoption, as well as the system established under the Hague Convention. The Commission made a series of detailed provisional recommendations in relation to Ireland's implementation of the Convention, which would cater for the standards and procedures to be applied both where Ireland is the receiving State in an intercountry adoption, and where Ireland is the State of origin. The Consultation Paper makes provisional recommendations for the establishment of an

administrative system, as is required by the Hague Convention, and for the designation of a Central Authority and accredited agencies to administer adoptions under the Convention. Provisional recommendations are also made in relation to the recognition of adoptions effected abroad.

RESEARCH IN 1997

1. *Criminal Law*

(i) Homicide

The Commission continued its study of the law of Homicide. A Consultation Paper on this topic is to be published in 1998.

2. *Family Law*

(i) Intercountry Adoption

The Commission continued its study of intercountry adoption in the context of the implementation of the *Hague Convention on Intercountry Adoption, 1993*. A Consultation Paper on this issue was published in September 1997.

Written submissions were requested in relation to the Consultation Paper's provisional recommendations. The Commission's Final Report is to be published, following further consultations, in 1998.

3. *Private Law*

(i) Aggravated, Exemplary and Restitutionary Damages

Following a reference on this topic from the Attorney General in January 1997, the Commission began research into the law concerning the award of aggravated, exemplary and restitutionary damages. A Consultation Paper on this subject was prepared in the course of 1997, to be published early in 1998.

(ii) The Statute of Limitations

Following a reference from the Attorney General on 11 November, 1997, the Commission commenced research into this area. A Consultation Paper is to be published in 1998.

(iii) Section 2 of the Civil Liability (Amendment) Act, 1964

Following a reference from the Attorney General in December 1997, the Commission began an initial investigation of this topic.

4. Privacy

(i) Surveillance and the Interception of Communications

In October 1996, the Commission published a Consultation Paper entitled *Privacy: Surveillance and the Interception of Communications*. The preparation of the Consultation Paper was a response to the growing concern, noted in the Commission's *First Programme for Examination of Certain Branches of the Law with a View to their Reform*, at the lack of legal protection for privacy.

The Consultation Paper published in 1996 deals with one aspect of privacy, *viz.* freedom from surveillance and from the interception of one's communications. The protection of this general interest in specific institutional contexts (e.g. the workplace) will be considered at a later stage.

Throughout 1997, work continued on this topic. A listening exercise was held on this subject, on 17 July 1997, which was attended by representatives of the media, the Gardaí, telecommunications services, and academics.

Following examination of the written submissions received and consideration of the issues raised at the listening exercise, the Commission commenced work on its Final Report, to be published in 1998.

5. Land Law and Conveyancing Law

The Commission's Working Group on Land Law and Conveyancing Law continued to meet throughout the year.

Among the topics considered by the Working Group in the course of the year were:

- The enforceability of covenants;
- The merger of interests in land - Section 28 of the *Landlord and Tenant (Ground Rents) Act, 1978*;
- The Doctrine of Advancement;
- Words of limitation in easements;
- Conclusiveness of Assents - the case of *Mohan v Roche*;
- Variation of leases - surrender and regrant;
- Section 4 of the *Judgement Mortgage (Ireland) Act 1850*; and
- Reversionary Leases - section 18, 9 and 15 of the *Ground Rents (No. 2) Act 1978*, and Section 30 of the *Landlord and Tenant (Amendment) Act 1980*.

During 1997, the Working Group prepared a report entitled *Land Law and Conveyancing Law: (6) Further General Proposals including the Execution of Deeds*, to be published in 1998.

6. *Private International Law*

(i) UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects

In October 1997, the Commission published its *Report on the UNIDROIT Convention on the Return of Stolen or Illegally Exported Cultural Objects*.

7. *Other Topics*

(i) The Interpretation and Drafting of Legislation

Work continued on an examination of the interpretation and drafting of legislation.

ACTION TAKEN IN 1997 IN AREAS COVERED BY REPORTS OF THE COMMISSION

Bail Act, 1997

Following the publication of our *Examination of the Law of Bail* (1995) and the passing of a referendum to amend the Constitution in relation to bail in 1996, the *Bail Act* was passed in 1997 to give effect to the sixteenth amendment of the Constitution and to tighten up the bail regime generally.

Children Act, 1997

This Act updates the law on guardianship, custody of and access to children and on evidence of children in civil proceedings. Under section 11 of the Act, in proceedings relating to guardianship, custody, and access rights, if the child is not a party, the Court may, if it is satisfied that it is in the best interests of the child, appoint a guardian *ad litem* for the child. In addition, where it is satisfied that it would be in the best interests of the child, the Court may order that the guardian *ad litem* be legally represented.

These provisions largely implement recommendations 54, 55 and 56 of our *Report on Family Courts*, which proposed that the child should be granted independent representation in cases where he or she was not a party to the case, but where his or her interests were at stake. The Report also recommended, in Recommendation 56, that the Court should have power to appoint a guardian *ad litem*, if it considered that it would be in the interests of the child and in the interests of justice to do so. The 1997 Act makes the appointment of the legal representative conditional on the appointment of the guardian *ad litem*, but aside from this technicality it substantially implements the Commission's recommendations.

The *Children Act, 1997* also makes provision for a greater role for mediation in cases involving children. This is in accordance with our *Report on Family Courts*, where it was stated (in Recommendation 34) that there should be "timely application of alternative forms of alternative dispute resolution such as mediation." The 1997 Act (section 11) requires that, in proceedings relating to custody, maintenance, or access to children, a solicitor representing either the applicant or the respondent should discuss with his or her client the possibilities of both counselling and mediation.

In addition, the Act implements Recommendation 6 of the Report on Oaths and Affirmations (section 28) and Recommendation 10 of the Report on the Rule Against Hearsay in Civil Cases (section 23).

Criminal Justice (Miscellaneous Provisions) Act, 1997

This Act amends the *Criminal Evidence Act, 1992* by broadening the definition of "sexual offence" in that Act. The main practical effect of this is to expand the application of s.12 of the 1992 Act such that evidence of certain sexual offences can now be given through TV link by persons under 17. This is in accordance with Recommendation 54 of our *Report on Child Sexual Abuse* which proposed that evidence could be taken by CCTV link or through an intermediary where a witness in a case of child sexual abuse is under 17 years of age, and Recommendation 7 of our *Report on Sexual Offences against the Mentally Handicapped* which proposed a similar arrangement in cases of sexual abuse of mentally handicapped persons.

Non-Fatal Offences Against the Person Act, 1997

This Act implements many of the recommendations, in one form or another, contained in our *Report on Non-Fatal Offences Against the Person (1994)*. The Act simplifies the law and eliminates the arcane distinctions that characterised both the common law and the *Offences Against the Person Act, 1861*. It abolishes the common law offences of assault, battery, false imprisonment and kidnapping, and repeals many of the offences contained in the 1861 Act.

The Act creates the following new offences of violence and endangerment, as recommended in our Report:

- (intentional or reckless) assault, assault causing harm and assault causing serious harm;
- threatening to kill or cause serious bodily harm;
- harassment;
- a "residual" offence of poisoning;
- a general offence of endangerment and an offence of endangering traffic.

These offences are defined along the lines of Recommendations 2-6, 8, 10, 14, 43 and 42 respectively of our Report.

With regard to offences infringing personal liberty, the Act creates a new generic offence of false imprisonment and a new offence of child abduction, and defines them along the lines suggested in Recommendations 52 and 54, respectively, of our Report.

Report of the Select Committee on Social Affairs

In 1997 the Dáil Select Committee on Social Affairs produced a *Report on Non-Fatal Offences against the Person in respect of Children*. The Committee reiterated our recommendations for the repeal of the statutory offence of abandonment of children under two years of age, and the statutory punishment of whipping. In recommending the abolition of the statutory and common law defences of reasonable chastisement of children (by parents, teachers and persons having lawful control of them) the Committee also recommended that the Government adopt our proposal for the implementation of a major program for positive parenting.

IN-HOUSE SEMINARS HELD IN 1997

Throughout 1997, the Commission held a series of in-house seminars, at which academics and practitioners presented papers on topics broadly related to the Commission's research. These seminars have proved most useful to the Commission in its work. The Commission would like to record its thanks to those who presented the papers in 1997, including the following:

Dr Gerard Quinn, *Equal Opportunity Law and Disability: The Fate of American Ideas in the European Environment*, 15 January 1997

Professor Mark Grunewald, *An Overview of American Privacy Law*, 6 March 1997

Mr John O'Dowd, *The Legal Concept of Human Dignity: Comparative Irish and German Constitutional Perspectives*, 18 March 1997

Ms Maebh McDonagh, *Comparative Irish and Australian Approaches to Freedom of Information*, 20 March 1997

Mr Conor O'Malley, *Heritage Protection in Ireland*, 19 May 1997

Mr Patrick Riordan, *The Politics of the Common Good*, 26 May 1997

Mr Ben Diettrich, *The Protection of Privacy in German Law*, 23 October 1997

Dr John Stannard, *Homicide: Liability for Reckless Murder*, 13 November 1997

Dr James West, *Comparative Corruption Law*, 25 November 1997

Mr Jonathan Newman, *Choice of Law in Tort*, 27 November 1997

Dr Eamonn Hall, *Legal Issues Associated with the Information Society*, 22 December 1997

MEETINGS WITH FOREIGN LAW REFORM BODIES IN 1997

In 1997, the Commission received a number of visitors from foreign Law Reform Commissions and others concerned with law reform abroad, and held discussions with them with a view to achieving greater cooperation and exchange of information between law reform bodies worldwide.

Mr Richard Button, of the Criminal Law Division of the Office of the Attorney General, **New South Wales**, visited the Commission offices on 5 August 1997. He met with members of the research staff to discuss approaches to reform of the criminal law.

Madame Zubeda Seedat, Commissioner of the Law Reform Commission of **South Africa**, visited the Commission offices on 29 August 1997. She met with members of the Commission and with research staff, and discussed the work of the South African Law Commission, and comparative approaches to law reform in Ireland and South Africa.

Professor Roderick A McDonald, President of the newly established Law Commission of **Canada**, visited the Law Reform Commission on 17 September 1997. He met with the President of the Commission and discussed the plans of the Canadian Commission.

The Chief Justice of **Tanzania**, The Hon Mr Justice Francis L Nyalali, visited the Law Reform Commission offices on 29 October 1997. The Chief Justice met with the President of the Commission as well as research staff and discussed issues of legal reform in both Ireland and Tanzania.

CONFERENCES

The Hague Conference on Private International Law

Commissioner Plunkett attended at the Hague Conference on Private International Law (meeting of the Special Commission on International Jurisdiction and the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters) from 17-20 June 1997. This was one of a series of such meetings designed to lead to a Diplomatic Conference at which it is envisaged that an international convention on this subject will be drawn up and opened for signature and ratification.

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 Civil Aspects of International Child Abduction and some Related Matters (LRC 12-1985)</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>

Conflict of Laws (continued)	<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>
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>

Family Law (continued)	<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 the Family Courts (LRC 52-1996)</p> <p>Consultation Paper on the Implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993 (September 1997)</p>
Privacy	Consultation Paper on Privacy: Surveillance and the Interception of Communications
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 UNDER REFERENCE 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</p> <p>Interests of Vendor and Purchaser in Land during Period between Contract and Completion (LRC 49-1995)</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>(2) the Statute of Limitations in cases of latent Personal Injury.</p>	<p>Report on the Statute of Limitations in Cases of Latent Personal Injuries (LRC 21-1987)</p> <p>Report on Personal Injuries: Periodic Payments and Structured Settlements (LRC 54-1996)</p>

<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>The Law relating to Bail (referred 1994).</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> <p>Report on an Examination of the Law of Bail (LRC 50-1995)</p>
<p>The Law of defamation and contempt of court (referred 1989).</p>	<p>Report on the Civil Law of Defamation (LRC 38-1991)</p> <p>Report on Contempt of Court (LRC 47-1994)</p>
<p>The Law relating to occupiers' liability (referred 1992).</p>	<p>Report on Occupiers' Liability (LRC 46-1994)</p>

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	Age of Majority Act, 1985 Family Law Act, 1995
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 a Mensa et Thoro and Related Matters	Judicial Separation and Family Reform Act, 1989
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 Personal Injuries	<i>Statute of Limitations (Amendment) Act, 1991</i>
Report on Rape and Allied Offences	<i>Criminal Law (Rape) (Amendment) Act, 1990</i> <i>Criminal Justice Act, 1993</i>
Report on the Rule Against Hearsay in Civil Cases	<i>Children Act, 1997</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>
Report on Sexual Offences Against the Mentally Handicapped	<i>Criminal Law (Sexual Offences) Act, 1993</i>

Report on Oaths and Affirmations	<i>Children 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
The Ardilaun Centre
111 St. Stephen's Green
Dublin 2

Telephone: 475 1310
Fax Number: 475 1265
E mail: lrcsecretary@tinet.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 (Annual) Report (1980) (Prl. 9733) [75p Net]
- First Report on Family Law - Criminal Conversation, Enticement and Harboursing 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]
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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]
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Consultation Paper on Child Sexual Abuse (August 1989)	[£10.00 Net]
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Consultation Paper on Occupiers' Liability (June 1993) [out of print]	[£10.00 Net]
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