

## UNIFORM LAW SECTION

### MINUTES

#### *Attendance*

34 delegates attended the meeting of the Uniform Law Section. For details see the list of delegates on page 5.

#### *Sessions*

The section held seven sessions from Sunday through Wednesday including two joint sessions with the Criminal Law Section, as well as two formal plenary sessions.

#### *Distinguished Visitors*

The Section was honoured by the participation of:

- (a) Mr. Dwight A. Hamilton, Immediate Past President of the National Conference of Commissioners on Uniform State Laws;
- (b) Mr. Jeremiah Marsh, Chairman of the Committee on Liaison with Canada and International Organizations, and Co-chairman of the Joint Committee on Cooperation with the Uniform Law Conference of Canada and the National Conference of Commissioners on Uniform State Laws.
- (c) The Honourable Madam Justice Georgina Jackson of the Saskatchewan Court of Appeal, representing the Canadian Judges' Conference, and a past president of the Uniform Law Conference of Canada.
- (d) His Honour Judge Dennis Schmidt of the British Columbia Provincial Court, representing the Canadian Association of Provincial Court Judges.
- (e) Mr. Graham Walker, Q.C., past president of the Uniform Law Conference of Canada.

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### *Arrangement of Minutes*

A few of the matters discussed were opened one day, adjourned and concluded on another day. For convenience, the minutes are put together as though no adjournments occurred and the subjects arranged alphabetically.

### *Presidence*

The sessions were chaired by John D. Gregory.

### *Adoption of Uniform Acts*

The Section received from the Prince Edward Island Commissioners a report on the adoption of uniform acts by different jurisdictions. Mr. Raymond Moore noted the clear benefits to enacting the Uniform Intercountry Adoption (Hague Convention) Act and the Enforcement of Canadian Judgments Act and urged the Commissioners to promote their enactment.

The President of the Conference, Mr. Peter Lown, informed the meeting that the Executive would draw up a current list of uniform statutes to be actively recommended for enactment, with suggestions for priorities among them, and at the same time recommend that less useful or outdated statutes be removed from the current inventory. Jurisdictional representatives should encourage their governments to adopt uniform acts regularly.

### *Commercial Liens*

The Section received from the Saskatchewan Commissioners a report on the principles of uniform legislation on commercial liens, notably a statutory lien for repairers, storers and carriers.

### RESOLVED

1. That the principles be adopted as stated in the report, with further reflection due on priorities of lienholders among themselves and on the status of the carriers' lien.

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2. That the Uniform Warehouseman's Lien Act be withdrawn.
3. That the report be printed in the Proceedings (See Appendix I, page 265)

### *Cost of Credit Disclosure*

The Section received from the Alberta Commissioners with Mr. Richard Bowes as principal researcher, a further draft of a Uniform Cost of Credit Disclosure Act and of a Proposed (federal) Interest Act, with commentaries on both draft statutes, and supporting documents. These documents set out the result of consultation during the year and the interest in the project by internal trade negotiators, who had undertaken to adopt uniform cost of credit disclosure rules by the end of 1995 for implementation by January 1, 1997.

### RESOLVED

1. That the principles of both Acts and the statutory language of the Uniform Cost of Credit Disclosure Act reflecting them be adopted, subject to further consideration of specified provisions and subject to minor adaptations of other parts of the draft statute to meet the needs of federal/provincial/territorial consumer officials in the context of the internal trade agreement.
2. That the memorandum containing the recommended amendments to the draft Act be published in the Proceedings. (See Appendix H, page 264.)

### *Investment Securities*

The Section received from the Alberta Commissioners, for whom Mr. Eric Spink was principal researcher, a report on the activities during the year concerning this project, which was adopted by the Section in 1993. The principal focus was the effort to enlist the support of the essential private and public sector participants in the securities market. A working group would begin meeting in the fall of 1994 with participants from private and public bodies. The report noted that the National Conference in the United States had adopted its revision to Article 8 of the Uniform Commercial Code on which it was expected that the Canadian uniform statute would be based.

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### RESOLVED

That the report on investment securities be received.

#### *Jurisdiction and Transfer*

The Section received from the Alberta Commissioners a report on the consultation conducted in the preceding year with the Bench and Bar in several jurisdictions on the draft Uniform Court Jurisdiction and Proceedings Transfer Act adopted in 1993. A number of amendments to the draft Act were made as a result.

### RESOLVED

1. That the Uniform Court Jurisdiction and Proceedings Transfer Act as approved by the meeting be adopted and recommended for enactment as a uniform act.
2. That the Uniform Act be published with commentaries in the Proceedings. (See Appendix C, page 140.)

#### *Privacy and Defamation*

The Section received from the Saskatchewan Commissioners a draft Uniform Privacy Act and a draft Uniform Defamation Act, based on principles adopted in 1991.

### RESOLVED

1. That English and French texts of the Acts be referred to the Drafting Section for final review then circulated to all jurisdictions before the end of October, 1994, and that they be considered adopted and recommended for enactment as uniform statutes if objections are not received by the Executive Director of the Conference from two jurisdictions by November 30, 1994.

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2. That the uniform Acts as adopted be published in the Proceedings. (See Appendix E at page 216 and Appendix D at page 201.)

### *Private International Law*

The Section received from the Government of Canada a report on the activities of the Department of Justice in private international law matters. It also considered the status of work on several international conventions.

#### RESOLVED

That the report on the activities of the Department of Justice be published in the Proceedings. (See Appendix F at page 220.)

### *Uniform Reciprocal Enforcement of Judgements Act*

The Section received from Mr Arthur Close, Q.C., reports on the Uniform Reciprocal Enforcement of Judgements Act and the Uniform Foreign Judgements Act.

#### RESOLVED

That the Uniform Reciprocal Enforcement of Judgments Act not be formally amended to reflect changes in the common law, but that jurisdictions that wished to maintain their versions of that Act should be referred to Mr. Close's report.

That the Uniform Foreign Judgments Act be withdrawn as obsolete.

That the two reports be published in the Proceedings. (See Appendix L at page 270.)

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### RESOLVED

That the documents transmitting the Uniform Act, along with the Uniform Court Jurisdiction and Proceedings Transfer Act, to the jurisdictions note that the public policy provision of section 6 might be omitted or revised without offence to the principles of uniformity.

### *Other Reports*

The Section received from the Ontario Commissioners a brief update on the prospects for a uniform statute on unclaimed intangible property.

### *Election of Section Chair*

Douglas Moen of Saskatchewan was elected Chair of the Section for a two year term. The Section expressed its thanks to John Gregory for his service in the Chair for the term ending with the close of the 1994 meeting.