

2000 Victoria, BC

Civil Section Resolutions

Civil Law Section - Draft 2000 Resolutions

*Uniform Enforcement of Foreign Judgments Act*

**RESOLVED**

1. That the Report of the Working Group on a *Uniform Enforcement of Foreign Judgments Act* be received.

2. That the Working Group review most recent draft of the *Uniform Enforcement of Foreign Judgments Act* in the light of the deliberations of the Section and prepare a revised act, with commentaries for consideration at the 2001 Conference where the draft may be reconsidered to the extent necessary in the light of developments in relationship to the Hague Convention.

3. That the Report appear in the 2000 Proceedings.

*Commercial Law Strategy - General*

**RESOLVED**

1. That the progress Report be received and that the Uniform Law Conference supports the continued development of a commercial law framework for Canada.

2. That the Section expresses its gratitude to Douglas Moen, Q.C. for his efforts in launching the Commercial Law Strategy.

3. That the Section expresses its thanks to Ken Morlock for agreeing to assume the responsibility for the future direction of the Strategy as chair of the project's Steering Committee.

4. That the Report of the National Coordinator appear in the 2000 Proceedings.

*Commercial Law Strategy - Uniform Sale of Goods Act*

**RESOLVED**

1. That the Report presented by Professor Ziegel be received.
2. That the Uniform Law Conference commends Professor Ziegel for the work that he and his colleague Professor Duggan have carried out to date
3. That the Steering Committee of the Commercial Law Strategy be requested to consider further the issues raised in Professor Ziegel's Report, in the light of the deliberations of the Section, and to identify and make recommendations to the Steering Committee of the Civil Section respecting options to address them and take other appropriate steps to address them which may include the establishment of a working group.
4. That the Report appear in the 2000 Proceedings.

*Commercial Law Strategy - Federal Security Interests*

**RESOLVED**

1. That the Progress Report delivered on behalf of the Law Commission of Canada be received.
2. That the Uniform Law Conference endorses and welcomes the efforts of the Law Commission of Canada carrying forward this topic as part of the Commercial Law Strategy
3. That the Uniform Law Conference of Canada requests that the Law Commission of Canada,
  - (a) as its work on this topic moves forward, take into account the the Conference's comments, suggestions and deliberations, and
  - (b) maintain a close liaison with the National Coordinator of the Commercial Law Strategy.
4. That the Progress Report appear in the 2000 Proceedings.

### *Uniform Securities Transfer Act*

#### **RESOLVED**

1. That the Report Prepared by Eric Spink and presented by John Gregory be received.
2. That Mr. Spink, in conjunction with the Canadian Securities Administrators, the consortium of legislative counsel and other interested parties, be encouraged to continue work on the preparation of a draft *Uniform Securities Transfer Act* and commentaries.
3. That a draft act and commentaries, if available, be submitted for consideration at the 2001 Conference.
4. That Mr. Spink be requested to maintain a close liaison with the National Coordinator of the Commercial Law Strategy concerning developments in relation to this topic.
5. That policies previously adopted by the Civil Section be confirmed.
6. That the project leaders keep under review recent developments in private international law.
7. That the Report appear in the 2000 Proceedings.

### *Commercial Law Strategy - Possible Changes to the Canadian Personal Property Security Acts*

#### **RESOLVED**

1. That the Report presented by Professor Walsh be received.
2. That the Uniform Law Conference commends Professors Cuming and Walsh for the work they have carried out to date.
3. That the Steering Committee of the Commercial Law Strategy and the Steering Committee of the Civil Section explore with the Canadian Conference on Personal Property Security Law, the Personal Property

Security Law Committee of the Business Law Section of the Canadian Bar Association Ontario and other interested bodies the possibility of constituting a joint Working Group, the purpose of which would be:

1.the preparation of uniform amending provisions to the Canadian Personal Property Security Acts

2.the creation of a Uniform Personal Property Security Act to replace the 1982 ULCC Uniform Act.

3.consider ways of achieving greater harmony between the security regimes in force in Ontario, Quebec and federally with those in force in the rest of Canada.

4.That the Report appear in the 2000 Proceedings.

*Uniform Mediation Act*

**RESOLVED**

1. That the Discussion Paper prepared and presented by Jerry McHale be received.

2. That the Uniform Law Conference commends Mr. McHale for the work that he has carried out to in relation to this project.

3. That the Steering Committee of the Civil Law Section be requested to maintain a watching brief on developments in relation to mediation and, in conjunction with the Forum on Civil Justice and other interested parties, create machinery for the dissemination of information on these developments.

4.That the Report appear in the 2000 Proceedings.

*Uniform Electronic Commerce Act*

**RESOLVED**

1. That the Status Report on the *Uniform Electronic Commerce Act* prepared and presented by John Gregory be received.

2. That the Uniform Law Conference commends Mr. Gregory for keeping developments on this topic under review and for the materials he has provided to us.

3. That the Report appear in the 2000 Proceedings.

*European Developments in relation to Uniform Laws*

**RESOLVED**

1. That the Uniform Law Conference thanks Philippe Lortie for his thoughtful and informative presentation.

*Report on the activities of the National Conference of Commissioners on Uniform State Laws*

**RESOLVED**

1. That the Report be received and the Uniform Law Conference express its thanks to Mr. McClaugherty for his informative presentation.

*Civil Enforcement*

**RESOLVED**

1. That the Workplan Document prepared and presented by Professor Lyman Robinson, Q.C. be received.

2. That the Uniform Law Conference commends Professor Robinson for the work that he has carried out in relation to this project.

3. That the Civil Section confirms its continuing interest in the development of Model or Uniform legislation on this project.

4. That the Steering Committees of the Civil Law Section and of the

Commercial Law Strategy jointly continue to seek a jurisdictional leader to take carriage of this project and take appropriate next steps to move this topic forward including, if appropriate the possible establishment of a Working Group in relation to it.

5. That the Workplan appear in the 2000 Proceedings.

### *Uniform Liens Amendment Act*

#### **RESOLVED**

1. That an amended version of the *Uniform Liens Amendment Act*, in both official languages, be circulated to the jurisdictions as soon as possible and, unless two or

more objections are received by the Executive Director of the Conference by November 30, 2000, the act should be taken as adopted as a Uniform Act.

2. The *Uniform Liens Amendment Act*, as settled, be consolidated with the *Uniform Liens Act (1996)* and the consolidated act recommended to the jurisdictions for enactment.

3. That the Act and the Report of the Working Group appear in the 2000 Proceedings.

### *Unclaimed Intangible Property Act*

#### **RESOLVED**

1. That the Report of the Working Group be received.

2. That a draft *Uniform Unclaimed Intangible Property Act* and commentaries be prepared for consideration of the 2001 Conference.

3. That the Report appear in the 2000 Proceedings.

### *Report on Private International Law Activities of the Department of Justice*

## RESOLVED

1. That the Report be received and published in the 2000 Proceedings.
2. That the Conference thanks Elizabeth Sanderson for her very informative presentation.

### *Uniform Wills (Non-Compliance with Formalities Amendment) Act*

## RESOLVED

1. That the Report of the Alberta Commissioners be received.
2. That the Alberta Commissioners be requested to prepare a draft amendment in both official languages to Uniform Wills Act to replace s. 19 using the draft legislation contained in the Alberta Law Reform Institute Report as a template but subject to modification reflecting the discussions and deliberations of the Section, including commentaries containing reference to the jurisprudence in relation to the phrase "clear and convincing" and that this draft be circulated to the jurisdictions as soon as possible and, unless two or more objections are received by the Executive Director of the Conference by November 30, 2000, the provision should be taken as an amendment to the Uniform Act.
3. That the Steering Committee of the Civil Section in conjunction with the Alberta Law Reform Institute and other interest bodies be requested to develop terms of reference for a project to amend the Uniform Wills Act to accommodate new media and if acceptable terms of reference can be developed, that the Alberta Law Reform Institute be requested to develop materials to bring to the meeting of the Conference in 2001.
4. That the Report appear in the 2000 Proceedings.

### *Limited Liability Partnership Act*

## RESOLVED

1. That the draft *Limited Liability Partnership Act*, as presented to the Civil Law Section in both official languages subject to two minor drafting corrections in the English language version be adopted as a Model Act.

2. That the Act appear in the 2000 Proceedings.