

Private International Law

The work of the Private International Law Section, as its name implies, involves dealing with matters of conflict between the domestic law of Canada, both federal and provincial, and the domestic law of foreign states. The volume of work of the Section has increased substantially during the past year. This has been so particularly in arranging for the service of legal documents originating in Canada on persons residing abroad and vice versa. Canada has civil proceedings conventions with 19 states for this purpose. However, even in the absence of a convention, the Section has often been successful in arranging for the service of documents abroad on behalf of the legal profession in Canada. In addition, the number of Commissions Rogatory for the taking of testimony in both civil and criminal matters abroad has increased. The Section assists both provincial governments and practising lawyers in this field. The Section also liaises between provincial governments and foreign governments on such matters as reciprocal enforcement of maintenance orders and foreign judgments. The demand for the authentication of signatures on legal documents required for use abroad has increased particularly with respect to the People's Republic of China, where Canadian companies are becoming commercially involved. Finally, requests for extradition and rendition of fugitive offenders to and from Canada have increased greatly, specifically between Canada and the United States of America in relation to drug offences.

During the past year the Section participated with officers from the Department of Justice in the Conference of the United Nations Commission on International Trade Law (UNCITRAL) and in the Conference on a Standard Form of International Will.

The UNCITRAL Conference was held at New York from May 24 to June 14, 1974 to consider a draft Convention on Prescription (Limitation) in the International Sale of Goods, i.e. where the goods sold are required to be transported from one state to another in order to effect the sale. A convention was approved providing a limitation period during which a buyer, seller, or party to an International Sale of Goods Contract must seek redress before the appropriate court before such right is extinguished. The most