

PRIVATE INTERNATIONAL LAW

The work of the Private International Law Section, as its name implies, involves matters of interaction 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 grown substantially during recent years as a result of the increased number of international transactions by Canadians, both for private and commercial purposes. Requests from Canadian lawyers for assistance in serving legal documents on persons residing abroad are received on almost a daily basis and numerous requests are also made by foreign missions in Ottawa to serve documents on persons in Canada. Canada has conventions Regarding Legal Proceedings in Civil and Commercial Matters with 19 states which provide for reciprocal assistance in the service of legal documents. In addition, the Section has often been successful in arranging for the service of documents abroad in countries with which Canada does not have a convention. The Section handles requests for rogatory commissions for the taking of evidence in both civil and criminal matters, abroad for use in Canada, and vice versa. The Section assists both provincial governments and practicing lawyers in this field. The Section liaises between provincial governments on such matters as reciprocal enforcement of maintenance orders and judgments. Requests for the authentication of signatures on legal documents required for use abroad have increased not only in respect of Canadian companies who engage in foreign business ventures, but also in respect of private individuals who require authentication of signatures on birth, marriage and death certificates and of school marks and educational qualifications. Request for extradition and rendition of fugitive offenders to and from Canada continue at a high level, particularly between Canada and the United States of America.

The process, started several years ago, of concluding new extradition treaties is continuing. Instruments of Ratification were recently exchanged at Bonn on the Extradition Treaty between Canada and the Federal Republic of Germany which was signed in Ottawa on July 11, 1977. The Treaty came into force on September 30, 1979. Accordingly, action will be taken to revoke the Order-in-Council P.C. 1974-550 of March 25, 1974 which proclaimed Part II of the Extradition Act (R.S.C. 1970, Chapter E-21) to be in effect with the Federal Republic. As the extradition law of Brazil permits that country to extradite persons to a country that is able to offer reciprocity, Part II of the Extradition Act was proclaimed to be in force and effect