

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. A booklet prepared by the Legal Advisory Division on International Judicial Co-operation in Civil, Administrative, Commercial and Criminal Matters has been published. It is designed to provide guidance on the various procedures to follow in Canada and abroad to serve documents or to take evidence. It has been distributed to law societies in Canada, Canadian missions abroad, and foreign missions in Ottawa. A copy may be obtained by writing to the Department of External Affairs, 125 Sussex Drive, Ottawa. 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 which 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. Requests 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. A new extradition treaty was signed in Rome on May 6, 1981 between Canada and Italy. It will come into force upon ratification and will replace the Treaty between Great Britain and Italy (and applicable to Canada) for the Mutual Surrender of Fugitive