

Law Reform Notes

Department of Justice
Room 117, Centennial Building
P.O. Box 6000, Fredericton, N.B., Canada E3B 5H1
Tel.: (506) 453-2854 Fax: (506) 457-7899
E-mail: Tim.Rattenbury@gov.nb.ca

Law Reform Notes is produced twice yearly in the Legislative Services Branch of the Department of Justice, and is distributed to the legal profession in New Brunswick and the law reform community elsewhere. Its purpose is to provide brief information on some of the law reform projects currently under way in the Branch, and to ask for responses to or information about items that are still in their formative stages.

The Branch is grateful to all of those who have commented on items in earlier issues of *Law Reform Notes*; we encourage others to do the same. We also repeat our suggestion that, if any of our readers are involved either professionally or socially with groups who might be interested in items discussed in *Law Reform Notes*, they should let those groups know what the Branch is considering and suggest that they give us their comments. We are unable to distribute *Law Reform Notes* to everybody who might have an interest in its contents, for these are too wide-ranging. Nonetheless we would be pleased to receive comments from any source.

We emphasize that any opinions expressed in these Notes merely represent current thinking within the Legislative Services Branch on the various items mentioned. They should not be taken as representing positions that have been taken by either the Department of Justice or the provincial government. Where the Department or the government has taken a position on a particular item, this will be apparent from the text.

A: UPDATE ON ITEMS IN PREVIOUS ISSUES

1. S.43.1, Evidence Act

In issue #10 of these Notes, following a more general discussion in issue #9, we presented our tentative recommendations for amendments to s.43.1 of the *Evidence Act*. The section establishes an evidentiary privilege for the hospital quality assurance process.

After considering the responses received, some supportive of the amendments, others not, we finalized our recommendations, and these were enacted by *An Act to Amend the Evidence Act*, c.38 S.N.B. 1999. The amendments revised the wording of the existing privilege in relation to documents, and added a new paragraph dealing with opinions expressed during the course of investigations into occurrences in hospitals. The amendments

came into force on Royal Assent, 12th March 1999, and apply in legal proceedings commenced on or after that date.

2. Attorney for Personal Care

This item was raised previously in *Law Reform Notes* #9 and #10. There was considerable support for legislation allowing for the appointment of attorneys for personal care. Since then, we have examined law reform proposals and legislation in other jurisdictions and have identified the following as the key issues that must be addressed as legislation is developed. Responses to the items discussed below will help to provide direction as we formulate a specific proposal to present to the Department and the government.

1. *Who can appoint an attorney?* "Any competent adult" seems the most natural answer. Some provinces, though, set an age for the ability to make a power of attorney, starting as young as sixteen. We are not aware of any obvious reason for selecting a younger age like this. We are therefore inclined to opt for "any competent adult."

2. *What form should the document take?* Our starting point here is that it should be possible to combine a power of attorney for personal care with a continuing power of attorney for property matters. Thus the current form under s.58.2 of the *Property Act* – a signed and witnessed power of attorney that expressly states that the power may be exercised when the donor of the power is mentally incompetent – should be acceptable.

Should such a document, though, be the *only* acceptable form? Our current view is that, with one exception referred to below, it should be. We are not aware of any substantial defects in the formal requirements of the *Property Act*, and our review of legislation elsewhere indicates that if we attempted to create express new requirements for personal care purposes, they would be unlikely to differ substantially from the current requirements of the *Property Act*. It seems simpler, therefore, to stick with the existing form.

Would this mean that the document creating the power would need to be executed under seal, and if so, is this desirable? Currently we understand that sealing is a standard feature of powers under s.58.2, and some of the material we have reviewed suggests that, as a matter of legal language, it is only when the appointment of an agent (or "attorney") is under seal that it is technically accurate to speak of it as a "power of attorney." On the other hand, other material suggests that any appointment of an agent in writing can be properly referred to as a power of attorney, and that the only reason why deeds are normally used is to ensure that the attorney has the power to execute deeds on behalf of the principal.

Our current view is that, subject to the exception described below, sealing probably *should* be a necessary feature of an attorney for personal care. It is currently the norm, and it has the advantage of formalizing the appointment process somewhat, thus making it more likely

that people creating these powers will act with deliberation, probably consulting a lawyer as part of the process. We are not inclined to recommend anything less. Some jurisdictions, indeed, have been more direct in requiring legal or other professional involvement – for example, by enacting that the witness to an enduring power of attorney must be a lawyer.

We believe that very little inconvenience will flow from maintaining a requirement of sealing. Practically speaking, we anticipate that virtually everybody who wishes to provide for his or her future personal care by executing a power of attorney will want to deal with property matters at the same time. They might perhaps wish to appoint separate attorneys for the different functions, and might therefore prepare more than one document. But if both documents were prepared as part of the same exercise, there would be few drawbacks to applying the same formal requirements to both.

The one exception we see to this is that possibly a specific form should be developed for use in hospitals. During hospital stays, periods of incapacity are often predictable and may often be temporary or intermittent. The reasons for appointing a temporary attorney, with decision-making authority limited to the situation at hand, may be stronger. Yet in the hospital setting a requirement for sealing might seem out of place. (If, on the other hand, sealing were not adopted as a general requirement, hospitals should have little difficulty with the remaining requirements derived from s.58.2, namely that the power must be signed and witnessed and must state that it can be exercised during the donor's incompetence.)

A final comment relating to the form of a power of attorney for personal care is that it was suggested in earlier correspondence that perhaps a general (as distinct from a hospital-specific) prescribed form might be established by regulation. Though we see no major drawbacks in devising a general prescribed form – assuming always that it would be an optional form rather than a mandatory one – we see no major advantage in doing so either. As we see things, the content of a power of attorney may be extremely variable, so what could be prescribed as a standard form would be no more than the very bare bones of the document. We doubt that such an empty form would serve any substantial purpose.

3. *When is the attorney's authority activated?* The real issue here is one of evidence. How does one establish that the principal is in fact mentally incompetent and that the power of attorney is therefore operative? This is an issue with all "springing" powers of attorney, whether in relation to property matters or to personal care. It is less of an issue with an "enduring" power of attorney, since the power is operative before the mental incompetence arises, and the consequence of the power "enduring" is to make it immaterial whether the principal does or does not become incompetent afterwards.

Part of the answer here is that the principal can, of course, set out in the power of attorney what he or she means by "mental incompetence" and how it is to be determined. Assuming, though, that the power is silent, should the legislation deal with these matters?

We suggest not. Proof of mental incompetence, if required by statute, would be likely to be in the form of a certification by one or more medical practitioners. This would probably not be a major burden, yet to require a certificate in all cases still seems over-prescriptive. Furthermore, the existence of a certificate would not necessarily provide clarity on the key issue of whether, in cases in which there was some doubt about whether the principal was incompetent, it was the attorney or the principal who could take decisions on the principal's behalf. Despite the certificate, we believe that both the attorney and a third party dealing with the allegedly incompetent principal would still have to take the latter's wishes into consideration to the extent that these were known. The existence of the certificate would confirm the status of the attorney to be involved in the process, but it would probably not simplify the actual decisions that had to be taken. In some cases, indeed, it might even complicate them – for example if the principal was capable of taking some decisions but not others, or if his or her level of competence varied from time to time.

4. *What is the attorney's duty?* The duty of an attorney (or agent) generally is to act in the best interests of the principal. The 'best interests' test also describes the duty of the committee of the person under the *Infirm Persons Act* (*Doiron v Kerr Estate* (1998) 195 N.B.R. (2d) 323). To apply the same test to the

attorney for personal care would seem natural. We see the role of the attorney as being analogous to that of the committee of the person, with the distinction that the attorney is appointed by the principal rather than by the court.

Some provinces, though, have taken things further than this, spelling out specific things that the attorney may or may not do, and sometimes adjusting the 'best interests' rule in favour of requiring the attorney to decide things as he or she thinks the principal would have decided them. We are not convinced that much is gained by adding this sort of refinement to the legislation. To the extent that specific rules or limits are to be established for the attorney, the principal can set them out in the express terms of the power. But to the extent that the power is silent, we see no strong reason for suggesting anything other than a 'best interests' rule as the guide to the attorney's discharge of his or her functions. As noted above, we consider that paying proper attention to the wishes of the principal, to the extent that these can be determined, is an inherent element of the 'best interests' approach.

5. *How can one challenge the attorney's discharge of his or her functions?* The courts would always be available as a means to resolve disputes, the most likely avenue being an application for the appointment of a committee of the person under the *Infirm Persons Act*. As is the case in relation to property matters under s. 58.3 of the *Property Act*, the appointment of a committee of the person would terminate the authority of the attorney. Possibly the court should also be permitted to terminate the power without appointing a committee of the person. There might be cases in which removing an attorney was important, even though no one was prepared to take on the role of the committee.

What if no-one is prepared to go to court to challenge the attorney? This may no doubt occur, perhaps often. What happens will presumably depend on who feels the most strongly, and on the realities of the situation. Existing law does not prevent third parties from acting in the interests of an infirm person, to the extent that they are able, when they believe that a committee is failing to do so. The position if there were an attorney for personal care would be comparable. If the attorney acquiesced in the intervention of the third party, the attorneyship would be, in effect, renounced. If not, both

parties would have to live with the realities of the situation, whatever these might be, unless and until one or other of them felt strongly enough to seek the court's involvement in changing them.

6. *How would the power be terminated?* What must be considered here is termination by the attorney. Termination by the principal would not occur, since the power would only have 'sprung' because the principal was incompetent. Termination by the court, as described above, would be in effect the substitute for termination by the principal.

As for termination by the attorney, the general law is that powers terminate on the death or mental incompetence of the attorney, or if the attorney renounces the power. We would expect that the law should be the same in relation to an attorney for personal care. The first two methods of termination seem self-evident. The third seems unavoidable unless one attempts, in effect, to oblige an unwilling attorney to continue to act. If, therefore, the attorney is to have a broad freedom to renounce the power, other methods of termination would seem superfluous.

7. *How extensive should the legislation be?* Some provinces have enacted extensive legislation regarding powers of attorney and, more specifically, powers of attorney for personal care. At present, we are leaning towards something much more basic.

If the directions outlined above are acceptable, we believe that it should be possible to develop an effective attorney for personal care scheme through some fairly brief provisions that build directly on existing concepts in the *Infirm Persons Act* and sections 58.1 to 58.6 of the *Property Act*. Our current belief is that the simplest approach may be to add to the *Infirm Persons Act* a new section making the following three statements.

1. Any competent adult may, in a power of attorney under seal that meets the requirements of s. 58.2 of the *Property Act*, appoint any other adult to make personal care decisions on his or her behalf if he or she becomes incompetent to do so.

2. Subject to the express terms of the power, an attorney acting under such a power has the same obligations towards the

donor as would a committee of the person appointed under the *Infirm Persons Act*.

3. If, when a power of attorney for personal care is operative in relation to a person, the court appoints a committee of the person under the *Infirm Persons Act*, the power of attorney terminates.

Under this approach the general law on powers of attorney would cover the creation, the form and the termination of the power, while the *Infirm Persons Act* would deal with the duty of the attorney and with challenges to his or her performance.

8. *Should the legislation be retroactive?* In other words, if, before the new legislation comes into force, a person has prepared a document that meets the requirements of the legislation, should it be given legal effect, even though it had none at the time it was made? We think it should. Especially if sealing is one of the formal requirements of a power of attorney for personal care, there seems little danger that retroactive legislation would alter the intended effect of a document that had been created at an earlier date. If, though, the formal requirements were loosened, there would be a greater danger that incautiously drafted documents, or documents that had not in fact been prepared with this specific legal function in mind, might be given legal force. The looser the formal requirements, therefore, the more doubtful we would be that retroactivity was desirable.

3. Canadian Judgments

Despite the hopes we expressed in *Law Reform Notes #10*, it was not possible to re-introduce the *Canadian Judgments Act* (originally Bill 44 of the 1997-98 Session) in 1998-99. We still hope that the Bill will be re-introduced, but the delay permits us to get one step further ahead in discussion of an issue that was referred to in issue #10 as a potential subject of regulations under the Act, namely the treatment of default judgments. Possibly this discussion might also lead to re-consideration of what parts of the policy of the Bill should be left to the regulations, rather than being dealt with in the Bill itself.

The proposed *Canadian Judgments Act* deals with the enforcement in New Brunswick of

money judgments from other Canadian provinces and territories. It is derived from the Uniform Law Conference of Canada's *Uniform Enforcement of Canadian Judgments Act*, and like the *Uniform Act*, it adopts the principle that New Brunswick courts should give full faith and credit to the money judgments of other provinces. Subsequent work of the Uniform Law Conference has extended the same principle to non-money judgments.

Full faith and credit means, essentially, that the enforcing province should not question the merits of the judgment, nor the jurisdiction nor the processes of the court that issued it. S.9(3) of Bill 44 sets out this principle. S.9(1), however, permits a temporary stay of enforcement to be obtained in New Brunswick so that a judgment debtor can challenge any of these things in the province in which the judgment was issued.

As noted in *Law Reform Notes #10*, this seems uncontroversial in relation to proceedings that were contested in the other province. It requires further thought, though, in relation to default judgments.

Depending upon the procedures of the courts in the different provinces, default judgments may sometimes be obtained in proceedings that have no substantial connection with the province in which they are issued. Plaintiffs may be able to serve process outside the province without any involvement by the court, and if service is proved, default judgments may be granted without any review of the court's jurisdiction over the subject-matter of the proceedings.

Under the *Uniform Act* – as under the proposed *Canadian Judgments Act* unless it is accompanied by regulations of the kind described below – the sensible advice to give to a defendant served from out-of-province would appear to be to defend the proceedings, no matter how little connection they might have to the province of origin. If the defendant did not at least brief counsel to contest jurisdiction there would be a high likelihood of a default judgment being issued, and if a default judgment were issued, the prospect of resisting enforcement would seem slim. The defendant, now a judgment debtor, might be able to obtain a temporary stay in New Brunswick in order to challenge jurisdiction in the province of origin,

but the challenge would be unlikely to succeed. The court of the other province would be unlikely to set aside even a default judgment when (a) the defendant had had a perfectly good opportunity to challenge jurisdiction at the time of service, and (b) a provision such as s.9 made it evident that if the defendant wanted to challenge jurisdiction effectively, he or she was going to have to do so in the province of origin.

Concern that this might be an unsatisfactory result led to the inclusion in Bill 44 of para.11(c). This gives the Lieutenant-Governor in Council power to make regulations "providing that a Canadian judgment or a class of Canadian judgments cannot be registered under this Act . . ." Under this power classes of default judgments could be prescribed as unregistrable, thus avoiding the need for defendants to defend proceedings that were too tenuously linked to the province from which they originated.

Against this background, two questions arise. First, are regulations under para.11(c) required? Second, if so, what should they say?

On the first question, the case for making regulations is that without them s.9(3) might be thought oppressive, forcing defendants to defend proceedings, or at least to contest jurisdiction, in provinces in which the proceedings should never have been brought.

The arguments against the need for regulations, however, have some weight. They include the following.

1. It is wrong in principle to allow a defendant to ignore the process of any Canadian court, even from another province. Making specified default judgments unregistrable would have this effect.
2. With modern telecommunications, instructing counsel to contest jurisdiction in a distant court is hardly any more inconvenient than instructing counsel locally.
3. The concern about inappropriate proceedings being brought elsewhere is overblown. The general jurisdictional requirement of 'real and substantial connection' applies across the country. Plaintiffs will respect it. They will be penalized in costs if they do not.

- 4 The other provinces that have enacted the *Uniform Act* – Prince Edward Island, Saskatchewan and British Columbia (it is not yet proclaimed in the last two cases) – have not made provision for exceptions.

Which approach is the better one? This decision may depend in part on the second of the questions mentioned above, namely, what kinds of default judgments would remain registrable, and thus enforceable, if regulations under para.11(c) were made?

A fairly standard list of situations in which extra-provincial default judgments should be enforceable would include the following cases: (a) those in which the defendant had agreed to the jurisdiction of the extra-provincial court, (b) those in which the defendant was resident in the other province at the time the proceedings began, and (c) those in which the cause of action related to acts done in the other province, to property located there, to obligations that should have been performed there or to damage that was sustained there.

In addition to these, we would think that default judgments in cases in which a court of another province had expressly authorized extra-provincial service should be enforceable. By way of exception, however, especially to (a) above, consumers and/or employees in New Brunswick might be protected from default judgments issued elsewhere in relation to consumer contracts or employment contracts under which the consumer's or the employee's entire involvement took place within New Brunswick.

Is a list of this sort a reasonable and desirable protection for New Brunswick defendants? Or might it, perhaps, tip the argument the other way, making the clarity and simplicity of the approach in the *Uniform Act* seem more appealing than perhaps it might have done at first sight?

There is one other matter arising under Bill 44 that deserves brief comment. This is the question of whether a New Brunswick court should be able to prevent the enforcement of an extra-provincial judgment on the ground that the defendant was not served. Under s.9 of Bill 44, it would not be able to do so; defective service would be another matter on which the New Brunswick court could issue a temporary stay,

permitting the defendant to present his or her challenge in the province of origin, but not a permanent one.

Here we believe the general approach of s.9 of Bill 44 is acceptable. If the defendant's only complaint is that he or she was not served, the case is obviously one in which the other province is accepted as having jurisdiction. If so, it seems acceptable to say that the defendant's challenge must be made before the courts of the other province. Even if enforcement were permanently stayed in New Brunswick, nothing would prevent the plaintiff from bringing new proceedings in his or her own province, to which the defendant would have to respond.

4. Trustees Act

Issues #7 and #8 of these *Notes* referred to another project of the Uniform Law Conference of Canada, its 1997 *Uniform Prudent Investor Act*. The Act deals with the investment powers of trustees, and is a more detailed reworking of an earlier Uniform Act which had proposed the 'prudent investor' rule as the basic rule for trustee investments. New Brunswick adopted the 'prudent investor' rule in 1971 (s.2, *Trustees Act*), so the key principle of the *Uniform Prudent Investor Act* is already the law here. In our earlier issues, nonetheless, we did ask whether any revisions were necessary to update the investment provisions of the *Trustees Act*.

The comments we received suggested that there was no need for a substantial overhaul of s.2 of the *Trustees Act* or for enactment of the *Uniform Prudent Investor Act*. There were comments, though, on the topics of delegation of trustee powers and the ability of trustees to retain and rely on professional fund managers. We said that we hoped to be able to give these matters some attention.

We have now done so, and we suggest that two small amendments to s.2 of the *Trustees Act* should be made. Both of these would be subject to the general principle in s.2 that the trustee must in all cases act prudently and in accordance with the express terms of the trust.

The first amendment would be a specific statement that trustees may obtain and rely on investment advice. Under present law, we believe that *obtaining* advice would not be a breach of

trust, but that *relying on it* might be considered an unauthorized delegation of discretion. For most trustees, however, especially unsophisticated ones, relying on investment advice may often be the most sensible thing to do. As long as they meet the general requirement in s.2 of acting prudently and in accordance with the express terms of the trust, we suggest that reliance on investment advice should be acceptable.

The second amendment would deal specifically with the ability of trustees to delegate the authority to invest trust money. At present, there is nothing in the legislation to allow for the delegation of investment powers. The proposed amendment would allow delegation in situations where it would be prudent to do so. It makes sense to allow trustees to delegate investment powers, since many trustees are unfamiliar and inexperienced in the investment field.

Conferring a power to delegate investment powers would also, we believe, clear up a grey area surrounding the ability of trustees to invest in mutual funds. Case law in Ontario (*Haslam v Haslam* (1994) 114 D.L.R. 562) suggests that investment in a mutual fund is beyond the statutory powers of trustees because it involves a delegation of the trustee's discretion to the fund manager. The case does not deal with a "prudent investor" investment power, but the same logic would seem to apply. Mutual funds are, however, often a reasonable investment choice, and one that should be available to trustees. We believe that an express statement in the *Trustees Act* that investment powers can be delegated would remove the only source of legal uncertainty that we are aware of in relation to the power to invest in mutual funds.

We have considered, as an alternative, enacting a provision that expressly permits investment in mutual funds. We believe that this would be less desirable, since (a) exactly what a "mutual fund" is would then become a matter for definition and interpretation, and (b) it would be a step towards re-creating a 'legal list of approved investments' even within the context of a 'prudent investor' approach.

The following are two related sub-issues on which we would appreciate comment.

1. *Pension Benefits.* A letter that we received when we discussed trustee investments earlier pointed to a possible inconsistency between the *Trustees Act* and the *Pension Benefits Act*. The concern was that, under existing law, pension plan administrators who were trustees might be prevented, by virtue of their status as trustees, from employing agents in the investment of the pension fund, even though the employment of agents was apparently authorized by s.18 of the *Pension Benefits Act*. If the *Trustees Act* were to contain an express power to delegate, this concern would be lessened. Would it, however, be removed entirely? We believe that it would be, and that there would therefore be no need for a companion amendment to s.18 of the *Pension Benefits Act*. However, we would welcome other views.

2. *Retroactivity.* On the assumption that the amendments proposed above will permit activities that the existing law would not, how should they apply to (a) existing trusts, and (b) existing investments which were, presumably, unauthorized when made?

Our current view is that the amendments should apply to both of these situations. They would therefore (a) expand investment powers under existing trusts, and (b) retroactively authorize investments that have already been made. In both cases our reasoning relies on the idea that, both under existing law and under the suggested amendments, the trustee must always act prudently and in accordance with the express terms of the trust. If so, (a) any expansion of existing investment powers seems modest and reasonable, and (b) any past transaction that the amendments validate will have been acceptable in substance (i.e. "prudent") at the time it was made, and will only have been unauthorized because of the fine points of the law of trusts. In such a case we suggest that the substance should carry more weight than the technicalities.

B. NEW ITEMS

5. Interprovincial Subpoenas

The *Interprovincial Subpoena Act* provides for the adoption and enforcement in New Brunswick of subpoenas issued by the

courts of other provinces. This is another Act that is based on the work of the Uniform Law Conference of Canada, this time in 1974. At that time, the Conference defined "court" as being any court in a province or territory of Canada, but it noted that provinces might wish to extend the definition by giving the Lieutenant-Governor in Council the authority to designate other bodies as courts for the purposes of the Act. S.9 of the *Interprovincial Subpoena Act* takes up this suggestion. It permits the Lieutenant-Governor in Council to designate as a "court" any board, commission, tribunal or other body that has the power to issue a subpoena. Apparently, however, no designations under s.9 have ever been made.

At its 1998 meeting, the Conference re-considered the position of boards, tribunals, etc., under the *Uniform Act*. Underlying its review were issues arising out of the Westray Inquiry in Nova Scotia, which had issued subpoenas in relation to residents of Ontario. The Conference noted that while some provinces had restricted their interprovincial subpoena legislation to "courts" in the ordinary sense of the word, and others had followed a "designation" approach (like New Brunswick's), others had gone one step further, including administrative bodies in the legislation automatically, without the need for a designation by the Lieutenant-Governor in Council.

The Conference recommended the third of these approaches as the preferable one, and amended its *Uniform Act* accordingly. It was pointed out at the Conference that under s.2 of the Act, before an administrative agency in another province could send a subpoena out of the province for enforcement, a superior court judge of that province would need to certify that the subpoena was both necessary to the proceedings and reasonable in the circumstances.

The question for New Brunswick is whether the *Interprovincial Subpoena Act* should be amended as the *Uniform Act* now has been. Our present view is that it should. Though New Brunswick apparently has no experience yet of enforcing the subpoenas of non-judicial bodies of other provinces, the principle of providing support to their proceedings seems right, and the screening of the subpoena by a superior court judge in the province of origin provides protection for the intended witness. Witness

fees and travelling expenses at the same rate as under the *Rules of Court* are also provided for.

We would appreciate comments on this.

6. Meeting of the Uniform Law Conference

Several items in these *Notes* have referred to the activities and recommendations of the Uniform Law Conference of Canada. It is therefore fitting that this final item should list the Conference's agenda for its meeting in August and invite input on any of the items mentioned. The items for discussion are as follows.

1. **Exigibility of future income security plans.** The major issue here is whether RRSPs should be protected from exigibility.
2. **Limited liability partnerships.** The Conference will consider whether, and if so how, to create the legal concept of a limited liability partnership.
3. **Enforcement of foreign judgments.** A Uniform Act on the enforcement of foreign judgments is being developed.
4. **Electronic commerce.** The proposed Uniform Act aims to remove obstacles to the effective electronic conduct of legal transactions.
5. **Commercial law.** The Conference is developing an ambitious program of commercial law reform projects. Specific discussions this year will deal with commercial leasing, federal security interests and personal property security.
6. **Corporate criminal liability.** This is a joint session with the Criminal Law Section of the Conference, dealing with the criminal liability of corporations and their officers.
7. **Transfer of investment securities.** The project aims to modernize the rules for transfers.
8. **Unclaimed intangible property.** The draft Uniform Act deals with the disposition of unclaimed intangible property.
9. **Data protection.** It is expected that the Conference will discontinue its work on data protection – the protection of personal information – in the light of the federal Bill C-54.

10. **Judgment enforcement.** A discussion is planned of comprehensive reform of the law on the execution of judgments

Further information on any of the above can be obtained from this office. The Conference welcomes and encourages comments on its work.

Responses to any of the above should be sent to the address at the head of this document, and marked for the attention of Tim Rattenbury. We would like to receive replies no later than July 15th 1999, if possible.

We also welcome suggestions for additional items which merit study with a view to reform.