

LAW REFORM COMMISSION OF BRITISH COLUMBIA

REPORT ON EXTRAJUDICIAL USE OF SWORN STATEMENTS

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The Law Reform Commission of British Columbia was established by the *Law Reform Commission Act* in 1969 and began functioning in 1970.

The Commissioners are:

Leon Getz, Chairman
Ronald C. Bray
Paul D.K. Fraser
Peter Fraser
Allen A. Zysblat

Keith B. Farquhar is Director of Research to the Commission
Arthur L. Close is Counsel to the Commission.

David Cohen is Legal Research Officer to the Commission.
Patricia Thorpe is Secretary to the Commission.

The Commission offices are located on the 10th Floor, 1055 West Hastings Street, Vancouver, B.C. V6E 2E9.

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TO THE HONOURABLE GARDE B. GARDOM, Q.C.,
ATTORNEYGENERAL FOR BRITISH COLUMBIA

The Law Reform Commission of British Columbia has the honour to present the following:

REPORT ON EXTRAJUDICIAL USE OF SWORN STATEMENTS

The Statutes of British Columbia contain innumerable provisions which require that information be provided to agencies of government and other individuals, and which, on some occasions, superimpose an obligation to comply with specific formalities in so doing.

The formalities, which we refer to as "sworn statements" include oaths, affidavits affirmations, statutory declarations, and solemn declarations, and it has been argued that their use may result in the avoidance of otherwise unimpeachable transactions, and may cause unnecessary cost, delay and inconvenience. Furthermore, our research reveals that they are inconsistently applied. At the same time, it is acknowledged that in many cases their purpose is to ensure the veracity and reliability of the information given, and thus it is selfevident that they should not be summarily disposed of.

This Report is devoted to an examination of the inadequacies of the existing law, an analysis of the alternative techniques which are available to serve the function now served by sworn statements, and proposals for change in this Province which are aimed at substituting a simpler and equally effective method to ensure honesty¹ while reducing the delay, costs and inconsistency of application which are concomitant to the use of sworn statements.

INTRODUCTION

In 1974 the AttorneyGeneral for British Columbia requested the Law Reform Commission of British Columbia to:

- (a) examine the extent to which the Statutes of British Columbia require, or provide for the use of affidavits and statutory declarations in noncourt matters; and

- (b) explore the rationale behind those uses and consider the desirability of eliminating the need for them or developing less complex alternative devices designed to achieve the same end.

The Commission was pleased to accede to this request, and in this Report we set out the present state of the law, as far as we have been able to ascertain it, and our recommendations for reform.

Situations in which the law imposes an obligation to provide agencies of government and other individuals with certain information, and in so doing to comply with certain formalities, are familiar to all. They arise out of countless activities as various as the buying and selling of land, the payment of taxes and the registration of a motor-vehicle, and are recognized as a small but integral part of the efficient functioning of society.

It is with the formalities which frequently attend the giving of information that this Report is concerned, rather than with a review of the actual necessity to give information or make statements. We were not asked to undertake a review of the latter, and it would involve time and resources beyond our present competence. Our sole concern for the time being has been with the ways in which the law at present endeavours to ensure the honesty and accuracy of such statements as are required to be made, and such information as it is necessary to impart.

A further limitation on our terms of reference in this Report should be noted at once. We were asked only to review the ways in which the law ensures the honesty and accuracy of statements made outside court proceedings, and we do not here examine the matter of oaths and affidavits in the judicial process. This is more properly a matter for our study on the law of evidence.

We conceive it to be an unquestionable assumption that where the law at present requires that statements be made, or information given, it is legitimate for some attempt to be made to ensure honesty and accuracy. To name only two situations of importance, veracity can be crucial where the rights of third parties, or the efficient working of a legislative scheme are at stake.

What is highly questionable is the necessity for a variety of techniques, some of which may be inconvenient and timeconsuming, for ensuring that veracity.

The Statutes of British Columbia variously require that a person furnishing a statement or information pursuant to statutory provisions, verify the statement or information on oath, affirmation,

- 3. See s. 24 of the *Health Act*, R.S.B.C. 1960, c. 170. by affidavit; or by solemn or statutory declaration.

While the Commission's original mandate was to inquire only into the out of court use of affidavits and statutory declarations we have, in the course of our research, been unable to discern any notable functional, as opposed to technical; distinction to be drawn between these various techniques. They are all designed to ensure accuracy and honesty. Indeed, even the technical distinctions are blurred. Section 25(1)(1) of the *Interpretation Act* provides that an:

"affidavit" or "oath" includes an affirmation, a statutory declaration, or a solemn declaration made under the *Evidence Act* or under the *Evidence Act*; ...

The *Evidence Act* provides that the effect of a statement solemnly declared or affirmed should be that of a statement sworn on oath or by affidavit. In addition, the formalities attendant upon the taking of statutory declarations or affirmations are scarcely distinguishable from those surrounding the administration of oaths or the taking of affidavits.

We were therefore led, early in the course of the study, to the conclusion that it would be desirable, if and where appropriate to have a standard means of ensuring the veracity of statements, avoiding if possible the incon-

Formalities of verification are required in a wide variety of situations, and it seemed to us that it would be helpful to a better understanding of the present system if an attempt were made at this point to group those situations into a series of general categories. This exercise, it is hoped, will give an indication of the extent to which the formalities are used, while reducing a view of that extent to manageable proportion.

In the text which follows we set out the eleven categories which we believe may be imposed on the multitude of separate statutory requirements for formalities of verification. We give a small number of examples of each, with a brief commentary, and relegate to a series of appendices a complete list of the relevant statutory provisions.

1. Formalities of Verification in Hearings and Investigatory Proceedings

The Commission has stated in a previous Report, that:

In any modern society it is inevitable that the executive branch of government, in administering the policies of the legislature, will be called upon to make decisions involving the individual and his property. These decisions may be entrusted to the LieutenantGovernor in Council, Ministers of the Crown, tribunals, boards, commissions, local authorities, public servants, or municipal employees [referred to] collectively ... as "agencies."

In making these decisions, it is often necessary that these agencies inquire into certain matters. In this category we set out those statutes which, in authorizing these "hearings," also allow, usually at the discretion of the party conducting the inquiry, the taking of evidence on oath, or by affidavit, solemn affirmation, affirmation, or statutory declaration.

Some examples of these statutory authorizations are listed below:

(a) *Payment of Wages*

12. (1) The Board [of Industrial Relations] may, either by any member of the Board designated in writing by the Chairman thereof or by any person authorized in writing by the Board or the Chairman, ...

© require any employer to make or furnish full and correct statements, ... respecting

(i) the wages paid to all or any of his employees; and

(ii) the hours of labour and conditions of their employment; and, *in the discretion of the member of the Board or person so authorized require the statements to be made by the employer on oath or to be verified by his statutory declaration; ...*

(b) *Medical Act*

58. (1) At least two weeks before the first meeting of the inquiry committee to be held for taking evidence or otherwise ascertaining the facts, a notice shall be served upon the complainant (if any) and upon the person against whom the charge of complaint has been made or whose conduct is the subject of inquiry.

(2) *The testimony of witnesses shall be taken under oath*, which the chairman of actingchairman of the committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called, and to call evidence in defence and reply.

© *Corrections Act*

12.. (1) The minister may at any time enter a correctional centre for the purpose of inspection, and shall have access to every part of the centre.

- (2) The minister may ...
- (d) *examine such person under oath touching any matter relating to any breach of the rules of the correctional centre, or any matter affecting the interests thereof; ...*

2. Applications to Practise Vocations

Podiatry Act

- 5. (1) A person desiring to commence the practice of podiatry shall file with the secretary of the Board an application, duly verified by statutory declaration to be supplied by the Board, stating that the applicant is more than twentyone years of age, of good moral character, and possesses the qualifications as to general education, training, and experience required by the regulations made by the Board, and shall present himself before the Board and submit to an examination as to his qualifications for the practice of podiatry.

In a small minority of cases, applicants who wish to become members of professional organizations are required to have their applications accompanied by formalities of verification.

The Commission has been unable to discern any rationale for the fact that some statutes governing professions and trades require prospective members to comply with the formalities, while the majority do not. This suggests to us that the formalities themselves cannot have been thought by the Legislature to have any intrinsic merit in reinforcing the accuracy of statements made by applicants to professions and trades, and we discuss later in this working paper the question whether accuracy and bona fides may be secured by a simpler means.

3. *Applications to Obtain Permits, Licences, Leases, Consents etc.*

(a) *Coal Act*

- 18. (1) Where an application is made in accordance with section 15 and ...

- (b) *the applicant files with the minister an affidavit verifying publication of the notice in accordance with section 16;*

the minister may issue a licence to the applicant.

(b) *Insurance Act*

- 33. (1) Every insurer required to be licenced shall file with the Superintendent an application according to a form prescribed by him.

- (2) In the application the insurer shall declare that the insurer is a valid and subsisting corporation and legally authorized to transact business under its charter, and the application shall be duly executed by the insurer under its common seal (if any), *and two officers of the insurer shall make a statutory declaration verifying the particulars set forth therein.*

(c) *Trust Companies Act*

- 30. Every trust company applying for registration shall establish to the satisfaction of the Inspector

- (a) that it is expedient, as being necessary for the convenience and advantage of the public, that there should be a trust company or additional trust company in the locality in which the registered or head office of the company within the Province is proposed to be situate;

(b) that it is solvent and able to meet its obligations, as shown by *a statement of its affairs attested by the statutory declaration of its president and secretary or its manager; ...*

This category includes all applications for permission to perform acts otherwise prohibited by law. For instance, such diverse situations as applications for licences to carry on specific corporate activities, for permission to vote under extraordinary circumstances at municipal elections, and for permission to marry without taking a blood test, come within this class.

The majority of requirements in this category bear a resemblance to the previous one inasmuch as they are primarily concerned with permission to carry on a business. The similarity may be carried further, as once again we can find no objective justification on the face of the statutes for the fact that verification formalities are required in some instances but not in others.

12. Statements Relating to Office

(a) *Forest Act*

71. Every licensed scaler, before entering on his duties, shall make and file in the Forest Service an affidavit in the form following:

I, A.B., do solemnly swear that I will, while acting as scaler, without fear, favour, or affection, and to the best of my ability and judgment, classify correctly, scale and measure, according to law, all timber and products of the forest which I may be employed to scale or measure, and that I will make true returns of the same to the District Forester or any other officer of the Forest Service as required.

Sworn before me at the
of _____, in the Province of British Columbia,
this _____ day of _____, 19 _____

C.D., A.B.

J.P.

(b) *Legal Professions Act*

83. Every barrister who is called, and every solicitor who is admitted, under this Act, shall, before he begins the practice of law, sign the barristers' roll or solicitors' roll, as the case may be, and take in open Court, before one or more of the Judges of the Supreme Court, *an oath* in a form prescribed by the Benchers.

(c) *Fish Inspection Act*

(2) Every Inspector shall, before he enters upon the duties of his office, take and subscribe to the following *oath*:

I, _____ of _____, in the of in the Province of British Columbia, do swear that I will faithfully and honestly execute the office and trust committed to me of an Inspector under the *Fish Inspection Act*; that I will not, except in the discharge of my duties, disclose to any person any information that may come to me as such Inspector; and that I will not, either directly or indirectly, engage in or in any way carry on the business of trading or dealing in fish or marine plants during my term of office as Inspector of Fisheries. So help me God.

In a small number of instances the statutes impose an obligation on certain persons to swear to their good faith before they are permitted either to practise their chosen vocations or to perform specific tasks.

We have had difficulty in arriving at logical explanations as to why certain vocations and tasks are singled out for this solemnity, and why others are not. In some cases the oaths of office are sufficiently specific that a criminal prosecution would clearly lie for breaches of their terms, but others are worded so expansively as to give rise to the inference that they are intended merely to dignify or solemnity a ceremonial occasion.

5. Financial Statements, Accounts and Returns

(a) *Insurance Act*

250H. (1) ...

(2) A rating bureau and a licensed insurer *shall make a return under oath* to the Superintendent or the automobile board in such form and at such times as is required, showing every schedule of rates fixed, made, or charged by them, together with such further or other information concerning such rates as he requires.

(b) *Forest Act*

133. (1) Every owner of granted lands and every holder of a timber lease or timber licence or treefarm licence on lands whereupon any timber or wood is cut in respect of which, any stumpage, royalty, or tax is reserved or payable under this Act or any contract, ... if demanded *shall within ten days after the demand furnish a true copy of the tallyman's or scalers daily work, duly sworn to*, which shall contain all such particulars as the Minister may require, and shall within five days after every transfer of ownership of any boom of timber notify the District Forester of the transfer.

(c) *Companies Act*

357. (1) Every extraprovincial company registered under this Act shall, not later than the first day of March in each year, file with the Registrar an annual report, made up to the thirtyfirst day of December last preceding, in the form and containing the information, required by Form 18 in the Second Schedule.

(2) *The annual report requires by subsection (1) shall include or be accompanied by a statutory declaration of two directors of officers of the extra-provincial company* who shall declare as to the matters set forth in paragraphs (i) and (iii) of clause (a) of subsection (2) of section 321.

In this category we have included all statements which the law requires to be accompanied by formalities of verification and which are not associated with applications already described in Category 3 or those associated with registration described later in Category 9.

Once again we have observed inconsistency in the demand for formalities of verification, but in those cases where the formalities are required, they seem uniformly designed to serve as some security for the accuracy of the statements they accompany.

6. *Statements Between Private Parties*

(a) *Credit Unions Act*

51. (1) If a member of a credit union having on deposit or paid on shares, or both, an amount not exceeding in aggregate five hundred dollars dies intestate, the amount, together with any insurance moneys with respect to the said shares or deposits or both shares and deposits that may be received by the credit union

under any policy of insurance on his life, may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under the *Administration Act* upon receiving an affidavit of the death and intestacy and that the person claiming so entitled.

(b) ___ *Pawnbrokers Act*

26. The following provisions have effect for protection of owners of articles pawned, and of pawners not having their pawntickets to produce: ...

(b) If the applicant delivers back to the pawnbroker the *declaration duly made before a Justice of the Peace or a Notary Public by the applicant and by a person identifying him*, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawnticket; ...

This category encompasses all those cases in which the law imposes, with respect to a communication between two private parties, an obligation on one or both to verify the facts contained therein. Their substance ranges from declarations of ownership to statements of financial status, and their one unifying characteristic is that they are of a private nature.

7. ___ Statements By Public Officials

(a) ___ *Assessment Act*

9. The assessor shall attach to the *completed assessment roll an oath or affirmation* of the assessor in the form prescribed by the regulations.

(b) ___ *Department of Highways Act*

44. The Minister may require any account sent in by any person employed by the Department of Highways to be attested on oath, which oath, as well as that to be taken by any witness, the Minister may administer.

© *Municipal Act*

24. (1) ...

(6) Together with the petition, the Council shall ...

(b) *Submit a statement under oath by the Mayor*, jointly with the Treasurer and Clerk, showing the existing debt and other liabilities of the municipality, together with such other information as the Lieutenant Governor in Council may require.

This category encompasses those cases in which a public official is required to attest to the truthfulness of statements made in the course of carrying out his duties.

It includes:

(a) statements which appear to involve mere formality only, such as a statement that certain acts have been completed;

(b) statements made in respect of a public official's personal affairs; and

(c) statements made in respect of public activities.

The purpose of the verification requirement imposed on public officials is, once again it seems, an attempt to insure the truthfulness of the statements. There is, however, an element of "formality" present in many of these cases which is absent from most of the other categories.

Our comments concerning the inconsistency of application, made with regard to other categories, are applicable here.

8. ___ Statements of Allegiance

Constitution Act

22. No member of the Legislative Assembly shall vote or sit therein until he has taken and subscribed the following oath before the Lieutenant Governor, or some other person authorized by him to administer the oath;

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or her successor, as the case may be) her heirs and successors, according to law. So help me God.

But every person authorized by law to make a solemn affirmation or declaration instead of taking an oath may make a solemn affirmation or declaration in lieu of the foregoing oath.

The provisions which we have included in this category differ from those in Category 4 in that they uniformly involve declarations of allegiance to the Crown and now serve a ceremonial purpose quite separate and apart from any purpose connected with the accuracy of statements.

9. Statements To Obtain Registration

(a) *Homestead Act*

4. (1) In order to register a homestead, the owner of the property to be registered as a homestead shall ...
- (b) cause a notice of registration in Form No. 1f or to the like effect, to be lodged in the Land Registry Office of the district in which the homestead is situate, accompanied by a schedule of instruments evidencing his title to the homestead, and a *statutory declaration* to the effect mentioned in Form No. 2 or Form No. 3; ...

(b) *Change of Name Act*

7. (1) An applicant for a change of name shall pay the prescribed fees to the Director, and shall file with him an application containing a statement of all relevant facts, a *statutory declaration verifying the application*, the consent of every person whose consent is necessary under this Act, proof of publication of the notice prescribed by section 6, and such further documentary evidence or information as may be required by the Director. The applicant shall state in his application the name and address of every person whose name will be changed by reason of a change of name of the applicant.

(c) ___ *Gas Utilities Act*

25. (1) If

- (a) any person to whom the compensation or any part thereof is payable refuses to accept payment thereof or to execute a proper conveyance or other instrument; or
- (b) any person entitled to claim the compensation of any part thereof cannot be found or is unknown to the utility; or
- (c) for any other reason the Commission deems it advisable,

the utility shall be constituted attorney of the owner to execute the conveyance or instrument and may execute the same accordingly, and thereupon the utility may pay the compensation and costs (if any) to the Commission and file with the Registrar the executed conveyance or instrument, a copy of the award, and an *affidavit proving the payment of the compensation* to the Commission and the failure of the owner to execute the conveyance or instrument, whereupon the Registrar shall, on payment of the proper fees, register the utility as owner of the land affected or holder of a charge thereon in accordance with the executed conveyance or instrument.

The statutes now provide for many registration systems, some concerned with substantive rights, some with the gathering of information, and others with both. The system provided for by the *Land Registry Act* is probably the most highly developed.

A common adjunct to the setting up of a registration system is a provision that the information which goes into it should be supplied accompanied by formalities of verification. Given the validity of the premise that the formalities of verification provide the best or only means of ensuring the accuracy of the information supplied, these provisions are logical enough. We have once again observed, however, that the formalities have not been consistently required.

10. __ Statements to Initiate Investigatory Proceedings

Mortgage Brokers Act

- 5. The registrar may, and upon receipt of a *sworn complaint* shall, investigate any matter or thing arising out of this Act or the regulation.

This category describes those occasions on which formalities of verification are demanded of individuals who make complaints against either private or public persons. In principle it seems that verification is required in order to deter vexatious or fraudulent complaints.

11. __ Verified Statements on Miscellaneous Occasions

We have included under this heading all those cases which could not be brought into the categories we have previously described. We have been able to discern no policy which would appear to justify an obligation to comply with the formalities of verification in these cases, while the obligation, in other similar instances, has not been imposed.

C. The Purposes of Formalities of Verification

Our survey of the situations in which the statutes impose an obligation to comply with the formalities of verification has led us to suppose that they are designed to fulfil three functions.

The first, and manifestly the most common function is to provide some form of reinforcement of the honesty and accuracy of oral or written statements. The oath has traditionally been seen as a guarantee of the honesty through the binding of conscience by the invocation of a Supreme Being, and the atmosphere surrounding the oath has been gradually extended to the making of affirmations and declarations.

A second function appears to be the introduction or heightening of solemnity and dignity in certain ceremonial proceedings. This function, does not, as far as we are able to determine, overlap with the first.

A third function is the interposition of a disinterested person in certain transactions. The disinterested person may be either a witness or the person authorized by law to receive the verified statement, and his function may be either:

- (a) to ensure that the maker of the statement appreciates the nature and consequences of his act; or
- (b) to insure against, or provide evidence of, any undue influence or coercion.

This function, in the comparatively rare cases where it is evident, generally overlaps with the first.

We discuss later the issue whether the formalities of verification are essential to the fulfilment of these functions, and whether there are other more simple or effective ways of achieving the same ends.

D. The Consequences of NonCompliance

To complete our exposition of the present law concerning the formalities of verification it is appropriate that we set out in general terms the consequences of noncompliance with, or breach of, the formalities of verification.

1. Criminal Liability

In simple terms, if an individual makes a false statement on oath, affirmation, affidavit, or by statutory declaration, he becomes liable to prosecution under the *Criminal Code*.

The relevant sections of the *Criminal Code* are sections 120, 121 and 122. Section 120 provides that:

- 120. Every one commits perjury who, being a witness in a judicial proceeding, with intent to mislead gives false evidence, knowing that the evidence is false.

Section 121 makes perjury an indictable offence punishable by imprisonment for fourteen years, unless the perjury was committed to procure the conviction of a person for an offence punishable by death, in which case it is punishable by imprisonment for life.

Section 122 provides that:

- 122. Every one who, not being a witness in a judicial proceeding but being permitted, authorized or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorized by law to permit it to be made before him, an assertion with respect to a matter of fact, opinion, belief or knowledge, knowing that the assertion is false, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Under recently proposed amendments to the *Criminal Code*, a third offence would be created. If the amendments become law, section 122.1(1) will provide that:

- 122.1 (1) Every one who, not being specially permitted, authorized or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorized by law to permit it to be made before him, an assertion with respect to a matter of fact, opinion,

belief or knowledge, knowing that the assertion is false, is guilty of an offence punishable on summary conviction.

2. Procedural Defects

The absence of formalities of verification where they are required, or technical defects in their administration or form, may have serious consequences. Certain instruments, otherwise valid or complete, may be unregistrable; or rights normally accruing on registration may be held ineffectual. In addition, there are certain tribunals whose jurisdiction depends on compliance with the formalities, and absence or defects may result in the decisions of those tribunals being set aside.

(a) *Registration of documents*

There have been a number of decisions under various statutes concerning land registration in which it has been held that the absence of, or technical irregularities in, the formalities of verification have had more or less serious consequences.

In British Columbia section 57 of the *Land Registry Act* requires the execution of every instrument required to be registered under the Act other than, *inter alia*, a certificate of judicial proceedings, caveat, or mechanic's lien, to be witnessed by at least one person.

The execution must be proved:

- (a) by the affidavit of the witness; or
- (b) by the acknowledgment of the grantor or other conveying party.

Although we have been unable to discover any British Columbia decisions directly on point, the result of this verification requirement appears to be that:

- (a) an absence of the required proof of execution, or a defect which renders it "unverified" precludes only the registration of the instrument. The instrument remains effective to transfer whatever interest it purported to pass from the grantor to the grantee;
- (b) a technical defect in the affidavit or acknowledgment does not preclude registration;
- (c) a registration, notwithstanding a *technical* defect, is effective under the Act; and
- (d) a registration without the required proof of execution, or with a defect, the effect of which is to abrogate its "verified" qualities may be *ineffective* under the Act.

These conclusions are based on the following authorities.

In *Lett v. Gettins*, the Saskatchewan Court of Appeal considered the effect of the absence of an "affidavit of nonmarital status" required of a party who transferred land without obtaining the signature of a spouse to bar dower. It was held that this absence, together with the absence of an affidavit of execution, would merely cause the instrument to be unregistrable.

An identical conclusion was arrived at by the Alberta Supreme Court in discussing the effect of a failure to obtain an "acknowledgment of consent" required of a spouse who purported to transfer land to a third party.

In both cases the instrument, notwithstanding the absence of a verified statement, was held to be of perfectly good for the purposes for which it was made, that is, to transfer title to the land in question from the vendor to the purchaser.

At first glance, section 35 of the *Land Registry Act* appears to deny validity to an unregistered instrument, in providing that:

Except as against the person making the same, no instrument executed before the first day of June, 1905, and no instrument executed and taking effect after the thirtieth day of June, 1905, purporting to transfer, charge, deal with, or affect land or any estate or interest therein, shall become operative to pass any estate or interest, either at law or in equity, in the land (except a leasehold interest in possession for a term not exceeding three years) until the instrument is registered in compliance with the provisions of this Act; but every such instrument confers on each person benefited thereby, and on every person claiming through or under him, whether by decent, purchase, or otherwise, the right to apply to have the instrument registered, and to use the names of all parties to the instrument in any proceedings incidental or auxiliary to registration, and that whether or not a party has since died or become legally incapacitated.

In *Davidson v. Davidson*, however, the Supreme Court of Canada, relying on the opening words of section 35 (then section 34) held that an unregistered conveyance operated to divest the grantor of his interest in the land. In 1962 this interpretation was reiterated by the same court in *Stonehouse v. Attorney General of British Columbia*.

Consequently, the conclusion that the absence of a verified proof of execution will preclude only registration of an instrument under the *Land Registry Act* appears to be justified. We believe, however that this result is unsatisfactory, as registration under the Act is necessary if an individual is to be protected against parties who later acquire interests in the property.

That a mere technical defect will not be a bar to registration is suggested by section 64 of the Act which provides that:

In case of any defect in the proof or form of execution of any instrument, the Registrar may, in his discretion, upon being satisfied of the binding effect of such instrument and of the maker thereof being of the full age of nineteen years, register the same; and such registration shall be valid and effectual for all purposes, notwithstanding any such defect.

The obligatory words of section 57 would, however, require some proof of execution (notwithstanding irregularities therein) to enable the Registrar to register the instrument. Section 64 would apply to *technical* defects, not to defects which nullify the verification.

Thus in *Shultz v. Archibald* a *caveat* which began "I make oath and say," and ended: "And I make this solemn declaration," was held to be unregistrable since it was neither an affidavit nor a statutory declaration.

A more serious issue arising out of defects in the verification requirement is the effectiveness of the registration if the instrument is registered notwithstanding the defect. In this case the defect may remain undiscovered until a party with an interest adverse to the grantee's disputes the validity of the prior registration.

If the defect in the prior registration is of a mere technical nature, the registration would appear to be effective to protect the interests of the first registrant. In *Rooker v. Hoofstetter* Gwynne J., in discussing the effect of technical irregularities on registration, stated:

... if any such document is executed so as to be binding upon the party executing it a subsequent purchaser from such person cannot set up a mere informality in the mode of proof for registration as nullifying the statutory effect which is given to the fact of registration.

He went on to say:

... he must be bound although he may discover some informality in the mode of proof which may have escaped the notice of the registrar or which he may have deemed immaterial, and therefore notwithstanding the information registered the document.

Conversely, an instrument registered without the required affidavit or acknowledgment, or suffering from a defect, the effect of which is to nullify the "verification," may be of no effect. In *Rooker v. Hoofstetter* there are *obiter dicta* to the effect that the absence of an affidavit might be held to be a defect constituting a nullity in the registration. These were adopted in *Burchell v. Bigelow*, where the Nova Scotia Court of Appeal stated:

... if its registry was accomplished without due observance of all the prerequisites prescribed by law to entitle it to be registered, such, for example, as proof, or acknowledgment, of execution by the parties, certified according to the requirements of the statute in that behalf, it is just the same, in effect, in relation to *bona fide* purchasers for value, unaware of its existence, as if it had never been recorded.

The applicability of that proposition to instruments registered in British Columbia is open to dispute since the registration system in force in the jurisdiction where that case was decided, is different from that now in force in British Columbia.

Other cases concern the adverse effect of technical irregularities in the formalities of verification required by various statutes relating to the registration of secured transactions. Examples of the formalities required in this context are found in the *Assignment of Book Accounts Act* and the *Bills of Sale Act* both of which provide that a registrant must provide an affidavit sworn by a witness to the transaction in question.

It is possible that the absence of, or clear irregularities in, the required affidavits would constitute proper grounds for a Registrar's refusal to register the transaction. In these circumstances the assignment, bill of sale or chattel mortgage, as the case may be, would be valid between the parties to the transaction, but the assignee, grantee or chattel mortgagee would not have priority against other creditors of the assignor, grantor or chattel mortgagor.

The issue which is of greatest concern, however, is not the lack of an affidavit which may preclude registration, but rather the validity of a registered assignment, bill of sale or chattel mortgage which lacks an affidavit of execution or is accompanied by one which is irregular.

As in the case of the *Land Registry Act*, the defect may be of two sorts. The first is a defect curable under the "savings provisions" of the respective statutes. Under both Acts, defects, omissions or irregularities in the affidavit will not invalidate the registration of the assignment bill of sale or chattel mortgage unless it is determined that they misled or were likely to mislead other parties.

In *Sharman v. White* it was held that the intent of these provisions was to relieve against the effect of a large number of judicial decisions which declared chattel mortgages to be void upon technical grounds by according importance to trivial defects, errors or omissions.

This intent does not, however, appear to have been implemented altogether successfully. The curative sections have been held inapplicable to defects which, having regard to the imperative provisions of the statutes, result in "no affidavit at all."

Over 50 years ago, Ritchie C.J. in the Supreme Court of Canada stated:

When the legislature required an affidavit to be filed with a bill of sale they meant a document that had all the requisites of an affidavit according to the common law and the well recognized practice of the Superior Courts.

This statement does not appear to have lost its force with the passage of time.

In 1969 the Ontario Court of Appeal unanimously upheld a High Court decision that held an assignment of book accounts to be null and void, notwithstanding section 15 of the equivalent *Ontario Act*, which reads as follows:

No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration and no error of a clerical nature or in an immaterial or nonessential part of an assignment, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a party whose interests are affected by the assignment.

The Court considered section 15 to excuse only defects, irregularities or omissions and therefore unable to cure an absolute failure to file "any affidavit at all." This judgment is difficult to understand in view of the fact that a valid affidavit was administered. The issue arose only because a copy of the affidavit filed in the County Court Clerk's office was irregular. It was the copy the court considered to be "no affidavit at all" and therefore incurable by section 15.

In addition, this decision was made notwithstanding an admission by the court that:

The assignment was filed in the proper office and any creditor who searched in the County Court Clerk's office would have found the assignment without difficulty. There was no submission that any person whose interests were affected by the assignment was actually misled.

This line of reasoning is similar to that adopted by the British Columbia Supreme Court in a slightly different context. In *Re Martin & Harlock Electric Limited*, section 32 of the *Bills of Sale Act* was considered insufficient to cure the omission of any proof of attestation of the making of a bill of sale. Section 32 provides that:

A defect or irregularity in the execution of a bill of sale or renewal statement shall not invalidate the same, nor shall any omission, defect, or irregularity in the affidavits of attestation or bona fides as provided in sections 14 and 16 invalidate any bill of sale, or the registration thereof, unless in either or any of such cases in the opinion of the Court or Judge before whom the matter is heard such defect, omission or irregularity has actually misled or was likely to mislead some person whose interests are affected by the bill of sale.

Under the relevant provisions of both the *Assignment of Book Accounts Act*, and the *Bills of Sale Act* the absence of, or defects in the required affidavits would appear to render the transaction null and void against future "creditors" of the assignor, grantor or chattel mortgagor.

Judicial comment, however, has consistently been to the effect that the result of improper registration is to make the transaction merely *voidable* at the hands of future creditors. That is, the assignment, bill of sale, or chattel mortgage is valid and subsisting unless and until the creditors elect to have it set aside.

The transaction is, of course, valid at all times as between the parties to it.

(b) *Jurisdiction*

In an earlier part of this chapter we described situations in which certain individuals are required to swear to or affirm their good faith, impartiality or honesty before they assume office or perform certain acts.

Section 35 of the and *Clauses Act*, for example, provides that any arbitrator or umpire deciding a matter therein, must make and subscribe the following declaration:

I, A.B., do solemnly declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Act [naming the special Act].

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

In *Fieldbloom v. Bakal*, Freedman J. held that the taking of such a declaration was a prerequisite to an arbitrator's having jurisdiction to determine the issues before him, and in the absence of the declaration the arbitration award was set aside, even though the proceedings were said to have been marked by the utmost good faith. A similar decision has been recorded in the New Brunswick Court of Appeal, and the Supreme Court of British Columbia was prepared to do the same but for a finding that the jurisdictional requirement had been waived.

It is true that on occasion the courts have avoided the rigours of this doctrine either by according a *de facto* jurisdiction to a tribunal notwithstanding the absence of the declaration, or by construing the statute in issue to avoid a finding that the absence is a jurisdictional defect, but it is difficult to predict the occasions upon which these techniques of avoidance will be used.

CHAPTER II IMPLICATIONS OF THE PRESENT SYSTEM

A. Introduction

In the previous chapter we set out the incidence of what we have called the "formalities of verification," together with an indication in general terms of the consequences of noncompliance with those formalities.

We saw that the formalities have come to serve three distinct functions:

- (i) to reinforce the veracity of written or oral communications;
- (ii) to introduce an element of solemnity or dignity on ceremonial occasions; and
- (iii) to interpose a disinterested person in proceedings where his offices will be of benefit to one or more of the parties.

In this chapter we are not concerned with the latter two functions (although we refer to them again later), but instead concentrate on the question whether the formalities have any intrinsic merit in ensuring the honesty and accuracy of statements, and whether they have disadvantages which may be overcome by replacing them with more simple techniques.

B. Delay and Inconvenience

We believe that it is the comparative inconvenience and delay involved in compliance with the formalities of verification which prompted the Attorney General to refer this matter to us in the first place.

While it is doubtless possible to overemphasize the elements of delay and inconvenience, and therefore cost, which compliance with the formalities brings in its wake, and while it is impossible to quantify these elements in terms of manhours and money without extensive and timeconsuming studies which would themselves be costly, our own experience as lawyers leads us to believe that the formalities do, in fact, result in considerable delay and needless inconvenience in a large number of situations involving members of the public, the legal profession and the machinery of government.

The Appendices to this working paper demonstrate that the out of court use of the formalities is a feature of over four hundred statutory provisions which cover a wide range of governmental and nongovernmental activity. It is clear to us that on any given day in this Province there must be hundreds of individuals who are required to identify, look for, employ the services of, and in some cases remunerate a Commissioner for Taking Affidavits, a Notary Public, or lawyer, and in so doing to go through a ceremony which may be meaningful to some but which is undoubtedly incomprehensible to many.

As we have said, we have no readily available means of quantifying the time taken up over any given period with compliance with the formalities, but a slight indication of what is at stake can be gained from the list for 1975 of those whom the Lieutenant-Governor in Council has had to appoint as Commissioners for Taking Affidavits under section 53 of the *Evidence Act*. In the period ending December 31, 1975 there have been five hundred and twenty-one appointments either made or rescinded, and we have some doubt whether the time of the Cabinet and those who are responsible for the supporting documents is best employed in this kind of endeavour unless there is some compelling reason for it.

In short, in view of the sheer numbers of situations involving the formalities of verification and on the basis of an educated intuition as to the amount of delay and inconvenience which they involve, the Commission is of the opinion that there is a *prima facie* case to be made out for the substitution of some simpler technique for ensuring the honesty and accuracy of statements.

C. Inconsistency of Application

One of the premises upon which rests the case for the retention of the formalities of verification is that they are regarded as having some intrinsic merit as the best or only means of reinforcing the honesty and accuracy of statements required by the law. In our view this premise is revealed as faulty if it can be demonstrated that the Legislature has not always imposed compliance with the formalities in situations which might be regarded as comparable, or if evidence is lacking that the incidence of fraud is higher in situations where the formalities are not required.

Under the *Public Officials and Employees Disclosure Act* a statement required from designated provincial and municipal officials and employees, in which must be revealed *inter alia*, all business interests, debts and land holdings, need not be verified in any way. Dishonest disclosures are dealt with by section 8(1) of the Act which provides for fines of not more than ten thousand dollars. Theoretically, the threat of this sanction ensures, to some extent, that the disclosures are made honestly. By comparison, a Department of Highways employee seeking reimbursement for moneys spent, or a Mayor seeking permission to alter municipal boundaries must comply with formalities of verification in order to meet statutory requirements. In our view, it is arguable that a statement under the *Public Officials and Employees Disclosure Act*, requiring no verification, is of much greater significance than the latter two upon which verification formalities are imposed.

Another example may be found in a comparison between income tax matters and succession duty or probate fees. Nothing more than an income tax return is required under the *Income Tax Act*, but in the case of succession duty or probate fees an affidavit of value and relationship must be supplied to the Minister.

Turning to applications to practise vocations, we discover that prospective architects must execute their applications in accordance with the formalities of verification. Yet aspiring doctors need only furnish information required under section 34 of the *Medical Act*, and any false representation intended to procure registration under the Act is merely punishable under section 83 by a fine not exceeding five hundred dollars. The false statement of an architect, however, by virtue of the form in which he is required to supply information, is punishable by a term of imprisonment of up to fourteen years.

We have given some examples of the inconsistent fashion in which the formalities of verification are imposed, but the statutes are replete with others. Our attempts to discern a rationale for requiring or dispensing with the formalities on any particular occasion have proved fruitless, and it is difficult to resist the conclusion that they have been imposed in a random manner without regard to principle. This in turn leads us to the view that the Legislature has not in the past regarded the formalities with any conviction that they are the best or only means of reinforcing the honesty or accuracy of statements.

It is true that this fact does not prove conclusively that the formalities do not have intrinsic merit, and it would be logical enough to propose that in those cases where the formalities are not imposed, the statutes should be amended to include them. We do not, however, favour this course. We have already mentioned our belief that the formalities give rise to delay and inconvenience, and in the next section of this chapter we analyze what we conceive to be the primary motivation in contemporary circumstances for the making of honest and accurate statements where they are required by law.

D. An Analysis of Modern Motivations for Making Honest Statutory Statements

Up to this point we have concentrated our attention on the occasions upon which the statutes attempt to ensure the honesty and accuracy of statements *by* requiring the formalities of verification. There are, however, many situations in which the statutes attempt to achieve the same ends by other means. We set out some examples.

1. ___ *Coal Act*

35. Every person who ...

- (d) makes, or assents to or acquiesces in the making of, a false or deceptive return respecting of any information required to be submitted under this Act or under an order of the minister,

is guilty of an offence

2. ___ *Corporation Capital Tax Act*

44. (3) Every person who has

- (a) made, or participated in, assented to, or acquiesced in the making of false or deceptive statements in a return, certificate, statement, or answer delivered or made as required by or under this Act or the regulations; ...

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than twentyfive dollars and not more than ten thousand dollars plus, in an appropriate case, an amount of

not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both such a fine and such imprisonment.

3. *Energy Act*

128. Every energy utility that wilfully or negligently makes any return or furnishes any information to the commission that is false in any particular is liable, on summary conviction, to a penalty not exceeding two thousand dollars.

4. *Mineral Act*

127. Any person ... who knowingly makes a false statement in any form or return prescribed by this Act or the regulations is, on summary conviction, liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labour, for any term not exceeding three months.

5. *Public Officials and Employees Disclosure Act*

8. (1) Every person who, as a Provincial official, municipal official, public employee, or municipal employee, fails to make or file a written disclosure in accordance with this Act, is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000.
- (2) It is a defence to a charge under subsection (1) to show that the Provincial official, municipal official, public employee, or municipal employee complied with section 3 to the best of his knowledge or belief.

Originally, justification for the requirement of an oath was founded on a belief that it was a summoning of divine vengeance upon false swearing, whereby if the swearer stood unharmed, spectators knew that the Divine judgment had pronounced him to be a truth-teller.

As society became increasingly secular, this theory of the oath became more subjective? A method of reminding the swearer of the divine punishment in store for fals swearing, and thus putting him in a state of mind calculated to speak only the truth.

18. *Lady Lisle's Trial* (1685) 11 How. St. Tr. 325.

19. In England, disregarding statutes which gave particular religious groups the right to affirm instead of swearing an oath (3 & 4 Will. IV, cc. 49, 82), the statutes which first allowed a general substitution of affirmations, and statutory declarations for oaths and affidavits, were *The Statutory Declarations Act* 5 & 6 Will. IV, 62 and *The Common Law Procedure Act* 17 & 18 Vict., c. 128, s. 20. A history of the acceptance of nonreligious affirmations in lieu of oaths under Canadian law may be found in *The Queen v. Boisjoly* [1972] S.C.R. 42 at 47. Similar reforms in the United States are summarized in Wigmore, *op. cit.* n. 16 *supra*, at 2365 *et seq.*

20. Eleventh Report of the Criminal Law Revision Committee, *Evidence (General 166)* (Cmd. 4991 1972).

21. Law Commission *Criminal Law, Perjury and Kindred Offences* 12 (Working Paper No. 33, 1970) . As Jeffries C.J. exhorted: For that God in Heaven may justly strike thee into eternal flames and make thee drop into the bottomless lake of fire and brimstone, if thou offer to deviate the least from the truth, and nothing but the truth.

As the administration of justice retreated from its ecclesiastical origins, both these theories fell into desuetude, evidenced by the almost unanimous adoption by legislatures in England, Canada and the United States of statutes which allowed the making of solemn affirmations or statutory declarations by those who did not believe in, or cared not to invoke, divine retribution.

It has been suggested that the appearance before a person authorized by law to administer an oath, affirmation or declaration may of itself, by impressing on the declarant the gravity and impact of the occasion, deter those who would commit fraud. This was the view of a minority of the English Criminal Law Revision Committee who said in 1972 that:

... there are many persons to whom the oath, administered properly and in complete silence, serves to bring home most strongly the solemnity of their obligation to tell the truth and to be careful about what they say.

Another view of the way in which the formalities secure the veracity of statements is that of the English Law Commission:

... the essential purpose of [requiring an oath], is to impose the sanction of the criminal law upon those who tell lies when they are required to tell the truth, because failure to tell the truth in such instances has a tendency to subvert social institutions or frustrate legislative aims.

While we are reluctant to be dogmatic about such an elusive matter, it is our opinion that in contemporary circumstances people are just as likely to be deterred from making false statements by the threat of criminal liability as by the psychological impact of an appearance before a person authorized by law to administer oaths, or by the moral and religious sanctions thereby invoked.

We obviously cannot say for certain that the psychological, moral or religious aspects of the formalities count for nothing, but we are convinced that the threat of criminal liability by itself provides a sufficient deterrent to the making of false statements.

Our conclusions so far, then, are that:

- (a) the formalities of verification bring with them inconvenience and delay;
- (b) their incidence in the statutes is inconsistent, not to say arbitrary;
- (c) the penalties for their breach under the *Criminal Code* are frequently in disproportion to the importance of the statement to which they are attached;
- (d) noncompliance may give rise to seemingly unnecessary procedural complications; and
- (e) the imposition of criminal liability alone will provide sufficient deterrent to, or punishment for, the making of false statements.

Upon these conclusions we base our ultimate conclusion - that there is a good case to be made for the abolition of the formalities of verification in most (although not all) out of court situations. In the next chapter we set out our recommendations for reform.

CHAPTER III RECOMMENDATIONS FOR REFORM

A. The Basic Recommendation

We have reached the conclusion that what we have called the "formalities of verification" are, where their sole purpose is to reinforce the honesty and accuracy of written or oral statements in out of court settings, unnecessary, timeconsuming and complicated. We are therefore of the opinion that they should be abolished and replaced with a more simple and straightforward means of securing veracity.

Although we explore the ramifications of our proposal in detail in this chapter, briefly stated it is that where statements are required by statute, their accuracy and honesty should be reinforced by the imposition of criminal liability for false statements, without the interposing of any particular formality in the making of the statement.

It seems to us that this proposal would, without in any way increasing the incidence of false statements or fraud, have the following advantages.

First, because the law would no longer require the presence of a person authorized to take a statement, there would be a reduction in the inconvenience, delay and cost which the present system inevitably involves.

Secondly, the proposal would eliminate the consequences of defects in the form of, or procedure in administering, the formalities. It is true that difficulty might still occur over irregularities in the *content* of statements required by law, but at least the potential for the most technical irregularities would be removed.

Thirdly, the abolition of the formalities would introduce logic and consistency to a situation which may now be described only as irrational.

One of the more notable implications of the proposal would be that the consequences of a breach of section 122 of the *Criminal Code* would no longer ensue upon the making of a false statement in most provincial circumstances, but in the next portion of this chapter we discuss the matter of appropriate penal sanctions under provincial law. In any event, however, the *Criminal Code* would remain available in cases where false statements were of a sufficiently grave nature. An individual who made a false statement in writing for the purpose of obtaining a financial benefit for himself would still be liable to prosecution under section 320 of the *Criminal Code*. Moreover, in some cases section 324(1), which defines forgery as the making of a false document knowing it to be false with intent:

- (a) that it should in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or
- (b) that some person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.

would remain applicable to statements required under provincial statutes.

The same may be said of other provisions of the *Criminal Code*, including: section 338 (fraudulent procurement of property, money or valuable security); section 344 (fraudulent registration of title); section 352 (falsification of books); section 356 (falsification of employment records); section 357 (false return by a public officer); section 358 (false prospectus); section 361 (fraudulent impersonations and section 363 (false acknowledgment).

The Commission therefore recommends that:

1. *The requirements of an oath, affidavit, solemn affirmation, affirmation and statutory declaration be repealed on occasions upon which their sole purpose is to reinforce the veracity of statements required in out of court situations pursuant to provincial statutes. These occasions are listed in Appendices L and M.*

B. Penal Sanctions

1. ___General

As we have pointed out; a recommendation for the abolition of the formalities of verification also entails the elimination of the applicability of section 122 of the Criminal Code where a false statement is made.

In some cases this is of little consequence. Under section 65(1) of the *Architectural Profession Act*, for example, a student seeking articles must supply an affidavit of execution with his application. It is conceivable that the giving of false information has, in the past, resulted in liability under section 122 of the *Criminal Code*. Once the affidavit requirement is eliminated, there would be no "verified statement" to which section 122 could apply, Section 60(2) of the *Architectural Profession Act*, however provides:

- (2) If a person wilfully procures or attempts to procure himself to be registered as a member, or to be issued a licence or admitted as an associate or student, by making a false or fraudulent representation or declaration. Either verbally or in writing, he is, on summary conviction, liable to a penalty not exceeding one hundred dollars, and a person knowingly aiding or assisting him therein is, on summary conviction, liable to a penalty not exceeding one hundred dollars.

In this situation, and others like it, all that will be required if our recommendations are accepted, is the repeal of the requirement for an affidavit. The existing penal provisions in these Acts will provide an adequate deterrent to, and sanction for, the making of a false statement. We set out in Appendix L those statutes where the abolition of the formalities of verification will be all that is needed to carry our recommendations into effect.

There are, however, a significant number of statutes which in one way or another require compliance with the formalities of verification but which do not contain penal provisions for false statements. If in these cases the formalities were to be abolished, section 122 of the *Criminal Code* would not apply, and there would remain no sanctions against dishonesty.

Our basic recommendation depends on the existence of penalties to encourage veracity, and where the formalities are abolished and the statute in question contains no appropriate penal provisions, it would in our view be necessary to enact them in other words, the making of a false statement should be punishable by a fine, imprisonment or both.

The Commission therefore recommends that:

2. *Those provincial statutes which now:*

- (a) *involve formalities of verification which would be repealed by virtue of Recommendation 1; and*
- (b) *do not contain penal provisions which would be applicable to the falsifying of the statement at issue;*

should be amended to include the appropriate penal provisions. These statutes are set out in Appendix M.

2. Elements of New Penal Provisions

Having proposed that new penal provisions attach to certain provincial statutes, we now turn to a consideration of the appropriate elements of such offences.

- (a) ___ *Mens rea*

We have had some difficulty in reaching a conclusion on what should be the appropriate mental element in the new offences we propose.

The Criminal Code provides that:

120. Every one commits perjury who, being a witness in a judicial proceedings *with intent to mislead gives false evidence, knowing that the evidence is false.*

and

122. Every one who, not being a witness in a judicial proceeding but being permitted, authorized or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorized by law to permit it to be made before him, an assertion with respect to a matter of fact, opinion, belief or knowledge, *knowing that the assertion is false*, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Under the present law the mental element necessary to sustain a conviction against those who make false statements in the face of the formalities of verification, depends on the nature of the situation in which the statement was given. If the false statement was made by a witness in a judicial proceedings it is necessary to prove that the accused had both knowledge of its falsity and an intent to mislead the party conducting the proceeding. If, on the other hand, the statement was made by someone other than a witness in a judicial proceeding, the Crown need prove only that the accused had knowledge of the falsity.

For the purposes of distinguishing between offences under section 120 and those under section 122 the *Criminal Code*, section 107 of the Code defines judicial proceedings as a proceeding:

- (a) in or under the authority of a court of justice or before a grand jury,
- (b) before the Senate of House of Commons of Canada or a committee of the Senate or House of Commons, or before a legislative council, legislative assembly or house of assembly or a committee thereof that is authorized by law to administer an oath,
- (c) before a court, judge, justice, magistrate or coroner,
- (d) before an arbitrator, or umpire, or a person or body of persons authorized by law to make an inquiry and take evidence therein under oath, or
- (e) before a tribunal by which a legal right or legal liability may be established,

whether or not the proceeding is invalid for want of jurisdiction or for any other reason.

It seemed to us at first to be logical, as our concern was and is with false statements made in out of court situations, to choose as the mental element appropriate to the new provincial offences we propose, the mental element contained in section 122 of the *Criminal Code* the section relating to false statements outside judicial proceedings, requiring only knowledge of falsity. It is apparent, however, that a number of situations which we have in the first chapter characterized as "out of court" situations, nonetheless fall within the definition of "judicial proceedings" under section 107 of the *Criminal Code*. This is certainly true of the "investigatory proceedings" which we have listed in Appendix A.

The ability of the party conducting the proceedings to establish a legal right or liability would not appear to be a prerequisite to the classification of the proceedings as judicial. Neither need there be any decisionmaking

power. The only elements of a "judicial proceeding," in subsection (d) appear to be legal authority to make an "inquiry," and to take evidence under oath therein.

But even leaving aside the "investigatory proceedings" listed in Appendix A (which we do because we later propose that these remain subject to the formalities of verification and thus subject to section 120 of the *Criminal Code*), there still remains the possibility that some of the other "out of court" situations listed in Appendices B to K are also "judicial proceedings" for the purposes of section 120.

In *Re Schumiatcher* the Supreme Court of Canada held that evidence taken by a Registrar under the Saskatchewan *Securities Act* on the examination necessary for the granting of a licence, was given in a judicial proceeding. At the same time, it was held that affidavit evidence given to the Registrar on the same inquiry, under the same statutory enactment, was made by a person not being a witness in a judicial proceeding.

It is apparent that some, although perhaps not many, of the situations listed in Appendices B to K may very well be characterized as "judicial proceedings" under section 120 of the *Criminal Code*, and that therefore a simple transposition of the mental element contained in section 122 to the new provincial offences may alter in some slight degree the substance as well as the form of the present law.

We thus considered another possibility to tailor the mental element for the new provincial offences to the particular situation in which a statement is required.

Now that the point has been raised, it may be thought by some that the penal sanctions which we propose ought to encourage a higher duty of care than is now laid by section 122 of the Code on those who are obliged by statute to provide information. The *Securities Act*, for example, makes it an offence in a number of situations to circulate information which is false and misleading, and culpability extends not only to those who know of the falsity of the information, but also to those who fail to exercise "reasonable diligence" in establishing its truth.

On reflection, however, it seemed to us that the decision to go beyond the existing standard set by section 122 of the Code was one which should be made only after a careful consideration of the policies of each of the statutes involved. In some cases it may be thought desirable to penalize only those who give information with knowledge of its falsity; in others it may be desirable to penalize those who were "wilfully blind" to whether the information was true or false; in still others it may be desirable to penalize those who did not know, but ought to have known, that the information was false. These decisions, it seems to us, should be made by those who are familiar with the day to day administration of the particular statutes in issue, and who are therefore more familiar than we are with the penal standards which are most appropriate to the policies of those statutes.

It is our view, therefore, that the mental element now set out by section 122 of the Criminal Code should, *prima facie*, be a necessary component of the provincial offences which we propose, but that this proposal should not preclude a consideration by government of whether other mental elements ought also to be introduced to advance the policies of particular statutes.

The Commission recommends that:

3. *A component of the new provincial offences referred to in the previous recommendation should, prima facie, be knowledge of the falsity of the particular oral or written communication at issue! but this should not preclude a consideration by government of whether other mental elements should be introduced for the purpose of advancing the policies of particular statutes.*

(b) *Corroboration*

In proposing the abolition of formalities of verification in certain cases, and therefore the inapplicability of section 122 of the Criminal Code in those cases, we believed it incumbent upon us to consider the question of corroboration and the new provincial offences.

Under the present law, no one may be convicted of an offence under section 122 on the evidence of only one witness. To sustain a conviction, that evidence must, by virtue of section 123, be corroborated in some material particular by further evidence which implicates the accused.

The nature of this corroboration has been the subject of a great deal of judicial comment. In 1972 the Quebec Court of Appeal stated that the corroboration required under section 123 was the same as that required of the testimony of accomplices, adopting the statement of the House of Lords in *R. v. Baskerville*:

We hold that evidence in corroboration must be independent testimony which affects the accused by connecting or tending to connect him with the crime. In other words, it must be evidence which implicates him, that is, which confirms in some material particular not only the evidence that the crime has been committed, but also that the prisoner committed it. The test applicable to determine the nature and extent of the corroboration is thus the same whether the case falls within the rule of practice at common law or within the class of offences for which corroboration is required by statute. The language of the statute, "implicates the accused," compendiously incorporates the test applicable at common law in the rule of practice. The nature of the corroboration will necessarily vary according to the particular circumstances of the offence charged. It would be in high degree dangerous to attempt to formulate the kind of evidence which would be regarded as corroboration, except to say that corroborative evidence is evidence which shows or tends to show that the story of the accomplice that the accused committed the crime is true, not merely that the crime has been committed, but that it was committed by the accused.

The corroboration need not be direct evidence that the accused committed the crime; it is sufficient if it is merely circumstantial evidence of his connection with the crime.

It is generally accepted that the requirement of corroboration in respect of the offence of perjury arose as a consequence of an historical anomaly peculiar to that offence. Until 1640, the crime of perjury was dealt with almost exclusively in the Court of Star Chamber, which, being presided over by the Lord Chancellor, had always been conducted according to ecclesiastical or civil law.

Characteristic of the ecclesiastical law was the theory of the quantitative nature of oaths that the determination of guilt or innocence depended on the number of "oathswearers" a party could command in his favour. On a charge of perjury the accused's oath was always in evidence, and thus if the testimony of only one witness was offered as proof of his guilt, there would be merely an "oath against oath" a situation not allowed which, in ecclesiastical law, would conviction.

When, in 1640, jurisdiction for deciding perjury offences was transferred from the Star Chamber to the common law courts the requirement of "more than one oath" was retained. As Wigmore suggests:

At common law, there was but a single instance, and that ... of almost accidental and of anomalous origin (the rule in perjury), in which a numerical rule existed ...

The reasons behind the imposition of a numerical requirement to sustain convictions for perjury clearly fail to provide an argument for the retention of a corroboration requirement in the twentieth century.

The more modern rationale for requiring corroboration is that directed at protecting witnesses from false charges at the hands of those against whom their testimony is directed. Various commentators have suggested that the obligation to protect witnesses from oppression by threats of charges of perjury (thus encouraging them to testify), justifies the requirement that they be protected from conviction on the testimony of only one person. Whether or not this view is justified would appear to be irrelevant in so far as offences under section 122 are concerned, as that section relates to false statements on oath by persons *who are not witnesses in a judicial proceeding*.

While the requirement of corroboration for a conviction under section 120 of the *Criminal Code* (relating to perjury) has existed at common law and under statute for over 250 years, it was introduced as a statutory requirement for conviction of an offence of "extrajudicial" false statement only in 1953. The reason for this change remains a matter for speculation, but it may well be attributable to a consolidation of "offences akin to perjury" in that year. In the pre-1953 Code there were three separate offences, replaced now by one.

The English Law Commission, while supporting a requirement of some form of corroboration for conviction of perjury, has nonetheless doubted the need for it in situations similar to those under discussion. In support of this view that Commission noted that much graver offences similar to those of the "offence of making a false statement in extrajudicial proceedings" do not require corroboration. The English Criminal Law Revision Committee has expressed a similar opinion.

Finally, it appears to us that the elimination of a requirement of corroboration for the new provincial offences which we propose may also be justified on the ground of consistency. The *Criminal Code* itself does not require corroboration for conviction of the following offences:

(i) S. 344(a) knowingly and with intent to deceive, making a material false statement or representation in a proceeding to register title;

(ii) S. 348 wilfully making a false statement which may be used for a purpose mentioned in the *Bank Act*:

(iii) S. 352(1) (a) - making a false statement with respect to the amount of metal procured under a mineral lease or licence and

(iv) S. 358 making a prospectus, statement or account known to be false in a material particular.

Similarly, although there are many existing provincial offences relating to the making of false statements, none of them requires corroboration.

The Commission therefore recommends that:

4. *Corroborative evidence should not be required to sustain a conviction under the new provincial offences which we propose.*

(c) *Penalties*

We have so far not adverted to the question of the actual penalties which should accompany the new provincial offences which we propose.

At present, a breach of section 122 of the *Criminal Code* is an indictable offence and is punishable by a term of imprisonment of up to fourteen years. On the other hand, the existing provincial offences related to the making of

false statements carry with them a great variety of penalties, such as, fines ranging from \$10 to \$25,000, and terms of imprisonment from three months to two years.

Bearing in mind the precedent of section 122 of the Criminal Code it does not seem to us altogether unreasonable to propose that the new provincial offences should carry with them a standard penalty. In legislative terms this would be the simplest course as the penalty could be enacted in one place - say the *Summary Convictions Act* and this would eliminate the necessity to enact the penalty throughout a variety of statutes.

On the other hand, it may be desirable to tailor the penalty to the gravity of the possible consequences of making the particular false statement at issue. Factors which might be taken into account in making such an evaluation might include:

- (i) whether the false statement seriously affects the rights of third parties;
- (ii) whether the false statement undermines the proper and efficient operation of a legislative scheme; or
- (iii) whether the false statement is aimed at obtaining for its maker some pecuniary or other material advantage.

The choice of penalties for provincial offences is not a matter in which this Commission has so far had any experience, and on balance we think it would be more appropriate, if our recommendations are accepted, to leave this for a decision by the Attorney General.

C. Exceptions

Throughout this Report we have adverted to the fact that we do not recommend the abolition of formalities of verification wherever they appear in provincial statutes. We think they should be preserved on certain occasions, and it is to these exceptions, and our reasons for suggesting them, that we now turn.

1. Investigations and Hearings

In the first chapter we pointed out that the provincial statutes frequently provide that certain agencies of government should in appropriate circumstances, undertake investigations and hearings, and that sometimes these agencies are permitted to take evidence according to the formalities of verification. These situations are listed in Appendix A, and it is our view that they should not fall under the umbrella of our general recommendations.

First, in the majority of the situations in question the decision to comply with the formalities rests with the person conducting the investigation or hearing. Thus the decision is a considered one and, by hypothesis, compliance with the formalities is not imposed arbitrarily in the way that we find exceptionable in most other situations where the formalities are found.

Secondly, the inconvenience, delay and expense caused by compliance with the formalities on these occasions is, on the whole no greater than that which would result if there were no obligation to comply.

Thirdly, the nature of the requirement that a witness must swear to tell the truth, does not, in our view, result in the kind of technical irregularity in the event of falsehood that led us to propose the abolition of the formalities in other situations.

Lastly, while our terms of reference led us to consider all out of court situations in which the formalities appear, and administrative tribunal hearings and investigations are in a strict sense held "out of court," we regard them nonetheless as being close to judicial proceedings for this purpose. We would prefer, therefore, to consider the formalities of verification in this setting when, in the course of our project on the law of evidence, we come to evaluate their use in the ordinary courts.

The Commission recommends that:

5. *Recommendation 1 should not apply to the statutory provisions appearing in Appendix A, i.e. those provisions relating to the formalities of verification in hearing and investigative settings.*

2. The Formalities of Verification as a Protection

In earlier portions of this Report we pointed out that on occasions the formalities of verification serve to interpose a disinterested third party in transactions where his presence or advice may serve to guide, or protect the interests of, one or other of the parties to the transaction.

It seemed to us that these occasions would arise where there is a surrender of rights:

- (a) by an individual who, at the time the statement is made, may be susceptible to undue influence; or
- (b) where the circumstances are such that the person making the statement may not appreciate the consequences of his act.

Using this yardstick we found three occasions upon which the formalities appear to serve a protective function.

(a) *Adoption Act*

A parent's consent to the adoption of his or her child has traditionally, and for good reason, been accorded a great deal of importance.

The *Adoption Act* provides that:

8. (1) ...
- (2) A consent required by this section shall be supported by the affidavit of the person consenting and of the witness to the consent. Each affidavit shall include a statement that the effect of the consent and of adoption was fully explained to the person consenting. The affidavit of the person consenting shall include a statement that he signed the consent freely and voluntarily. The affidavit of the witness shall state that the person consenting appeared to sign the consent freely and voluntarily and appeared to understand fully the effect of his consent and of adoption. This subsection does not apply to the consent of the Superintendent or of the Public Trustee or of a children's aid society.

The Provinces of Ontario and Prince Edward Island

27. *Adoption Act*, Stat. P.E.I. 1969, c. 1, s. 6. provide for similar procedures. Other provinces require that the consent be in writing, although some do provide for particular forms.

This is perhaps the classic situation in which the formalities of verification serve a purpose other than reinforcing honesty and accuracy. They serve instead to make it as certain as possible that a step as serious as the giving

up of a child for adoption is fully understood, and we believe that no consideration of delay, inconvenience or cost outweighs this.

(b) *Unified Family Court Act*

Section 2 of the *Unified Family Court Act* provides, *inter alia*, that:

2. (1) A provision respecting
 - (a) the custody of, maintenance for, or access to, a child by a parent; or
 - (b) the maintenance of a person by his spouse contained in a written agreement made ... by a parent or by a spouse is enforceable ... under sections 33, 34 and 35 of the [Family Relations] Act as if the provisions were contained in an order made under section 25 of the Act.
- (2) No provision shall be enforced. under subsection (1) unless ...
 - (b) every person, except a child, against whom the provision is being enforced completes, before a commissioner for taking affidavits under section 53, 57 or 58 of the *Evidence Act* a consent in the form contained in the Schedule to this Act; ...

Thus, certain custody or maintenance agreements are now enforceable without a court order. In our view the requirement contained in section 2(2)(b) was inserted to give some degree of assurance that such agreements would not be signed lightly or without some appreciation of the possible consequences. It has been recognized that:

With maintenance agreements there is some danger that one spouse will take advantage of the other so that the resulting agreement is an unfair bargain.

(c) *Wife's Protection Act*

Section 3(1) of the *Wife's Protection Act* provides that a wife or husband on her behalf may make an application to the Registrar for an entry on the register that a homestead, as defined in section 2 of the Act, is subject to the provisions of that Act.

The Act subsequently provides *inter alia*, that:

4. (1) When an entry has been made on the title under section 3, every disposition by act *inter vivos* of the homestead of any married man whereby the interest of the married man shall or may vest in any other person at any time during the life of the married man, or during the life of the married man's wife living at the date of the disposition, is null and void for all purposes unless made with the consent in writing of the wife.
7. (1) Any consent required for the disposition *inter vivos* of a homestead under this Act shall be produced and filed in the Land Registry Office with the instrument by which such disposition is effected.
 - (2) The consent may be embodied in or endorsed upon the instrument effecting the disposition.
 - (3) The execution by the wife of any such disposition constitutes a consent under this Act.
8. (1) Where a wife executes any instrument concerning any disposition, consent, or abandonment under this Act, she shall acknowledge it, apart from her husband, to have been executed by her of her own free will and accord and without any compulsion on the part of her husband.

(2) The acknowledgment may be made before any person authorized to take acknowledgments and affidavits under the *Land Registry Act*, and a certificate thereof in Form B in the Schedule shall be endorsed on or attached to the instrument by her.

11. Any homestead or part of any homestead and the benefits and privileges conferred upon the wife under this Act in respect of the homestead or any part thereof may be abandoned by the wife by a document which may be in Form D in the Schedule, and acknowledged as required in section 8, and the Registrar, upon application in Form E in Schedule, accompanied by the document, shall make an entry of the abandonment on the register.

The intent of provisions such as these is partly described by Milvain C.J.T.D. in *Senstad v. Makus*.

Then it was not uncommon, and perhaps to be expected that a wife might be subservient to the dominance of her husband. So the statutes provided that a disposition without written consent was "null and void," or "null and void for all purposes." I would think the acknowledgment was provided for two purposes: one being that a Registrar could see that a consent not only appeared to have been given but had been freely and separately acknowledged, before registering a document. He could be satisfied with a consent and acknowledgment forming part of or being attached to an agreement for sale, as distinct from being part of a transfer, or he could be satisfied by a general and registrable release of dower. The second reason for an acknowledgment would be to protect the husband from a wife who might consent to an agreement for sale in writing and then later assert coercion or undue influence of some kind. A purchaser would also find some protection against a change of heart. Yet where there was no acknowledgment the wife would be free to litigate her position and contend the consent to be a forgery or improperly induced.

It appears to us that the formalities of verification required by both section 8 and section 11 were intended, at least in part, to give a wife access to some independent person before disposing of her rights under the Act. Although the subject of matrimonial property has of late received considerable attention, and although some might quarrel with the policies of the Act, it is our view that while the Act remains in force, the formalities of verification required by section 8 and 11 should also continue in force.

Having reviewed section 8(2) of the *Adoption Act*, section 2(2)(b) of the *Unified Family Court Act* and sections 8(2) and 11 of the *Wife's Protection Act*, and having concluded that each makes use of the formalities of verification for a protective and evidentiary purpose, we should now point out our belief that use of the formalities does not always ensure that parties involved are apprised fully of the implications and consequences of their acts. In our experience, some Notaries Public, Commissioners for Taking Affidavits, and lawyers view their responsibilities under these sections seriously, and make every attempt to explain to a party surrendering rights or undertaking obligations just what is involved in the transaction. Others, unfortunately, do not. In a very real sense, therefore: the use of the formalities for the achievement of a protective purpose yields results which are fortuitous. Parties may or may not be made aware of the implications and consequences of their acts.

The apprehension which we have on this matter has been expressed by others.

The Royal Commission on Family and Children's Law which has recently completed its work in British Columbia recommended, *inter alia*, in reviewing the law of adoption, that:

The affidavit which supports a consent to adoption should include a statement that the consenting person has considered alternatives to adoption and has had these alternatives explained to him by the intermediary in the adoption.

Although the Royal Commission did not express direct criticism of the technique of using the affidavit, its recommendation reveals a dissatisfaction with present practice which may, in our opinion, be attributed as much to the technique as to the present substantive requirements of section 8(2) of the *Adoption Act*.

If the policy of protection set out in the provisions we have mentioned has any validity at all, and we believe that it is vital, it is our view that the matter should be confronted directly, and not approached obliquely through the use of formalities of verification. It would, for example, be preferable that it be made compulsory for parties to take independent legal advice. But this suggestion has quite broad implications, and it may be that there are other alternatives which could be explored, particularly since the whole field of family law is being reviewed in the wake of the findings of the Royal Commission. We would therefore prefer not to reach a definite conclusion on the proper solution to the problem, as it is our view that it ought to be considered in the context of family law reform rather than in the context of the narrower scope of this study.

What we should like to emphasize, however, is that the existing provisions are better than nothing and unless and until a more appropriate solution is found, the sections in question should be exempted from the effect of our first recommendation and remain in force:

The Commission recommends that:

6. *Section 8(2) of the Adoption Act, section 2(2)(b) of the Unified Court Act and sections 8(2) and 11 of the Wife's Protection Act should for the time being be exempted from the effect of Recommendation 1, but consideration should be given to their repeal and replacement with more effective methods of implementing the policies which they represent.*

Regardless of whether existing forms of protection are retained, or whether new forms are devised but more particularly if the existing forms remain we think it important to advert to the question of what effect noncompliance should have on the transaction at issue. This matter has caused difficulty in the past.

Section 8(7) of the *Adoption Act* provides that:

Notwithstanding subsection (2), an adoption order made between March 28th, 1957, and June 30th, 1961, shall not be deemed to be defective merely because the affidavit of the witness failed to state person consenting appeared to fully the effect of his consent adoption, and this subsection is retroactive to the extent necessary to give full force and effect to its provisions.

Similar difficulties have arisen in situations similar to those referred to in sections 8(2) and 11 of the *Wife's Protection Act*.

It seems clear enough that a disposition of a homestead in circumstances where neither a consent nor an acknowledgment from the wife has been obtained, will be void for all purposes. What is not so clear however, is the effect on the disposition if there has been a consent validly given, but there has been no acknowledgment.

In *Martens v. Burden* Shannon J. held that an effective consent to a disposition was constituted only after the wife had consented in writing and had complied with the acknowledgment requirement.

In *Senstad v. Makus*, however, Milvain C.J.T.D. considered the acknowledgment to be of concern only to the Registrar of Land Titles, and held that lack of the acknowledgment simply caused the disposition to be unregistrable. The existence of a valid consent was enough to prevent the disposition from being otherwise avoided.

These provisions and cases suggest to us that it is important for the Legislature to direct its attention specifically to the question of what the effect of a transaction will be when there has been irregularity in, or noncompliance with, formalities of the kind we have been discussing. It seems to us to be sensible for provisions to be inserted in

the three statutes in issue to the effect that where irregularity or noncompliance is of such a nature as to indicate that there was not, on the balance of probabilities, informed consent, then the transaction should be set aside; but where the irregularity or non-compliance appears to be merely technical in nature the transaction should not be set aside.

The Commission recommends that:

7. *Whether the statutory provisions referred to in Recommendation 6 are retained in their present form or replaced, provision should be made to prevent the invalidation of any act, proceeding or matter to which they refer merely on account of technical, as opposed to substantial, irregularities, omissions or defects in compliance with the provisions.*

3. The Formalities of Verification on Ceremonial Occasions

We have already referred to the fact that the formalities of verification do not, on a number of occasions, serve to enhance the honesty or accuracy of a statement, but rather serve to introduce an element of solemnity or dignity into certain proceedings and situations.

We have listed what we have characterized as "ceremonial" occasions in Appendix D (Statements Relating to Office) and Appendix H (Statements of Allegiance).

Our evaluation of these provisions has caused us some difficulty, as we realize that opinions may differ quite markedly on the matter of what value should be accorded to the ceremonial tradition. Some may regard it as a remnant of an outmoded way of life, while others clearly attach a great deal of importance to it. Some of those who do set store by it as a matter of principle may yet believe that it is out of place in certain situations in which it is now found.

Ultimately, in returning to our terms of reference, we concluded that the formalities need not be abolished in the situations we have listed. In this project we were invited to consider the formalities in the light of their potential for delay, inconvenience and cost, and it appears to us that their observance on ceremonial occasions does not, on the whole, result in noticeable concern on these accounts. For this reason, coupled with the realization that there are many people for whom the disappearance of ceremony would be something of a disappointment, we do not consider that the matter is of sufficient importance to warrant the taking up of legislative time in repeal.

The Commission therefore recommends that:

8. *Those statutory provisions listed in Appendices D and H should be exempted from the effect of Recommendation 1.*

There remains, however, a difficulty associated with the continued existence of ceremonial formalities, stemming from some confusion over the validity of subsequent acts when the formalities have not been observed or have been observed in an irregular fashion. We think it undesirable that there should be this confusion, or that the validity of important administrative acts should be placed in jeopardy by mere technical defects in formalities. We therefore also recommend that:

9. *Provision should be made to prevent the invalidation of any act; proceeding or matter merely on account of irregularities, omissions, or defects in, or the absence of, any of the formalities listed in Appendices D and H.*

4. Regulations

Various provincial statutes provide, either expressly or by implication, that regulations made by the Lieutenant Governor in Council may require or impose the formalities of verification.

Unfortunately, however, the computer facilities which made it possible for us to undertake a comprehensive survey of the provincial statutes and reach conclusions within a reasonable time on the formalities contained in them, do not extend to the regulations.

An exhaustive search of the regulations for references to the formalities would take greater time and resources than the Commission may now efficiently command, and yet logic clearly dictates that the analysis we have applied to the statutes should also be applied to the regulations.

In these circumstances we can only suggest that, as most regulations are administered by departments of the provincial government, those departments be asked to review them, as and when it becomes convenient to do so, with a view to eliminating those formalities of verification which serve only to reinforce the veracity of statements in out of court settings.

The Commission therefore recommends that:

10. *Departments of the provincial government should be asked to review the regulations within their areas of responsibility, with a view to eliminating formalities of verification in situations similar to those arising under provincial statutes where the Commission has recommended their abolition.*

D. Land Registry Act

Because of the number and variety of formalities of verification required by the *Land Registry Act*, and because of the importance which is traditionally attached to dealings in land, it seemed to us to be appropriate to devote a separate section in this chapter to it.

One of the purposes of the Act is to provide as far as is possible for a completely accurate register of interests affecting land in the Province, and it seems clear enough that the number and variety of formalities of verification which it requires is directly attributable to this purpose.

Applying our earlier analysis to the Act, we have discerned that at the most abstract level the formalities are referred to in three differing contexts. First, they are applicable to some statements required in "judicial proceedings." Secondly, a Registrar may require them when he is gathering certain information. Thirdly, they are necessary for the registration of most transactions under the Act, and in a miscellaneous variety of other situations.

We are not here concerned with the first category, as the matter of formalities of verification in court is outside our terms of reference; but into the second category fall the following provisions.

Section 255 provides in part that:

The Registrar may, for the purposes of this Act,

- (b) take evidence under oath affecting title or facts necessary to enable him to decide as to compliance with the provisions of this Act;

(c) upon such evidence as appears to him sufficient in that behalf, correct errors in entries made and supply entries omitted to be made under the provisions of this Act or of any previous Act relating to the registration of titles to land; ...

(d) summon any person whose evidence may be necessary or material in respect of any matter pending before him to appear and give evidence upon oath respecting such matter, and to produce any instrument or evidence affecting title before him or before any other person appointed as a special examiner under an oath of the Registrar,...

Authority to administer the formalities himself is given to the Registrar by section 61, which provides that:

Every acknowledgment, affidavit, oath or declaration necessary for the purposes of this Act may be taken and made, within or without the Province, by and before the Registrar or a person before whom an affidavit may be sworn under the *Evidence Act*.

and section 255(a), which provides that:

The Registrar may, for the purposes of this Act,

(a) administer oaths, or in lieu of administering an oath require any person examined by him to make and subscribe a statutory declaration of the truth of the statement made by him in his examination; ...

In an earlier portion of this Report appearing under the subject heading of "Investigations and Hearings" we discussed the issue of whether provisions similar to the foregoing create difficulty, and we concluded that on balance they do not. The necessity for compliance is a matter for the discretion of an official who may make his own decision on whether it will cause unnecessary delay or inconvenience. So it is here, and we make no recommendations for change in section 61 or section 255.

The third category, into which fall most of the requirements of the Act relating to the formalities of verification, has been our chief concern.

On the matter of registration of instruments, section 57, 58, 59 and 63 provide:

57. Subject to sections 58 and 59, the execution by the grantor or other conveying party of every instrument required to be registered under this Act, other than a Crown grant, or an Order in Council, or a decree, judgment, or order of Court, or a certificate of judicial proceedings or of judgment attested as such, or a caveat, or a mechanic's lien, or an instrument under the seal of a corporation or issued under any Statute, shall be witnessed by at least one person of at least sixteen years of age, who shall sign his name to the instrument as a witness; and the execution shall be proved in either of the following manners:

(a) By the affidavit of the witness in Form R in the First Schedule; or

(b) By the acknowledgment of the grantor or other conveying party in Form O in the First Schedule.

58. Where the instrument required to be registered is executed by an attorney in fact, other than a corporation, execution shall be proved by the statutory declaration of the attorney in Form P in the First Schedule, and where the attorney is a corporation, execution shall be proved by the statutory declaration of any officer of the corporation authorized to act for the corporation in the execution of the power in Form P (a) in the First Schedule.

59. Where the instrument requiring to be registered is executed under the seal of a corporation, execution shall be proved by the acknowledgment of the proper officer of in Form P (a) the First Schedule.

63. Where by reason of death, disability, or absence from the Province there is no person within the Province competent to prove the execution of an instrument as required by this Part, then upon being satisfied of the facts, and upon the testimony of any person acquainted with the signature of the grantor or other conveying party to the instrument by affidavit stating his belief that the signature of the grantor or other conveying party attached to the instrument is the handwriting of the person whose handwriting it purports to be, and stating the reasons for his belief, the Registrar may receive the instrument for the purpose of registration in like manner as if its execution had been proved in accordance with the provisions of this Part.

The following is a summary of the other sections of the Act which refer to or require the formalities of verification.

- (a) S. 80(15); oath of surveyor verifying accuracy of plans and surveys, required to register plan of subdivision (Form L).
- (b) S. 87; statutory declaration to support an application to the Minister of Highways to grant relief from road allowance requirements under s. 85 and 86.
- © S. 122; statutory declaration of solicitor verifying his status when acting on behalf of a client.
- (d) S. 126; statutory declaration required for registration in fee simple (Form A).
- (e) S. 127; statutory declaration required to obtain certificate of indefeasible title (Form B).
- (f) S. 128; statutory declaration required to register a charge (Form C).
- (g) S. 132; affidavit required to explain nonproduction of title deeds on application for registration of title.
- (h) S. 162; statutory declaration on application for provisional certificate of title or duplicate interim certificate of title.

S. 177; statutory declaration required to register a judgment, or an assignment of a judgment, obtained pursuant to the *Execution Act* (Form D).
- (j) S. 197; affidavit of value and relationship to obtain registration of transmission on death.
- (k) S. 198; affidavit of value and relationship under *Probate Fees Act* to obtain registration of transmission on death after 1947,
- (l) S. 213; affidavit required to register a caveat (Form J).
- (m) S. 260; statutory declaration to verify valuation of land, required for payment of fees.
- (n) Form E; affidavit to support application to cancel a charge or restrictive covenant (s. 24D).

Having examined carefully the provisions which we have just cited, we are certain that the formalities of verification in each case were designed simply to enhance the likelihood of honesty and accuracy of the information

to which they refer. In keeping with our previous recommendations therefore, the Commission also recommends that:

11. *The formalities of verification referred to in the following provisions of the Land Registry Act should be abolished: S. 80(15) and Form L; s. 87, s. 122; s. 126 and Form A; s. 127 and Form B; s. 128 and Form C; s. 132; s. 162; s. 177 and Form D; s. 197; s. 198; s. 213 and Form J; s. 260; Form E.*

We now turn to a particular consideration of sections 57, 58, 59 and 63. In the working paper we noted that

"It might be argued that in the situations referred to in those sections, the formalities serve not only to enhance the accuracy of information, but also to interpose a disinterested third party in transactions of some complexity, where the innocent might acquire or surrender interests without fully appreciating the consequences."

The Real Property Subsection of the British Columbia Branch of the Canadian Bar Association made the same point in responding to the working paper, and argued that the requirement of an affidavit with its consequent delay, gave a solicitor who was acting for a conveying party, an additional opportunity to explain to the grantor the implications and consequences of the transaction.

On further reflection we concluded that in most cases the protective function of formality would be fortuitous at best. The requirement of formality is met, under section 57(a), if a *witness to the execution of the instrument* swears an affidavit in Form R. In that situation, the grantor or conveying party will not appear before a Notary Public, Commissioner for Taking Affidavits, or lawyer when he executes the instrument, and thus the possibility of the affidavit requirement serving a "protective" function will be absent.

In addition, as we noted in the working paper:

... it seems probable that it was not the intention of the framers of the legislation to require the formalities for the purpose of explaining rights and duties. Had this been the case, the absence of the formalities, or defects in their form, would surely have been said to result in a nullification of the transaction. As it is, however, the effect of informality is simply to make the instrument unregistrable the transaction itself remains effectual between the parties to it. This suggests that the purpose of the formalities is simply to enhance the probability of accuracy of information on the land register.

Secondly, the experience of those of us who are or have been concerned at a practical level with conveyancing is that the persons authorized by law to administer the formalities do not, as a general rule, see themselves playing a protective role. As often as not, the witnesses are not aware of the details of the transaction and do not know the circumstances of the parties to it.

For those reasons we recommend that:

12. *The formalities of verification required by sections 57, 58, 59 and 63 of the Land Registry Act should be abolished.*

To make the substance of the proposal clearer we set out our suggestion for the re-drafting of sections 57, 58 and 59, with the changes underlined.

57. Subject to sections 58 and 59 the execution by the grantor or other conveying party of every instrument required to be registered under this Act other than a Crown grant, or an Order in Council: or a decree, judgment, or order of Court or a certificate of judicial proceedings or of judgment attested as such, or a caveat, or a mechanic's lien, or an instrument under the seal of a corporation or issued under any Statute, shall be witnessed by at least one person of at least sixteen years of age, who

shall sign his name to the instrument as a witness; and the execution shall be proved in either of the following manners:

(a) By *the statement in writing signed by* the witness in Form R in the First Schedule; or

(b) By *the statement in writing signed by* the grantor or other conveying party in Form O of the First Schedule.

58. Where the instrument required to be registered is executed by an attorney in fact, other than a corporation, execution shall be proved *by the statement in writing signed by* the attorney in Form P in the First Schedule, and where the attorney is a corporation, execution shall be proved *by the statement in writing signed by* any officer of the corporation in the execution of the power in Form P (a) in the First Schedule.

59. Where the instrument requiring to be registered is executed under the seal of a corporation, execution shall be proved *by the statement in writing signed by* the proper officer of the corporation in Form Q in the First Schedule.

Corresponding changes to the Forms provided in the First Schedule would also be required.

Before leaving the subject of the formalities of verification and the *Land Registry Act*, there are two further matters which ought to be discussed.

1. Consequential Changes

Certain sections of the Act wherein reference is made either expressly or impliedly to the method of proof of execution in sections 57, 58, 59 or 63, will, if these sections are amended acquire a different meaning if the recommendations of the Commission are accepted.

Thus section 49, which provides that:

Every instrument the execution of which is proved in the manner prescribed in this Act, together with the affidavit or acknowledgment by which its execution is proved, shall be read in evidence in all Courts without further proof of execution, and, in the case of execution by a married woman, without any other acknowledgment.

would, with necessary amendments, allow the introduction of an "informal" statement into subsequent judicial proceedings. It would, if sections 57, 58; 59 and 63 are amended, probably read as follows:

Every instrument the execution of which is proved in the manner prescribed in this Act, together with the signed statement by which its execution is proved, shall be read in evidence in all Courts without further proof of execution.

Section 49, as it is now written, appears to be based on a recognition of the fact that in many cases neither the parties to an instrument nor witnesses to its execution will be available to prove the execution of an instrument in a manner which would ordinarily be required by the rules of evidence.

Our view is that section 49 ought to be consequentially amended to take account of our general recommendations, even though we recognize that this would have the effect of creating an exception to the general rule of evidence that no document is admissible in court unless proper formalities (generally one or other of the formalities of verification) have been complied with.

This exception does not, however seem to us as momentous as some might think. The greatest objection to the proof of execution of documents without the formalities of verification is not so much the absence of any of the formalities but rather the absence of a particular one the presence of the parties to the document in court where they may be examined and crossexamined under oath. Section 49 already permits the introduction of documents in evidence without the necessity of the parties being present, and it is not in our view a large step to modify it further in accordance with our general recommendations. Our thesis is that a signed statement attesting to honesty and accuracy, reinforced by the potential for a penalty in the case of falsity, will serve the same function, with less delay and inconvenience, as the formalities of verification. The formalities, although they offer one means of attempting to ensure honesty, do not themselves constitute a guarantee of honesty.

As further justification we refer also to the rule that any document in existence for thirty years or more is now admissible without proof of execution of the document. This doctrine "the admissibility of ancient documents" - is well established at common law, and is generally thought to be based on the principle of necessity that without such a principle it would be difficult, if not impossible, to prove a signature after a sizeable lapse of time.

The Commission therefore recommends that:

13. *Section 49 of the Land Registry Act should be amended in accordance with our general recommendations.*

Another provision which incorporates the formal requirements of sections 57, 59 and 63 is section 70(3). It provides that:

A married woman may appoint her husband or a person other than her husband as her attorney by a power of attorney the execution of which is duly proved in the manner provided by this Act for the proof of execution of instruments.

The purpose of this section appears to be to confer on married women the capacity to appoint attorneys, but in a previous Report we have pointed out that in law the giving of a power of attorney cannot be differentiated on any substantive ground from an ordinary agency relationship, and since married women are no longer prohibited from appointing agents, it is our view that section 70(3) ought to be repealed altogether.

The Commission therefore recommends that:

14. *Section 70(3) of the Land Registry Act be repealed.*

2. Penal Sanctions

Having proposed that most of the formalities of verification in the *Land Registry Act* be abolished, to be replaced simply by a written and signed statement as to honesty and accuracy, it follows that section 122 of the *Criminal Code* will become inapplicable in those cases. Our general proposals are based, however, on the view that the making of honest statements ought to be encouraged by the potential for criminal liability for false statements, and it is to this matter in the context of the *Land Registry Act* that we now turn.

Many of those who make false statements in situations where the formalities of verification are now required are subject to the penalties provided for in section 264 of the Act. That section provides that:

Where any person is guilty of a violation of this Act under either section 262 or 263, and where the act or matter which constitutes the violation is not punishable under the Criminal Code of Canada, the person guilty of the violation, in addition to every other penalty or punishment to which he may be by any law or Statute be liable, is liable, on summary conviction, to a penalty not exceeding five hundred dollars.

Sections 262 and 263 provide that:

262. If any person wilfully makes any false declaration, or fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of any order or rule of the Court, or of any fraudulent alteration or erasure of any entry on the register he is guilty of a violation of this Act and every order or rule procured by fraud and every act consequent on such order and every entry, alteration, or erasure so made by fraud is void as between all parties or privies to such fraud.
263. If any proceeding to obtain the registration of any title to land or otherwise, or in any transaction relating to land, which is or is proposed to be put on the register, any person acting either as principal or agent shall, knowingly and with intent to deceive, make or assist, or join in, or be privy to the making of any material false statement or representation, or suppress, conceal, or assist, or join withholding, or concealing from any Judge or Registrar, or any person employed by or assisting the Registrar, any material document, fact, or matter of information, the person so acting is guilty of a violation of this Act and the act or thing done or obtained by means of such fraud, falsehood, suppression, withholding or concealment is void, except as against a purchaser for valuable consideration without notice.

The *Criminal Code* offences referred to in section 264 are sections 343 to 345,

343. (1) Everyone who, being a vendor or mortgagor of property or of a chose in action or being a solicitor for or agent of a vendor or mortgagor of property or a chose in action, is served with a written demand for an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, and who
 - (a) with intent to defraud and for the purpose of inducing the purchaser or mortgagee to accept the title offered or produced to him, conceals from him any settlement, deed will or other instrument material to the title, or any encumbrance on the title, or
 - (b) falsifies any pedigree upon which the title depends,is guilty of an indictable offence and is liable to imprisonment for two years.

(2) No proceedings shall be instituted under this section without the consent of the AttorneyGeneral.
344. Everyone who, as principal or agent, in a proceeding to register title to real property, or in a transaction relating to real property that is or is proposed to be registered, knowingly and with intent to deceive,
 - (a) makes a material false statement or representation,
 - (b) suppresses or conceals from a judge or registrar or any person employed by or assisting the registrar, any material document, fact, matter or information, or
 - (c) is privy to anything mentioned in paragraph (a) or (b), is guilty of an indictable offence and is liable to imprisonment for five years.
345. Everyone who, knowing of an unregistered prior sale or of an existing unregistered grant, mortgage, hypothec, privilege or encumbrance of or upon real property, fraudulently sells the property or any part thereof is guilty of an indictable offence and is liable to imprisonment for two years.

In addition, sections 324 and 328 of the *Criminal Code*, concerned with forgery and fraud respectively, would appear to be included in the offences related to real property to which section 264 of the *Land Registry Act* refers.

While it is probably true that the combined effect of sections 262 and 263 of the *Land Registry Act* and the relevant offences in the *Criminal Code* is to make punishable virtually all false statements which might be made under the Act, assuming our proposals are ultimately accepted, we are concerned that there might still remain a few situations where a false statement might not be punishable.

In our earlier discussion of the appropriate mental elements for the provincial offences we propose, we made reference to the fact that knowledge of the falsity of information might be regarded as too narrow for the purpose of advancing the policies of particular statutes. Those comments are also applicable here, and our proposal for a "residual" offence section, of which knowledge of the falsity of information should, *prima facie*, be a component, in keeping with section 122 of the *Criminal Code*, should not be taken as a suggestion that consideration of other mental elements by those responsible for reviewing the *Land Registry Act* should be precluded.

The Commission therefore recommends that:

15. *The Land Registry Act should be amended to provide for an offence, of which knowledge of the falsity of a communication should, prima facie, be a component, which would apply where sections 262, 263, and 264 are not applicable; this recommendation should not, however, preclude a consideration of whether other mental elements should be introduced to advance the policy of the statute.*

E. The Method of Change

To this point we have framed our recommendations for reform in relatively broad terms and have not adverted directly to the question of how, assuming our recommendations are ultimately accepted, they should be effected.

None of us is an experienced legislative draftsman, and we have always taken the position that any views we may have on the drafting of legislation to implement our proposals should not, whether or not we append draft legislation, be taken to be an intrusion in that field. Nonetheless, close involvement in a particular area may often result in some insight into the issues at stake in the drafting process; and where this is so, we think it appropriate to draw attention to them, without in any way attempting to tie the hands of the draftsman.

In this case it appears to us that there are, in principle, two methods of approach to the process of implementing our recommendations.

The first, which might be described as referential amendment; would entail the enactment of a provincial statute which would contain the following provisions:

1. The repeal of the requirement of an oath, affidavit, solemn affirmation, affirmation, or solemn declaration wherever it appears in the enactments set out in a Schedule A. In Schedule A would be set out all those provisions which in the opinion of the Commission are designed solely to reinforce the veracity of statements made pursuant to provincial law.
2. In place of the repealed requirements, a single requirement that there be a statement in writing, signed by the declarant, in which would be set out the information which must now be given according to the formalities of verification.
3. The creation of an offence of knowingly making a false statement, pursuant to the enactments set out in a Schedule B. In Schedule B would be set out those provisions which now

require formalities of verification, but to which, after the abolition of the formalities, no other penalty for falsity would apply.

4. A "savings provision" designed to prevent the setting aside of votes, acts or undertakings of persons who are required to take oaths of office pursuant to the enactments in a Schedule C, and who fail to do so. In Schedule C would be set out those enactments which contain formalities of verification considered to serve ceremonial functions.

5. A "savings provision" designed to preclude any undesirable consequences as a result of irregularities in, or the absence of, formalities of verification pursuant to a Schedule D. In Schedule D would be set out those enactments which contain formalities of verification considered to serve protective or evidentiary functions.

We see a number of severe disadvantages in this approach, quite apart from the fact that the Schedules would be very lengthy. First, future amendments to the Acts referred to in the Schedules would also involve appropriate amendments to the Schedules. Secondly, the disparity in phraseology in the terms whereby the formalities are imposed creates difficulty for a blanket provision.

For instance, in some cases the statute merely provides that an application shall be sworn. Abolishing the oath would leave the requirement of an application and there would be no need to require a further signed statement setting out the information now furnished on oath. In other cases the statute may insist on a statutory declaration setting out certain facts. In that case, what is wanted is to repeal the requirement of the statutory declaration and to replace it with a statement in writing signed by the declarant. Thirdly, there is the matter of schedules to existing Acts which would require appropriate amendments to remove references to formalities of verification contained therein.

Lastly, there is the fact that referential amendment would leave the texts of existing statutes, on their face, unaltered, so that only those who were aware of the new statute would realise that the formalities of verification were no longer required. By since we are not proposing that all formalities be abolished, even those who knew of the new statute would have constantly to refer to it to determine which were required and which were not.

Thus it is our view that referential amendment is undesirable.

The alternative method of implementing our recommendations is to amend each statute affected on a section by section basis. This itself could be achieved by one statute in the manner of the *Statute Law Amendment Act* passed at each session of the Legislature, and would avoid all the disadvantages of referential amendment.

It does, of course, have disadvantages of its own, as it would be a large and awkward statute, but the difficulty would be transient, and we consider this method to be preferable to the first.

F. Future Legislation and Regulations

In view of what has gone before: we think it hardly necessary to suggest that if our recommendations are accepted, the legislature and the Lieutenant Governor in Council should be watchful about further provisions which include the formalities of verification. We nonetheless mention this for the sake of completeness and recommend that:

16. *In future legislation and regulations, the formalities of verification should, out of court, be restricted to situations involving investigations or hearings, or to ceremonial occasions.*

CHAPTER IV

CONCLUSION

A. Summary of Recommendations

1. *The requirements of an oath, affidavit, solemn affirmation, affirmation and statutory declaration be repealed on occasions upon which their sole purpose is to reinforce the veracity of statements required in out of court situations pursuant to provincial statutes. These occasions are listed in Appendices L and M.*
2. *Those Provincial statutes which now*
 - (a) *involve formalities of verification which would be repealed by virtue of Recommendation ; and*
 - (b) *do not contain penal provisions which would be applicable to the falsifying of the statement at issue:*

should be amended to include the appropriate penal provisions. These statutes are set out in Appendix M.
3. *A necessary component of the new provincial offences referred to in the previous recommendation should, prima facie, be knowledge of the falsity of the particular oral or written communication at issue; but this should not preclude a consideration by government of whether other mental elements should be introduced for the purpose of advancing the policies of particular statutes.*
4. *Corroborative evidence should not be required to sustain a conviction under the new provincial offences which we propose.*
5. *Recommendation 1 should not apply to the statutory provisions appearing in Appendix A, i.e. those provisions relating to the formalities of verification in hearing and investigative settings.*
6. *Section 8(2) of the Adoption Act section 2(2)(b) 90 the Unified Family Court Act and sections 8 (2) and 11 of the Wife's Protection Act should for the time being be exempted from the effect of Recommendation 1, but consideration should be given to their repeal and replacement with more effective methods of implementing the policies which they represent.*
7. *Whether the statutory provisions referred to in Recommendation 6 are retained in their present form or replaced, provision should be made to prevent the invalidation of any act, proceeding or matter to which they refer merely on account of technical as opposed to substantial, irregularities, omissions or defects in compliance with the provisions.*
8. *Those statutory provisions listed in Appendices D and B should be exempted from the effect of Recommendation 1.*

9. *Provision should be made to prevent invalidation of any act, proceeding or matter merely on account of irregularities, omissions, or defects in, or the absence of, any of the formalities listed in Appendices D and H.*
10. *Departments of the provincial government should be asked to review the regulations within their areas of responsibility, with a view to eliminating formalities of verification in situations similar to those arising under Provincial statutes where the Commission has recommended their abolition.*
11. *The formalities of verification referred to in the following provisions of the Land Registry Act should be abolished: s. 80(15) and Form L; s. 87; s. 122; s. 126 and Form A; s. 127 and Form B; s. 128 and Form C; s. 132; s. 162; s. 177 and Form D; s. 197; s. 198; s. 213 and Form J; s. 260; Form E.*
12. *The formalities of verification required sections 57, 58, 59 and 63 of the Land Registry Act should be abolished.*
13. *Section 49 of the Land Registry Act should be amended in accordance with our recommendations.*
14. *Section 70 (3) of the Land Registry Act should be repealed.*
15. *The Land Registry Act should be amended to provide for an offence, of which knowledge of the falsity of a communication should, prima facie, be a component, which would apply where sections 262, 263, and 264 are not applicable, this recommendation should not, however, preclude a consideration of whether other mental elements should be introduced to advance the policy of the statute.*
16. *In future legislation and regulations, the formalities of verification should, out of court, be restricted to situations investigations or hearings, or to ceremonial; occasions.*

B. Acknowledgments

The Commission wishes to acknowledge its gratitude to those individuals and organizations who took the time and trouble to respond to the working paper. Their responses were of significant assistance to us, and the fact that we have not fully accepted all the views put to us should not be misconstrued as indicating any lack of appreciation for their contribution to our processes.

We wish also to thank our Legal Research Officer, Mr. David Cohen, who undertook all the research and, with our Director of Research, Mr. Keith B. Farquhar, the writing, of this Report and the earlier working paper. Much of the research involved was perforce, painstaking and dull, and it is a tribute to the persistency of both gentlemen that the project was carried to a successful conclusion.

LEON GETZ, *Chairman*
RONALD C. BRAY
PAUL D. K. FRASER
PETER FRASER
ALLEN A. ZYSBLAT

April 26, 1976.

APPENDICES

APPENDIX "A"

Formalities of Verification in Hearings and Investigatory Proceedings

Agrologists Act, R.S.B.C. 1960, c. 6, s. 30(10).

Architectural Profession Act, R.S.B.C. 1960, c. 16, ss. 49(2), 49(4).

Arbitration Act, R.S.B.C. 1960, c. 14, s. 4.

Assessment Act, S.B.C. 1974, c. 6, s. 49.

Audit Act, R.S.B.C. 1960, c. 22, s. 30(2).

Boiler and Pressure Vessel Act, R.S.B.C. 1960, c. 32, s. 38.

British Columbia Professional Foresters Act, S.B.C. 1970, c. 4, s. 24(9).

Podiatry Act, R.S.B.C. 1960, c. 53, s. 10(3).

Companies Act, S.B.C. 1973, c. 18, s. 230(5).

Constitution Act, R.S.B.C. 1960, c. 71, ss. 79, 80.

Coroners Act, S.B.C. 1975, c. 15, ss. 21(2), 35.

Corporation Capital Tax Act, S.B.C. 1973, c. 24, s. 13(1).

Corrections Act, S.B.C. 1970, c. 10, s. 12(2)(d).

Criminal Injuries Compensation Act, S.B.C. 1972, c. 17, ss. 21, 22.

Debt Collection Act, S.B.C. 1973, c. 26, s. 6(1)(b).

Debtor Assistance Act, S.B.C. 1974, c. 25, s. 6(a).

Dental Technicians Act, R.S.B.C. 1960, c. 98, s. 10(1)(c).

Dentistry Act, R.S.B.C. 1960, c. 99, s. 48(2) and (3).

Department of Agriculture Act, R.S.B.C. 1960, c. 100, s. 5.

Department of Highways Act, R.S.B.C. 1960, c. 103, s. 45(1).

Department of Public Works Act, R.S.B.C. 1960, c. 109, s. 45(1).

Departmental Inquiries Act, R.S.B.C. 1960, c. 112, s. 6(2).

Ditches and Watercourses Act, R.S.B.C. 1960, c. 117, s. 19(1).

Drainage Dyking and Development Act, R.S.B.C. 1960, c. 121, s. 108(c).

Energy Act., S.B.C. 1973, c. 29, s. 90, s. 94 (1)

Engineering Profession Act, R.S.B.C. 1960, c. 128, ss. 31(1), 31(3).

Evidence Act, R.S.B.C. 1960, c. 134, s. 13(2).

Factories Act, S.B.C. 1966, c. 14, s. 52(b).

Fair Sales Practices Act, S.B.C. 1973, c. 32, s. 6(3).

Ferries Act, R.S.B.C. 1960, c. 144, s. 10.

Fisheries Act, R.S.B.C. 1960, c. 150, s. 22(2).

Health Act, R.S.B.C. 1960, c. 170, ss. 11(1), 77.

Hearingaid Regulation Act, S.B.C. 1971, c. 24, s. 8(1) (b)

Highways Contract No. 819 Inquiry Act, S.B.C. 1963, c. 15, s. 9.

Hours of Work Act, R.S.B.C. 1960, c. 182, s. 10(1).

Human Rights Code of British Columbia, S.B.C. 1973, C. 119, ss. 15 (2) , 16 (5) .

Income Tax Act, S.B.C. 1962, c. 27, ss. 37(1)(c), 37(2)(b).

Insurance Act, R.S.B.C. 1960, ss. 303, 316(4).

Labour Code of British Columbia, S.B.C. 1973, c. 122, ss. 19, 20, 101 (a) , 102, 118 (a) , 132.

Land Act, S.B.C. 1970, c. 17, ss. 56 (2) , 79 (1) (b)

Landlord and Tenant Act, S.B.C. 1974, c. 45, s. 51(2).

Lands Clauses Act, R.S.B.C. 1960, c. 209, s. 34.

Land Surveyors Act, R.S.B.C. 1960, c. 211, ss. 54, 55.

Logging Tax Act, R.S.B.C. 1960, c. 225, s. 10.

Minimum Wage Act, R.S.B.C. 1960, c. 230, s. 16(1).

Marriage Act, R.S.B.C. 1960, c. 232, s. 16(3).

Medical Act, R.S.B.C. 1960, c. 239, ss. 58(2), 58(4).

Milk Industry Act, R.S.B.C. 1960, c. 243, s. 53.

Mining Tax Act, R.S.B.C. 190, c. 247, s. 11(1).

Mortgage Brokers Act, S.B.C. 1971, c. 36, s. 6(2).

Municipal Act, R.S.B.C. 1960, c. 255, s. 182.

Municipal Act, R.S.B.C. 1960, c. 255, ss. 530 (b) , 592 (6) 728 (2) , 730 (2) , 843 (3)

Official Surveys Act, R.S.B.C. 1960, c. 269, s. 9.

Optometry Act, R.S.B.C. 1960, c. 272, s. 14(2).

Payment of Wages Act, S.B.C. 1962, c. 45, s. 11(3), 12(1).

Petroleum and Natural Gas Act, S.B.C. 1965, c. 33, s. 14(2).

Plans Cancellation Act, R.S.B.C. 1960, c. 286, s. 7.

Police Act, S.B.C. 1974, c. 64, s. 52(5).

Probate Fees Act, R.S.B.C. 1960, c. 299, s. 8(1).

Provincial Elections Act, R.S.B.C. 1960, c. 306, ss. 21(b), 214.

Racing Commission Act, R.S.B.C. 1960, c. 328, s. 6(b).

Railway Act, R.S.B.C. 1960, c. .329, ss. 59, 281;(2).

Real Estate Act, R.S.B.C. 1960, c. 330, s. 20(6).

Registered Psychiatric Nurses Act, S.B.C. 1968, c. 48, s. 8(3).

Revenue Act, R.S.B.C. 1960, c. 341, s. 51.

Safety Engineering Services Act, S.B.C. 1972, c. 56, s. 15(2).

Savings and Loan Associations Act, R.S.B.C. 1960, c. 346, s. 71(4).

Securities Act, 1967, S.B.C. 1967, c. 45, ss. 13, 23(4), 137(2)(f).

Societies Act, R.S.B.C. 1960, c. 362, s. 53(2).

Special Surveys Act, R.S.B.C. 1960, c. 368, s. 25.

Strata Titles Act, S.B.C. 1974, c. 89, s. 24(8).

Succession Duty Act, R.S.B.C. 1960, c. 372, s. 17(1).

Taxation Act, R.S.B.C. 1960, c. 376, ss. 11,87.

Veterinary Medical Act, S.B.C. 1967, c. 55, ss. 22(2), (4).

Worker's Compensation Act, S.B.C. 1968, c. 59, s. 75(1). *Vancouver Charter*, S.B.C. 1953, c. 55, s. 156.

APPENDIX "B"

Applications to Practise Vocations

Architectural Profession Act, R.S.B.C. 1960, c. 16, s. 65(1).

Podiatry Act, R.S.B.C. 1960, c. 53, s. 5(1).

Engineering Profession Act, R.S.B.C. 1960, c. 128, s. 14.

Land Surveyors Act, R.S.B.C. 1960, c. 211, s. 40.

Municipal Act, R.S.B.C. 1960, c. 255, s. 59(1).

Notaries Act, R.S.B.C. 1960, c. 266, s. 6.

Optometry Act, R.S.B.C. 1960, c. 272, s. 12 (1) (c)

Provincial Election Act, R.S.B.C. 1960, c. 306, s. 70.

Vancouver Charter, S.B.C. 1953, c. 55, s. 47.

APPENDIX "C"

Applications to Obtain Permits, Licences, Leases, Consents, etc.

Allterrain Vehicles Act, S.B.C. 1971, C. 3, s. 2(3).

Closingout Sales Act, R.S.B.C. 1960, c. 59, s. 6(2).

Coal Act, S.B.C. 1974, c. 15, s. 18(1).

Health Act, R.S.B.C. 1960, c. 170, ss. 9, 24.

Hospital Act, R.S.B.C. 1960, c. 178, s. 9(3) .

Insurance Act, R.S.B.C. 1960, c. 197, s. 33(2).

Land Act, S.B.C. 1960, c. 17, s. 33.

Marriage Act, R. S. B. C. 1960, c. 232, ss. 16 (1) , 44 (2) 51(2).

Mineral Act, R.S.B.C. 1960, c. 244, ss. 34(2) , 59.

MotorVehicle Act, R.S.B.C. 1960, c. 253, s; 18(12).

Municipal Act, R.S.B.C. 1960, c. 255, ss. 70 (3) , 77 (2) 80A, 83(3).

Municipalities Enabling and Validating Act, R.S.B.C. 1960, c. 261, s. 124 (1).

Petroleum and Natural Gas Act, S.B.C. 1965, c. 33, ss. 55(2)(d), 71(4).

Placer Mining Act, S.B.C. 1974, c. 63, s. 5(2)

Pollution Control Act, 1967, S.B.C. 1967, c. 34, s. 21(3).

Probate Fees Act, R.S.B.C. 1960, c. 299, s. 21 No. 1.

Protection of Children Act, R.S.B.C. 1960, c. 303, s. 22.

Provincial Elections Act, R.S.B.C. 1960, c. 306, ss. 80, 87, 99 (2) , 103 (4) , 105 (1) , 106, 111, 115 (1) , 117 (2) .

Provincial HomeOwner Grant Act, R.S.B.C. 1960, c. 308, S. 9(2).

Railway Act, R.S.B.C. 1960, c. 329, ss. 37(2), 37(3)(b), 53, 179(2).

Real Estate Act, R.S.B.C. 1960, c. 330, s. 54(l)(b).

Savings and Loan Associations Act, R.S.B.C. 1960, c. 346, ss. 10(3), 24(4).

Securities Act, 1967, c. 45, s. 13.

Succession Duty Act, R.S.B.C. 1960, 35(1).

Trust Companies Act, R.S.B.C. 1960, c. 389, ss. 30(b), 47(2).

Vancouver Charter, S.B.C. 1953, c. 55, ss. 67, 73A(l), 72 (2) , 79 (A) 82 (b) , 267A.

APPENDIX "D"

Statements Relating to Office

Assessment Act, S.B.C. 1974, c. 6, ss. 32 (4) , 41 (5)

Coroners Act, S.B.C. 1975, c. 15, ss. 2(1), 33.

Court of Appeal Act, R.S.B.C. 1960, c. 82, s. 3.

Departmental Inquiries Act, R.S.B.C. 1960, c. 112, s. 3.

Ditches and Watercourses Act, R.S.B.C. 1960, c. 117, s. 6(4).

Evidence Act, R.S.B.C. 1960, c. 134, s. 23(2).

Fish Inspection Act, R.S.B.C. 1960, c. 151, s. 4(2).

Forest Act, R.S.B.C. 1960, c. 153, s. 71.

Jury Act, S.B.C. 1970, c. 15, s. 17(1).

Labour Code of British Columbia, S.B.C. 1973, c. 122, s. 24.

Land Surveyors Act, R.S.B.C. 1960, c. 211, s. 47.

Legal Professions Act, R.S.B.C. 1960, c. 214, s. 83.

Municipal Act, R.S.B.C. 1960, c. 255, ss. 119, 129, 155 (1) , 189, 355 (3) , 840 (3) .

Notaries Act, R.S.B.C. 1960, c. 266, s. 9.

Police Act, S.B.C. 1974, c. 64, ss. 49(1), 49(3).

Protection of Children Act, R.S..B.C. 1960, c. 203, s. 8F(1).

Provincial Court Act, S.B.C. 1975, c. 57, s. 5(3).

Provincial Elections Act, R.S.B.C. 1960, c. 306, ss. 49(2), 72, 76, 174, 270.

Public Inquiries Act, R.S.B.C. 1960, c. 315, s. 5.

Public Schools Act, R.S.B.C. 1960, c. 319, s. 85.

Public Service Act, S.B.C. 1973, c. 143, s. 57.

Railway Act, R.S.B.C. 1960, c. 329, s. 273(2).

Revenue Act, R.S.B.C. 1960, c. 341, s. 16.

Sheriffs Act, R.S.B.C. 1960, c. 355, ss. 5, 27.

Society for the Prevention of Cruelty to Animals Act, 1968, S.B.C. 1968, c. 52, s. 9.

Supreme Court Act, R.S.B.C. 1960, c. 374, s. 68.

Vancouver Charter, S.B.C. 1953, c. 55, ss. 68, 143, 456, 461, 466, 486.

APPENDIX "E"

Financial Statements, Accounts and Returns

Companies Act, S.B.C. 1973, c. 18, s. 357(2).

Energy Act, S.B.C. 1973, c. 29, s. 28(4) and (5).

Forest Act, R.S.B.C. 1960, c. 153, s. 133(1).

Health Act, R.S.B.C. 1960, c. 170, s. 56.

Insurance Act, R.S.B.C. 1960, c. 197, s. 25OHX2).and (3).

Insurance Premiums Tax Act, R.S.B.C. 1960, c. 198, s. 7.

Investments Contracts Act, S.B.C. 1962, 1/2. 30, s. 18(1).

Labour Code of British Columbia, S.B.C. 1973, c. 122, s. 142.

Legal Professions Act, R.S.B.C. 1960, c. 214, s. 36(h).

Master and Servant Act, R.S.B.C. 1960, c. 234, s. 15.

Placer Mining Act, S.B.C. 1974, c. 63, s. 9(1).

Railway Act, RS.BC. 1960, c. 329, ss. 279(2),281(1).

Stock Brands Act, R.S.B.C. 1960, c. 371, ss. 49(1), 49(2).

Savings and Trust Corporations of British Columbia Act, S.B.C. 1975, c. 68, s. 23(3).

Trust Companies Act, R.S.B.C. 1960, c. 389, s. 63(2).

APPENDIX "F"

Statements Between Private Parties

Bills of Sale Act, S.B.C. 1961, c. 6, ss. 20(2), 20(3).

Bulk Sales Act, R.S.B.C. 1960, c. 39, s. 5(1).

Companies Act, S.B.C. 1973, c. 18, ss. 97(1), 100(a), 190(d), 289(1).

Companies Clauses Act, R.S.B.C. 1960, c. 68, ss. 19(1), 38.

Conditional Sales Act, S.B.C. 1961, c. 9, s. 11(1).

Credit Unions Act, S.B.C. 1975, c. 17, s. 43(3).

Distress Act, R.S.B.C. 1960, c. 115, ss. 5 (4), 6.

Execution Act, R.S.B.C. 1960, c. 135, s. 56.

Insurance Act, R.S.B.C. 1960, c. 197, ss. 151(1), 200(1), 208, (Statutory Conditions 6(l)(b), 6(l)(d)), 223 (Statutory Conditions 3(l)(b), 4(l)(c), 4(4)).

Pawnbrokers Act, R.S.B.C. 1960, c. 278, ss. 26(a), 26(b).

Real Estate Act, R.S.B.C. 1960, c. 330, s. 29(2).

APPENDIX "G"

Statements By Public Officials

Assessment Act, S.B.C. 1974, c. 6, ss. 7(1), 9.

Constitution Act, R.S.B.C. 1960, c. 71, s. 70(2).

Department of Highways Act, R.S.B.C. 1960, c. 103, s. 44.

Department of Public Works, R.S.B.C. 1960, c. 109, s. 44.

Health Act, R.S.B.C. 1960, c. 170, ss. 24, 28.

Municipal Act, R.S.B.C. 1960, c. 255, ss. 24(5), 24(6), 347(3), 349, 374(10), 476(4).

Official Guardian Act, R.S.B.C. 1960, c. 268, s. 21.

Public Schools Act, R.S.B.C. 1960, c. 319, ss. 174(14), 215(5), 219(3).

Recognizances Act, R.S.B.C. 1960, c. 333, s. 4.

Sheriffs Act, R.S.B.C. 1960, c. 355, ss. 35, 43.

Vital Statistics Act, S.B.C. 1962, c. 66, s. 7(2)(b).

Weed Control Act, S.B.C. 1973, c. 162, s. 7(3).

Vancouver Charter, S.B.C. 1953, c. 55, ss. 31, 34A, 340, 350, 451(1).

APPENDIX "H"

Statements of Allegiance

Constitution Act, R.S.B.C. 1960, c. 71, s. 22.

Coroners Act, S.B.C. 1975, c. 15, s. 2(1).

Municipal Act, R.S.B.C. 1960, c. 255, ss. 119, 129, 155(2), 190.

Public Schools Act, R.S.B.C. 1960, c. 319, s. 86.

Sheriffs Act, R.S.B.C. 1960, c. 355, s. 5.

APPENDIX "I"

Statements To Obtain Registration

Air Space Titles Act, S.B.C. 1971, c. 2, s. 7(2)(a).

Assignment of Book Accounts Act, 1961, S.B.C. 1961, c. 4, ss. 4 (1) , 5, 10 (1).

Bills of Sale Act, S.B.C. 1961, c. 6, ss. 4(1), 13(1), 14(1).

Change of Name Act, R.S.B.C. 1960, c. 50, s. 7(1).

Companies Act, S.B.C. 1973, c. 18, ss. 279(b), 289(1), 321(2)(a).

Conditional Sales Act, S.B.C. 1961, c. 9, ss. 7(b), 9 (1), 10(1), 11(3), 12(5).

Execution Act, R.S.B.C. 1960, C. 135, s. 56.

Gas Utilities Act, R.S.B.C. 1960, c. 164, s. 25(l)(c).

Homestead Act, R.S.B.C. 1960, c. 175, s. 4(l)(b).

Mechanics' Lien Act, R.S.B.C. 1960, c. 238, ss. 13, 22.

Mineral Act, R.S.B.C. 1960, c. 244, ss. 34(2), 43, 51 (1)(a), 53(1)(a).

Motor Vehicle Act, R.S.B.C. 1960, c. 253, s. 13.

Municipal Act, R.S.B.C. 1960, c. 255, s. 476(4).

Plans Cancellation Act, R.S.B.C. 1960, c. 286, s. 4(1).

Public Schools Act, R.S.B.C. 1960, c. 319, ss. 174(14), 215 (5) , 219 (3) .

Railway Act, R.S.B.C. 1960, c. 329, s. 138(5).

Stock Brands Act, R.S.B.C. 1960, c. 371, ss. 16(1), 17.

Vital Statistics Act, S.B.C. 1962, s. 66, ss. 4(7), 5, 7 (2) , 8 (1) , 12, 23 (4) .

Water Act, R.S.B.C. 1960, c. 405, s. 25.

Wife's Protection Act, R.S.B.C. 1960, c. 407, ss. 3, 8, 11, 12.

APPENDIX "J"

Statements to Initiate Investigatory Proceedings

Mortgage Brokers Act, S.B.C. 1971, c. 36, S. 5.

Personal Information Reporting Act, S.B.C. 1973, c. 139, s. 20(1).

Protection of Children Act, R.S.B.C. 1960, c. 303, s. 9 (1).

Provincial Election Act, R.S.B.C. 1960, c. 306, s. 268.

Securities Act, 1967, S.B.C. 1967, c. 45, s. 23(1).

Sheriffs Act, R.S.B.C. 1960, c. 355, ss. 16, 17.

APPENDIX "K"

Verified Statements on Miscellaneous Occasions

Absconding Debtors Act, R.S.B.C. 1960, c. 1, s. 20.

Annual and General Holidays Act, R.S.B.C. 1960, c. 11, s. 15(b).

Apprenticeship and Tradesmen's Qualification Act, R.S.B.C. 1960, c. 13, s. 18(d).

Architectural Profession Act, R.S.B.C. 1960, c. 16, s. 49 (5)

Company Clauses Act, R.S.B.C. 1960, c. 68, s. 34.

Coroners Act, R.S.B.C. 1960, c. 15, s. 43(3).

County Courts Act, R.S.B.C. 1960, c. 81, s. 92.

Department of Highways Act, R.S.B.C. 1960, c. 103, s. 27(1).

Department of Public Works Act, R.S.B.C. 1960, c. 109, s. 25(1).

Distress Act, R.S.B.C. 1960, c. 115, s. 9.

Ditches and Watercourses Act, R.S.B.C. 1960, c. 117, s. 9.

Execution Act, R.S.B.C. 1960, c. 135, s. 30.

Hospital Insurance Act, R.S.B.C. 1960, c. 180, s. 9(1).

Insurance Act, R.S.B.C. 1960, c. 197, ss. 163, 200E.

Lands Clauses Act, R.S.B.C. 1960, c. 209, ss. 8, 35, 61.

Legal Professions Act, R.S.B.C. 1960, c. 24, ss. 65(1), 65(2).

Marriage Act, R.S.B.C. 1960, c. 232, s. 40(1).

Medical Act, R.S.B.C. 1960, c. 239, s. 58(5).

Mineral Act, R.S.B.C. 1960, c. 244, ss. 26, 56, 85.

Motorvehicle Act, R.S.B.C. 1960, c. 253, s. 106(c)(1).

Municipal Act, R.S.B.C. 1960, c. 255, ss. 332(3), 344A, 481, 876 (a) (iii).

Official Surveys Act, R.S.B.C. 1960, c. 269, s. 11.

Personal Information Reporting Act, S.B.C. 1974, c. 139, S. 14(2)(c).

Petroleum and Natural Gas Act, S.B.C. 1965, c. 33, s. 16(2).

Placer Mining Act, S.B.C. 1974, c. 63, s. 10(1).

Pound District Act, R.S.B.C. 1960, c. 292, s. 5(3).

Probate Fees Act, R.S.B.C. 1960, c. 299, ss. 7(1), 20 (1).

Provincial Elections Act, R.S.B.C. 1960, c. 306, ss. 83, 231.

Railway Act, R.S.B.C. 1960, c. 329, ss. 56(1), 61(2).

Succession Duty Act, R.S.B.C. 1960, c. 372, ss. 15(1), 15A (1) , 16 (1) .

Taxation Act, R.S.B.C. 1960, c: 376, ss. 10, 26(2), 70(3).

Tugboat Men's Lien Act, R.S.B.C. 1960, c. 392, s. 6.

Wills Act, R.S.B.C. 1960, c. 408, s. 38(2).

Woodments Lidn for Wages Act, R.S.B.C: 1960, c. 411, ss. 4, 13(2).

APPENDIX "L"

Air Space Titles Act, S.B.C. 1971, c. 2, s. 7(2).

Annual and General Holidays Act, R.S.B.C. 1960, c. 11, s. 15(b).

Architectural Profession Act, R.S.B.C. 1960, c. 16, s. 65(1).

Change of Name Act, R.S.B.C. 1960, c. 50, s. 7(1).

Podiatry Act, R.S.B.C. 1960, c. 53, s. 5(1).

Closingout Sales Act, R.S.B.C. 1960, c. 59, s. 6(2).

Coal Act, S.B.C. 1974, c. 15, s. 18(1).

Companies Act, S.B.C. 1973, c. 18, ss. 97, 100, 104, 190, 279, 289, 321, 357.

Energy Act, S.B.C. 1973, c. 29, s. 28.

Engineering Profession Act, R.S.B.C. 1960, c. 128, s. 14.

Forest Act, R.S.B.C. 1960, c. 153, s. 133(1).

Hospital Insurance Act, R.S.B.C. 1960, c. 180, s. 9(1).

Insurance Premiums Tax Act, R.S.B.C. 1960, c. 198, s. 7.

Land Registry Act, R.S.B.C. 1960, c. 208, ss. 49, 57, 58, 59, 63, 70(3), 132, 162, 197, 198, 213.

Placer Mining Act, S.B.C. 1974, c. 63, ss. 5, 9, 10.

Probate Fees Act, R.S.B.C. 1960; c. 299, s. 7.

Provincial Elections Act, R.S.B.C. 1960, c. 306, s. 174.

Provincial HomeOwners Grant Act, R.S.B.C. 1960, c. 308, s. 9(2).

Real Estate Act, R.S.B.C. 1960, c. 330, s. 54(l)(b).

Savings and Loan Associations Act, R.S.B.C. 1960, c. 346, ss. 10(3), 24(4).

Securities Act, S.B.C. 1967, c. 45, ss. 13, 23(1).

Taxation Act, R.S.B.C. 1960, c. 376; s. 10.

Trust Companies Act, R.S.B.C. 1960, c. 389, ss. 30(b), 47(2), 63(2).

APPENDIX "M"

Absconding Debtor's Act, R.S.B.C. 1960, c. 1, s. 20.

Allterrain Vehicles Act, S.B.C. 1971, c. 3, s. 2(3).

Apprenticeship and Tradesmen's Qualification Act, R.S.B.C. 1960, c. 13, s. 18(d) .

Architectural Profession Act, R.S.B.C. 1960, c. 16, s. 49(5).

Assessment Act, S.B.C. 1974, c. 6, ss. 7(1), 9.

Assignment of Book Accounts Act, S.B.C. 1961, c. 4, SS. 4, 1Q(1).

Bills of Sale Act, S.B.C. 1961, c. 6, ss. 4, 13, 14(1), 20.

Bulk Sales Act, R.S.B.C. 1960, c. 39, s. 5(1).

Companies Clauses Act, R.S.B.C. 1960, c. 68, ss. 19, 34, 38.

Conditional Sales Act, S.B.C. 1961, c. 9, ss. 7, 9, 11(1), 12@

Constitution Act, R.S.B.C. 1960, c. 71, s. 70.

County Courts Act, R.S.B.C. 1960, c. 81, s. 92.

Credit Unions Act, S.B.C. 1975, c. 17, s. 43(1).

Department of Highways Act, R.S.B.C. 1960, s. 44.

Department of Public Works Act, R.S.B.C. 1960, C. 109, s. 44.

Distress Act, R.S.B.C. 1960, c. 115, ss. 5, 6, 9.

Ditches and Watercourses Act, R.S.B.C. 1960, c. 117, s. 9.

Execution Act, R.S.B.C. 1960, c. 135, ss. 30, 56.

Gas Utilities Act, R.S.B.C. 1960, c. 164, s. 25(1).

Health Act, R.S.B.C. 1960, c. 170, ss. 9, 24, 28, 56.

Homestead Act, R.S.B.C. 1960, c. 175, s. 4.

Hospital Act, R.S.B.C. 1960, c. 178, s. 9.

Insurance Act, R.S.B.C. 1960, c. 197, ss. 33(2), 151(1), 163(3), 200(1), 200E(3), 208 (Statutory Conditions 6(l)(b), 6 (1) (d) , 223 (Statutory Conditions 3 (1) (b) , 4 (1) (c) , 4 (4) 2 50H (2) , 2 50H (3)

Investment Contracts Act, S.B.C. 1962, c. 30, s. 18.

Labour Code of British Columbia, S.B.C. 1973, c. 122, ss. 142(1), 142(2).

Land Act, S.B.C. 1970, c. 17, s. 33.

Land Registry Act, R.S.B.C. 1960, c. 208, ss. 80(15), 87 (1) , 122, 260.

Lands Clauses Act, R.S.B.C. 1960, c. 209, ss. 8, 35, 61.

Land Surveyors Act, R.S.B.C. 1960, c. 211, s. 40.

Legal Professions Act, R.S.B.C. 1960, c. 214, ss.36(h), 65.

Marriage Act, R.S.B.C. 1960, c. 232, ss. 40(1) , 51(2) (a) 51 (2) (b) .

Master and Servant Act, R.S.B.C. 1960, c. 234, s. 15.

Mechanics' Lien Act, R.S.B.C. 1960, c. 238, ss. 13, 22.

Medical Act, R.S.B.C. 1960, c. ?39, s. 58(5).

Mineral Act, R.S.B.C. 1960, c. 244, ss. 26, 34(2), 35, 43 (a) , 51 (1) (a) , 53 (1) , 56, 59, 85 (1)

Mortgage Brokers Act, S.B.C. 1971, c. 36, s. 5.

MotorVehicle Act, R.S.B.C. 1960, c. 253, ss. 13, 18(12), 106C(1)(a).

Municipal Act, R.S.B.C. 1960, c. 255, ss. 24(5), 24(6), 59 (1) , 70 (3) , 77, 80A, 83 (3) , 332 (3) , 344A, 347, 349 , 374 (10) , 476 (4) , 481, 867 (a) (iii)

Municipalities Enablina and Validating Act, R.S.B.C. 1960, c. 261, s. 124 (1) .

Notaries Act, R.S.B.C. 1960, c. 266, s. 6.

Official Guardian Act, R.S.B.C. 1960, c. 268, s. 21.

Official Surveys Act, R.S.B.C. 1960, c. 269, s. 11.

Optometry Act, R.S.B.C. 1960, c. 272, s. 12(l)(c).

Pawnbrokers Act, R.S.B.C. 1960, c. 278, s. 26.

Personal Information Reporting Act, S.B.C. 1973, c. 139, ss. 14 (2) (c) , 20 (1)

Petroleum and Natural Gas Act, S.B.C. 1965, c. 33, s. 16, 55 (2) , 71 (4) .

Plans Cancellation Act, R.S.B.C. 1960, c. 286, s. 4(1)

Pollution Control Act, S.B.C. 1967, c. 34, s. 21(3)

Pound District Act, R.S.B.C. 1960, c. 292, s. 5(3) .

Probate Fees Act, R.S.B.C. 1960, c. 299, ss. 20(1), 21.

Protection of Children Act, R.S.B.C. 1960, c. 303, ss. 9, 22.

Provincial Elections Act, R.S.B.C. 1960, c. 306, ss. 70, 80, 83, 87 (3) , 99 (2) , 99 (3) , 103 (1) , 103 (2) , 103 (4) , 105 (1) , 105 (2) , 106, 111 (1) , 111 (3) , 115 (1) , 117 (2) , 118, 268.

Public Schools Act, R.S.B.C. 1960, c. 319, ss. 174(14) 215(5), 219(3).

Railway Act, R.S.B.C. 1960, c. 329, ss. 37 (2) , 37 (3) (b) , 53, 56 (1) , 61 (2) , 138 (5) , 179 (2) , 279 (2) , 281 (1) .

Real Estate Act, R.S.B.C. 1960, c. 330, s. 29 (2) .

Recognizances Act, R.S.B.C. 1960, c. 333, s. 4.

Savings and Trust Corporation of British Columbia Act, S.B.C. 1975, c. 68, s. 23(3).

Sheriffs Act, R.S.B.C. 1960, c. 355, ss. 16, 17, 35, 43.

Stock Brands Act, R.S.B.C. 1960, c. 371, ss. 16, 17, 49(1), 49(2).

Succession Duty Act, R.S.B.C. 1960, c. 372, ss. 15, 15A(1), 16(1), 20(3), 34(2), 35(1).

Taxation Act, R.S.B.C. 1960, c. 376, ss. 26(2), 70(3).

Tugboat Men's Lien Act, R.S.B.C. 1960, c. 392, s. 6.

Vital Statistics Act, S.B.C. 1962, c. 66, ss. 4(7), 5, 7 (2) (a) , 7 (2) (b) , 8 (1) , 12, 23 (4)

Water Act, R.S.B.C. 1960, c. 405, s. 25.

Weed Control Act, S.B.C. 1973, c. 162, s. 7(3).

Wife's Protection Act, R.S.B.C. 1960, c. 407, ss. 3, 12.

Wills Act, R.S.B.C. 1960, c. 408, s. 38(2).

Woodments Lien for Wages Act, R.S.B.C. 1960, c. 411, ss. 4, 13(1), 35.

Vancouver Charter, S.B.C. 1953, c. 55, ss. 31, 34A, 47, 67, 73A, 77(2), 79A, 82, 267A, 340, 350, 451(1).