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Inter-American Legal Developments

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ARGENTINA

The central national administration has been reorganized by Law No. 20.524 (1973). It consists now of eight ministries, namely: Interior (art. 9), Foreign Relations and Cult (art. 10), Justice (art. 11), Defense (art. 12), Economy (art. 15), Culture and Education (art. 16), Labor (art. 17), and Social Welfare (art. 18). In addition to jurisdiction of particular ministries the law has defined the authority of ministers (art. 2 to 7 and ministries (art. 8) generally.

On November 7, 1973, the Congress passed a new law regulating foreign investments (No. 20.577). In essence, the law applies to direct foreign investments (art. 1, a) and a few other types (art. 1, b and c). The first group covers investments in foreign currency; new capital goods (with limitation on their alienability); foreign currency investments converted into equities; profits earned from foreign investments qualifying for remittance abroad; and domestic foreign debt bonds when so ruled by the authority charged with the administration of this law (hereinafter Authority, to be established under art. 32). Two other types of foreign investments are added, namely amounts payable to foreign investors under special conditions, and contracts with foreign investors resulting in remittances abroad, except when involving technology, freight or insurance. Art. 2 and 3 supply definitions. The former distinguishes between foreign companies (with less than 50% domestic capital); mixed companies (with 51% to 80% domestic capital and effective domestic control), and domestic (national) companies with 80% or more domestic capital. The latter article defines foreign as well as domestic investors which may be natural persons domiciled in Argentina, or legal entities domiciled there, their capital controlled by persons domiciled in Argentina and not
representing, directly or indirectly, foreign investors; also domestic governments, their agencies, and government-controlled corporations. The notion of domicile is determined in art. 89 of the Civil Code. Foreign investments must be approved by the Authority and conditions reduced to an investment contract which, in some instances, must be approved by the Executive (art. 4). The approval of investments depends on a number of factors, namely that they be in an economic or geographic area having priority; contribute to a better utilization of domestic human and natural resources; improve living conditions of the population; avoid pollution; replace imports or expand exports; introduce technology; hire domestic executive personnel; not infringe on the market supplied by domestic companies, and not require domestic credit in excess of amounts approved in the investment contract (art. 5). Foreign investments will not be allowed if they are subject to export limitations, prorogate their controversies to courts outside Argentina or allow the subrogation of foreign states or international organizations to their claims (art. 6, a and b). Certain economic activities are closed to foreign investments (art. 6, c), namely national defense and security; public services; insurance, commercial banking (except branches of foreign banks under reciprocity); mass communication media; marketing services (except insofar as their own products are concerned); agriculture, livestock, forestry (except where new technology may be introduced); and fishing. Finally, any purchase of shares or other kinds of participation or business designed for the production or marketing of goods, belonging to domestic companies, except in cases of liquidation (art. 6, d) with some exceptions under art. 7. Foreign investments in non-renewable resources may not claim depletion allowances (art. 8). In all cases foreign investments must be in the form of nominal shares or other certificates, transferable only by registration in company books. The Authority will give priority to investments which hire and train domestic unemployed; apply domestically created technology; use domestic raw materials, products and capital goods; further economic decentralization; commit themselves to deposit profits in the National Development Bank or any national or provincial governmental banking institution, as well as to the reinvestment of profits. The determinative factors will be included into the investment contract and become contractual obligations (art. 10). Capital to be repatriated consists of the initial amount effectively invested and registered, plus reinvestments, less repatriated capital and net losses (art. 11). Such capital may be repatriated under the following conditions: That the company's operations continue; the amount of repatriation annually does not exceed 20% of the repatriable capital; all this available only after an initial
period of no less than 5 years (art. 12). Profits may be remitted according to the investment contract; however, the amount may not exceed 12.5% plus four points in interest rates paid by first class banks on the respective currency for short term deposits (art. 13, para. 1). However, transfer of profits must not be made from foreign or domestic credits but from liquid resources (art. 13, para. 2). The Authority may allow reinvestment of remittable profits in the same company according to the investment contract and subject to approval by the Authority; once the reinvestment is approved, it becomes a new investment qualifying for repatriation of capital and remittance of profits (art. 14). Profits not qualifying for remittance or not requested to be remitted, remain definitely invested in Argentina and may not be transferred abroad at all; however, they may be invested as local capital, except in areas listed in art. 6(c). Repatriation or remittance may be denied in cases of balance of payments difficulties (art. 16). The Authority will fix in investment contracts the ceiling for credits available from domestic sources, available only as short term internal credits (art. 17). The following provisions deal with foreign investments under the prior law. Investments in areas listed in art. 6(c) may be considered for nationalization or expropriation; furthermore, the remittance of their profits will be subject to a transfer tax from 20 to 40%, except in regard to investors who subject themselves to the present law (art. 20). Investment contracts may include a program for the transformation into domestic companies (art. 22). Certain investments consisting of foreign credits (art. 1, b) are regulated in art. 24. In regard to credit available to foreign companies, the law distinguishes between foreign and internal credits. Foreign credits are regulated in art. 25; internal credits include those supplies by the parent company or subsidiaries (art. 26). All transactions in violations of this law are void (art. 29) and include criminal sanctions (art. 30). Article 31 makes the foreign investor liable jointly for liabilities incurred by a local company (art. 31). Art. 35 provides that this law repeals Law No. 19.151 (1971, 4 Law. Am. 479, 1972) and its regulatory decrees (art. 35).


In banking, three significant enactments shall be noted. Law No. 20.520 (1973) nationalized deposits in all banking, investment, development, mortgage, and finance institutions as well as in consumer credit associations and other institutions within the scope of Law No. 18.061 by requiring that deposits be transferred to the Central Bank of the Republic
Such deposits do not include only those made by third persons, but also those by public entities (art. 2). Consequently, banks may not transfer or use such deposits or funds without authorization from the Central Bank; however, they may execute withdrawals and other dispositions by the respective clients (art. 3). All such transactions will be done in the role of agents of the Central Bank (art. 4) which will determine interest and discount rates (art. 6 and 7). The Central Bank also guarantees such deposits and funds (art. 10). Law No. 20.523 (1973) prohibits financial entities from holding shares or any other kind of participation, directly or indirectly, in the capital or management of other financial entities, except commercial banks which may participate in other commercial, investment or mortgage banks, provided the Central Bank approves (art. 1). The Central Bank may withdraw permission whenever it appears by the composition of the board of directors, the main groups of shareholders, the structure and composition of their holdings, and the factual publicity that tie-ins exist contrary to article 1. Liquidation is regulated in art. 3. To enforce the law, the Central Bank will use inspectors (art. 4). A number of foreign-controlled banks have been expropriated by Law No. 20.522 (1973) by declaring them to be in the "public interest and subject to expropriation" (art. 1). The executive branch will, through the Central Bank, assure the continuation of services they have performed as the date of expropriation (art. 2). Compensation will be provided regarding immovable and movable property by proceeds received, and for credits according to their nominal value, taking into consideration their repayment potential; however, the value of the institution as a going concern will not be considered (art. 3). The institutions will be put up for public competitive bids or auctions open to official banks or domestic commercial banks; provincial governments, municipalities or their official banks shall, under identical conditions, have preference (art. 4). In case there is no agreement reached regarding expropriated assets, the general law of expropriations (No. 13.264) will apply (art. 5). The law is implemented by a circular (No. 1.055, 1973), issued by the Central Bank.

Civil service officials receive a bonus (Law No. 20.515, 1973); those discharged for political reasons will be reinstated (Decree No. 1.171, 1973).

In order to increase agrarian production, Law No. 20.496 (1973) proclaimed the use of fertilizers to be in the national interest and their import favored. Evictions from farms (Law No. 17.253) have been postponed (Law No. 20.518).
Persons in private employment will receive a regular bonus in addition to their salaries; new minimum wages have been set (Law 20.517, 1973). Law No. 19.587, 1973 has been implemented by an extensive regulation (Decree No. 4.160, 1973) dealing with work safety.

Phosphates have been added as a substance within the coverage of the Mining Law (1972, 5 Law. Am. 308, 1973).

In education, Laws No. 20.014, 20.015, and 20.016 (1973) have been repealed (Law No. 20.527, 1973).

Evictions involving urban leases have been postponed by Law No. 20.519 (1973).

To safeguard public order, Decree No. 332 (1973) requires that announcements submitted to any kind of periodical for publication must be accompanied by proof of the legal existence of the association sponsoring it, including the identity of persons submitting the material for publication. In case the group has no formal legal existence, the signature of at least ten adult persons is required, accompanied with a certificate of their domicile issued by police (art. 1). Decree No. 1.454 (1973) declared activities of the Ejército Revolucionario del Pueblo illegal and prohibited any propaganda on its behalf (art. 1).

The regulation (Decree No. 4.693, 1973) implementing law on arms and explosives (No. 20.429, 1973) was amended by Decree No. 331 (1973), and later implemented by Decree No. 4.693 (1973).


Decree No. 978 (1973) offers Argentinians residing abroad particular benefits if they return home.

The Legislature is considering a law on agrarian reform.

Buenos Aires

Tax moratorium was granted by Law No. 8.089 (1973).

Chaco

Requirements for merger of corporations have been promulgated (Disposición No. 50, 1973); also for reduction of capital (No. 51), and transformation (No. 52).
Córdoba

Tax moratorium was granted (Law No. 5.601, 1973).

Commutation of prison sentences imposed by provincial courts is possible under Law No. 5.605 (1973).

Corrientes

Tax moratorium was granted (Decree No. 292, 1973).

Entre Ríos

The Code of Civil and Commercial Procedure was amended by Law No. 5.370 (1973).

Mendoza

Tax moratorium was granted (Law No. 3.919, 1973).

Santa Fé

The 1970 tax law was amended (Law No. 6.927, 1973).

Santiago del Estero

The provincial Code of Criminal Procedure was amended regarding release from prison (Law No. 3.994, 1973).

Tucumán

The profession of geologists was regulated (Law No. 3.884, 1973).

BARBADOS

Among recently enacted acts the following may be mentioned: Dental Registration Act (No. 17, 1973) replacing the act of 1923 and implemented by rules (S.I. 1973, No. 78); the Pesticide Control Act (No. 36, 1973); the Narcotic Drugs Act (No. 38, 1973), and the International Bank for Reconstruction and Development (Membership) Act (No. 47, 1973).
Amended have been, among others, the Development (Canadian Loan) Act of 1967 (No. 39, 1973); the Savings Act of 1914 (No. 40, 1973); the Airport Act of 1970 (Act No. 42, 1973); the Consular Convention Act (No. 45, 1973), and the Estate and Succession Duties Act of 1941 (No. 46, 1973).

Among conventions, the Agreement on the importation of educational, scientific and cultural materials (Lake Success, 1950) was adopted.

BOLIVIA

In 1962 a codification commission was established to prepare a revision of codified law in order to “renew the legal order and adapt it to the realities and needs of the nation.” The drafts prepared have been revised by another commission established in 1970. Finally, in 1972 the Gobierno Nacionalista set up a coordinating commission which submitted drafts for the Family Code, Commercial Code, Criminal Code, and the Code of Criminal Procedure. They have been enacted by Decree-Law No. 10.426 (1962) and took effect in 1973.

The Family Code, consisting of 480 articles in four books deals in its preliminary title with the legal status of the family, relationship, support and homestead (art. 1 to 40). Only civil marriage creates legal effects (art. 41), except where, because of distance, civil authorities are not available (art. 43). Requirements, formalities, opposition, the act, and proof are regulated in art. 41 to 77; nullity in art. 78 to 95; effects of marriage in art. 96 to 128, including the marital property regime of community of acquests which is the only available (art. 102). Divorce is available for grounds listed in art. 130. Parties celebrating marriages abroad may be divorced in Bolivia provided the country in question allows it. However, Bolivians married abroad may be divorced in Bolivia regardless of whether or not the country where the marriage was entered into allows divorce, provided they acquire Bolivian domicile (art. 132). Separation is available for grounds listed in art. 152. The Code recognizes factual marital unions, provided they are stable and monogamic (art. 159). The second book deals with filiation: duties arising therefrom (art. 173 to 177), determination (art. 178 to 194), including those from non-married parents (art. 195 to 213) and free unions (art. 214). Adoption is available for minors under 18 years (art. 215 to 243) and for orphans as arrogatio (art. 233 to 243). Paternal authority is regulated in art. 244 to 282, guardianship in art. 283 to 359, and emancipation in
art. 360 to 365. Book four provides for family judges and proceedings (art. 366 to 480). The Code repealed the corresponding provisions of the Civil Code and the Code of Civil Procedure.

The Commercial Code consists of 1346 articles arranged in four books: the first dealing with merchants and their duties, the second with mercantile things, the third with obligations (mercantile contracts), and the fourth with bankruptcy. The Code is prefaced by a preliminary title with general coverage provisions (art. 1 to 7). In essence, the Code applies to merchants as defined in art. 4, and mercantile acts and things (art. 1), mercantile acts being those connected with a business enterprise or involving mercantile things (art. 5), namely negotiable instruments, business enterprises, merchandise, immovables whenever they are handled by enterprises, and commercial firms, trademarks and patents whenever they become “objects of commerce” (art. 5). Book one deals with individual (art. 8 to 20) as well as collective merchants (art. 21 to 404). Such business associations are subject to general rules (art. 21 to 71, and 324 to 404) and rules for particular types, namely partnerships (art. 72 to 87), comandit associations (art. 88 to 98), associations with shares (art. 99 to 118, i.e., corporations with non-negotiable shares), corporations (art. 119 to 297), limited liability firms (art. 299 to 318) and joint ventures (art. 319 to 323). Additional general provisions contain criminal provisions (art. 324 to 325), exclusion and withdrawal of members (art. 326 to 334), dissolution and liquidation (art. 335 to 355), merger (art. 356 to 364), foreign business associations (art. 365 to 376), associations in mixed economy (art. 371 to 395) and the Intendencia de Sociedades Anónimas as supervisory authority (art. 396 to 404). Foreign business associations will qualify to engage in business in Bolivia provided they submit to the Code and other applicable laws; foreign associations with the principal place of business in Bolivia will be considered for legal purposes as domestic associations (art. 365). Foreign associations must meet requirements listed in art. 366, among them establish a responsible local representation with sufficient authority and domiciled in the country, and a capital with which to cover local business activities in no lesser amount than required by similar (domestic) associations. Foreign business associations engaged in banking, financing, insurance or surety-ship must comply with particular requirements (art. 367) regarding minimum capital, as well as deposits determined by administrative authorities (art. 367). Foreign associations engaged in local business are “totally subject to local laws and Bolivian authorities”; the application for inscription in the commercial register must contain a waiver regard-
ing laws, suits and objections related to their alienage, including diplomatic intervention (art. 368); in addition, they must publish their financial statements annually (art. 369). After summary administrative proceedings, they may be liquidated by the \textit{Intendencia} (art. 370) in cases of non-compliance with legal requirements. Merchants must be inscribed in commercial registers (art. 405 to 408), abstain from unfair competition (art. 409 to 415), keep prescribed books (art. 423 to 443) and retain their correspondence (art. 444 to 446). Provisions dealing with auxiliary mercantile personnel (art. 447 to 500) conclude book one. Book two deals with mercantile things, namely, enterprises (art. 501 to 509), commercial premises (art. 510 to 512), and patents as well as copyrights (art. 513 to 516). An extensive title is devoted to negotiable instruments (art. 517 to 694). Book three contains rules applicable to commercial transactions. They are introduced by general rules (art. 678 to 694), followed by provisions regarding sales (art. 695 to 740), service agreements (art. 741 to 746), stock exchange operations (art. 747 to 755), mercantile bailment (art. 756 to 782), pledge (art. 783 to 796), hotel contracts (art. 797 to 806), publishing (art. 807 to 827), and transportation (art. 828 to 872) by land, water and air (art. 829). Combined transportation in the sense of involving two or more carriers (art. 837) may start or be entered into abroad; however, Bolivian carriers are liable exclusively according to Bolivian laws and before Bolivian courts (art. 838). An extensive chapter on insurance follows (art. 873 to 1102) and on credit and banking operations (art. 1103 to 1118). The book is concluded by rules on arbitration (art. 1179 to 1194), providing that for all commercial contracts arbitration is compulsory regardless of whether or not such a clause is contained in the contract (art. 1179). Book four regulates bankruptcy (art. 1195 to 1347). The new Code replaced the one enacted in 1834.

The Criminal Code has arranged 365 articles in twelve titles, divided into two books, the first containing general rules while the second deals with specific felonies. The general part starts with coverage provisions regarding space (art. 1), time (art. 4) and persons (art. 5). The Code applies to crimes committed in Bolivia or places under its jurisdiction; or abroad with effects in Bolivia; by Bolivians abroad found in Bolivia and not punished abroad; abroad against the security of the State, public faith and national economy; on Bolivian vessels, aircraft and other means of transportation provided the perpetrators have not been punished abroad; by Bolivian officials abroad within the scope of their functions; and felonies which Bolivia, under international conventions, is bound to
prosecute. Further provisions deal with foreign judgments (art. 2), extradition (art. 3) and conflict between domestic laws (art. 6). Following chapters deal with forms of crimes, exceptions from responsibility (art. 11), culpability (art. 13 to 16), imputability (art. 17 to 19) and participation (art. 20 to 24). Penalties are of two types: imprisonment labor and fine, with additional disqualifications (art. 26). Penalties may be suspended (art. 59 to 65), or probation granted (art. 66 to 69). Additional security measures are available (art. 79 to 86). Civil responsibility ranks before the payment of fines (art. 88) and attaches to all property of the felon the moment the crime is committed (art. 90). A *Caja de Reparaciones* for payment of damages caused by crimes is provided (art. 94 to 95). Rehabilitation is possible (art. 96 to 99) as is extinction of prosecution by death, amnesty, prescription or withdrawal regarding privately prosecuted offenses (art. 100). In the special part (art. 109 to 363) particular crimes are defined and penalties set. These are arranged in the following groups: against the security of the state (art. 109 to 141), including revolutionary actions (art. 121, 123) and conspiracy (art. 126); a particular crime is committed by forming armed groups which "claim rights of the people and pretend to exercise such rights in its name" (art. 124). Follow crimes against public authorities (art. 142 to 165); the judiciary (art. 166 to 185), public faith (various falsifications (art. 186 to 205); general safety (art. 206 to 220); national economy, industry and commerce (art. 221 to 239); family (art. 240 to 250), life and bodily integrity (art. 251 to 281), including abortion; against honor (art. 282 to 290); freedom (art. 291 to 307); good morals (art. 308 to 325); against property (art. 326 to 363). The new Code replaced the one enacted in 1934.

The last code in this series, the Code of Criminal Procedure, consists of 357 articles, arranged in five books. Criminal actions may serve to impose penalties as well as repair damages caused by felons (art. 4). The criminal action may be instituted by a public prosecutor or by a private person (art. 5), the latter in cases listed in art. 7, by intervening in criminal proceedings (art. 13 to 19). Follow rules on jurisdiction and competency, on subjects involved (art. 46 to 76), and on procedural acts (art. 77 to 111). The second book deals with criminal investigations by the judicial police (art. 112 to 119), followed by rules regarding judicial investigation (art. 120 to 164, and 166 to 174), including evidence. Additional rules regulate defense (art. 175 to 189), also measures available to courts (art. 190 to 218). After conclusion of the investigation (art. 219 to 224) a trial is held (art. 224 to 260). Special proceedings
are provided in art. 261 to 276; also appellate rules (art. 277 to 316). The final books deals with the execution of penalties imposed (art. 317 to 352).

A new Law of Judicial Organization (Decree-Law No. 10.267) entered in force in 1973, replacing the law of 1857. After general rules (art. 1 to 14) and provisions on jurisdiction and competency (art. 21 to 29), the Code deals with various courts, starting with the Supreme Court (art. 44 to 89), to act in plenary sessions (art. 53) or in one of the departments (salas), namely civil (art. 56), criminal (art. 57), and social, mining, and administrative (art. 58). Superior district courts (art. 90 to 119), perform, in addition to judicial administrative duties (art. 98), mainly appellate functions (art. 100 to 102). Regular courts (juzgados de instancia ordinaria) act in civil (art. 132 to 136) and criminal matters (137 to 139), while small claims courts (juzgados de minima cuantia, art. 144 to 149) decide civil cases of minor value. Family courts take jurisdiction in matters regulated by the Family Code (art. 150 to 160). Special juzgados de vigilancia supervise the execution of criminal sentences (art. 176 to 185). The function of the public prosecutor (art. 186 to 196), and the judicial police (art. 197 to 198), including its technical branch (art. 100 to 206) follow. Auxiliary services and fees precede some fundamental procedural principles (art. 242 to 248). Provisions dealing with representation in criminal cases (art. 265 to 269), land registers (art. 270 to 278), and notaries conclude the Code.

A new Code of Civil Procedure is foreseen.

BRAZIL

The Code of Civil Procedure enacted by Law No. 5 (1973, 5 Law. Am. 512, 1973) was amended by Law No. 5.925 (1973). It may be added that the Code contains provisions determining the international jurisdiction of Brazilian courts. Brazilian courts will have jurisdiction (art. 88) whenever the defendant, of whatever nationality, is residing in Brazil; the obligation involved in the litigation is to be performed in Brazil; or the action arises from a fact which occurred or an act which was performed there. Legal entities are considered as residing in Brazil whenever they have agencies, dependencies, or subsidiaries there. Brazilian courts have exclusive jurisdiction (art. 90) in actions involving immovables situated in Brazil; or inventory or partition of assets in Brazil even if the testator is an alien or has resided abroad. An action pending abroad does not cause litispendency (art. 91).
The Social Security Law (No. 3.807, 1963) was amended by Law No. 5.890 (1973); internal regulations have been approved by Portaria No. 3.283 (1973), issued by the Ministry of Labor and Social Security.

New minimum salary scales have been set by Decree No. 72.148 (1973). The social security of domestic servants (5 Law. Am. 314, 1973) has been regulated by Portaria No. 3.106 (1973). Workers employed in contact with explosives will receive (Law No. 5.880, 1973) benefits provided by Law No. 2.573 (1955).

The federal law dealing with land registers (No. 5.868, 1972, 5 Law. Am. 313, 1973) has been implemented by Decree No. 72.106 (1973).

A decree-law recently signed by the President, provided that mergers, acquisitions of control through shares or other transfers of assets, involving one or more corporations, must have prior approval by the Ministry of Finance; exempt are financial institutions, insurance companies, rural land companies and sugar factories. Law No. 5.919 (1973) authorized the establishment of Siderurgia Brasileira, S.A. (SIDEBRAS) as a mixed economy corporation to administer federal interests in the steel industry; it may set up subsidiaries, participate in other mixed economy corporations and as a minority stockholder in private enterprises.

To further investments in corporate capital, tax incentives have been granted to corporations which distribute as dividends a high proportion of their profits; to individuals who reinvest dividends; by reevaluation of fixed assets and working capital, and by lowering tax on income from debentures (Law No. 1.283, 1973).

Decree No. 72.579 (1973) gives the Ministry of Finance exclusive authority to audit projects financed by funds provided by federal, state or municipal governments.

The Central Bank promulgated a resolution suspending until the end of 1976 the establishment of bank agencies with the exception of municipalities having no other banking facilities (No. 266, 1973).

A national program regarding foods and nutrition (PRONANI) was promulgated by Decree No. 72.034 (1973).

Development plans for metropolitan areas must meet requirements of integrated development plans for the respective regions in order to qualify for federal financial aid (Decree No. 72.800, 1973).

A Secretaria Especial do Meio Ambiente (SEMA) was set up within the Ministry of the Interior (Decree No. 73.030, 1973) to protect the
environment and natural resources in cooperation with other federal agencies as well as state and municipal governments.

Law No. 5.887 (1973) regulates the status of Brazilian diplomatic personnel, including their marriages.

Among treaties the following may be listed: on the salvage of astronauts, signed in 1968 (Decree No. 71.983, 1973); the Montreal convention against seizure of aircraft, 1971 (Decree No. 72.383, 1973); with Iraq on commerce signed in 1971 (Decree No. 71.858, 1973); with Bolivia on the creation of a development fund (Decree No. 72.080, 1973) and on highway traffic, signed in 1972 (Decree No. 72.266, 1973); with Haiti on cultural exchanges, signed in 1966 (Decree No. 72.345, 1973); with the Soviet Union on maritime transportation, signed in 1972 (Decree-Law No. 26. 1973); with Kenya on technical cooperation (Decree No. 54, 1973); with Nigeria on commerce (Decree No. 59, 1973); and with Egypt on commerce (Decree No. 61, 1973).

CANADA

Among others, the following acts entered into force: Act respecting Immigration Laws and Procedures; Wildlife Act; Olympics 1976 Act; Precious Metals Marketing Act; and Maintenance of Railway Operations Act. Among amended acts, the following may be listed: Customs Tariff Act; Public Service Staff Relations Act; Aeronautics Act; Fisheries Development Act; Judges Act; Family Allowances and Youth Allowance Act; and the Old Age Security Act.

The act to control foreign investments has, at this time, not yet passed the Legislature.

Alberta

The following assented to acts may be mentioned: Alberta Heritage Act; Police Act; Justices of the Peace Act; Land Surface Conservation and Reclamation Act; and the Provincial Court Act. Amendments to the following acts have entered into force: Wheat Pool Act; Cemeteries Act; Child Welfare Act; Companies Act; Fair Sales Practices Act; Fire Prevention Act; Hail and Crop Insurance Act; Garagemen's Lien Act; Investment Contracts Act; Private Investigators and Security Guards Act; Public Highway Development Act; Senior Citizens Housing Statutes Act; Trust Companies Act; Universities Act; Colleges Act; Justices of the Peace Act; and the Provincial Court Act.
British Columbia

The following acts have been consented to: Alcohol and Drug Commission Act; Telecommunications Utilities Act; Ambulance Service Act; Cattle Industry Development Act; and the Water Utilities Act. Amended have been, among others, the following acts: Credit Unions Act; Securities Act; Health Act; Mineral Act; Petroleum and Natural Gas Act; Placer-mining Act.

Manitoba

Consented to have been, among others, the following amendments to existing legislation: Bill of Sale Act; Criminal Injuries Compensation Act; Crop Insurance Act; Employment Safety Act; Fire Prevention Act; Married Women's Property Act; Tortfeasors and Contributory Negligence Act; and the County Court Act.

New Brunswick

The following acts may be listed among those now in force: Farm Machinery Loan Act, and amendments to the Dairy Products Act; Natural Products Control Act; Workmen's Compensation Act; and the Community Planning Act.

Newfoundland

Among the acts entering into force, the following may be listed: Dog Act, Liquor Control Act; Crop Insurance Act; Waste Material (Disposal) Act; and the Unsolicited Goods and Credit Cards Act.

Nova Scotia

The Chiropractic Act was consented to, and amendments to the Credit Union Act; the Motor Vehicle Act; the Environment Protection Act; and the Recreation Act.

Ontario

The following acts took effect: the Agriculture Tile Drainage Installation Act; Partnership Registration Act; Shoreline Property Assistance Act; Loan Act; Construction Safety Act; and the Coroners Act. Amended have been the following acts: Homes for the Aged and Rest Homes Act; Trustee Act; Weed Control Act; Compensation for Victims of Crimes Act; Highway Traffic Act; Land Titles Act; Child Welfare Act; Extra-
Judicial Services Act; Legal Aid Act; Nurses Act; Grain Elevator Storage Act; Water Resources Act; and the School Administration Act.

Prince Edward Island

Assented to have been: Agriculture Products Marketing Act; Crown Proceedings Act; and the Child Care Facilities Act. Among amendments the following took effect to the Affidavits Act; Community Improvement Act; Court Costs Act; Judicature Act; Legal Profession Act; Probate Act; and to the Village Service Act.

Quebec

Among others, the following acts have been consented to: Wood Salvage Act, Logging and Forest Development Company Act; Act Respecting Bread Trade; the Council on the Status of Women Act; Expropriation Act; Professional Code; Dental Act; Pharmacy Act; Agrologists Act; Land Surveyors Act; Chartered Accountants Act; Nurses Act; Podiatry Act; Hearing-aid and Acousticians Act; Chiropractic Act; Dispensing Opticians Act; Radiology Technicians Act; and the Denturologists Act. The following acts have been amended: Construction Industry Labor Act; Church Incorporation Act; Fabrique (church property) Act; Companies Information Act; Animal Health Protection Act; Companies Act; Legislature Act; Transport Act; Bar Act; Medical Act; Notarial Act; Veterinary Surgeons Act; Engineers Act; Forest Engineers Act; Professional Chemists Act; Securities Act; and the Courts of Justice Act.

Saskatchewan

Consented to have been the following acts: the Mechanics' Lien Act and the Litter Control Act. Amended have been the following acts: the Labor Standards Act; Hospitalization Act; Medical Care Insurance Act; Agricultural Implements Act; Air Pollution Control Act; Court Officials Act; Family Farm Protection Act; House Building Assistance Act; Land Titles Act; Legal Profession Act; Limitation of Civil Rights Act; Marriage Act; and the Forest Act.

CHILE

On September 11, 1973, the Junta de Gobierno seized power and proclaimed by a decree-law (No. 1, D.O. September 12, 1973) its determination to "guarantee full efficacy of the judicial power and respect for the constitution and the laws of the Republic insofar as compatible
with the aims it undertook” (sec. 3). Congress was disbanded (D.L. No. 27, D.O. September 24, 1973); nevertheless its information office continues functioning (D.L. No. 92, D.O. October 24, 1973).

Art. 1 of Decree Law No. 1 has been clarified by a decree-law (D.O. November 16, 1973) in regard to the taking over by the Junta de Mando Supremo de la Nación, exercising powers of the legislative and executive branches of the government, including the constitution-making power. The judicial power remains vested in independent courts according to the constitution. All constitutional provisions and laws remain in force unless and until amended according to the following rules (art. 2). The constitution-making and legislative powers are exercised by the Junta by decree-laws; amendments to the constitution become part of it (art. 3). The executive power is exercised through supreme decrees and resolutions in accordance with Decree-Law No. 9.

The first constitutional amendment (D.L. No. 175, D.O. December 10, 1973) added a new paragraph (4) to art. 6 of the present constitution, providing that Chilean nationality will be lost by “seriously working abroad against essential interests of the State during emergency situations in the sense of art. 72(17) of the Constitution.” Loss of nationality will be by a supreme decree approved by the Council of Ministers, based on written reports from diplomatic and consular services (art. 2). Another amendment (D.L. No. 170, D.O. December 6, 1973) affects art. 85 of the Constitution dealing with the judiciary.

A committee of lawyers appointed by the Junta has prepared a draft of the new constitution. It will maintain a strong presidential and democratic system based on separation of powers. Conflicts between the legislative and executive powers shall be resolved by popular referendum while political parties shall function “within their proper areas” and be excluded from intervening in administrative matters. The judiciary shall remain independent as shall the Contraloría General. The role of the armed forces shall be that of institutions “essentially professional, hierarchically organized, disciplined, obedient and non-deliberating.”


In view of numerous frauds, voter’s registers have been declared invalid and any additions prohibited (Decree No. 130, 1973).


The status of the civil service, except those pertaining to the judiciary and the Contraloría General, has been changed to provisional (D.L. No. 6, D.O. September 19, implemented by D.L. No. 22, D.O. October 12, 1973). The National Health Service and the Medical Service for Employees have been reorganized (unnumbered D.L., D.O. September 21, 1973). A total reorganization of public administration has been inaugurated (D.L. No. 98, D.O. October 26, 1973).

The Organic Law of Courts has been amended by Decree-Law No. 169 (D.O. December 6, 1973).

Law No. 10.336 regarding the Contraloría General was amended (D.L. No. 38, D.O. October 2, 1973) in art. 9, 16, 18 and 20, introducing disciplinary measures, including fines, for officials who do not meet requirements, and expanding its jurisdiction to control all associations and institutions with State majority participation.

The Constitutional Court (art. 78a of the Constitution) was disbanded (Decree-Law No. 119, D.O. November 10, 1973) as unnecessary.

To safeguard the security of the State, Decree-Law No. 81 (D.O. November 6, 1973) introduced penalties for disobedience to summons to appear before public authorities; jurisdiction is vested in military courts.


General managers have been appointed to the nationalized Gran Mineria del Cobre (D.L. No. 21, D.O. September 27, 1973); the status of the vice-president of the Corporación del Cobre was defined by Decree No. 46 (D.O. October 19, 1973).
A commission to draft a new mining law was established (D.L. No. 69, D.O. October 22, 1973).

The effect of all regulations dealing with determination or adjustment of salaries and other benefits was temporarily suspended (D.L. No. 43, D.O. September 29, 1973). The work-day in the public and private sectors was extended by Decree-Law No. 35 (D.O. October 12, 1973) by four hours weekly in the interest of national reconstruction; the decree was implemented (Decree No. 817, D.O. November 2, 1973). A bonus was granted to public and private employees (D.L. No. 97, D.O. October 24, amended by D.L. No. 159, D.O. November 30, 1973).

The position of the Junta regarding labor problems has been indicated by the establishment of a commission to draft a social statute of the enterprise (D.O. November 19, 1973). To improve the “cooperation (asociación) between labor and financial, technological and natural resources of enterprises” the new system shall “create a new fair (justa) enterprise, where workers could identify themselves with it and contribute their initiative, experience and enthusiastic labor, conscious of the fact that they are properly recognized and will receive for their contribution an award they deserve.” At the same time, the new system will have to “establish conditions furthering the need of saving, creating and investing in productive enterprises.” In the present world, it is necessary to “combine workers’ interests with conditions which further the production of resources and offer security to those who invest.” The government wishes that the new system include an “effective participation of workers in the enterprise, in accordance with the circumstances, to end the conflict of interests which are presented by demagogery as antagonistic.” The commission is interministerial with added representatives from the Corporación de Fomento de la Producción and the Oficina de Planificación Nacional.

Decree-Law No. 32 (D.O. October 4, 1973) amended Law No. 16.455 by establishing a special court to deal with dismissals of workers.


Authority granted to the delegate of the Junta to the University of Chile has been defined by Decree-Law No. 111 (D.O. November 8, 1973); another decree-law (No. 112, D.O. November 14, 1973) deals with the Catholic University, preserving rights of ecclesiastical authorities. Additional authority was conferred by a decree-law (D.O. November 21, 1973).
A new method of stabilizing prices was introduced by Decree No. 522 (D.O. October 15, 1973). Decree No. 522, amended by Decree No. 603 (D.O. November 12, 1973) introduced three classes; products with free prices which generally shall prevail; products subject to prices fixed by DIRINCO (bread, sugar, cars, steel, etc.) and products with prices fixed by manufacturers or importers subject to timely reports to DIRINCO. Marketing mark-ups remain only for the second class.

The period to normalize automobile transportation has been extended by Decree-Law No. 90 (D.O. October 24, 1973).

Law No. 17.377 regarding television was amended by a decree-law (D.O. November 8, 1973).


The application and adjustments of the Agreement of the Andean Subregional Integration is regulated by Decree No. 485 (D.O. November 24, 1973).

The National Commission for Scientific and Technological Research will be reorganized (Decree No. 116, D.O. December 7, 1973).

The National System of Savings and Loans (Law No. 16.807, 1960) has been amended by Decree-Law No. 162 (D.O. December 4, 1973).

The Banco Central (D.O. October 20, 1973) promulgated rules for operations in international monetary transactions in two markets; banking (for foreign commerce) and brokers (for tourists); limitations on import and export of domestic currency have been abolished.

Decree-Law No. 164 (D.O. December 6, 1973) grants tax benefits to small business, replacing Law No. 17.386.


COLOMBIA

Law No. 5 (1973, 5 Law. Am. 535, 1973) was implemented by Decree No. 1.562 (1973) and a resolution by the Junta Monetaria (No. 53, 1973).
Settlement of pension rights accrued to workers against employers will be settled before the Institute of Social Security (Decree No. 1572, 1973).

Insurance of passengers on public automobile services is regulated by Decree No. 1.572 (1973).

Rules for corporations and foundations working with indigenous populations have been promulgated by Decree No. 1.741 (1973).

Regulations for the free zone in Buenaventura have been issued by Decree No. 1.406 (1973).

Decree No. 1.935 (1973) gives the Institute of Social Security authority to apply income for invalidity, old age, death, work accidents, and professional illnesses, independently of respective reserves to cover financial deficiencies in any other branch within the compulsory insurance system (art. 1).

Decree No. 1.895 (1973) contains extensive rules regarding the exploration and exploitation of oil and gas.

After Congress, by Law No. 8 (1973), approved the Cartagena Agreement and authorized the government to adopt respective decisions (5 Law Am. 537, 1973), the following have been adopted: Resolutions No. 24, 37, and 37A (treatment of foreign capital and of trademarks, patents, licenses and royalties) by Decree No. 1900 (1973); Resolution No. 47 (minimum state participation in mixed enterprises) by Decree No. 1898 (1973); Resolution No. 46 (multinational enterprises) by Decree No. 1897 (1973); Resolution No. 48 (investments by the Andean Development Corporation) by Decree No. 1899 (1973); Resolution No. 56 (international transportation by road) by Decree No. 1910 (1973); and Resolution No. 57 (removal of import duties and restrictions of metal products) by Decree No. 1.793 (1973) adjusting tariffs accordingly.

COSTA RICA

Law No. 5.355 (1973) amended a number of provisions contained in the Civil Code to adjust it to the lowered age of 18 years required for majority (art. 22). In the same sense, the amended art. 57 prohibits marriages of persons under 18 years without consent of the person vested with paternal authority or charged with guardianship. Similar changes have been made in regard to emancipation in art. 153, 154, and 156 of the Code.
Foundations are regulated by Law No. 5.338 (1973). They are recognized as private legal entities in the public interest established without motives of profit to further with their assets educational, charitable, artistic, literary, scientific or, generally, beneficial aims. The settlor, a natural person or legal entity, domestic or foreign, establishes a foundation by a public document or a will; once a foundation is created, the settlor may no more change its fundamental rules. A foundation is created with an inscription in the personal section of the public register and is exempt from taxation. The administration is entrusted to a junta directiva with three members appointed by the settlor with bylaws providing additional rules. Service on the junta is honorary. It reports annually to the Contraloría General. In cases of misuses the Procuraduría General initiates necessary judicial proceedings.

The Municipal Code (Law No. 4.34, 1970) was amended in art. 22, 38, 41, and 77 by Law No. 5.253 (1973). Changes include the number of members of municipal councils (art. 22), and the limitation of paid sessions to four by month (art. 77).

Decree No. 3.120 (1973) created the National Aluminum Commission, attached to the Ministry of Economy, Industry, and Commerce.

In regard to land tenure, a number of significant laws have been enacted. Executive Decree No. 3.079 (1973) provides for practical improvements of the public register, particularly introducing new indices. Law No. 5.357 (1973) amended the Law of Possessory Informations (No. 139, 1941); art. 1 of the new law gives persons in possession of land without a registered title the right to apply for title provided applicant has been in proprietary possession for more than ten years, i.e., continuous, open, and peaceful. Law No. 5.317 (1973) provides an authentic interpretation of the Law on Horizontal Property (No. 3.670, 1966).

In education, Law No. 5.271 (1973) amended the law establishing the FONAPE (5 Law Am. 322, 1973) regarding documents required for educational loans. The National Council for Rehabilitation and Special Education was established by Law No. 5.347 (1973) to care for retarded and handicapped persons.

A new Transportation Law was enacted by Law No. 5.322 (1973) regulating transit of persons, vehicles or animals on public highways. Art. 44 introduced compulsory insurance for automobiles with the National Insurance Institute which has a monopoly of the insurance business (art. 56). The office in charge of motor vehicles will issue no license without
The Insurance Law (No. 11, 1922), as amended by Law No. 5.257 (1973), introduced various changes, among them those dealing with multiple insurance (art. 13); beneficiaries involved in the death of the insured (art. 23); beneficiaries in life insurance (art. 25); and arbitration (art. 35).

A law against vagrancy (No. 3.550, 1965), amended by Law No. 5.324 (1973), defines persons falling within its coverage as those “capable of work . . . but which do not work without just cause,” those who “during working hours frequent bars and taverns . . . and have no known occupation,” and “women engaging in immoral pursuits.”

Travel agencies regulated by Law No. 5.339 (1973) are considered mercantile enterprises requiring a license to be issued by the Instituto de Turismo (art. 39).
The metric decimal system was introduced by Law No. 5.292 (1973). Courts or other authorities will not accept documents using other measures (art. 2). The administration of the law is entrusted to a National Office in the Ministry of Economy, Industry, and Commerce.

Among multilateral international conventions the following may be mentioned: on Telecommunications, signed at Montreux in 1965 (Law No. 5.233, 1973); amendments to the International Civil Aviation Convention (Law No. 5.297 and No. 5.269, 1973); World Tourism Organization (Law No. 5.331, 1973); Universal Postal Union, Tokyo, 1969 (Law No. 5.332, 1973); and on Social Security, signed at San Jose in 1967 (Law No. 5.333, 1973). Among bilateral conventions, the following are noted: with Panama on preferential treatment, signed at Panama in 1973 (Law No. 5.252, 1973); with United Kingdom on a loan for waterworks (Law No. 5.308, 1973); with Spain on technical cooperation signed in 1971 (Law No. 5.289, 1973), also on cultural cooperation (Law No. 5.290, 1973), and with Hungary on commerce (Law No. 5.298, 1973).

A draft for a family code has been submitted to the Legislature. It consists of 228 articles and deals with marriage, divorce, paternity, filiation, adoption, support and guardianship.

ECUADOR

From numerous drafts being prepared by the Legislative Commission (5 Law.Am. 324, 1973) the new law of agrarian reform was enacted (D.S. No. 1.172, 1973). The previous law enacted in 1964 by a military junta, proved to be most unfortunate since it destroyed agrarian production and caused flight from land with influx of hard to employ agricultural workers into urban centers. In order to correct these errors, the new law starts with a thorough study of domestic realities. This resulted in the acceptance of the principle that agrarian reform constitutes not a simple distribution of land but a gradual process of change by well planned actions providing credits, technology and education. In this manner national integration may be achieved including a change of living conditions of the farmer in a new system of allocation of agricultural income and of marketing and distribution. The new process of agrarian reform, therefore, will combine two main methods: an organization of regional systems, zones and sectors with priority claims for allocation of land, credits and technological knowledge; another, a legally determined status of land in its social function. The State will further agricultural
enterprises, cooperatives and other associations of farmers to enable them to effectively use resources at their disposal. Land poorly cultivated may be expropriated as may be land worked by dependent farmers (*precaristas*), also land owned by private legal entities not primarily engaged in agricultural activities; also land which will benefit from State sponsored projects; those not worked directly by the owner; those exploited illegally and, finally, those exposed to strong demographic pressures. Reform actions may also affect lands which remained unexploited. Ownership may also be forfeited by those who after September 7, 1970 have maintained the *precarista* land system.

Among other enactments, the following may be mentioned: a regulation (D.S. No. 965, 1973) regarding alcoholic beverages and cigarettes which must carry a warning regarding health; law regulating the odontologic federation (D.S. No. 985, 1973); basic law on electricity (D.S. No. 1.042, 1973) and the *Carta Náutica del Mar Territorial Ecuatoriano*, prepared by the *Instituto Oceanográfico de la Armada* (5 Law.Am. 325, 1973).

Extensive regulations deal with newly discovered oil deposits.

A number of treaties has been approved, among them: the South American agreement on narcotics signed in Buenos Aires in 1973 (D.S. No. 951); convention on cacao (R.O. No. 432, 1973); on cultural and scientific cooperation with Brazil of 1973 (D.S. No. 892, 1973); on transit of persons and vehicles with Colombia (R.O. No. 408, 1973); and an additional agreement with France on diplomatic visas (R.O. No. 409, 1973).

A new mining law to replace that of 1934 is about to be enacted.

**EL SALVADOR**

To strengthen the measures provided by the Temporary Law to Regulate Prices of Articles of General Use (Decree No. 306, 1973) a new decree (No. 455, 1973) grants the Executive authority to fix and modify prices of intermediate and final products for domestic needs, as well as for services not included in the Central American General Agreement of Economic Integration; to take measures to prevent hoarding or causing scarcity and guaranteeing prices fair to manufacturers, merchants and consumers; and to regulate, if necessary, imports and exports (art. 1). The Ministry of Economy shall administer the decree (art. 2), and punish violations (art. 4).
Decree No. 55 July 16, 1963, setting minimum wages for workers employed in agriculture, industry, services and commerce, has been replaced by new legislation (Decree No. 80, November 6, 1973), providing for a higher wage scale.

The Law for the Establishment of a Monetary Board (*Junta Monetaria*) enacted by Decree No. 407 (1973) charges the *Junta* with the formulation and administration of state policies regarding monetary, exchange, credit and financial policy aiming at economic development. The resolutions (art. 6) of the *Junta* will be binding on a number of financial and related institutions, public and private, listed in art. 4. The *Superintendencia de Bancos* will be subordinate to the *Junta* (art. 8). The law contains (art. 11) extensive amendments of the Organic Law of the Central Reserve Bank (Decree No. 496, 1961) and of the Law on Credit Institutions and Auxiliary Organizations (Decree No. 94, 1970).

A regulation was promulgated (Decree No. 66, 1973 regarding loans and guarantees by the *Fondo de Financiamiento y Garantía para la Pequeña Empresa* (Decree No. 324, 1973, 5 Law. Am. 543, 1973). In order to improve urban transportation, the *Fondo* was authorized by decree (No. 399, 1973) to extend short, medium or long term credits to urban transportation companies using buses as well as to cooperatives of taxis.

The new Code of Criminal Procedure is ready for enactment.

El Salvador has denounced the Bogota pact for pacific settlement of disputes.

GUATEMALA

The new Criminal Code (Decree No. 17-73, 1973, 5 Law. Am. 544, 1973) consists of three books: the first containing general provisions, the second crimes, and the third misdemeanors. Among the general rules are found those dealing with the extraterritorial application of the Code (art. 5). The next title deals with crime in regard to causation (art. 10), intent (art. 11), negligence (art. 12), completion (art. 13), attempts (art. 15 and 16), desistence (art. 16), and conspiracy (art. 17). Rules of criminal responsibility include imputability (art. 23), justification (art. 24) and non-responsibility (art. 25). Among circumstances which affect criminal responsibility, mitigating and aggravating circumstances are discussed (art. 26 to 34), followed by rules regarding participation.
Penalties include death (with limitations, art. 43), imprisonment, detention, and fines (art. 41 to 61). These rules are implemented by those dealing with imposition of penalties (art. 62 to 68), multiplicity (art. 69 to 71), suspended sentences (art. 72 to 77) and probation (art. 78 to 82), as well as judicial pardon (art. 83). Next are rules on security measures (art. 84 to 100), extinction of responsibility and penalties (art. 101 to 111), and on civil liability (art. 113 to 122). The second book defines crimes against the following protected objects: life and bodily integrity (art. 123 to 158), including abortion and crimes connected with sport (art. 152 to 153); honor (art. 159 to 172); freedom, sexual safety and modesty (art. 173 to 200); freedom and safety of persons (art. 201 to 225); family and civil status (art. 226 to 245); property (art. 246 to 261); general safety (art. 282 to 312), including piracy (art. 300); public faith (art. 313 to 334); misuse of identity (art. 335 to 339); national economy, commerce and industry (art. 340 to 358); safety of State (art. 359 to 380); established constitutional order (art. 381 to 407); public administration (art. 408 to 452); administration of justice (art. 453 to 476), and against illicit gambling (art. 477 to 479). Book three deals with misdemeanors (art. 480 to 497). Art. 1 of general provisions contains a number of definitions. According to transority provisions, the new Code replaces the one enacted in 1936 (Decree No. 2.164).

The Code of Criminal Procedure (Decree No. 52-73, 1973) is divided into six books with 815 articles. Book one starts with general provisions (art. 1 to 60), followed by proceedings arising from crimes and misdemeanors (art. 67 to 98), rules pertaining to jurisdiction and competence (art. 99 to 111), and the role of police, including the judicial branch of the national police (art. 119 to 123). Art. 124 to 180 deals with persons involved in criminal proceedings, art. 181 to 243 with judicial acts, and art. 244 to 269 with notifications and indictments. The other titles of this book regulate letters rogatory (art. 270 to 279), withdrawals (art. 280 to 289), precautionary measures (art. 290 to 396), and objections (art. 299 to 304). Book two is devoted to criminal investigations (art. 305 to 615), while book three deals with trials (art. 616 to 717). Appeals are regulated in book four (art. 718 to 775), probation and rehabilitation in book five (art. 776 to 800). The final book contains procedural rules for misdemeanor cases (art. 801 to 815).

By Decree No. 63-73 (1973) Congress has postponed the entering into force of both Codes through January 1, 1974.

Pursuant to art. 130 of the Constitution, the Congress has enacted the Law Regulating National Reserves (Decree No. 35-73, 1973). In
essence, the law claims as national domain strips of three kilometers along the sea coasts from the high water mark, 200 meters from the shores of lakes, 100 meters from navigable rivers, and 50 meters from springs flowing into populated areas. Exempt are lands within urban areas, also lands whose interests have been inscribed in land registers since 1894, and lands with interests so registered prior to 1956 and not in possession of the State.

In regard to the last two classes, aliens need administrative permits to acquire such lands subject to preference in favor of the State. (art. 1). Only the State, municipalities, state institutions, Guatemalan nationals and associations meeting requirements to be set by a regulation, may acquire interests in national reserves, except that aliens may acquire interests in urban areas, subject to preference in favor of the State (art. 2). Except for areas surrounding springs (art. 5), national reserves may be leased subject to approval by the Ministry of Agriculture (art. 3); however, such areas may not exceed 90 hectares of maritime zones and 3000 square meters of zones adjacent to lakes or rivers, except when intended for tourism in the latter two (art. 4). Leases may be concluded with government approval (art. 9) for 35 years and in cases of hotels for 50 years (art. 5). Rents shall be paid annually, amounting to a percentage (1 to 6%) of the value of the land, doubled in case land will be used for profit (art. 7). Subleasing is prohibited, but not alienation or encumbering (art. 8). Any violation of these provisions makes the transaction null ipso jure (art. 13). Persons holding interests in the national reserves without proper legal title must regulate their situation within six months (art. 14).

Rise in prices combined with a scarcity of articles of prime necessity caused the enactment, in September 1973, of three decrees. The law regarding the distribution of basic products for popular consumption (Decree No. 80-73, 1973) authorizes the Instituto Nacional de Comercialización Agrícola (ENDECA) to organize such distribution and undertake interventions to assure sufficient supply and proper distribution. Decree No. 81-73 (1973) requires licenses issued by the Ministry of Economy for the exportation of basic consumers' products considered "necessary to assure the needs of the internal market" (art. 1). A third decree (No. 82-73, 1973), regarding national economic emergency provides criminal sanctions for economic crimes, among them hoarding of articles of prime necessity "in order to cause rise in prices or artificial scarcity"; to acts designed to limit free competition in production and marketing of basic consumers' articles; acts intended to limit production or sale of
any products in order to raise their prices; and export of articles of prime necessity without previous ministerial authorization (art. 2). Also punishable with imprisonment and fines are acts of speculation by spreading false rumors or other devices to interfere with offers and demands on the market, or by interfering with normal activities of the market by changing the value of currency; the press excepted (art. 3).

The law on resident retirees and rentiers (persons retired from business with steady income) enacted as Decree No. 58-73 (1973) allows them to settle in Guatemala provided they prove to be recipients of steady income originating abroad (art. 3). Benefits of the law accrue to aliens who immigrate now or reside already there as well as to Guatemalan nationals who qualify as retirees or rentiers, even if they acquired foreign nationality (art. 4). Beneficiaries under this law enjoy exemption from import duties for household articles (art. 5), with special provisions regarding automobiles (art. 6). In any case, the income qualifying them for these benefits is exempt from the income tax (art. 7). Applications are handled by the Instituto Guatemalteco de Turismo (art. 11). Beneficiaries may not engage in paid work, unless it is considered useful for the country in the opinion of the Ministry of Economy, or consists of professional services for the government, autonomous entities, institutions of higher education or in handicraft (art. 11). Beneficiaries may also acquire Guatemalan nationality without forfeiting advantages under this law (art. 15).

Prices on petroleum products have been fixed by acuerdo (No. 68 of the Ministry of Economy).


The law regarding the Banco Nacional de Vivienda (Decree No. 2-73, 1973) has been amended in art. 60 by addition of para (c) (Decree No. 42-73, 1973).

Congressional Decree No. 16-73 (1973) amended art. 13 of the Monetary Law (Decree No. 203) by adjusting the gold parity of the quetzal; also amended was art. 40 of the organic law regulating the Empresa Guatemalteca de Telecomunicaciones (GUATEL) Decree No. 38-73, 1973).
In order to protect domestic transportation enterprises, Decree No. 57-73 (1973) gave aviation and maritime enterprises with State participation preference regarding entering into associative arrangements with domestic or foreign enterprises, except where international conventions provide differently (art. 1). Decree No. 76-73 (1973) approves the liquidation of AVIATECA and provides for the establishment of a corporation.


Additional articles require export licenses, among them meat (Acuerdo, September 4, 1973); cotton (Acuerdo, September 10, 1973); and paper (Acuerdo, September 17, 1973).

A law regarding the free zone Santo Tomas (Decree No. 22-73, 1973, 5 Law. Am. 545, 1973) was implemented by a regulation (Acuerdo Gubernativo No. 22-73).

Decree No. 72-73 (1973) provides for the development of the milk industry. Sweetening may not be added to meats (Acuerdo No. 99-73, 1973).

The statute of the Instituto Nacional de Electrificación was amended by Decree No. 43-73 (1973); also the law on general warehouses (Decree No. 1.746) by Decree No. 55-73 (1973).

A law on diplomatic ceremonial was enacted (Decree No. 86-73, 1973). Among others, it provides that diplomatic privileges are determined by international law, by the laws of Guatemala, and by treaties (art. 59); such privileges apply also to dependents, namely wife, mother, minor children as well as single adult daughters living with them (art. 64). Diplomatic auto tags will be provided under condition that an insurance policy with a Guatemala insurance company domiciled in Guatemala guarantees damages to occupants and third persons in an amount determined by the Ministry of Foreign Relations (art. 62).

Among international conventions the following may be mentioned: on cocoa signed at New York in 1973; on prohibition of bacteriological weapons signed in 1972 (Decree No. 50-73, 1973); and on cotton, signed at Geneva in 1962 (Decree No. 69-73, 1973).

Taxation of air fares was amended by Decree No. 28-73 (1973), extending the tax to tickets bought abroad for flights originating in Guatemala, making the respective carrier responsible for the payment (art. 1).
HONDURAS

To combat scarcity of basic commodities and rising prices, the Jefe de Estado promulgated Decree No. 91 (1973) which gives the executive branch authority to impose a quota system or issue licenses for the export or import of basic products for popular consumption and of raw materials, with a possibility of determining percentages of exports reserved for domestic consumption; to exempt from import duties certain articles; to prevent and combat hoarding and other manipulations which may affect consumers; and to fix at any stage of marketing, prices of pharmaceutical products (art. 2).

Decree No. 92 (1973) amended the Criminal Code, enacted in 1906, regarding crimes against the economy (art. 536 to 539 C). Punishable with fines and imprisonment are: publishing or spreading, within the country or abroad, false, exaggerated or tendentious information which impairs or damages the national economy or public credit (art. 536); destruction of raw materials or agrarian or industrial products, or means of production causing serious damages to the economy or to consumers (art. 537); spreading false information causing a rise or fall in the public market or stock exchange or in commerce of salaries, shares or prices, with special provisions for public officials and brokers (art. 538); and spreading animal or plant contamination (art. 539). Punishable is also hoarding of articles of prime necessity; interference with free competition on the market; exportation of articles without proper license; demanding benefits for non participation in public auctions (art. 539 A); illegal commercial exploitation of maritime resources and resources of rivers and lakes (art. 539 B), as well as of forests and other cultivations (art. 539 C).

A draft for a new criminal code is ready for enactment.

The treaty on nonproliferation of nuclear weapons (1968) was adopted.

JAMAICA

An extensive Marine Insurance Act (No. 1, 1973) was enacted, also the Juveniles (Amendment) Act (No. 2, 1973).
MEXICO


A regulation included domestic help within the social insurance scheme (D.O. August 28, 1973).

Among treaties the following may be mentioned: Agreement with the International Organization of Atomic Energy regarding safeguards (1973), and the Treaty Against Proliferation of Nuclear Weapons of 1968 (D.O. July 23, 1973); also the Convention of Minimum Salaries with special reference to developing countries, I.L.O. No. 131, 1973 (D.O. July 26, 1973).

Baja California

A Department of Professions was created (1972).

Coahuila

Decree No. 300 (1960) on arbitration was amended (Decree No. 210, 1972). The law regulating the Coahuila University was amended (Decrees No. 170 and 172, 1972).

Decree No. 106 (1972) contains provisions for the rehabilitation of convicts, based on work, education and social adjustment.

Chiapas

Art. 2 of the Constitution was amended (Decree No. 105, 1972); also art. 139 of the Criminal Code dealing with responsibility for damages arising from traffic accidents.

A number of articles in the Health Code were amended (Decree No. 45, 1972).

A law to protect monuments was enacted (Decree No. 135, 1972).

Chihuahua

The Administrative Code was amended (Decree No. 144, 1972) in matters referring to the Attorney General, public register and notaries.
Art. 2129, 2132, 2746, and 2839 (3) of the Civil Code have been amended by Decree No. 134 (1972); also art. 81, 375 (4), and 87 of the Code of Social Defense (Decree No. 148 and 164, 1972); and the Code of Procedure in matters of Social Defense (Decree No. 163, 1972).

Various provisions of the Organic Law of the Autonomous University of Chihuahua have been amended by Decree No. 147 (1972).

Urbanization is regulated in Decree No. 107 (1972).

Guerrero

The Code of Civil Procedure (art. 169, 191, 266, 267, 656, 657, 733, and 734) has been amended (Decree No. 110, 1972).

Hidalgo

Committees for water supply have been established by Decree No. 74 (1972). A decree on committees for social improvement was enacted (No. 73, 1972) replacing the 1957 enactment.

Jalisco

The Constitution was amended in art. 9, 10, 23, and 25, dealing with elections of representatives.

Art. 830 of the Civil Code regarding abandoned assets has been amended by Decree No. 8851 (1972).

The law regulating urban subdivisions was amended (Decree No. 8861, 1972).

México

The law of cadaster (land register) was amended by Decree No. 146 (1972); also the law regulating subdivision of state owned lands (Decree No. 164, 1972).

Michoacán

The Judiciary Act was amended (Decree No. 44, 1972); also the notarial act (Decree No. 77, 1972).

Nayarit

The Constitution was amended by Decree No. 5.425 and 5.426 (1972); also the election law (Decree No. 5.427, 1972).
Nuevo León

The Constitution was amended by Decree No. 116 (1972).

Oaxaca

The Constitution was amended by Decrees No. 71 and 91 (1972).

Querétaro

The Constitution was amended (Laws, April 21 and June 30, 1972), as was the Judiciary Act (June 23, 1972).

San Luis Potosí

The Notarial Law was amended (Decree No. 223, 1972).

Sinaloa

Art. 949 of the Civil Code, dealing with Horizontal property, was amended (Decree No. 24, 1972). Regulation to art. 949 dealing with property and co-ownership is contained in Decree No. 25 (1972).

Decree No. 33 (1972) regulates the supply of water for rural areas.

Sonora

An extensive law (No. 53, 1972) deals with narcotics.

Yucatán

A Code for Minors was enacted (Decree No. 151, 1972).

NICARAGUA

Recently, the National Constituent Assembly passed an amendment to the Criminal Code, enacted in 1891 affecting crimes against honor. Calumny (calumnia) is committed by one who falsely attributes a specific personal act to another which, according to criminal law, constitutes a crime prosecuted by public indictment (art. 372). Penalty is a fine (art. 373), double where such accusation has been made in print, in public, or by communications media (art. 374). Proof of truth is a defense (art. 375). Defamation (injuria) consists of an attack on the honor, reputation, dignity, or of communication of faults or vices totally private or domestic, which by their nature, may expose the offended to hate, ridicule, or public contempt (art. 376). Defamation also includes
attributing private prosecutable offenses, facts of family life, doubts regarding chastity of a woman, physical defects or repugnant or contagious illness, allusions on lack of financial integrity of institutions, professions, legal entities offices or legal transactions in the Republic. Further, acts affecting the memory of a dead person and defacing implements of religious cults (art. 376). Included is also communication of criminal acts executed by a spouse or near relative whenever made with the intent to injure (art. 377). Whenever a defamation is made public in the presence of the offended person or is made by means listed in art. 374, fines will be doubled (art. 378). Proof of truth is not available as defense (art. 376, para. 2). However, exempt is criticism involving political actions, governmental acts, legislative policy and activities of public officials (art. 379); also scientific, literary, artistic, or technical criticism (art. 380), and information regarding events which in fact occurred or have been officially reported (art. 381). The court may take into consideration provocation (art. 382) and reciprocal acts (art. 395). Criminal responsibility attaches jointly with the perpetrator to the directors, editors or owners of periodicals, printers, radio and television stations and other means of communication that may have spread the punishable information. These must publish, without comment, within twenty-four hours from the judgment, the retraction or the judgment, if the offended person so demands (art. 386). In cases of criminal acts against the government, municipalities or national or local juntas, the public prosecutor will start proceedings (art. 394). The responsible party may avoid punishment by a retraction (art. 397). Whenever such crimes are committed by means listed in art. 374, the guilty party must pay the fine within three days after having been notified of the sentence in order to avoid the suspension of particular means of publication. However, such suspension does not exempt the guilty from paying salaries to the personnel employed in such mediums (art. 395, para. 4). Jurisdiction is vested in courts who proceed in summary proceedings (Title X of the Code of Criminal Procedure). The fines accrue to local committees of social assistance (art. 395, para. 9). The law is being attacked by amparo before the Supreme Court as unconstitutional.

The Legislature repealed emergency decrees No. 83 and 86 (1973), requiring workers to contribute one month's salary for reconstruction, but increased the work week from 48 to 60 hours (5 Law. Am. 335, 1973).

PERU

Regulations have been issued for the Tax Court and the Tariff Court (Supreme Decree No. 166-73-EF, and 167-73-EF, 1973). Mutual aid societies established by civil service personnel are regulated by Decree-Law No. 20.064 (1973).


Art. 155 of the Law of Business Associations (Law No. 16.123) has been amended by Decree-Law No. 20.152 (1973), providing that duties of members of the board of directors are personal, except where bylaws provide differently; directors must reside in Peru. Banking, finance, insurance and reinsurance enterprises may not pay dividends before the shareholders in general assembly have approved the financial statement and the distribution of dividends (Decree-Law No. 20.139, 1973).

Capital of public enterprises will be represented by shares or certificates of aports (Decree-Law No. 20.130, 1973).

The manufacture of high pressure steel tubes has been added to high priority industrial products (Decree-Law No. 20.055, 1973).

A uniform system of accounting has been introduced for all enterprises except banking, insurance and those exempt by the Ministry of Economy and Commerce (Decree-Law No. 20.172, 1973).

Functions of the National Bank have been further defined by Decree-Law No. 20.119 (1973). COFIDE will offer medium and long-term credits (Decree-Law No. 20.185, 1973). Decree-Law No. 18.957 (1971, 4 Law. Am. 87, 1972) regulating financial institutions has been amended by Decree-Law No. 20.114 (1973).


Small and medium land holdings worked by their owners shall be consolidated under Decree-Law No. 20.120 (1973), implemented by Decree-Law No. 20.136 (1973).
A number of aviation activities, particularly those connected with oil exploration, will be reserved to the military and to state-owned enterprises (Decree-Law No. 20.106, 1973).


The public enterprise Servicios Industriales de la Marina (SIMA-PERU) has been organized by Decree-Law No. 20.160 (1973).

Contracts involving oil operations are regulated by Decree-Law No. 20.079 (1973).

Decree-Law No. 19.525 (1973, 5 Law. Am. 81, 1973) dealing with operations of bankrupt enterprises has been amended by Decree-Law No. 20.158 (1973).

Insurance and reinsurance enterprises, except foreign subsidiaries, have been adjusted to decisions No. 24 and 37 of the Cartagena Agreement by Decree-Law No. 20.088 (1973).

Title VI of the General Water Law (Decree-Law No. 17.752, 1969) has been implemented by a regulation (Supreme Decree No. 929-73-AG, 1973).

Employment of minors under 18 years of age in industry is regulated by a supreme decree (No. 006-73-TR, 1973); apprenticeship by Decree-Law No. 20.146 (1973). The directorio as well as the comité ejecutivo of AEROPERU (Decree No. 20.030, 1973, 5 Law. Am. 551, 1973) will include worker's representatives (Decree-Law No. 20.109, 1973).

Land for urban expansion will have to be devoted to production of food (Decree-Law No. 20.069, 1973).

New tax incentives for tourism have been granted by Decree-Law No. 20.104 (1973).

Decree-Law No. 20.081 (1973) is designed to prevent speculation in land destined for highway construction.

Am. 551, 1973) has been approved (Supreme Decree No. 028-73-TG, 1973).

Squatters on state or private-owned urban land will be punished under Decree-Law No. 20.066 (1973).

According to Decree-Law No. 20.012 (1973) penal institutions are in the process of reorganization.


A new General Law of Tariffs has been enacted (Decree-Law No. 20.162, 1973).

Decisions No. 50 and 69 (import of motor vehicles) of the Cartagena Commission have been adopted (Decree-Law No. 20.086 and 20.087, 1973).

The draft for a new decree-law on social property has been published and opinions invited from professional organizations. Some of them, for example, from the Aprista Party and the Confederación General de Trabajadores del Perú (CGTP) have been published in the El Peruano.

The Caracas Protocol and the Protocol formalizing LAFTA's Council of Foreign Ministers were ratified by Peru on 14 June, 1973.

TRINIDAD AND TOBAGO

The Act of Majority (No. 28, 1973) granted persons attaining the age of 18 years the status of full age (art. 2).


The Evidence Ordinance (Ch. 7, No. 9) was amended by Act. No. 16 (1973) regarding evidence in civil proceedings by inserting new sections 32 to 43, dealing with hearsay evidence and admissibility of other evidence.
The Fiscal Incentives Act (No. 36, 1973) grants tax benefits to industry.

The County Councils Act of 1967 was amended by Act No. 26 (1973).

The agreement establishing the Caribbean Investment Corporation was enacted (Act No. 29, 1973).

UNITED STATES

The following new legislation is noted:

Public Law 93-110, 1973 amends the Par Value Modification Act, 31 U.S.C.A. §§ 449-449b, approving the 10% devaluation of the dollar, and states, inter alia, the sense of the Congress “that the President shall take all appropriate action to expedite . . . . the international monetary reform noted at the Smithsonian on December 18, 1971”.


Public Law 93-116 amends section 607(k) (8) of the Merchant Marine Act, 1936, 46 U.S.C.A. §1177(k) (8), to include within the term “eligible vessel” vessels engaged in trade between two or more points within or between Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States. The amendment makes such vessels eligible for an operating-differential subsidy.


Public Law 93-130, 1973 empowers the Legislature of the Virgin Islands to establish procedures for filling vacancies in its membership.
Public Law 93-148, 1973 overrode the President's veto and restricted the latter's war powers. (War Powers Act.)

Public Law 93-153, 1973 approved the construction of the Alaska pipeline.

Public Law 93-159, 1973 proposes more precise and definite authority for the President to deal with emerging shortages of petroleum products.


Public Law 93-189, 1973 authorizes $2.4 billion for foreign economic and military assistance.

Public Law 93-193, 1973 amends the International Travel Act to allow charging of entrance fees for travel exhibits.

Important legislation pending in the Congress includes, among others, bills concerning the energy crisis on which both houses failed to agree on details before adjournment in December, 1973; trade reform which passed the House, but remains in committee in the Senate; environmental regulations for strip mining which passed the Senate, but remains in committee in the House; and proposals for reform of the Federal Criminal Code which remain in committees of both houses.

In the treaty area the following developments are noted: Agreements with Mexico (1) to combat illegal flow of narcotics across the border, entered into force August 31, 1973; (2) concerning salinity of the Colorado River entered into force August 30, 1973; (3) concerning trade in cotton textiles, entered into force September 26, 1973. Also, the Convention on Prevention of Marine Pollution, London, Mexico City, Moscow, and Washington was ratified on September 25, 1973; and amendments to the International Convention on Load Lines, 1966, London 1971, was accepted on September 13, 1973.


Puerto Rico

Among laws passed in the recent legislative session (1973), the following may be mentioned: Law No. 5 created a Department of Consumer Affairs; Law No. 6 enacted a new temporary tax on corporations; Law
No. 16 increased the guarantee of payment on bonds issued by the Housing Bank; Law No. 20 established requirements for business licenses involving leases or renting of movable property; the Import and Distribution Corporation was established by Law No. 23, and charged with price stabilization; the employment of illegally present aliens is prohibited and punishable under Law No. 48; Law No. 51 deals with firearm licenses issued to members of the Legislature.

URUGUAY

By Decree No. 464 (1973), announced over communication media on June 27, 1973, both Houses of Congress were dissolved (art. 1) and a Council of State established to perform duties vested in the Congress, to control the executive branch regarding human rights, to comply with constitutional and legal norms, and to prepare a constitutional reform based on democratic and representative principles, to be submitted at a proper time to popular referendum (art. 2). Simultaneously, the decree prohibits any information or comment related to this decree as granting dictatorial powers to the executive branch (art. 3). The armed forces and police are given authority to take all measures to assure the functioning of public services (art. 4). In its preamble the decree points out that the liberal-democratic state even if weakened deserves a prompt response in the "supreme interest of common welfare."

The Ministry of Economy and Finance has published (Decree No. 526, 1973) an extensive consolidation of all direct and indirect tax provisions.

In view of extensive political activities on the part of labor unions, Decree No. 622 (1973) provides not only rules pertaining to organization, elections and membership rights, but also measures to prevent unions to drift away from their "true functions."

A decree (No. 640, 1973) contains a new act regulating administrative procedures, superseding the rules enacted in 1966.

The new foreign investment act will be summarized in the forthcoming issue of the Lawyer.

The new law to suppress Marxism is under consideration by the Government.
The election law was amended (G.O. No. 1.609, 1973). The status of legal officers in ministries is regulated by Decree No. 1.401 (1973). The tariff law also was amended (G.O. No. 1.614, 1973).

Incentives have been granted by law (G.O. No. 30.217, 1973) for exports of agricultural, fishery and forestry products (art. 1). The amount of incentive bond will be determined in accordance with the "added national value," meaning the difference between the F.O.B. price of the item exported and the cost of imported components directly or indirectly utilized in the manufacture. Regulations will establish various classes according to the percentage of added national value and arrange products presently exported; also fix the corresponding subsidy rates from 1 to 100% of the added national value. No subsidy will be granted to exports of oil or its refined products, for unprocessed minerals, for coffee and cacao, products whose added national value is below 30%, re-exports, used materials, exports of automotive parts by assembly plants as well as products added by administrative resolutions. A Fund to Finance Exports has been established (G.O. No. 30.217, 1973) to provide financial backing for exports of non-traditional goods and services originating in Venezuela and considered as having priority in economic development (art. 2). The Fund will finance market surveys, feasibility studies, investments in preparation of agricultural products for exports, furnish working capital for export industries and lend funds for export operations. The Fund will purchase or discount negotiable instruments from such operations and guarantee export operations. Export insurance is contemplated. A new regulation was promulgated for valuation for export of minerals and oil, including its products (Decree No. 1.384, G.O. No. 30.192, 1973). Export of rice requires a governmental license (Decree No. 1.391, G.O. No. 30.179, 1973).

The Comisión Nacional de Valores has issued rules regarding public offers of shares and related publicity (G.O. No. 1.612, 1973).

The Instituto Nacional de Parques was established (G.O. No. 30.223, 1973).

Rules regulating financing purchases of automobiles have been promulgated by a resolution (G.O. No. 30.233, 1973).

The profession of public accountants is regulated by law (G.O. No. 30.216, 1973).
Among multilateral international conventions the following have been adopted: the O.A.S. sponsored convention against acts of terrorism, signed at Washington in 1971 (G.O. No. 30.233, 1973); the increase of the quota in the Inter-American Development Bank and the amendment of its statute (G.O. No. 30.233, 1973); and on privileges and immunities of LAFTA (G.O. No. 30.241, 1973).

The entry of Venezuela into the Andean market is accompanied by the ratification of the following instruments: the Cartagena Agreement (Bogotá, 1969); the final act of negotiations between the Cartagena Commission and Venezuela (Lima, 1973); the annex to the final act of these negotiations (Lima, 1973) with annex B as decision No. 70 of the Cartagena Commission (Lima, 1973), accompanied by Resolution No. 292 of the Executive Committee regarding the compatibility of the Montevideo Treaty and with the Accord of Subregional Integration (Resolutions No. 292 and 293), followed by decision No. 24 (treatment of foreign capitals, trademarks, patents, licenses and royalties); decision No. 37 and decision No. 37-A (treatment of foreign capitals); decision No. 40 (avoidance of double taxation); decision No. 46 (multinational enterprises); decision No. 50 (provisional import of vehicles); and decision No. 70 (conditions for adherence of Venezuela).

Among bilateral treaties the following may be mentioned: with Mexico regarding a mixed commission for cultural cooperation, another on maritime matters as well as a resolution regarding air transportation (G.O. No. 30.213, 1973); and with Cuba regarding seizure of aircraft and vessels (G.O. No. 30.223, 1973, 5 Law. Am. 653, 1973).

This report summarizes a select number of statutory enactments and other developments. Therefore, no decision should be made without consulting the complete texts and related materials. Moreover, consultation with a competent local attorney is recommended.