

上海高校知识服务平台建设项目资助 (编号: ZF1209)

英国合同侵权法概论

English Contract and Tort Law Basics

编著 林 江

Author John LIN

 上海浦江教育出版社
Shanghai Pujiang Education Press

上海高校知识服务平台建设项目资助(编号: ZF1209)

英国合同侵权法概论

English Contract and Tort Law Basics

编著 林江

Author John LIN

图书在版编目(CIP)数据

英国合同侵权法概论/林江编著. —上海: 上海浦江教育出版社有限公司, 2014. 9
ISBN 978-7-81121-290-7

I. ①英… II. ①林… III. ①合同—侵权行为—研究—英国 IV. D956.13

中国版本图书馆 CIP 数据核字(2014)第 207592 号

上海浦江教育出版社出版

社址: 上海海港大道 1550 号上海海事大学校内 邮政编码: 201306
电话: (021)38284910/12(发行) 38284923(总编室) 38284910(传真)

E-mail: cbs@shmtu.edu.cn URL: <http://www.pujiangpress.cn>

上海图宇印刷有限公司印装 上海浦江教育出版社发行

幅面尺寸: 185 mm × 260 mm 印张: 26.75 字数: 648 千字

2014 年 9 月第 1 版 2014 年 9 月第 1 次印刷

责任编辑: 丁 慧 封面设计: 赵宏义

定价: 78.00 元

Forward

The author is pleased to present this book to the law students of Chinese colleges who have interest in learning the primary concepts and principles of English Contract and Tort Law. Due to the historical reason and ongoing globalisation, the majority of cross-border transactions, like those in trade, shipping, finance and insurance, are subject to the laws of England and Wales. If disputes arise from those transactions, they will have more chance to be referred to London for arbitration or adjudication. English law has six major subjects: contract, tort, equity and trust, land and conveyancing, constitutions and administration and EU, among which the contract and tort law are most pertinent to the international deals and actions. Therefore, to be well prepared for the legal career, Chinese law students had better acquire a solid knowledge of English Contract and Tort Law Basics.

The structure and contents of this book are derived from the author's studying and practising English law in Southampton, Bournemouth and London, during the period from 1998 to 2007. Either the contract or tort law has an enormously wide scope. Thus, the book starts with a brief introduction of two sectors of law (Chapter 1). Then, the author delicately selects 11 topics from the contract law and 4 topics from the tort law, with which Chinese legal workers are prone to confrontation. The 11 topics of contract law are formation-agreement (Chapter 2), formation-intention (Chapter 3), formation-consideration (Chapter 4), privity (Chapter 5), terms (Chapter 6), exclusions (Chapter 7), misrepresentation (Chapter 8), mistake (Chapter 9), duress and undue influence (Chapter 10), discharge (Chapter 11) and remedies (Chapter 12). As to the tort law, the topics chosen include negligence-duty of care (Chapter 13), negligence-breach of duty (Chapter 14), negligence-causation and remoteness (Chapter 15) and damages (Chapter 16).

The English law is case based, so is this book. Chinese law students will find it difficult to discover and learn *ratio decidendi*, when they start reading through hundreds of pages of judgments. However, they will soon receive the benefits of their hard work, such as enhancement of the ability to connect the law with practice and improvement of reading and writing capacity in English.

This piece of work has a strong maritime feature. The reason has three folds. Firstly, the author is specialised in the shipping law, playing a mixed role of lecturing, researching, lawyering and arbitrating. Secondly, the author opened a selective course-Anglo & Saxon Law in his mother college-Shanghai Maritime University (SMU) in 2008 and taught that course to the school's LLB students in the past 6 years. The materiality of this book was gradually shaped in those 6 years,

thank to the feedbacks from the students and fellow lecturers. Thirdly, the shipping cases and judgments have made a fantastic contribution to the development of English Contract and Tort Law. About 10% of leading cases are born in the shipping field. One recent example is *Dalmare SpA v Union Maritime Ltd and Valor Shipping Limited* (The “Union Power”) [2012] EWHC 3537 (Comm), which articulates that the second-hand goods must be of satisfactory quality pursuant to the *Sale of Goods Act of UK 1979*, unless very clear words are used in the sale contract to preclude the application of terms implied by the act. The said judgment, though surprising and contrary to the market expectation, affirms the borderline between the mandating of statute and freedom of contract. The author made endeavours to include all leading shipping cases into this book. The maritime law students may find those cases particularly useful, as comprehension of the fundamentals of English contract and tort law is crucial for the study of shipping law.

This book may exert a unique function in the contemporary Shanghai, when this metropolis is taking great efforts to construct the “Four Centers”. The construction work urgently needs a large quantity of “Triple-learned and Triple-crossed” talents, which refer to people who have knowledge of industry, law and language (i. e. English) and who have capacity to handle cross-nation, cross-industry (or cross-industrial-sectors) and cross-theory-and-practice matters. This book shows the author’s commitment to cultivating the “Triple-learned and Triple-crossed” talents by sharing his 19-year studying and working experience in London and Shanghai with his students, colleagues and friends.

This book is authored by John LIN (林江), who is Associate Professor in Shanghai Maritime University School of Law, Adjunct Professor of Tulane University Law School and the Acting Deputy Director of Policy and Law Research Center of Shanghai International Shipping Institute (SISI). The author is dually qualified and practicing law in England and Wales and the Mainland of China, and acts as arbitrator with London Maritime Arbitrators Association and Shanghai Arbitration Commission. The author would like to express gratefulness to all advisors and helpers in Shanghai Pujiang Education Press, SISI, Law School of SMU and Hisun & Co (海神律所), without whose guidance and sponsorship the publication of this book could not be possible. Due to limited knowledge and experience, deficiency may be inevitable. The readers are encouraged, with advance thanks, to spot out any imperfections and forward their valuable comments on revision to the author at john.lin@hisunlaw.com.

John LIN
Shanghai
July 2014

List of Cases

- AB v South West Water Services [1993] QB 507
 Adams v Bullock 125 N. E. 93 (N. Y. 1919)
 Addis v Gramophone Co Ltd [1909] AC 488
 Agip SpA v Navigazione Alta Italia SpA (The Nai Genova and The Nai Superba) [1984] 1 Lloyd's Rep. 353
 Al SaudiBanque v Clark Pixley [1990] 2 WLR 344
 Alcoa Minerals of Jamaica Inc. v Broderick [2002] 1 AC 371
 Alderslade v Hendon Laundry Ltd [1945] 1 All ER 244
 Alexandrou v Oxford [1993] 4 All ER 328
 Allcard v Skinner (1887) L. R. 36 Ch. D. 145
 Allied Maples Croup Ltd. v Simmons & Simmons [1995] 1 WLR 1602
 Al-Nakib Investments (Jersey) Ltd v Longcroft [1990] 1 WLR 1390
 American Cyanamid Co v Ethicon Ltd [2001] 1 WLR 194
 Anglia Television Ltd v Reed [1971] 3 All ER 690
 Anns v Merton London Borough Council [1978] A. C. 728
 Appleby v Myers (1866-67) L. R. 2 C. P. 651
 A Roberts & Co v Leicestershire CC [1961] Ch. 555
 Attica Sea Carriers Corp. v Ferrostaal Poseidon Buld Reederei GmbH [1976] 1 Lloyd's Rep. 250
 Attwood v Small (1838) 6Ch & Fin 232
 A v Bottrill [2002] All ER (D) 64 (Sep)
 Avery v Bowden (1856) 5 W. R. 45
 Avon Finance Cov Bridger [1985] 2 All ER 281
 Baker v Willoughby [1969] 3 All ER 1528
 Balkis Consolidated Co Ltd v Tomkinson [1893] A. C. 396
 Bannerman v White (1861) 10 CBNS 844
 Banque Financiere de la Cite SA (formerly Banque Keyser Ullmann SA) v Westgate Insurance Co (formerly Hodge General & Mercantile Co Ltd) [1991] 2 A. C. 249
 Balfour Beatty Construction (Scotland) Ltd v Scottish Power Plc [1994] CLC 321
 Balfour v Balfour [1919] 2 KB 571
 Barclays Bank Plc v HHY Luxembourg SARL [2010] EWCA Civ 1248
 Barclays Bank Plc v O'Brien [1994] 1 A. C. 180

- Barclays Bank v Fairclough Building Ltd (1995) 44 Con LR 34
 Barker v Corus UK Ltd [2006] 2 AC 572
 Barnett v Chelsea and Kensington Hospital [1968] 1 All ER 1068
 Barry v Heathcote Ball & Co (Commercial Auctions) Ltd [2000] 1 WLR 1962
 Behn v Burness (1863) 3 B & S 751
 Bell v Lever Bros Ltd [1932] AC 161
 Bennet v Chemical Construction (GB) Ltd. (1971) 1 WLR 1571
 Beswick v Beswick [1968] A. C. 58
 Blackpool and Fylde Aero Club Ltd v Blackpool BC [1990] 3 All ER 25
 Bliss v South East Thames Regional Health Authority 1985 WL 312285
 Bolitho v City and Hackney Health Authority [1997] 4 All ER 771
 Bolton v Mahadeva [1972] 2 All ER 1322
 Bolton v Stone [1951] AC 850
 Boulton v Jones (1857) 2 Hurl. & N. 564
 Bowerman v Association of British Travel Agents Ltd 1995 WL 1082415
 BP Exploration Co (Libya) Ltd v Hunt (No. 2) [1983] 2 A. C. 352
 Brace v Colder [1895] 2 QB 253
 Bradford City Metropolitan Council v Arora [1991] 2 QB 507
 Breunig v American Family Insurance Co 173 N. W. 2d 619
 Bridge v Campbell Discount Co Ltd [1962] A. C. 600
 British Westinghouse Electric Co v Underground Electric Railway Co. of London [1912] A. C. 673
 Broome v Cassell Ltd [1972] AC 1027
 Broome v Perkins [1987] Crim LR 271
 Bufe v Turner (1815) 6 Taunt. 338
 Buckley v Irwin [1960] N. I. 98
 Burris v Azadani [1995] 1 WLR 1372
 Burrows v Lock [1805] 10 Ves 470
 C. and P. Haulage v Middleton [1983] EWCA Civ 5
 Caparo Industries Plc v Dickman [1990] 2 A. C. 605
 Carlill v Carbolic Smoke Ball Co. [1893] 1 QB 256 CA
 Carlisle & Cumberland Banking Co v Bragg [1911] 1 K. B. 489
 Carter v Boehm (1766) 3 Burr. 1905
 Carslogie Steamship Co v Royal Norwegian Government [1952] 1 All ER 20
 C. C. C. Films (London) Ltd v Impact Quadrant Films Ltd [1984] 3 All ER 298
 C Czarnikow Ltd v Koufos or The Heron II [1967] UKHL 4
 Cf United Oversea Bank v Jiwani [1977] 1 ALL ER 733
 Chandler v Webster [1904] 1 K. B. 493
 Chaplin v Hicks [1911] 2 K. B. 786

- Chartbrook v Persimmon [2009] UKHL 38
 Charter v Sullivan [1957] 2 WLR 528
 Chester v Ashfar [2005] 1 A. C. 134
 Christy v Row (1808) 1 Taunt 300
 CIBC Mortgages Plc v Pitt [1994] 1 A. C. 200
 Clea Shipping Corp v Bulk Oil International (The Alaskan Trader) (No. 2) [1983] 2 Lloyd's Rep. 645
 Cohen v Roche [1927] 1 K. B. 169
 Commercial Bank of Australia v Amadio 151 CLR 447
 Commission for the New Towns v Cooper (Great Britain) Ltd (1995) 69 P. & C. R. 221
 Condon v Basi [1985] 1 WLR 866
 Container Transport International Inc v Oceanus Mutual Underwriting Association (Bermuda) Ltd (No. 1) [1984] 1 Lloyd's Rep. 476
 Cook v Cook 342 U. S. 126 (1951)
 Cook v Lewis [1951] S. C. R. 830
 Cooperative Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1998] AC 1
 Co-operative Wholesale Society Ltd v National Westminster Bank plc [1995] 1 EGLR 97
 Cooper v Phibbs (1867) L. R. 2 H. L. 149
 Cosgrove v Horsfall (1945) 62 T. L. R. 140
 Couchman v Hill [1947] KB 554
 Couturier v Hastie [1865] 5 HLC 673
 Crane v Hegeman Harris Co Inc [1971] 1 WLR 1390
 CTN Cash and Carry Ltd v Gallaher Ltd [1993] EWCA Civ 19
 Cundy v Lindsay (1877-78) L. R. 3 App. Cas. 459
 Curtis v Chemical Cleaning and Dyeing Co Ltd [1951] 1 KB 805
 Cutler v Vauxhall Motors Ltd [1974] 1 QB 418
 Cutter v Powell (1795) 101 ER 573
 Dalrymple v Dalrymple (1811) 2 Hag Con 54
 Davies v London and Provincial Marine Insurance Co (1878) L. R. 8 Ch. D. 469
 D&C Builders Ltd v Rees [1966] 2 Q. B. 617
 De Mattos v Gibson (1858) 4 De G&J 276
 Denny Mott & Dickson Ltd v James B Fraser & Co Ltd [1944] A. C. 265
 Derry v Peek (1889) L. R. 14 App. Cas. 337
 Dillon v Twin State Gas and Electric Co 85 N. H. 449, 163 A. 111 (1932)
 Donoghue v Stevenson [1932] AC 562
 Dorset Yacht Co v Home Office [1970] AC 1004
 Doughty v Turner Manufacturing Co. Ltd [1964] 1 QB 518
 Dunlop Pneumatic Tyre Co Ltd v New Garage and Motor Co Ltd [1914] UKHL 1
 Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd [1915] A. C. 847

- Easson v London & North Eastern Railway Co [1944] 2 All ER 425
 Edgington v Fitzmaurice (1885) L. R. 29 Ch. D. 459
 Emeh v Kensington, Chelsea and Fulham Area Health Authority [1984] 3 All ER 1044
 Esso Petroleum Co Ltd v Mardon [1976] 2 All ER 5
 Export Credit Guarantee Department v Universal Oil Products Co [1983] 23 BLR 111
 Fairchild v Glenhaven Funeral Services Ltd [2003] 1 AC 32
 Fenwick v Macdonald, Fraser & Co Ltd [1904] DE3E 34
 Forsikringsaktieselskapet Vesta v Butcher [1989] A. C. 852
 Foster v Mackinnon (1869) LR 4 CP 704
 Frederick E Rose (London) Ltd v William H Pim Junior & Co Ltd [1953] 1 Lloyd's Rep. 84
 Frost v Knight (1871-72) L. R. 7 Ex. 111
 Gator Shipping Corp v Trans-Asiatic Oil SA (The Odenfeld) [1978] 2 Lloyd's Rep. 357
 George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 2 All ER 737
 George Wimpey & Co Ltd v British Overseas Airways Corporation (1954) 3 All ER 661
 Gibson v Manchester City Council [1979] UKHL 6
 Glasgow Corporation v Muir Lord Macmillan [1943] AC 448
 Goldman v Hargrave (1966) 115 CLR 458
 Gordon v Gordon [1821] 3 Swan 400
 Grainger & Son v Gough [1896] AC 325
 Greater Nottingham Co-operative Society Ltd v Cementation Piling and Foundations Ltd [1989] Q. B. 71
 Gregg v Scott [2005] UKHL 2
 Gregory v Williams (1817) 3 Mer. 582
 Hadley v Baxendale [1854] EWHC J70
 Haley v London Electricity Board [1964] 3 All ER 185
 Harbutt's "Plasticine" Ltd v Wayne Tank and Pump Co Ltd [1970] 1 QB 447
 Harris v Wyre Forest District Council [1988] 2 WLR 1173
 Hartog v Colin & Shields [1939] 3 All ER 566
 Harvela Investments Ltd v Royal Trust Co of Canada (CI) Ltd [1986] 1 AC 207
 Hawrish v Bank of Montreal [1969] 2 DLR (3d) 600
 Hazell v British Transport Commission [1958] 1 WLR 346
 Head v Tattersall (1871-72) L. R. 7 Ex. 7 1871 WL 13780
 Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] AC 465
 Heilbut Symons & Co v Buckleton [1913] A. C. 30
 Henderson v Henry E. Jenkins [1970] AC 282
 Henderson v Merrett Syndicates Ltd [1995] 2 AC 145
 Henderson v Merrett Syndicates Ltd (No. 3) [1997] L. R. L. R. 247
 Hill v Chief Constable of West Yorkshire [1988] 2 WLR 1049
 Hochster v De La Tour (1853) 2 E&B 678

- Holden v Chief Constable of Lancashire [1987] QB 380
- Holtby v Brigham & Cowan (Hull) Ltd [2000] All ER (D) 482
- Hong Kong Fir Shipping Co Ltd v Kawasaki Risen Kaisha Ltd [1962] 2 QB 26
- Horsfall v Thomas [1862] 1 H&C 90
- Hotson v East Berkshire Area Health Authority [1987] 2 All ER 909
- Houghton v Trafalgar Insurance Co [1953] 2 All ER 1409
- Hounslow LBC v Twickenham Garden Developments Ltd [1971] Ch. 233
- Howard Marine & Dredging Co Ltd v A Ogden & Sons (Excavations) Ltd [1978] Q. B. 574
- H. Parsons (Livestock) Ltd v Uttley Ingham Co Ltd [1978] QB 791
- Hughes v Lord Advocate [1963] A. C. 837
- Hutton v Warren (1836) 1 M&W 460
- Hyde v Wrench [1840] EWHC Ch J90
- Ingram v Little [1961] 1 Q. B. 31
- Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd [1989] 2 QB 433
- Investors Compensation Scheme Ltd v West Bromwich Building Society [1998] 1 ALL ER 98
- Jackson v Horizon Holidays Ltd [1975] 1 WLR 1468
- James McNaughton Papers Group Ltd v Hicks Anderson & Co (1991) 1 AER 134
- JEB Fasteners v Marks, Bloom & Co [1981] 3 All ER 289
- Jennings v Broughton (1854) 5 De G. M. & G. 126
- Jobling v Associated Dairies [1982] AC 794
- Jobson v Johnson [1989] 1 WLR 1026
- John Scott the Younger v Littledale 1858 WL 13775
- John v Mirror Group Newspapers Ltd [1997] Q. B. 650 CA
- Jolley v Sutton London Borough Council [2000] 1 WLR 1082
- Jones v Livox Quarries Ltd [1952] 2 Q. B. 608
- Jones v Powell [1965] 2 Q. B. 216
- Joscelyne v Nissen [1970] 2 Q. B. 86
- Kemp v Intasun Holidays (1987) 2 FTLR 234
- Kilchen v Royal Air Force Association [1958] 2 All ER 241
- Knightley v Johns [1982] 1 WLR 349
- Kraij v McGrath [1986] 1 All ER 154
- Kralj v McGrath [1986] 1 All ER 154
- Krell v Henry [1903] 2 K. B. 740
- Kuddus v Chief Constable of Leicestershire [2001] UKHL 29
- Lagden v O'Connor [2004] AC 1067
- Lamb v Camden London Borough Council [1981] QB 625
- Lamport and Holt Lines Ltd v Cambro and Scrutton Ltd [1982] 2 Lloyd's Rep
- Latimer v AEC Ltd [1953] AC 643
- Les Affreteurs Reunis SA v Leopold Walford (London) Ltd [1919] A. C. 801

- Levey Co v Goldberg [1922] 1 K. B. 688
- Lewis v Averay (No. 2) [1973] 1 WLR 510
- Lewis v Clay [1897] 67 LJQB 224
- Lim v Camden and Islington Area Health Authority [1980] AC 174
- Lindenau v Desborough (1828) 8 B. & C. 586
- Lister v Romford Ice and Cold Storage Co Ltd [1957] A. C. 555
- Liverpool City Council v Irwin [1977] A. C. 239
- Lloyds Bank Ltd v Bundy [1975] Q. B. 326
- Lloyds Bank v Savory [1933] A. C. 201
- Lloyd's v Harper (1880-81) L. R. 16 Ch. D. 290 1880 WL 17693
- Locker & Woolf Ltd v Western Australian Insurance Co Ltd [1936] 1 K. B. 408
- London Drugs Ltd v Kuehne and Nagel International Ltd [1993] 1 WWR 1
- Lord Strathcona *Steamship* Co Ltd v Dominion Coal Co Ltd [1926] AC 108
- L Schuler AG v Wickman Machine Tool Sales Ltd [1973] UKHL 2
- Lynch v Thorne [1956] 1 WLR 303
- Maddison v Alderson (1882-83) L. R. 8 App. Cas. 467 1883 WL 19078
- Malec v J. C. Hutton Pty. Ltd (1990) 169 CLR 638
- Mannai Investment Co Ltd v Eagle Star Life Assurance Co Ltd [1997] 2 WLR 945
- Mansfield v Weetabix Ltd [1997] EWCA Civ 1352
- Maritime National Fish Ltd v Ocean Trawlers Ltd [1935] A. C. 524
- Marshall v Osmond [1983] 2 All ER 367
- Marten v Whale [1917] 2 K. B. 480
- McHale v Watson (1966) 115 CLR 119
- McKew v Holland and Hannen and Cubitts (Scotland) Ltd [1969] 3 All ER 1621
- Mendelssohn v Normand Ltd [1970] 1 QB 177
- Merritt v Merritt [1970] 2 All ER 760
- Messageries Imperiales Co v Baines 7 L. T. Rep. (N. S.) 763
- Metropolitan Water Board v Dick Kerr & Co Ltd [1918] A. C. 119
- Midland Bank Trust Co Ltd v Hett Stubbs & Kemp [1979] Ch. 384
- Moran v University College Salford (No. 2) 1993 WL 963501
- Moriarty v McCarthy [1978] 1 WLR 155
- Morley v Loughnan [1893] 1 Ch. 736
- Morris v Baron & Co [1918] A. C. 1
- Mutual Life and Citizens' Assurance Co Ltd v Evatt [1971] AC 793
- Nettleship v Weston [1971] 2 QB 691
- New Zealand Shipping Co Ltd v AM Satterthwaite & Co Ltd [1975] AC 154
- Ng Chun Pui v Lee Chuen Tat [1988] RTR 298
- Nocton v Lord Ashburton [1914] A. C. 932
- North Ocean Shipping Co v Hyundai Construction Co (The Atlantic Baron) [1979] Q. B. 705

- Norwich City Council v Harvey [1989] 1 WLR 828
 Olley v Marlborough Court [1949] 1 KB 532
 Oscar Chess Ltd v Williams [1957] 1 WLR 370
 Osman v Ferguson [1993] 4 All ER 344
 Pacific Associates Inc. v Baxter [1990] 1 QB 993
 Page One Records Ltd v Britton [1968] 1 WLR 157
 Palsgraf v Long Island Railroad Co 248 N. Y. 339, 162 N. E. 99 (N. Y. 1928)
 Pan Atlantic Insurance Co Ltd v Pine Top Insurance Co Ltd [1995] 1 A. C. 501
 Pao On v Lau Yiu Long [1980] AC 614
 Paradine v Jane [1647] EWHC KB J5
 Paris v Stepney Borough Council (1951) 1 AER 42
 Parsons (Livestock) Ltd v Uttley Ingham & Co Ltd [1978] Q. B. 791
 Partridge v Crittenden [1968] 1 WLR 1204
 Patel v Ali [1985] Ch 283
 Patel v W. H. Smith (Eziot) Ltd [1987] 1 WLR 853
 Payne v Cave (1789) 3 TR 148
 Performance Cars Ltd v Abraham [1962] 1 QB 33
 Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd [1953] 1 QB 401
 Philco Radio and Television Corp. v Spurling [1949] 2 All ER 882 65
 Phillips v Brooks Ltd [1919] 2 K. B. 243
 Photo Production Ltd v Securicor Transport Ltd [1980] 2 WLR 283
 Pigney v Pointer's Transport Services Ltd [1957] 1 WLR 1121
 Planche v Colburn [1831] EWHC KB J56
 Polemis and Furness, Withy & Co Ltd, Re [1921] 3 K. B. 560
 Port Line Ltd. v Ben Line Steamers (1958) 2 Q. B. 168
 Portman Building Society v Dusangh [2000] Lloyd's Rep. 197
 Privy Council in N. Z. Shipping Co Ltd v A. M. Satterthwaite Co. Ltd [1975] AC 154
 Pym v Campbell (1865) 119 ER 903
 Quinn v Burch Bros (Builders) Ltd (1966) 2 QB 370
 Raffles v Wichelhaus 1864 WL 6161
 Rahman v Arearose Ltd [2001] QB 351
 Raineri v Miles (1981) AC 1050
 Rainy Sky S. A. and others v Kookmin Bank [2011] 1 WLR 2900
 R&B Customs Brokers Co Ltd v United Dominions Trust Ltd [1988] 1 WLR 321
 Reardon Smith Line Ltd v Hansen-Tagen, Hansen Tange v Sanko Steamship Co [1976] 1 WLR 989
 Redland Bricks Ltd v Morris [1970] A. C. 652, 666
 Reeves v Commissioner of Police of the Metropolis [2000] 1 A. C. 360

- Re Moore Co and Landauer Co [1921] 2 KB 519
Reynell v Sprye [1852] 1 De GM & G 660
Riches v News Group Newspapers [1986] QB 256
Rigby v Chief Constable of Northamptonshire [1985] 2 All ER 986
Riverlate Properties Ltd v Paul [1974] 3 WLR 564
Robb v Green [1895] 2 Q. B. 315
Roberts v Havelock (1832) 3 B. & Ad. 404
Roberts v Ramsbottom [1980] 1 WLR 823
Roe v Ministry of Health [1954] 2 All ER 131
Rookes v Barnard [1964] AC 1129
Rooke v Dawson [1895] 1 Ch 480
Rose and Frank Co v JR Crompton & Bros Ltd [1923] 2 KB 261
Routledge v McKay [1954] 1 WLR 615
Royscott Trust Co v Rogerson [1991] 3 WLR 57
Ruxley Electronics and Construction Ltd v Forsyth [1994] 1 WLR 650
R. v Nottingham Justices Ex p. Fraser (1995)
R W Green Ltd v Cade Bros Farm [1978] 1 Lloyd's Rep 602
Rylands v Fletcher (1868) L. R. 3 H. L. 330
Samuels v Davis [1943] K. B. 526
Saunders (Executrix of the Estate of Rose Maud Gallie) v Anglia Building Society (formerly Northampton Town and County Building Society) (Costs) [1971] A. C. 1039
Sally v Southern Health and Social Services Board [1992] 1 A. C. 294
Schawel v Reade [1913] 2 IR 81
Scott v London and St Katherine Docks Co (1865) 159 ER 665
Scriven Bros & Co v Hindley & Co [1913] 3 K. B. 564
Scruttons Ltd v Midland Silicones Ltd [1962] AC 446
Seaton v Heath [1899] 1 QB 782
Shanklin Pier Ltd v Detel Products Ltd [1951] 2 KB 854
Shelfer v City of London Electric Lighting Co [1895] 1 Ch 287
Shine v Tower Hamlets London Borough Council [2006] EWCA Civ 852
Sidaway v Bethlem Royal Hospital [1985] AC 871
Skeate v Beale 1841 WL 4852
Sindell v Abbott Laboratories 26 Cal. 3d 588 (1980)
Smith v Chadwick (1883-84) L. R. 9 App. Cas. 187
Smith v Eric S Bush [1990] 1 AC 831
Smith v Hughes [1871] LR 6 QB 597
Smith v Land and House Property Corp (1884) LR 28 Ch D7
Smith v Leech, Brain & Co Ltd [1962] 2 QB 405
Smith v Littlewoods Ltd [1987] AC 241

- Smith v River Douglas Catchment Board [1949] 2 K. B. 500
- Spencer v Harding (1870) LR 5 CP 561
- Snell v Farrell [1990] 2 S. C. R. 311
- South Australia Asset Management Corp. v York Montague Ltd [1997] AC 191
- Sowler v Potter [1940] 1 K. B. 271
- Stapley v Gypsum Mines Ltd [1953] A. C. 663
- Startup v Macdonald (1843) 6 Mann & G 593
- Stevenson Jaques & Co v McLean (1879-80) L. R. 5 Q. B. D. 346
- Stevenson v Rogers [1999] 1 All ER 613
- St Martin's Property v Sir Robert McAlphine [1994] 1 AC 85
- Strickland v Sarah Turner, Executrix of E. H. Lane (1852) 7 Ex. 208
- Suisse Atlantique Societe d'Armement Maritime S. A. v N. V. Rotterdamsche Kolen Centrale [1967] 1 AC 361
- Summers v Tice 33 Cal. 2d 80, 199 P. 2d 1 (1948)
- Sumpter v Hedges [1898] 1 QB 673
- Surtees v Kingston upon Thames BC [1991] 2 FLR 559
- Swiss Bank Corp v Lloyds Bank Ltd [1982] AC 584
- Sze Hai Tong Bank Ltd v Rambler Cycle Co Ltd [1959] 2 Lloyd's Rep
- Taddy v Sterious [1904] 1 Ch 354
- Tamplin v James (1880) L. R. 15 Ch. D. 215
- Tates v Williamson [1866] 2 Ch App 55
- Taylor v Caldwell [1863] EWHC QB J1
- Taylor v Johnson [1983] HCA 5
- Thake v Maurice [1986] QB 644
- The Antaios [1984] AC 191
- The Liesbosch [1993] A C 449
- The Moorcock (1889) 14 PD 64
- The Ogopogo [1972] S. C. R. 441
- The Oropesa [1943] 1 All ER 211
- The Wagon Mound (No. 1) [1961] AC 388
- The Wagon Mound (No. 2) [1967] 1 AC 617
- Thomas Bates & Son Ltd v Wyndham's (Lingerie) Ltd [1981] 1 WLR 505
- Thompson v L. M. S. Railway Co [1930] 1 KB 41
- Thompson v Smiths Ship Repairers (North Shields) Ltd [1984] QB 405
- Thornton v Shoe Lane Parking Ltd [1971] 2 QB 163
- Thorough Good's Case [1582] 2 Co Rep 9a.
- Topp v London Country Bus (South West) Ltd [1993] 3 All ER 448
- Tremain v Pike [1969] 1 WLR 1556
- Trident General Insurance Co Ltd v Mc Niece Bros Pty Ltd [1988] 80 ALR 574

- Tulk v Moxhay (1848) 41 ER 1143
- Tweddle v Atkinson [1861] EWHC QB J57
- Union Eagle Ltd v Golden Achievement Ltd [1997] UKPC 5
- Universe Tankships Inc of Monrovia v International Transport Workers Federation (The Universe Sentinel) [1980] 2 Lloyd's Rep. 523
- Vacwell Engineering Co Ltd v BDH Chemicals Ltd [1971] 1 Q. B. 111
- Victoria Laundry (Windsor) Ltd v Newman Industries Ltd [1949] 2 KB 528
- Vitol SA v Norelf Ltd (The Santa Clara) [1996] A. C. 800
- Walker Property Investments (Brighton) Ltd v Walker [1947] 177 LT 204
- Walters v Morgan [1861] & De GF & J 718
- Walton Harvey Ltd v Walker & Homfrays Ltd [1931] 1 Ch. 274
- Ward v Tesco Stores Ltd [1976] 1 WLR 810
- Warlow v Harrison (1859) 1 E. & E. 309
- Warner Bros Pictures Inc. v Nelson [1936] 3 All ER 160
- Watts v Morrow [1991] 1 WLR 1421
- Watt v Hertfordshire County Council [1954] 1 WLR 835
- Webster v Cecil (1861) WL 7291
- Webster v Higgin [1948] 2 All ER 127
- Wells v Cooper (1958) 2 All ER 527
- White and Carter (Councils) Ltd v McGregor [1962] 2 AC 413
- White v John Warrick Co Ltd [1989] 2 QB 433
- White v Jones [1995] 1 All ER 691
- Wieland v Cyril Lord Carpets Ltd [1969] 3 All ER 1006
- Wilkes v Wood (1763) 98 ER 489
- Williams v Bayley (1866) L. R. 1 H. L. 200
- Wilsher v Essex Area Health Authority [1988] 1 AC 1074
- WJ Tatem Ltd v Gamboa [1939] 1 K. B. 132
- W. L. Thompson Ltd v Robinson (Gunmakers) Ltd [1955] 2 WLR 185
- Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 WLR 277
- Wood v Scarth (1858) WL 13173
- Wooldridge v Sumner [1963] 2 QB 23
- Wroth v Tyler [1973] 2 WLR 405
- Wynngrove v Scottish Omnibuses 1966 SC (HL) 47
- Yianni v Edwin Evans and Sons [1981] 3 All ER 592
- Yuen Kun Yeu v Attorney-General of Hong Kong [1988] AC 175
- Zamet v Hyman [1961] 1 WLR 1442

≡≡≡ List of Statutes ≡≡≡

Carriage of Goods by Sea Act 1924
Chancery Amendment Act 1858
Civil Evidence Act 1968
Civil Liability (Contribution) Act 1978
Civil Procedure Rules 1998
Clayton and Sherman Acts
Common Law Procedure Acts of 1852, 1854 and 1860
Companies Act 1985
Compensation Act 2006
Consumer Protection Act 1987
Contract Act 1999
Contributory Negligence Act
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
Court of Chancery Procedure Act 1852
Courts Act 1971
E. C. Directive 93/13
Fair Trading Act 1973
Fatal Accidents Acts 1846 to 1908
Fatal Accidents Act 1976
Hire Purchase Act 1965
Human Rights Act 1998
Judicature Act 1873
Law of Property Act 1925
Law Reform (Contributory Negligence) Act 1945
Law Reform (Frustrated Contracts) Act 1943
Limitation Act 1980
Marine Insurance Act 1906
Married Woman's Property Act 1882
Misrepresentation Act 1967
Occupiers' Liability Act 1957
Railway and Canal Traffic Act 1854

Real Property Act 1845
Resale Prices Act 1964
Restrictive Trade Practices Act 1956
Road Traffic Act 1960
Road Traffic Act 1972
Sale and Supply of Goods Act 1994
Sale of Goods Act 1893
Sale of Goods Act 1979
Social Security Act 1989
Social Security (Recovery of Benefits) Act 1997
Supply Goods and Services Act 1982
Supply of Goods (Implied Terms) Act 1973
Supreme Court Act 1981
Supreme Court of Judicature Acts of 1873 and 1875
The first Hire Purchase Act
Trade Descriptions Act 1968
Transport Act 1962
Unfair Contract Terms Act 1977
Unfair Terms in Consumer Contracts Regulations 1999