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Jurisdiction to order payment of sum expressed in foreign currency—

Contract—currency of contract foreign currency—European Economic Community—Creditor of member state entitled against debtor of another member state to payment in own currency—Circumstances in which judgment should be given for payment of a sum expressed in foreign currency—EEC Treaty, art 106. *Schorsch Meier GmbH v Hennin* [1975] 1 152, CA.

Contract—Law of foreign country proper law of contract—Money of account and payment expressed in currency of that country—Action in English court for price of goods sold and delivered under contract—Whether court having jurisdiction to give judgment for sum expressed in foreign currency. *Miliangos v George Frank (Textiles) Ltd* [1975] 3 801, HL.

Damages for breach of contract—Law of foreign country proper law of contract—Money of account and payment expressed in currency of that country—Action in English court for damages for non-acceptance of goods—Whether court having jurisdiction to give judgment for sum expressed in foreign currency. (*Jean*) *Kraut AG v Albany Fabrics Ltd* [1977] 2 116, QBD.

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Damages for tort—Currency in which judgment to be given—Loss and expenditure incurred in several foreign currencies in consequence of tort—Whether court having jurisdiction to give judgment for sum expressed in currency other than sterling—Whether damages to be awarded in plaintiff's own currency or currencies in which expenditure or loss directly and immediately incurred. *Owners of the mv Eleftherotria v Owners of the mv Despina R* [1979] 1 421, HL.

Proper law of contract English—Currency of contract foreign—Charterparty—Demurrage—Demurrage expressed to be payable in dollars—Charterparty governed by English law—Whether jurisdiction to award demurrage in dollars. *Federal Commerce and Navigation Co Ltd v Tradax Export SA* [1977] 2 41, CA.

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Admission of negligence by defendant—Right of plaintiff to judgment—Plaintiff not entitled to judgment on admission of negligence only—Proof required that plaintiff suffered damage as result of negligence—RSC Ord 27, r 3. **Rankine v Garton Sons & Co Ltd** [1979] 2 1185, CA.

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Appeal—Order made by registrar—Appeal without registrar's leave—Supreme Court of Judicature (Consolidation) Act 1925, s 31(1)(h). **Purcell v FC Trigell Ltd** [1970] 3 671, CA.

Compromise of action. *See* **Practice** (Compromise of action—Consent order).

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Drawing-up in Chancery Division. **Practice Direction** [1960] 3 415, ChD.

Financial provision—Divorce. *See* **Divorce** (Financial provision—Consent order).

Interlocutory order—Setting aside order—Contractual effect of order—Grounds for setting aside order. **Purcell v FC Trigell Ltd** [1970] 3 671, CA.

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Maintenance—Divorce—Effect of order. *See Divorce* (Maintenance—Order by consent).

Maintenance—Divorce—Variation of order. *See Divorce* (Maintenance—Variation of order—Consent order).

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Correction—

Accidental slip or omission—Divorce—Ancillary proceedings—Wife consenting to dismissal of claim for periodical payments if husband's half share in home transferred to her—Judge making order transferring half share to her subject to a charge in husband's favour for half the value of his share—Judge making 'no order' for periodical payments—Subsequently judge purporting to vary order under slip rule by substituting 'application ... dismissed' instead of 'no order'—Whether variation of order permitted under slip rule—CCR Ord 15, r 12. *Carter v Carter* [1980] 1 827, CA.

Accidental slip or omission—Damages awarded against two defendants—Judgment entered as 'each defendant liable for half judgment'—Whether error can be corrected under slip rule. *Smith v Harris* [1939] 3 960, CA.

Accidental slip or omission—Omission of counsel to apply for certain costs—Costs incurred before issue of summons—RSC Ord 28, r 11. *Re Inchcape* [1942] 2 157, ChD.

Accidental slip or omission—Right to apply for correction—RSC Ord 28, r 11. *Re An Application by Marly Laboratory Ltd* [1952] 1 1057, CA.

Accidental slip or omission—Divorce decree—Application to amend to refer to prior marriage—Matrimonial Causes Rules 1950 (S 1 1950 No 1940), r 80—RSC Ord 28, r 11. *Thynne v Thynne* [1955] 3 129, CA.

Accidental slip or omission—Discretion to refuse correction—No intervening rights of third parties in ignorance of error—Discretion wherever something intervened since date of order rendering correction inexpedient or inequitable—Stay of execution pending appeal omitted from order as drawn up—Appeal prosecuted to House of Lords—Subsequent application to insert stay of execution in judgment refused—RSC Ord 20, r 8, r 11. *Moore v Buchanan, Buchanan v Moore-Patalewa* [1967] 3 273, CA.

Accidental slip or omission—Judgment awarding damages—Accidental omission of award of interest—Application by summons inter partes for award of interest—Summons dismissed for want of jurisdiction—Subsequent application under slip rule for amendment of judgment by inclusion of award of interest—Whether court precluded from amending judgment by reason of dismissal of earlier summons. *Tak Ming Co Ltd v Yee Sang Metal Supplies Co* [1973] 1 569, PC.

Accidental slip or omission—Election court for local election—Correction of order for costs—Whether correction permissible—RSC Ord 20, r 11. *R v Cripps, ex p Muldoon* [1984] 2 705, CA.

Omission of remuneration of trustees of debenture trust deed—Matter not in mind of court when order made—Fund from which remuneration to be paid still in hand—Correction of date—RSC Ord 55, r 71. *Re City Housing Trust Ltd* [1942] 1 369, ChD.

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Motion to discharge district registrar's order—Action in Chancery Division of High Court in London—Action in warned list at date of application to district registrar to alter venue. *Fullerton v Ryman* [1956] 2 232, ChD.

Motion to discharge order made in chambers—Time for. *Re Eastcheap Alimentary Products Ltd* [1936] 3 276, ChD.

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Conversion date—Bill of exchange—Bills payable in foreign currency—Bills accepted but dishonoured on presentment—Appropriate date for conversion—Whether judgment sum to be calculated in accordance with rate of exchange in force on days bills payable or on date of payment or enforcement of judgment—Bills of Exchange Act 1882, s 72(4). *Barclays Bank International Ltd v Levin Bros (Bradford) Ltd* [1976] 3 900, QBD.

Enforcement of judgment—Judgment for payment of sum of money expressed in foreign currency—Conversion of sum into sterling—Appropriate date for conversion—Whether sum to be converted in accordance with rate of exchange prevailing on date leave given to enforce judgment. *Miliangos v George Frank (Textiles) Ltd* [1975] 3 801, HL.

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Power of court to impose terms—RSC Ord 27, r 15—RSC Ord 36, r 33. *Kennedy v Dandrick* [1943] 2 606, ChD.

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Inherent power of court to set aside. *Chief Kofi Forfie v Barima Kwabena Seifah* [1958] 1 289, PC.

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Alternative remedy by way of appeal—Whether availability of alternative remedy precluding application for judicial review. **R v Inland Revenue Comrs, ex p Opman International UK** [1986] 1 328, QBD.

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Alternative remedy not pursued—Immigration officer refusing applicant leave to enter United Kingdom—Applicant not pursuing statutory right of appeal—Whether appropriate to grant leave to apply for judicial review—Immigration Act 1971, s 13. **R v Secretary of State for the Home Department, ex p Swati** [1986] 1 717, CA.

Discretion of court to grant relief—Factors to be taken into account. **R v Huntingdon DC, ex p Cowan** [1984] 1 58, QBD.

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Discretion of court to grant relief—Appeal against assessments to income tax—Benefit to applicants—Transaction involving acquisition and disposal of land—Inspector making assessments on grounds that applicants had directly or indirectly provided opportunity for another person to realise a gain—No evidence that applicants beneficially entitled to land or gain—Whether inspector acting improperly in exercising his power to raise assessments—Whether applicants' inability to recover costs if successful in appeal before Special Commissioners a ground for granting leave to apply for judicial review. **R v Inspector of Taxes, ex p Kissane** [1986] 2 37, QBD.

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Relief sought in action begun by originating summons claiming declaration or injunction—Suspension of greyhound trainer by stewards controlling greyhound racing—Disciplinary procedure derived from contract between trainer and domestic body which controlled greyhound racing—Whether relief by way of judicial review of trainer's suspension available—Supreme Court Act 1981, s 31(1)(2)—RSC Ord 53. **Law v National Greyhound Racing Club Ltd** [1983] 3 300, CA.

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Employment by public authority—

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Expectation of consultation—Minister directing Greater London Council to make grant to London Regional Transport—Direction stipulating maximum grant permitted under statute—Council not given opportunity to make representations that less than maximum grant should be directed—Whether council having legitimate expectation that it would be consulted before direction made—London Regional Transport Act 1984, s 49. **R v Secretary of State for Transport, ex p Greater London Council** [1985] 3 300, QBD.

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Circumvention of judicial review procedure—

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Revenue delaying determination on company's liability to tax—Company granted leave to apply for judicial review—No warning of proceedings given to Revenue—Revenue making determination in company's favour after granting of leave—Company abandoning application—Whether company entitled to costs of application for judicial review. **R v Inland Revenue Comrs, ex p Opman** [1986] 1 328, QBD.

Declaration—

Circumvention of judicial review procedure—

Action for declaration circumventing procedure for judicial review—Plaintiffs found guilty of disciplinary offences and penalties imposed by board of prison visitors—Plaintiffs commencing action by writ and originating summons for declaration that board's findings and awards null and void by reason of breach of natural justice—Application by board to strike out actions as abuse of court's process—Whether judicial review the only remedy to impugn adjudications by prison visitors—RSC Ord 53. **O'Reilly v Mackman** [1982] 3 1124, HL.

Landowner applying to Chancery Division for declaration entitling him to have land removed from commons register—Whether landowner required to apply to Queen's Bench Division for judicial review. **Re Tillmire Common, Heslington** [1982] 2 615, ChD.

Plaintiff bringing action for damages in negligence against local authority for advice given in respect of enforcement notice—Local authority seeking to strike out statement of claim on ground that abuse of the process of the court—Whether claim in negligence involving public or private rights—Whether plaintiff entitled to protection of public law and therefore unable to defend right by way of ordinary action. **Davy v Spelthorne BC** [1983] 3 278, HL.

Circumvention of procedure for application for judicial review by way of declaration—

Plaintiff found guilty of disciplinary offences by board of prison visitors—Plaintiff issuing writ in Chancery Division claiming declaration that adjudication of board null and void—Application by board for order to stop plaintiff proceeding except by way of application for judicial review in Queen's Bench Division—Whether proceedings in Chancery Division should be allowed to continue—RSC Ord 53. **Heywood v Board of Visitors of Hull Prison** [1980] 3 594, ChD.

Locus standi—

Sufficient interest—Revenue introducing special arrangement to prevent tax evasion by certain casual workers in future—Revenue agreeing not to assess and collect tax due from workers in respect of years prior to April 1977—Taxpayers' association applying for judicial review in form of declaration that Revenue acting unlawfully in agreeing not to assess and collect tax due from workers—Whether applicants having 'sufficient interest' to apply for judicial review—RSC Ord 53, r 3(5). **Inland Revenue Comrs v National Federation of Self-Employed and Small Businesses Ltd** [1981] 2 93, HL.

Sufficient interest—United Kingdom undertaking to finance supplementary budget of European Community from Consolidated Fund—Undertaking purporting to be a treaty 'ancillary' to Community treaties—United Kingdom taxpayer seeking judicial review of determination that undertaking is ancillary to Community treaties—Whether taxpayer having sufficient locus standi. **R v HM Treasury, ex p Smedley** [1985] 1 589, CA.

Delay—

Reasons for delay—

Application to set out reasons for delay—Extension of time—Consent of proposed respondent—Application by proposed respondent to set aside leave or direction given—RSC Ord 53, r 4. **Practice Note** [1983] 2 1020, QBD.

Disciplinary proceedings—

Judicial review of decision in disciplinary proceedings—

Availability of remedy—Alternative remedy available. *See* Availability of remedy—Alternative remedy available—Discretion of court to grant relief—Disciplinary proceedings, *ante*.