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PREFACE

THE Editorial team responsible for this edition has undergone some change since the last edition, though it remains substantially the same. The contributions of the respective editors are indicated in the Table of Contents opposite the chapters. The law is stated as at August 1, 1981. The consolidating Highways Act 1981 and the British Telecommunications Act 1981, however, appeared too late to effect detailed alteration of individual sections in previous Acts into the corresponding sections in the new Acts. Other Acts given the Royal Assent at the end of July 1981, but not coming into effect until later in the year will be included in the first supplement to this work.

The work has been completely re-structured. Two chapters have been suppressed, namely, Distress and Franchises, but relevant material on Distress has been incorporated into Chapter 8 on Self-Redress and Self-Protection. One new chapter is a second chapter on Negligence. Causation and Remoteness used to be dealt with under Damage and in advance of Negligence, but in view of the fact that the bulk of the law on them forms an integral part of Negligence it seems appropriate to deal with them in this context. As in previous editions, the first nine chapters deal with matters of general application. These are now followed immediately by Negligence, Occupiers' Liability and Breach of Statutory Duty; then come forms of liability for Intention and Malice; Defamation; and forms of strict and quasi-strict liability. The last four chapters remain where they were. Each chapter has been thoroughly revised and in many cases re-written. The structural changes indicated above have necessitated re-casting Chapter 1 on Principles of Liability and Chapters 10 and 11 on Negligence. Chapter 2 has been substantially rewritten to take account of the State Immunity Act 1978 and the Civil Liability (Contribution) Act 1978. The subject of measure of damages has grown in importance in recent years and has justified a chapter on its own (Chapter 5); the text itself has been substantially revised to take account of recent developments as well as the important proposals of the Pearson Commission. Chapter 6 on Death required amendment to deal with the consolidating 1976 Fatal Accidents Act and the great volume of case-law on that topic, notably *Gammell v. Wilson* and a series of cases concerning compensation to the family for loss of wife and mother. Chapter 7 on Injunctions has been revised to take account of, in particular, the *American Cyanamid* decision. In Chapter 9 the section dealing with limitation of actions has been much rewritten. The whole of the part about personal injuries and death is new as a result of the Limitation Act 1975. There are also many other changes taking account of the Limitation (Amendment) Act 1980, *Anns v. London Borough of Merton* and related cases on collapsing buildings, and the

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gradual retreat of the courts from the doctrine of *Bagot v. Stevens, Scanlan & Co. Ltd.* This general area is changing so fast that what has been written will soon be out of date; since going to press, the Law Commission has brought out a consultative document on latent damage and an important case is under appeal to the Court of Appeal (*Eames v. North Herts District Council*). In Chapter 12 there has been some rewriting to take account of the Unfair Contract Terms Act 1977 as regards excluding notices and case-law developments in the law relating to trespassers. It is pointed out that occupiers' liability as a distinct area of tort law is rapidly being washed away in the rising tide of liability derived from *Donoghue v. Stevenson*. In Chapter 14 the spate of recent arrest decisions laying down the conditions for lawful arrest has been taken in and an attempt made to make sense of them. In Chapter 15 account has been taken of the decision of the House of Lords in *Lonrho Ltd. v. Shell Petroleum Ltd.* and the section on trade disputes includes a close analysis of the relevant parts of the Employment Act 1980. Chapter 21 on Wrongful Interference with Goods (replacing the former Chapter 15 entitled Conversion and Other Injuries to Chattels) has been considerably amended to take account of the provisions of the Torts (Interference with Goods) Act 1977. This Act abolished Detinue and extended Conversion to include what was believed to be the only case of Detinue not already also constituting Conversion. It has also given to conversion, trespass to goods and negligence, and other torts in so far as they result in damage to goods, the collective nomenclature of "wrongful interference with goods" so as to facilitate the common application to such wrongs of various procedural and remedial reforms. The substantive law concerning these wrongs has been little changed either by case-law or by the Act, but the procedural and remedial changes are considerable. Chapter 26 on Officers of Justice required a thorough review of police powers of arrest, search and seizure. Chapter 28 on Patents has had to be rewritten to take account of the Patents Act 1977 and the European Patent. Chapters 27 and 29 have been updated to take account of the implications of EEC law on industrial property rights. Finally, opportunity has also been taken to replace references to the Revised Reports in the Table of Cases with references to the English Reports.

We wish to thank Alex Corrin for preparing the Index, and the publishers and printers for the way in which they have facilitated production.

August, 1981

R. W. M. DIAS

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