

de Smith's

JUDICIAL  
REVIEW OF  
ADMINISTRATIVE  
ACTION

Fourth Edition

J.M. Evans

Stevens

DE SMITH'S  
JUDICIAL REVIEW  
OF  
ADMINISTRATIVE  
ACTION

By

the late

S. A. DE SMITH, F.B.A.

*Sometime Downing Professor of the Laws of England  
in the University of Cambridge*

FOURTH EDITION

BY

J. M. EVANS, B.A., B.C.L.

*Professor of Law, Osgoode Hall Law School,  
York University, Toronto*

*"Let no man weakly conceive that just laws,  
and true policy, have any antipathy; for  
they are like the spirits and sinews, that  
one moves with the other."*

LONDON  
STEVENS & SONS LIMITED

1980

*First edition* . . . 1959  
*Second Impression* 1960  
*Third Impression* . 1961  
*Second edition* . . 1968  
*Third edition* . . 1973  
*Fourth edition* . . 1980

*Published in 1980 by  
 Stevens & Sons Limited  
 of 11 New Fetter Lane,  
 London, and  
 printed in Great Britain by  
 The Eastern Press Limited  
 of London and Reading*

#### British Library Cataloguing in Publication Data

De Smith, Stanley Alexander  
 De Smith's judicial review of administrative  
 action. — 4th ed.  
 1. Judicial review of administrative acts —  
 Great Britain  
 I. Evans, John Maxwell  
 II. Judicial review of administrative action  
 342'.41'066                      KD4902

ISBN 0-420-45400-4

The author wishes to thank the Editors of *The Modern Law Review* and *Public Law* and the Editorial Committee of the *Cambridge Law Journal* for permitting him to make use of material originally published in their journals, and the Harvard Law Review Association for permission to use extracts from an article (now substantially rewritten and greatly expanded) that appeared in Volume 68 of *The Harvard Law Review*.



Stevens & Sons Limited, London

1980

DE SMITH'S  
JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

**AUSTRALIA**

*The Law Book Company Ltd.  
Sydney : Melbourne : Brisbane*

**CANADA AND U.S.A.**

*The Carswell Company Ltd.  
Agincourt, Ontario*

**INDIA**

*N. M. Tripathi Private Ltd.  
Bombay*

*and*

*Eastern Law House Private Ltd.  
Calcutta*

*M.P.P. House, Bangalore*

**ISRAEL**

*Steimatzky's Agency Ltd.  
Jerusalem : Tel Aviv : Haifa*

**MALAYSIA : SINGAPORE : BRUNEI**

*Malayan Law Journal (Pte.) Ltd.  
Singapore*

**NEW ZEALAND**

*Sweet & Maxwell (N.Z.) Ltd.  
Auckland*

**PAKISTAN**

*Pakistan Law House  
Karachi*

## PREFACE

DURING its first three editions this book established itself throughout the Commonwealth as the most authoritative and comprehensive exposition of the part played by English courts in administrative law. It is not difficult to discern the reasons for its high reputation amongst judges, practitioners and the academic community. In *Judicial Review of Administrative Action* de Smith displayed to the full his remarkable ability to reveal from a mass of material emanating from a diverse range of legal systems and governmental settings the legal principles underlying his subject. He also had an acute sensitivity to the contextual influences that determine the way in which those principles had been or should be applied in particular situations. These attributes, together with the author's fluid and distinctive literary style, his judicious choice of illustration and references, and his meticulous accuracy and thoroughness earned this book in the author's lifetime a status in contemporary English legal literature surpassed by few. Whatever the deficiencies of this edition, it would have been a grave loss had the significance and value of de Smith's achievement lapsed gradually but inevitably into the realm of legal history. On a personal level, I have endeavoured in producing this fourth edition to repay some of the debts of gratitude that I owed to Stanley de Smith, former colleague, philosopher and friend.

My primary purpose has been to incorporate within the existing fabric of the book the developments in the law that have taken place since 1973. For the most part this has been possible without radical alteration to either the substance or the organisation of the third edition. The most important single change that I have made is to add a new chapter to deal with the application for judicial review, a new remedy brought into effect at the beginning of 1978 by the revised Order 53 of the Rules of the Supreme Court. I have transferred to this chapter, with the necessary modifications, the account previously given in Chapters 8 and 11 of the practice and procedure formerly pertaining to the prerogative orders of certiorari, prohibition and mandamus. After considerable hesitation I decided not to consolidate in a separate chapter an overall examination of *locus standi* in administrative law, despite evidence of an emerging rationalisation in the case law and whatever encouragement in this direction may be provided by the new Order 53. The decision of the House of Lords in *Gouriet v. Union of Post Office Workers* has reinforced the importance of remedial distinctions in this area. Subsequent events may, however, require further rationalisations of this kind in the treatment of the law of remedies in future editions. Elsewhere, I have amended foot-

notes and text to accommodate changes attributable both to the passage of time and to the advent of a new editor able to sympathise in most important respects with the manner and content of the exposition of the law contained in the third edition.

A number of important statutes that bear upon the subject-matter of this book have been enacted in the period covered by this edition. The ferment that has surrounded the legislative framework within which individual and collective industrial relations are conducted appears to have abated somewhat, although further statutory changes in this politically volatile area seem perennially imminent. The activities of the various statutory agencies that operate under the Trade Union and Labour Relations Act 1974, the Employment Protection Act 1975 and the consolidating statute of the same name passed in 1978, seem likely to provide a continuing stream of problems of interest to administrative lawyers. Also of importance in the employment field, and elsewhere, are the Sex Discrimination Act 1975 and the new Race Relations Act of 1976. Important statutory modifications have also been made to the machinery for regulating price increases, monopolies and mergers and for improving consumer protection from other unacceptable business practices. The Community Land Act 1975 was passed to enable public authorities positively to plan land use and was part of a legislative package designed to keep within the public domain increases in the value of land attributable to its development: the potential impact of this programme is yet to be fully realised. I have taken account in Chapter 1 of those provisions of the National Health Service Reorganisation Act 1973 and of the Local Government Act 1974 that extend to their respective public authorities an element of extra-judicial scrutiny analogous to that exercised since 1967 over central government departments by the Parliamentary Commissioner for Administration.

Events in the courts have contrived to bring several important aspects of our subject to the attention of a wider audience than usual. Such *causes célèbres* as *Congreve v. Home Office*, *Laker Airways Ltd. v. Department of Trade* and *Tameside Metropolitan Borough Council v. Secretary of State for Education and Science* have confirmed the courts' continuing readiness in a number of contexts to subject to closer judicial scrutiny the exercise of ministerial discretion. The decision of the House of Lords in *D. v. National Society for the Prevention of Cruelty to Children* has raised the possibility that the circumstances in which the courts will allow evidence to be withheld in the public interest from disclosure in litigation may be extended in novel directions. It seemed apposite in this context to relegate the use of the increasingly anomalous

term "Crown privilege" in favour of the more apt, but not totally satisfactory, "public interest privilege." The implications of the opinions delivered in the House of Lords in the *Gouriet* case for the future of the injunction and the declaratory judgment as public law remedies I have canvassed principally in Chapter 9, although they are also considered in the more general remarks about *locus standi* contained in Chapter 8.

It would be out of place to catalogue here other instances of the many significant developments in the law that have been generated in the courts. Suffice it to say that the tide of interesting judicial decisions that in the last decade and a half has transformed much of administrative law shows no sign of ebbing. Moreover, in recent years many judges throughout the Commonwealth have joined their English brethren along a number of the trails of administrative law that have been blazed by our courts since the mid-1960s. Although the important statutory elements recently added to the law of judicial review in Australia, Canada and New Zealand are likely to reduce further the extent to which principles of public law should be assumed to be uniformly applicable in different jurisdictions and administrative structures, it would be unjustifiable to conclude that legal cross-fertilisation in this area of the law has ceased to be beneficial. I am grateful that the publishers have not so pressed me on space that I could not have included material of interest and significance from other Commonwealth jurisdictions. Even so, I have been aware of the importance of containing the book within manageable proportions and of retaining its clarity of exposition, without at the same time omitting anything of value that may assist the reader to navigate that difficult gulf between the beguilingly simple statement of a general proposition and its application to a particular problem in a specific context. Indeed, the extent to which a book about the courts and the administration achieves this latter objective is perhaps the essential criterion of its worth.

The debts of gratitude that I have incurred in the preparation of this edition are heavy and numerous, only some of which can I specifically acknowledge here. I am grateful to the publishers for their encouragement and co-operation (including the preparation of the tables of cases and statutes and the index). The Canada Council and the Law Foundation of Ontario generously provided financial assistance during the time that I spent on research in London, and the various requests that I made of the library staff and two successive Deans of Osgoode Hall Law School were always sympathetically and helpfully answered. My research assistant, Mr. Greg Ludlow, has been resourceful and thorough in undertaking a number of laborious tasks in the latter stages of this project. And it is a pleasure to be able to thank my secretary, Mrs. Elsie Ramkhelawan, for her



patience and skill in producing a typescript from my execrable handwriting.

The length of time that it inevitably takes to produce a book of this size and the vagaries of transatlantic mail have made it difficult to ensure that I have always been able to incorporate the most recent developments in this rapidly changing area of the law. I submitted the last portion of the manuscript to the publishers early in 1979, but was able to note the more important material that reached me up until the time that I returned the page proofs at the beginning of November 1979. Unfortunately, the law refuses to stand still for the convenience of authors, and I regret that the reader will search these pages in vain for a discussion of the decisions of the House of Lords in *Burmah Oil v. Bank of England (Governors and Company)*, *Science Research Council v. Nassé* and *R. v. Inland Revenue Commissioners, ex p. Rossminster Ltd.* The important decision in *R. v. Hull Prison Board of Visitors, ex p. St. Germain (No. 2)* also came to hand too late for inclusion.

J.M.E.

*Osgoode Hall Law School*  
*Toronto*  
*1980*

# TABLE OF CASES

## English, Scottish, Irish and Privy Council Decisions

ACAS v. UKAPE. <i>See</i> United Kingdom Association of Professional Engineers v. ACAS.	
A.C.T. Construction Ltd. v. Commissioners of Customs and Excise	132, 134
A.E.U. Case	131
Abbott v. Sullivan	122, 160-161, 172, 246, 460
Abergavenny (Marquis) v. Llandaff (Bishop)	160, 171, 186
Abraham v. Jutsun	174
Absolam (F. R.) Ltd. v. G. W. (London) Garden Village Society Ltd.	405
Accountancy Tuition Centre v. Secretary of State for the Environment	136
Adams v. Adams	153, 290
Adda International Ltd. v. Curcio	205
Addis v. Crocker	88
Adegbenro v. Akintola	290
Afford v. Pettit	137
Agbor v. Metropolitan Police Commissioner	290
Agnew v. Manchester Corporation	299
Agricultural, etc. Industry Training Board v. Aylesbury Mushrooms Ltd.	145, 182
— v. Kent	144
Agricultural Industries, <i>Re</i>	82
Ahmad v. I.L.E.A.	100
Albyn Properties Ltd. v. Knox	150
Alderman Blackwell's Case	284
Aldrich v. Att.-Gen.	490
Alexander Machinery (Dudley) Ltd. v. Crabtree	148
Al-Fin Corporation's Patent, <i>Re</i>	290, 359, 501, 502
Allam & Co. v. Europa Poster Services Ltd.	299
Allcroft v. Bishop of London	334, 340
Allen v. Bagshot R.D.C.	412, 413
— v. Sharp	107
— v. Thorn Electrical Industries Ltd.	99
Allen and Matthews' Arbitration, <i>Re</i>	136, 151, 405
Allender v. Royal College of Veterinary Surgeons	282
Allingham v. Minister of Agriculture and Fisheries	304
Allinson v. General Council of Medical Education and Registration	133, 261, 270, 472
Allnatt London Properties Ltd v. Middlesex C.C.	106, 328, 353, 354, 355, 488
Amalgamated Investment and Property Co. Ltd. v. John Walker and Sons Ltd.	191, 217
American Cyanamid Co. v. Ethicon Ltd.	434, 435
American Thread Co. v. Joyce	133
Amies v. I.L.E.A.	115, 359, 498
Amphitrite, The. <i>See</i> Rederiaktiebolaget Amphitrite v. R.	
An Absence in Germany, <i>Re</i>	103
Anable's Case	591
Anderson v. Gorrie	121
Andrews v. Mitchell	240, 369, 472, 473
Anima (Elizabeth) v. Akwasi Ahyeve	120
Anisminic Ltd v. Foreign Compensation Commission	47, 94, 97, 110, 112, 114, 115, 116, 117, 119, 121, 122, 127, 151, 152, 154, 231, 274, 324, 340, 344, 361, 364, 365, 367, 369, 372, 373, 374, 403, 489, 494, 503, 519, 520, 522, 571
Annamunthodo v. Oilfield Workers' Trade Union	154, 160, 196, 200, 241, 245
Annisson v. District Auditor for St. Pancras B.C.	284
Anns v. Merton L.B.C.	24, 102, 321, 322, 351, 352, 532, 534, 572
Anon. (1671)	586
— (1641)	517
— (1697)	248, 250
Application des Gaz S.A. v. Falks Veritas Ltd.	499
Application for Certiorari, <i>Re</i> (Ire.)	421
Appuhamy v. R.	174
Aquilina v. Depasquale	99
Arenson v. Arenson	77, 337
Argosam Finance Co. v. Oxby	359, 501, 502, 508
Argyle Motors (Birkenhead) Ltd. v. Birkenhead Corporation	360, 502
Argyll v. Argyll	440, 455
Aristides v. Minister of Housing and Local Government	187
Arlidge v. Islington B.C.	355
Armstrong v. Whitfield	369, 487, 525
Arncliffe (Reading) Ltd. v. Hedges	437
Arsenal Football Club Ltd. v. Ende	115, 154, 414, 416, 463
Arthur v. Commissioners of Sewers for Yorkshire	382, 419

Ashbridge Investments Ltd. v. Minister of Housing and Local Government .....	118, 119, 137, 324, 364, 583
Ashby, <i>Re</i> .....	399
— v. White .....	337, 531
Asher v. Lacey .....	463, 538
— v. Secretary of State for the Environment .....	297, 328, 340, 513, 538
Associated Minerals Consolidated Ltd. v. Wyong Shire Council ...	328, 439
Associated Portland Cement Manufacturers Ltd. v. Price Commission .....	360, 493
Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation .....	279, 295, 323, 328, 341, 344, 348, 352, 353, 354, 397, 492
Athanassiadis v. Government of Greece .....	152
Atkinson v. Bettinson .....	131
Att.-Gen. v. Albany Hotel Co. ...	446
— v. Ashborne Recreation Ground Co. ....	456, 516
— v. Aspinall .....	432, 461
— v. Bains .....	432
— v. Bastow .....	86, 281, 438, 449, 454, 456, 457
— v. B.B.C. ....	77, 83, 454
— v. Bermondsey Guardians ...	516
— v. Birmingham Corporation	444
— v. Birmingham Tame & Lea District Drainage Board .....	438, 444
— v. Bradford Canal Co. ....	439
— v. Chaudry .....	456
— v. Churchill's Veterinary Sanatorium Ltd. ....	453, 454
— v. Cleaver .....	431
— v. Clerkenwell Vestry .....	436, 442
— v. Cockermonth Local Board	433, 455
— v. Colchester Corporation	436, 437, 483, 513, 547
— v. Colney Hatch Lunatic Asylum .....	443
— v. Crayford U.D.C. ....	95, 449
— v. De Keyser's Royal Hotel Ltd. ....	286, 289
— v. De Winton .....	462
— v. Dorking Union Guardians	533
— v. Dublin Corporation .....	433
— v. Eastlake .....	462
— v. Ely, Haddenham & Sutton Ry. ....	453
— v. Foran .....	486
— v. Forbes .....	432, 472
— v. Fulham Corporation ...	441, 455
— v. Galway Corporation .....	433
— v. Gamage (A. W.) Ltd. ...	282, 363
— v. Grand Junction Canal Co.	438
— v. Great Eastern Ry. ....	95
— v. Halling .....	430, 478
— v. Hanwell U.D.C. ....	366
— v. Harris .....	456, 457
Att.-Gen. v. Hart .....	432
— v. Heelis .....	450
— v. Hooper .....	161
— v. Howard United Reformed Church Trustees .....	117, 450, 454, 456, 516
— ( <i>ex rel.</i> McWhirter) v. Independent Broadcasting Authority	119, 287, 299, 359, 364, 415, 453, 458, 529, 553
— v. Jonathan Cape Ltd. ....	35, 41, 42, 440, 454, 455, 457
— v. Kerr and Ball .....	456
— v. Kingstown Commissioners (Ire.) .....	467
— v. L. & N. W. Ry .....	438, 453, 455, 456
— v. Leeds Corporation .....	95
— v. Leicester Corporation .....	95
— v. Leveller Magazine Ltd. ...	42, 195
— v. Lichfield Corpn. ....	461
— v. Logan .....	449
— v. London & Home Counties Joint Electricity Authority	467
— v. Manchester Corporation ...	95, 297, 341
— v. Melville Construction Co.	456
— v. Merthyr Tydfil Union Guardians .....	463, 516
— v. Metcalf & Greig .....	439
— v. Mr. Appleton, Surgeon-Dentist Ltd. ....	453
— v. Myddletons Ltd. ....	453, 454
— v. Newman .....	432
— v. North Eastern Ry. ....	461
— v. Oglander .....	431
— v. Oxford, Worcester & Wolverhampton Ry. ....	433, 453
— v. P.Y.A. Quarries Ltd. ....	454
— v. Parish .....	449
— v. Pontypridd Waterworks Co. ....	436, 460
— v. Poole Corporation .....	454
— v. Poplar Guardians .....	516
— v. Portsmouth City Council	434, 438
— v. Premier Line Ltd. ....	453, 456, 457
— v. Prince Ernest Augustus of Hanover .....	490
— v. Reading Corporation .....	438
— v. Richards .....	431
— v. Ripon Cathedral (Dean and Chapter) .....	436, 438, 483, 489, 513, 515
— v. Roe .....	513, 517
— v. St. Ives R.D.C. ....	495, 533
— v. Scott .....	438, 513
— v. Sharp .....	456, 457
— v. Sheffield Gas Consumers Co. ....	438, 439
— v. Shonleigh Nominees Ltd.	452
— v. Shrewsbury (Kingsland) Bridge Co. ....	453, 455

Att.-Gen. v. Smart .....	432	Baird (Robert) Ltd. v. Glasgow Corporation .....	325, 335
— v. Smethwick Corporation .....	95, 487	Baker v. Jones .....	135, 358
— v. Smith .....	442, 453, 454, 456, 457	Baldwin & Francis' Application, <i>Re</i> .....	136
— v. Smith (George C.) & Co. ....	453	Baldwin & Francis Ltd. v. Patents Appeal Tribunal .....	126, 340, 344, 405, 426
— v. South Staffordshire Waterworks Co. ....	438, 439	Balen v. I.R.C. ....	234, 501
— v. Staffordshire C.C. ....	436	Ball v. Partridge .....	109
— v. Taff-Ely B.C. ....	104	Banbury Corporation v. Oxfordshire and District Water Board .....	482, 497, 502, 507
— v. Times Newspapers Ltd. ....	454	Barber v. Manchester Regional Hospital Board .....	228, 326, 491, 528
— v. Tynemouth Poor Law Union Guardians .....	342, 487	Barker v. Westmorland C.C. ...	257, 258, 388
— v. Vivian .....	433, 449	Barlow, <i>Re</i> .....	561
— v. Weekes .....	453	Barnard v. National Dock Labour Board .....	154, 220, 299, 429, 472, 483, 484, 489, 490, 519, 522, 579
— v. Wellingborough U.D.C. ....	450, 456	Barnardo v. Ford .....	598
— v. Westminster Corporation .....	449, 455	Barnato, <i>Re</i> .....	505, 508, 510, 512
— v. Wilson (1840) .....	462	Barnes v. B.P.C. (Business Forms) Ltd. ....	212, 239
— v. — (1901) .....	449	Barnes Corporation, <i>Re, ex p. Hutter</i> .....	549
— v. Wilts United Dairies Ltd. ....	100	Barnsley Canal Co. v. Twibell .....	473
— v. Wimbledon House Estate Co. ....	438, 456	Baron v. Sunderland Corporation .....	358
— (Duchy of Lancaster) v. Heath .....	431	Baron Reitzes' Case .....	502
— v. Simcock .....	359, 501, 502	Barraclough v. Brown .....	359, 477, 501, 502, 571
Att.-Gen. & Down C.C. v. Newry No. 1 R.D.C. ....	439	Barratt v. Kearns .....	88
Att.-Gen. and Spalding R.D.C. v. Garner .....	449, 454	Barrett, <i>Ex p.</i> .....	124
Att.-Gen. for Alberta v. Att.-Gen. for Canada .....	334	Barrs v. British Wool Marketing Board .....	204, 260
Att.-Gen. for Australia v. R. and the Boilermakers' Society of Australia .....	68, 83, 505	Barty-King v. Ministry of Defence .....	361, 503, 571
Att.-Gen. for Canada v. Hallet & Carey Ltd. ....	99, 291, 292	Barwick v. South Eastern & Chatham Ry. Co. ....	494
Att.-Gen. for Ceylon v. Silva .....	101	Bates v. Lord Hailsham of St. Marylebone .....	72, 181, 185, 239, 460
Att.-Gen. for Ontario v. Maclean Gold Mines Ltd. ....	480	Battelley v. Finsbury B.C. ....	302
Att.-Gen. of the Gambia v. N'Jie ...	78, 412, 413	Baxter v. L.C.C. ....	517
Attwood v. Chapman .....	78, 84, 88	Beaconsfield D.C. v. Game .....	318
Auckland (Lord) v. Westminster Local Board of Works .....	471	Bean v. Doncaster Amalgamated Collieries Ltd. ....	131, 133
Austen v. Collins .....	483	Bean (William) & Sons Ltd. v. Flaxton R.D.C. ....	318
Auten v. Rayner .....	258, 267, 277	Beardmore v. Westinghouse Brake and Signal Co. Ltd. ....	148
Awdley v. Joy .....	586	Beck & Pollitzer's Application, <i>Re</i> .....	291
Ayanlowo v. I.R.C. ....	201	Becker v. Home Office .....	75, 95, 530, 535
Ayr Harbour Trustees v. Oswald ...	317, 318	Becquet v. Lemprière .....	267
Azam v. Home Secretary. <i>See</i> R. v. Pentonville Prison Governor, <i>ex p. Azam</i> .		Bedford (Duke) v. Ellis .....	512
B. (A MINOR), <i>Re</i> .....	190, 269	Beetham v. Trinidad Cement Co. ....	171, 234
B. (orse. P.) v. Att.-Gen. ....	82	Belcher v. Reading Corporation ...	350
B. (T. A.) (An Infant), <i>Re</i> .....	266	Belfast Corporation v. O.D. Cars Ltd. ....	350
B.B.C. v. Johns .....	535	Belling, <i>decd., Re</i> .....	461, 509
Backhouse v. Lambeth L.B.C. ...	328, 350, 353, 354, 522	Bendles Motor Ltd. v. Bristol Corporation .....	131, 137
Bacon's (Sir Nicholas) case .....	248, 258	Benin v. Whimster .....	98
Bagg's Case .....	157, 159, 196, 240, 274, 546, 591, 592, 593		
Bailey v. Williamson .....	148		
Bainbridge v. Postmaster-General .....	535		
Baines v. Baker .....	432		

Benmax v. Austin Motor Co. ....	134	Bolchover, <i>Ex p.</i> ....	226
Bennett v. Bennett .....	358	Bombay and Persia Steam Navigation Co. v. Maclay .....	479
— v. Yately Parish Council .....	462	Bombay Province v. Bombay Municipal Council .....	535
Bennett & White (Calgary) Ltd. v. Municipal District of Sugar City (No. 5) .....	357	Bonaker v. Evans .....	158, 160
Bentley Engineering Co. Ltd. v. Mistry .....	232	Bond v. Bond .....	212, 345
Berkhamsted Grammar School, <i>Re</i> .....	183	Bonham's (Doctor) case .....	109, 250
Berry v. St. Marylebone B.C. ....	494	Bonsor v. Musicians' Union ...	184, 231, 355
Bewlay (Tobacconists) Ltd. v. British Bata Shoe Co. ....	131	Booker v. James .....	359, 516
Bhagat Singh v. King-Emperor ...	291	Booth & Co. (International) Ltd. v. National Enterprise Board ...	12, 75, 452, 460, 504, 510, 528, 531, 536, 577
Bhardwaj v. Post Office .....	245	Boswell's Case .....	157
Bhattacharya v. General Medical Council .....	131, 134	Bottomley v. Brougham .....	88
Biddulph v. St. George's, Hanover Square, Vestry .....	325	Boulter v. Kent J.J. ....	78, 83, 84, 419
Bilston Corporation v. Wolverhampton Corporation .....	467	Boulting Bros. v. Association of Cinematograph, Television & Allied Technicians .....	484
Bird v. St. Mary's Abbots Vestry ..	187	Bourn's (Richard) case .....	593, 594
Birdi v. Home Secretary .....	74, 316	Bournemouth - Swanage Motor Road & Ferry Co. v. Harvey & Sons .....	99
Birkdale District Electricity Supply Co. v. Southport Corporation ...	317, 318	Bowles v. Bank of England ...	468, 486
Birkenhead Corporation, <i>Re</i> ...	107, 501, 502, 521	Bowman, <i>Re</i> .....	119, 131, 145, 169, 198, 364
Birkett v. James .....	280, 424	Bowyer, Philpott & Payne Ltd. v. Mather .....	303
Birmingham Corporation v. Habib Ullah .....	136	Box v. Allen .....	432, 472
— v. Perry Bar Stadium Ltd. ...	460	Boyce v. Paddington Corporation ..	451
Birmingham & Midland Motor Omnibus Co. v. Worcestershire C.C. ....	326, 330, 451	Boyd v. Easington R.D.C. ....	497
Bishop v. Deaken .....	465	Boyer (William) & Sons Ltd. v. Minister of Housing and Local Government .....	141, 211
Bishop of Rochester ( <i>Doe d.</i> ) v. Bridges .....	531, 562	Boyle v. Wilson .....	205, 312, 316
Biss v. Smallborough R.D.C. ...	493, 523	Bracegirdle v. Oxley .....	131, 137
Bizony v. Secretary of State for the Environment .....	73, 317, 324, 356, 412	Bradbury v. Enfield L.B.C. ....	62, 144, 146, 415, 442, 443, 459, 503, 532
Black-Clawson International Ltd. v. Papier Werke, etc. A.G. ....	98	Bradlaugh, <i>Ex p.</i> .....	116, 367
Blackburn, <i>Ex p.</i> .....	550	— v. Gossett .....	290, 469, 500
— v. Att.-Gen. ....	286, 287, 499, 550	— v. Newdegate .....	409
Blackpool Corporation v. Locker ...	44, 73, 76, 302, 303	Brain v. Minister of Pensions .....	396
Blaiber & Co. v. Leopold Newborne (London) Ltd. ....	405	Brassington v. Cauldron Wholesale Ltd. ....	136
Blaise v. Blaise .....	215	Brayhead (Ascot) Ltd. v. Berkshire C.C. ....	150, 151, 546
Blake v. Hendon Corporation .....	319	Breen v. Amalgamated Engineering Union .....	5, 161, 178, 180, 184, 224, 230, 239, 262, 327, 335, 346
Blanchard v. Dunlop .....	178	Brekkes Ltd. v. Cattel .....	441, 470
— v. Sun Fire Office .....	258	Bribery Commissioners v. Ransinghe .....	68
Blencowe v. Northants C.C. ....	361, 501, 502	Bridgman v. Holt .....	267
Blue Circle Staff Association v. Certification Officer .....	202	Bright v. River Plate Construction Co. ....	262, 267
Blythe v. Att.-Gen. (Ire.) .....	508	— v. Tyndall .....	479
Boaler, <i>Re</i> .....	358	Brighton Corporation v. Parry ...	201, 227
Board of Education v. Rice ...	123, 162, 163, 168, 203, 344, 346, 361, 384, 555	Brinkley v. Brinkley .....	174, 205
Boardman v. Grand Trunk Railway Co. of Canada .....	500	Briscoe v. Briscoe .....	212
Bocking v. Roberts .....	134	Bristol & North Somerset Ry., <i>Re</i> ..	560
Bognor Regis U.D.C. v. Boldero ..	282, 348	Bristol Corporation v. Sinnott ...	496
		Bristol D.C. v. Clark .....	74, 98, 279, 297, 314, 340, 341
		Britford Common, <i>Re</i> .....	138, 406

British Actors' Equity Association v. Goring .....	184, 355	Bucknell (Frank) and Sons Ltd. v. Croydon L.B.C. ....	102, 492
British Airports Authority v. Customs and Excise Commissioners .....	135	Buckoke v. G.L.C. ....	194, 285, 295, 314, 549
British Association of Glass Bottle Manufacturers v. Foster & Sons .....	513	Buggin v. Bennett .....	416
British Dredging (Services) Ltd. v. Secretary of State for Wales ...	118, 364	Bugsier Reederei-und-Bergungs A/G v. S.S. Brighton .....	286
British Electricity Authority v. Exeter Corporation .....	496	Bull v. Att.-Gen. for New South Wales .....	501, 502
British Launderers' Research Association v. Hendon Borough Rating Authority .....	135	Bullard v. Croydon Hospital Group Management Committee .....	337
British Metal Corporation v. Ludlow Bros. Ltd. ....	220	Bulmer v. Att.-Gen. ....	490
British Oxygen Co. Ltd. v. Board of Trade .....	182, 186, 207, 223, 314, 315, 316	Bulmer (H.P.) Ltd. v. Bollinger (J.) S.A. ....	499
British Railways Board v. Customs and Excise Commissioners ...	131, 135	Bunbury v. Fuller .....	114, 141
— v. Glasgow Corporation .....	502	Burder v. Veley .....	425
— v. Glass .....	319	Burdle v. Secretary of State for the Environment .....	131, 138
British Transport Commission v. Westmorland C.C. ....	318-319, 487	Burghes v. Att.-Gen. ....	479, 483, 486, 516
Briton Medical and General Life Association, <i>Re</i> .....	575	Burke v. Copper .....	219, 299
Brittain v. Kinnaird .....	110	— v. Minister of Housing and Local Government .....	412, 413
Broad v. Perkins .....	416, 421	Burmah Oil Co. Ltd. v. Bank of England .....	38, 41, 42, 43
Broadbent v. Rotherham Corporation .....	161, 187, 459, 472, 572	— v. Lord Advocate .....	33, 99, 286, 289
Brocklebank (T. & J.) Ltd. v. R. ....	100	Burn v. National Amalgamated Labourers' Union .....	160, 216
Brodie v. Ker .....	361	Burnley B.C. v. England .....	452, 458
Brook, <i>Re</i> .....	160	Buron v. Denman .....	290
Brookdene Investments Ltd. v. Minister of Housing and Local Government .....	118	Burr v. Smith .....	88
Brooks v. Earl of Rivers .....	249, 267	Burton v. Field & Sons Ltd. ....	134
Brooks and Burton Ltd. v. Secretary of State for the Environment .....	104, 131, 134	Bushell v. Secretary of State for the Environment ...	85, 168, 170, 184, 209, 215, 238
Broome v. Broome .....	37	Butler, <i>Re</i> .....	134
— v. Cassell & Co. ....	339	— v. Board of Trade .....	513
Brown, <i>Ex p.</i> .....	599, 600	— v. Hudson .....	513
— v. Cocking .....	139	Butterly Building Materials Ltd. v. National Coal Board ...	359, 494, 502
Brown (Christopher) Ltd. v. Genossenschaft Oesterreichischer Waldbesitzer, etc. ....	120	Buttle v. Buttle .....	309, 311
Brownlow's Case .....	585	Button v. Jenkins .....	143, 154
Brownsea Haven Properties Ltd. v. Poole Corporation .....	485, 512	Buxton v. Minister of Housing and Local Government .....	168, 411, 412, 414, 418, 420
Broxbourne B.C. v. Secretary of State for the Environment .....	118, 370, 582	Byrne v. Herbert .....	513, 525
Brutton v. St. George's, Hanover Square, Vestry .....	161	— v. Kinematograph Renters' Society Ltd. ....	161, 197, 238, 244
Brutus v. Cozens .....	129, 132, 137	C. (A.) (AN INFANT), <i>Re</i> .....	298
Bryanston Finance Ltd. v. De Vries (No. 2) .....	434	Cababé v. Walton-on-Thames U.D.C. ....	133
B.S.M. (1257) Ltd. v. Secretary of State for Social Services .....	135	Caffoor v. Income Tax Commissioners, Colombo .....	108
Buchanan (James) & Co. Ltd. v. Babco Forwarding and Shipping (U.K.) Ltd. ....	99	Calder v. Halket .....	122
Buck v. Att.-Gen. ....	499, 500, 510	Caldicot and Wentlooge Act, <i>Re</i> , Eton College v. Commissioners of Sewers .....	495
Buckley v. Att.-Gen. ....	68	Calvin v. Carr .....	152, 154, 243, 257
		Calvin's Case .....	594
		Cambridgeshire & Isle of Ely C.C. v. Rust .....	102
		Campbell v. Edwards .....	337
		— v. Rochdale General Commissioners .....	153, 242

Cannock Chase D.C. v. Kelly .....	148,	China Mutual Steam Navigation	
	149, 279, 297,	Co. v. Maclay .....	511
	333, 334, 336	China Navigation Co. v. Att.-Gen.	289
Capel v. Child .....	160, 171, 225, 246	Ching v. Surrey C.C. ....	532
Capital and Suburban Properties		Ching Garage Co. v. Chingford	
Ltd. v. Swycher .....	149	Corporation .....	444
Capper Pass Ltd. v. Lawton .....	131	Chivers & Sons Ltd. v. Cambridge	
Cardiff Bridge Case, The. See R. v.		County Council .....	135, 487
Glamorganshire Inhabitants (Cardiff		Christie v. Leachinsky .....	192
Bridge case).		Church v. Inclosure Commissioners	383,
Carlsh v. East Ham Corporation ...	307		388
Carltona Ltd. v. Commissioner of		Church of Scientology of Cali-	
Works .....	165, 292, 307,	ifornia, <i>Ex p.</i> .....	266
	363, 511	— v. Dept. of Health & Social	
Carl Zeiss Stiftung v. Rayner &		Security .....	43, 45
Keeler Ltd. ....	290	— v. Johnson-Smith .....	469
Carnarvon Harbour Acts (1937),		City Brick & Terra Cotta Co. v.	
<i>Re</i> .....	508, 510, 512	Belfast Corporation (N.I.) .....	100
Carr v. Carr .....	490	City of London Corporation v.	
Carratt v. Morley .....	122	Secretary of State for the	
Carter v. Bradbeer .....	98	Environment .....	328
— v. Metropolitan Police Com-		Civil Service Salaries, <i>Re</i> ; E.C.	
missioner .....	337	Commission v. E.C. Council ..	104
Cartwright v. Ministry of Housing		Clanricarde (Marquess) v. Con-	
and Local Government .....	373, 488	gested Districts Board for	
Casberd v. Att.-Gen. ....	478	Ireland .....	334
Cassel v. Inglis .....	186, 262	Clark v. Epsom R.D.C. ...	483, 504, 509
Cassidy (Peter) Seed Co. v.		Clarke, <i>Ex p.</i> .....	273
Osuustukkukauppa I.L. ....	482	Clarks of Hove Ltd. v. Bakers'	
"Catalina" and "Norma," <i>Re</i> ...	262,	Union .....	134
	266, 336	Clay, <i>Re</i> .....	505, 508
Catt v. Wood .....	369	Clay Cross (Quarry Services) Ltd.	
Caudle v. Seymour .....	299	v. Fletcher .....	498
Cave v. Mountain .....	110	Clayton v. Att.-Gen. ....	477
Cecil's (Sir Thomas) Case .....	478	Clegg, Parkinson & Co. v. Earby	
Central Control Board v. Cannon		Gas Co. ....	528
Brewery Co. ....	99, 494	Clifford and O'Sullivan, <i>Re</i> .....	81,
Central Council for Education and			386, 399
Training in Social Work v.		Clifford Sabey (Contractors) Ltd.	
Edwards .....	163, 179, 192,	v. Long .....	342
	238, 239, 240, 573	Clinch v. I.R.C. ....	353, 362, 364, 486
Central Electricity Generating		Clough v. Ratcliffe .....	477
Board v. Clwyd C.C. ....	129, 138	Clyde & Co. v. Secretary of State	
— v. Dunning .....	495	for the Environment .....	342
— v. Jennaway .....	495	Coats (J. & P.) Ltd. v. Brown .....	550
Certification Officer v. Squibb U.K.		Cobb & Co. v. Kropp .....	100
Staff Association .....	335, 579	Cohen v. Rothfield .....	470
Ceylon University v. Fernando ...	163,	— v. West Ham Corporation ...	167,
	215, 226		304, 515
Chabot v. Viscount Morpeth ...	385, 399	Colam v. Mansfield .....	335
Chamberlain's Settlement, <i>Re</i> .....	512	Coleen Properties v. Minister of	
Chamberlaine v. Chester &		Housing and Local Government	108,
Birkenhead Ry. ....	460		118, 188, 211, 296,
Chambers v. Green .....	417		349, 363, 583
Champsey Bhara & Co. v. Jivraj		Collins v. Henry Whiteway & Co.	88
Balloo Spinning & Weaving Co.	405	Collis Radio Ltd. v. Secretary of	
Chandler v. D.P.P. ...	286, 287, 289, 333	State for the Environment ...	118, 342
Chaney v. Murphy .....	500, 513	Collymore v. Att.-Gen. ....	190
Chapman v. Earl .....	143, 152, 404	Colonial Bank of Australasia Ltd.	
— v. Essex C.C. ....	503, 532	v. Willan .....	111, 367, 408, 409
— v. Michaelson .....	479, 518	Colonial Sugar Refining Co. v.	
Cheetham v. Mayor of Manches-		Melbourne Harbour Trust	
ter .....	162, 183	Comms. ....	99
Chester v. Bateson .....	358	Colquhoun v. Brooks .....	187
Chettiar v. Chettiar .....	159, 174, 212	Commendams, Case of .....	280
Chien Sing-Shai, <i>Re</i> .....	207	Commings v. Massam .....	109
Child, <i>Ex p.</i> .....	417, 598		

Commission for Racial Equality v. Associated Newspapers Group Ltd. ....	134	Crosfield (Joseph) & Sons Ltd. v. Manchester Ship Canal Co. ...	361, 502
Commission of European Commu- nities v. Council of the Euro- pean Communities .....	318	Crown Lands Commissioners v. Page .....	289, 319
Companhia de Moçambique v. British South Africa Co. ....	500	Croydon Corporation v. Thomas	282
Company of Mercers and Iron- mongers of Chester v. Bowker ...	250	Cudgen Rutile (No. 2) Pty. Ltd. v. Chalk .....	101, 319
Coney v. Choyce ... 142, 143, 144, 428, 437, 459, 513, 514, 532		Cullimore v. Lyme Regis Corpora- tion .....	142, 144, 487
Congreve v. Home Office .....	59, 61, 100, 294, 298, 327, 333, 487	Cummings v. Birkenhead Corpora- tion .....	279, 314, 353, 354, 359, 503, 532
Connolly Bros. Ltd., <i>Re</i> .....	470	Curtis v. Sheffield .....	477, 505
Consett Iron Co. v. Clavering Trustees .....	99	Customs and Excise Commis- sioners v. Automobile Associa- tion .....	135
Constables of Hipperholme, <i>Re</i> ...	382, 388	— v. Cure & Deeley Ltd. ....	22, 96, 106, 293, 307, 354, 358
Construction Industry Training Board v. Att.-Gen. ....	502	— v. Hebson Ltd. ....	101, 318
Continental Sprays Ltd. v. Minister of Housing and Local Govern- ment .....	141, 211	— v. Holvey .....	372
Conway v. Rimmer .....	39, 40, 41, 42, 43, 44, 46	— v. Mechanical Services (Trailer Engineers) Ltd. ....	132
Cook, <i>Ex p.</i> ....	549	— v. Savoy Hotel Ltd. ....	486
—, <i>Ex p.</i> , <i>re</i> Dawson .....	87	— v. Tan .....	108
— v. Ward .....	305	— v. Thorn Electrical Industries Ltd. ....	100
Cooke v. Ipswich Local Board ...	107	Cutler v. Wandsworth Stadium Ltd. ....	509, 515, 528, 530
Cooper v. Wandsworth Board of Works .....	161, 166, 196, 246	Czarnikow v. Roth, Schmidt & Co.	358
— v. Whittingham .....	439, 440, 456		
— v. Wilson .....	225, 228, 260, 275, 361, 484, 490, 491, 503, 519		
Copartnership Farms v. Harvey- Smith .....	83, 87, 88	D. (INFANTS), <i>Re</i> ...	44, 57, 135, 190, 196
Copeland B.C. v. Secretary of State for the Environment .....	488	D. (Minors), <i>Re</i> .....	219, 242, 245
Corchester, The .....	204	D. v. N.S.P.C.C. ...	42, 44, 46, 57, 190, 288
Corke, <i>Ex p.</i> ....	601	Daily Mirror Newspapers Ltd. v. Gardner .....	441, 470
Cory (William) & Son Ltd. v. City of London Corporation ...	318	Daisy Hopkins, <i>Ex p.</i> .....	198
Cottle v. Cottle .....	263, 266	Daly v. Elstree R.D.C. ....	131
County and Nimbus Estates Ltd. v. Ealing L.B.C. ....	369	Damodhar Gordhan v. Deoram Kanji .....	369
Coventry, Case of the Mayor of ...	586	Dances Way, West Town, Hayling Island, <i>Re</i> .....	376
Cox v. Green .....	499	Darby v. Cosens .....	394
Crabb v. Arun D.C. ....	103	Darlasis v. Minister of Education	168
Craig v. Kanssen .....	159	Darley v. R. ....	464
Crisp v. Bunbury .....	361, 501, 502	Darnel's Case .....	596
Crittenden (Warren Park) Ltd. v. Surrey C.C. ....	493	Davey Paxman & Co. v. Post Office	100
Crofter Hand Woven Harris Tweed Co. v. Veitch .....	331, 332	David v. Abdul Cader .....	24, 322, 339
Crofton Investment Trust Ltd v. Greater London Rent Assess- ment Committee .....	206, 215	Davies v. Gaslight & Coke Co. ...	540
Cromford & High Peak Ry. v. Stockport, Disley & Whaley Ry.	460	— v. Price ... 116, 133, 400, 401, 405	
Crompton (Alfred) Amusement Machines Ltd. v. Customs and Excise Commissioners (No. 2) ...	43, 46, 190	— v. Ripon Corporation .....	487
Crosby-upon-Eden Tithes, <i>Re</i> .....	383	— v. Secretary of State for Wales	244
		Davis v. Bromley Corporation .....	322
		— v. Carew-Pole .....	160, 197, 244, 460, 472, 489
		— v. Johnson .....	98
		Dawkins v. Autrobus .....	160
		— v. Lord Rokeby .....	88
		Daws, <i>Re</i> .....	386
		Day v. Brownrigg .....	435
		— v. Savadge .....	250, 252
		Daymond v. Plymouth City Council .....	59, 98, 100, 294, 298, 485, 487
		de Bode (Baron), <i>Re</i> .....	553, 554
		de Freitas v. Benny .....	187, 236, 286, 287



De Haber v. Queen of Portugal ...	416, 591	Draper v. British Optical Association ...	508
de Mulder v. Secretary of State for the Environment ...	131	Drew v. Drew ...	157
De Verteuil v. Knaggs ...	154, 161-162, 191, 192, 243	Drewe v. Coulton ...	337
De Vries v. Smallridge ...	524	Dugdale v. Kraft Foods Ltd. ...	205
Deadman, <i>Re</i> ...	524	Duncan v. Cammell, Laird & Co. ...	34, 37, 38, 39, 40, 308
Dean v. District Auditor for Ashton-in-Makerfield ...	71, 78, 366	— v. Knill ...	147
Deare v. Att.-Gen. ...	478	Dundee General Hospitals Board of Management v. Walker ...	358
Death, <i>Ex p.</i> ...	194, 213, 226, 237	Dunford, <i>Re</i> ...	345
Deaton v. Att.-Gen. ...	68	Dunne v. North Western Gas Board ...	23, 532, 534
Deedman v. British Building, etc., Ltd. ...	143, 320	Durayappah v. Fernando ...	80, 85, 172, 173, 175, 176, 177, 178, 187, 200, 241, 244, 274, 391, 393, 415, 421, 537
Defrenne v. Sabena ...	76	Dutton v. Bognor Regis U.D.C. ...	102, 321, 322
Demetriades v. Glasgow Corporation ...	292, 293, 336	Dymond v. Pearce ...	451
Denaby Main Colliery Co. v. Manchester, Sheffield & Lincs. Ry. ...	398	Dyson v. Att.-Gen. ...	431, 478, 479, 480, 481, 484, 486, 510, 511, 514, 515, 516
Denby (William) & Sons Ltd. v. Minister of Health ...	167, 169	Dyson Holdings Ltd. v. Fox ...	131, 132
Denman (J. L.) & Co. v. Westminster Corporation ...	325	EALING B.C. v. Minister of Housing and Local Government ...	167, 201, 497, 512
Dent Tithe Commutation, <i>Re</i> ...	382	— v. Race Relations Board ...	358, 360, 495, 497, 502
Denton Road (No. 56), Twickenham, <i>Re</i> ...	107, 108, 489	Ealing Corporation v. Jones ...	411, 412
Department of Health & Social Security v. Walker Dean Walker Ltd. ...	359	Earl v. Slater and Wheeler (Airlyne) Ltd. ...	232, 245
Derby's (Earl of) Case ...	249, 258	Early (Charles) and Marriott (Witney) Ltd. v. Smith ...	115, 359, 498
Devis (W.) & Sons Ltd. v. Atkins ...	137, 232, 245	East Barnet U.D.C. v. British Transport Commission ...	131
Devonport Corporation v. Tozer ...	456, 495, 515	East Fremantle Corporation v. Annais ...	351
Dickson v. Pharmaceutical Society of Great Britain ...	95, 440, 442, 493, 499, 507, 510	East Ham Corporation v. Ministry of Housing and Local Government ...	497
— v. Viscount Combermere ...	159	East Hampshire D.C. v. Secretary of State for the Environment ...	141, 212, 221
Dimes v. Grand Junction Canal Proprietors ...	248, 258, 274, 277	East Midlands Gas Board v. Doncaster Corporation ...	361, 501, 502
D.P.P. v. Head ...	151	East Riding C.C. v. Park Estate (Bridlington) Ltd. ...	145
— v. Humphrys ...	314, 550	East Suffolk Rivers Catchment Board v. Kent ...	321, 351
Disher v. Disher ...	174, 213	Eastcheap Dried Fruit Co. v. N.V. Gebroeders Catz' Vereeniging ...	204
Docherty (T.) Ltd. v. Burgh of Monifieth ...	436, 547	Eastern Archipelago Co. v. R. ...	585
Dodd v. Salisbury & Yeovil Ry. ...	325	Eastham v. Newcastle United F.C. ...	484, 493, 509, 510, 513
Doe d. Bishop of Rochester v. Bridges ...	359, 531	Eckersley v. Mersey Dock etc. ...	263, 269
Doggett v. Waterloo Taxi Cab Co. ...	133	— v. Secretary of State for the Environment ...	242, 296, 335, 342
Dolan v. O'Hara (Ire.) ...	143	Edgbury Park Investments Ltd. v. Minister of Housing and Local Government ...	493
Donaldson v. South Shields Corporation ...	325	Edinburgh & Dalkeith Ry. v. Wauchope ...	467
Donnelly v. Jackman ...	314	Edinburgh (University of) v. Craik ...	250
Dormer v. Newcastle upon Tyne Corporation ...	341, 351	Edwards v. Bairstow ...	129, 137
Dorset Yacht Co. Ltd. v. Home Office ...	321, 351		
Dover Picture Palace Ltd. v. Dover Corporation ...	460		
Dowty Boulton Paul Ltd. v. Wolverhampton Corporation (No. 1) ...	319, 436		
— v. — (No. 2) ...	297, 319, 347		
Drakard (P. J.) & Sons Ltd. v. Wilton ...	107, 200		