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These reports are cited thus:

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These reports contain references to the following major works of legal reference described in the manner indicated below.

Halsbury's Laws of England

The reference 35 Halsbury's Laws (3rd edn) 366, para 524, refers to paragraph 524 on page 366 of volume 35 of the third edition, and the reference 26 Halsbury's Laws (4th edn) para 577 refers to paragraph 577 on page 296 of volume 26 of the fourth edition of Halsbury's Laws of England.

Halsbury's Statutes of England

The reference 5 Halsbury's Statutes (3rd edn) 302 refers to page 302 of volume 5 of the third edition of Halsbury's Statutes of England.

The Digest

References are to the blue band replacement volumes and the green band reissue volumes of The Digest (formerly the English and Empire Digest), and to the continuation volumes.

The reference 48 Digest (Repl) 645, 6207 refers to case number 6207 on page 645 of Digest Blue Band Replacement Volume 48.

The reference 36(2) Digest (Reissue) 764, 1398 refers to case number 1398 on page 764 of Digest Green Band Reissue Volume 36(2).

The reference Digest (Cont Vol E) 640, 2392a refers to case number 2392a on page 640 of Digest Continuation Volume E.

Halsbury's Statutory Instruments

The reference 20 Halsbury's Statutory Instruments (4th reissue) 302 refers to page 302 of the fourth reissue of volume 20 of Halsbury's Statutory Instruments; references to subsequent reissues are similar.

CORRIGENDA

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p 531. **A-G of the Duchy of Lancaster v G E Overton (Farms) Ltd.** Solicitors for the respondents: *Bolton & Lowe were agents for Epton & Co, Lincoln.*

p 537. **Home Office v Harman.** Line c 5. For 'improviy' read 'improbability'.

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p 98. **Cohen v Nessesdale Ltd.** Counsel for the landlords should read '*David Neuberger*' instead of '*Paul de la Piquerie*'.

p 152. **Vervaeke v Smith (Messina and A-G intervening).** Lines a 4 and a 5 should read '... although I agree with them in seeing nothing offensive or unjust as between the parties in the doctrine of public policy propounded by the Belgian courts ...'

pp 342, 348. **Emanuel v Emanuel.** On p 342 line h 3 and p 348 line g 1 for 'flaunt' read 'flout'.

p 610. **Re Signland Ltd.** Lines a 5 and a 6: these lines should refer to advertisement before service of the petition.

p 710. **Birkett v Hayes.** Line c 1 should read '... 2% from the date of service of the writ to the date of the trial ...'

p 767. **Alexander v Immigration Appeal Tribunal.** Counsel for the appellant should read '*Michael Beloff QC and David Pannick*'.

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| — Loitering with intent – Abolition of offence – Effect of abolition Comr of Police of the Metropolis v Simeon | HL | 813 |
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| — Theft – Obtaining property by deception – Dishonesty R v Ghosh | CA | 689 |
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| INCOME TAX – Capital allowances – Plant | | | | | | | | | | | | | | | | | | | | |
| IRC v Scottish and Newcastle Breweries Ltd | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | HL | 230 | |
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| INJUNCTION – County court – Husband and wife – Harassment not involving violence | | | | | | | | | | | | | | | | | | | | |
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| —Exclusion from matrimonial home – County court jurisdiction | | | | | | | | | | | | | | | | | | | | |
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| INTEREST – Damages – Personal injury – Pain, suffering and loss of amenities | | | | | | | | | | | | | | | | | | | | |
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| —Majority verdict – Failure to state number of dissentients | | | | | | | | | | | | | | | | | | | | |
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| —Landlord's consent to assignment of lease – Consent not to be unreasonably withheld | | | | | | | | | | | | | | | | | | | | |
| Bromley Park Garden Estates Ltd v Moss | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 890 | |
| LEGAL AID – Instruction of leading counsel – Duty of solicitor | | | | | | | | | | | | | | | | | | | | |
| Re Solicitors | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Megarry V-C | 683 | |
| —Unassisted party's costs – Judgment for less than amount paid into court | | | | | | | | | | | | | | | | | | | | |
| Kelly v London Transport Executive | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 842 | |
| LIBEL AND SLANDER – Interlocutory injunction | | | | | | | | | | | | | | | | | | | | |
| Harakas v Baltic Mercantile and Shipping Exchange Ltd | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 701 | |
| LIMITATION OF ACTION – Cause of action – Economic loss suffered in consequence of solicitor's negligent advice | | | | | | | | | | | | | | | | | | | | |
| Forster v Outred & Co (a firm) | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 753 | |
| LOCAL GOVERNMENT – Documents – Inspection by councillor | | | | | | | | | | | | | | | | | | | | |
| R v City of Birmingham DC, ex p O | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 356 | |
| MAGISTRATES – Laying of information – Requirements | | | | | | | | | | | | | | | | | | | | |
| Hill v Anderton | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | HL | 963 | |
| —Offence triable summarily or on indictment – Date accused attaining age of 17 | | | | | | | | | | | | | | | | | | | | |
| Re Daley | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | DC | 321; HL | 974 |
| MASTER AND SERVANT – Contract of service – Frustration – Imprisonment | | | | | | | | | | | | | | | | | | | | |
| Chakki v United Yeast Co Ltd | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | EAT | 446 | |
| MENTAL HEALTH – Patient's property – Execution of will | | | | | | | | | | | | | | | | | | | | |
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| NATIONAL INSURANCE – Unemployment benefit – Early retirement | | | | | | | | | | | | | | | | | | | | |
| Crewe v Social Security Comr | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | CA | 745 | |
| NEGLIGENCE – Duty to take care – Driver of motor vehicle – Police officer in hot pursuit | | | | | | | | | | | | | | | | | | | | |
| Marshall v Osmond | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Milmo J | 61 | |

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| TRADE DISPUTE – Economic duress – Recovery of money paid to welfare fund Universe Tankships Inc of Monrovia v International Transport Workers’ Federation | .. | .. | .. | .. | .. | .. | .. | .. | HL | 67 | |
| TRIAL – Offence triable summarily or on indictment – Date accused attaining age of 17 Re Daley | .. | .. | .. | .. | .. | .. | .. | .. | DC | 321; HL | 974 |
| TRUST AND TRUSTEE – Constructive trust – Contract between vendor and purchaser subject to plaintiff’s contract with vendor Lysus v Prowsa Developments Ltd | .. | .. | .. | .. | .. | .. | .. | .. | Dillon J | 953 | |
| —Profit from trust – Commission – Professional indemnity insurance Swain v Law Society | .. | .. | .. | .. | .. | .. | .. | .. | HL | 827 | |
| UNDUE INFLUENCE – Religious organisation Roche v Sherrington | .. | .. | .. | .. | .. | .. | .. | .. | Slade J | 426 | |
| UNINCORPORATED ASSOCIATION – Political party – Funds Conservative and Unionist Central Office v Burrell (Inspector of Taxes) | .. | CA | 1 | | | | | | | | |
| VISITING FORCES – Deserter – Evidence – Burden of proof R v Tottenham Magistrates’ Court, ex p Williams | .. | .. | .. | .. | .. | .. | .. | .. | DC | 705 | |
| WARD OF COURT – Practice – Official Solicitor’s costs Re G (a minor) (wardship: costs) | .. | .. | .. | .. | .. | .. | .. | .. | CA | 32 | |
| WRIT – Renewal – Failure to renew – Order for service after expiration of validity of writ Bernstein v Jackson | .. | .. | .. | .. | .. | .. | .. | .. | CA | 806 | |

Conservative and Unionist Central Office v Burrell (Inspector of Taxes)

COURT OF APPEAL, CIVIL DIVISION

LAWTON, BRIGHTMAN AND FOX LJJ

9, 10, 11, 12, 13, 16, 17 NOVEMBER, 10 DECEMBER 1981

- c* Unincorporated association – Requirements of an unincorporated association – Political party constituted by members of local constituency associations and both Houses of Parliament – Funds raised by party treasurers held by party's central office which provided administrative services to party – Expenditure of funds under control of party leader – Party leader providing link between members of party – Whether party an unincorporated association – Whether central office holding income from funds on behalf of an unincorporated association – Whether central office liable to corporation tax on income from funds – Income and Corporation Taxes Act 1970, s 526(5).

e The Conservative Party was a political party made up of three elements, namely (i) the Parliamentary Party comprising those members of both Houses of Parliament who took the Conservative whip, (ii) the mass membership represented by the National Union of Conservative and Unionist Associations (the national union) comprising constituency associations, and (iii) the party headquarters known as the Central Office, which operated the party organisation and the party's research department. The party leader, who linked the three elements of the party together, was selected by a ballot of Conservative members of Parliament and presented for election to a party meeting consisting of the Parliamentary Party, Parliamentary candidates and the executive committee of the national union.

f Party treasurers appointed by the party leader and assisted by a board of finance were responsible for raising party funds. The moneys so raised were under the control of the Central Office and the party leader had power to direct how those moneys were to be spent. The Central Office was assessed to corporation tax on investment income and interest over a five-year period from 1972 to 1976 on the basis that it was an unincorporated association within s 526(5)^a of the Income and Corporation Taxes Act 1970 and therefore fell within the meaning of 'company' in s 526(5). The Central Office appealed to the Special Commissioners against the assessment contending (i) that it was not an unincorporated association, (ii) that even if the national union could be said to be an unincorporated association the funds did not belong to the national union since they were administered by the Central Office, and (iii) that, in any event, the Conservative Party was an amorphous combination of various elements which lacked the characteristics of an unincorporated association and therefore if the funds were owned by the party the income arising therefrom was not assessable to corporation tax. The Crown accepted that the Central Office was not itself an unincorporated association but contended that the party was, and that the funds held by the Central Office belonged to the party. The Crown based its contention on the submission that the party was linked together both by the powers of the leader and by a contract between the members of the party arising in part out of the rules of the national union, in part out of the rules regulating the party meeting and selection of the leader, and in part out of the rules of the local constituency associations. The Crown further contended that the ownership of the party funds had to be in a body which had legal capacity to own property either as a trustee or as a beneficial

^a Section 526(5), so far as material, is set out at p 3 j to p 4 a, post