

# THE ALL ENGLAND LAW REPORTS 1983

Volume 2

Editor

PETER HUTCHESSON LLM

Barrister, New Zealand

Assistant Editor
BROOK WATSON
of Lincoln's Inn, Barrister
and of the New South Wales Bar

Consulting Editor
WENDY SHOCKETT
of Gray's Inn, Barrister

London BUTTERWORTHS ENGLAND Butterworth & Co (Publishers) Ltd

88 Kingsway, London wc2B 6AB

AUSTRALIA Butterworths Pty Ltd, Sydney, Melbourne,

Brisbane, Adelaide and Perth

CANADA Butterworth & Co (Canada) Ltd. **Toronto** 

Butterworth & Co (Western Canada) Ltd, Vancouver

NEW ZEALAND Butterworths of New Zealand Ltd, Wellington

SINGAPORE Butterworth & Co (Asia) Pte Ltd, Singapore

SOUTH AFRICA Butterworth Publishers (Pty) Ltd, **Durban** 

USA Mason Publishing Co, **St Paul**, Minnesota

Butterworth Legal Publishers, **Seattle**, Washington, **Boston**, Massachusetts and **Austin**, Texas

D & S Publishers, Clearwater, Florida



Butterworth & Co (Publishers) Ltd

1983

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature

ISBN 0 406 85148 4

# Cases reported in volume 2

|  | Page        | Data Card Cara Air France Lateractional  | Pag        |
|--|-------------|--|------------|
| A-G of Hong Kong v Ng Yuen Shiu [PC]   | 346<br>93   | Data Card Corp v Air Express International Corp [QBD]                                    | 63         |
| A-G of New Zealand v Ortiz [HL] A-G's Reference (No 1 of 1982) [CA]                    | 721         | Dawson v Wright [CA]   | 96         |
| Adsett v West [QBD]  | 985         | Demetriou (trading as Spectron Electronics),   |            |
| Air Express International Corp, Data Card Corp   |             | Greek City Co Ltd v [ChD]  | 92         |
| V [OBD]  | 639         | Din v Wandsworth London BC (No 3) [QBD]  | 84         |
| Al Wahab, The [HL]   | 884         | Dixon, PCW (Underwriting Agencies) Ltd v   |            |
| American Greetings Corp's Application, Re  | 000         | [QBD]  | 15         |
| [ChD and CA]   | 609         | [QBD] — [CA] (note)  | 69         |
| Amherst v James Walker Goldsmith and Sil-  | 1067        | Douce Gordon v [CA]  | 95<br>22   |
| versmith Ltd [CA]  | 1007        | Dove v Banhams Patent Locks Ltd [QBD]  | 83         |
| and HL1  | 864         | Dowse v Government of Sweden [HL]  | 12         |
| Amin Rasheed Shipping Corp v Kuwait In-  |             | Drummond (Inspector of Taxes), Mallalieu v   |            |
| surance Co [HL]  | 884         | [ [HL]   | 109        |
| Anderson Strathclyde plc, ex p, R v Secretary  | 222         | Eastleigh BC, R v, ex p Betts [CA]   | 48         |
| of State for Trade [QBD] Arabian Gulf Petroleum Co, Coupland v                         | 233         | Edmonton Licensing Justices, R v, ex p Baker   | 111        |
| [QBD]  | 434         | [OBD]  | 54         |
| AS, ex p, R v Immigration Appeal Tribunal  | 101         | [QBD]  | 100        |
| [CA]   | 1045        | Ellis-Fewster, Lloyds Bank plc v [CA]  | 42         |
| Ashcroft v Mersey Regional Health Authority  |             | Enfield London BC v Mahoney [CA]   | 90         |
| [QBD]  | 245         | Entry Clearance Officer, Bombay, Amin v [CA  |            |
| Astro Exito Navegacion SA v Southland Enter-   |             | and HL]  | 86         |
| prise Co Ltd (Chase Manhattan Bank NA  | 725         | Enwia, ex p, R v Immigration Appeal Tribunal   | 104        |
| intervening) [HL] Athanasiou (trading as Alpha Alpha Electrical                        | 120         | Epsom and Ewell BC v C Bell (Tadworth) Ltd   | 104        |
| Contractors), Greek City Co Ltd v [ChD]  | 921         | [ChD]  | 5          |
| Atlantic Maritime Co, Polish Steam Ship Co v   |             | Eton College v Board [CA]  | 96         |
| [QBD]  | 532         | European Asian Bank AG v Punjab and Sind   |            |
| Austin v Hart [PC]   | 341         | Bank [CA] Ewing, R v [CA]  | 50         |
| B & Q (Retail) Ltd, Stoke-on-Trent City  | 787         | Ewing, R V [CA]  | 64         |
| Council v [CA]   | /0/         | Export Credits Guarantee Dept v Universal Oil Products Co [QBD, CA and HL]               | 20!        |
| Backer v Secretary of State for the Environment [QBD]                                  | 1021        | Farbrother, Mason v [Ch D]   | 1078       |
| [QBD]  | 503         | Farrow, Gloucestershire CC v [ChD]   | 103        |
| Bakeaway Ltd, Neumann v (Ghotli, claimant)   |             | Faust, Power Packing Casemakers Ltd v [CA]   | 160        |
| [CA]   | 935         | Finelvet AG v Vinava Shipping Co Ltd [QBD]<br>Finney Lock Seeds Ltd, George Mitchell     | 658        |
| Baker, ex p, R v Edmonton Licensing Justices   | E 4 E       | Finney Lock Seeds Ltd, George Mitchell   | =          |
| [QBD]  | 545<br>1089 | (Chesterhall) Ltd v [HL]   | 73         |
| Banhams Patent Locks Ltd, Dove v [QBD]   | 833         | Fleet, ex p, R v Poole Justices [QBD] Flota Petrolera Ecuatoriana, Scandinavian          | 89         |
| Bank a X AG v [OBD]  | 464         | Trading Tanker Co AB v [HL]  | 763        |
| Bank, a, X AG v [QBD]  | 961         | Fraser v Thames Television Ltd [QBD]   | 10         |
| Bastiampillai, ex p, R v Immigration Appeal  |             | Garden City, The [QBD]   | 532        |
| Tribunal [QBD]   | 844         | Garden Cottage Foods Ltd v Milk Marketing  |            |
| Bell (C) (Tadworth) Ltd, Epsom and Ewell BC  | EO          | Board [HL]   | 770        |
| v [ChD]  | 59<br>481   | Girdham, R v [CA]  | 398        |
|  | 1111        | Gloucestershire CC v Farrow [ChD]  | 103        |
| [HL]   | 311         | Gordon v Douce [CA]  | 228        |
| Bloch, Smith Kline & French Laboratories Ltd   |             | Gordon, Observer Ltd v (Cranfield and ors,   |            |
| v[CA]  | 72          | claimants) [QBD]   | 945        |
| Bloomsbury Area Health Authority, Udale v  | F00         | Government Communications Headquarters,  |            |
| [QBD]  | 522         | Waite v [HL] Graham v Dodds [HL]   | 1013       |
| Bow Street Stipendiary Magistrate, R v, ex p<br>Comr of Police of the Metropolis [QBD] | 915         | Greater London Council ov p. P. v. London  | 953        |
| Bradburn v Lindsay [ChD]   | 408         | Greater London Council, ex p, R v London Transport Executive [QBD]                       | 262        |
| Braithwaite, R v I CAI   | 87          | Greek City Co Ltd v Athanasiou (trading as   | 202        |
|  | 698         | Alpha Alpha Electrical Contractors) [ChD]  | 921        |
| Buckley v Law Society [ChD]  | 1039        | Greek City Co Ltd v Demetriou (trading as  |            |
| Burgess v Purchase & Sons (Farms) Ltd  |             | Spectron Electronics) [ChD]  | 921        |
| [ChD]  | 1005        | Green, Torminster Properties Ltd v [CA]  | 457        |
| Chrysalis, The [QBD]   | 658         | Gubay v Kington (Inspector of Taxes) [CA] Hart, Austin v [PC]                            | 976<br>341 |
| Chubb Cash Ltd v John Crilley & Son (a firm)   | 000         | Hart, National Westminster Bank Ltd v [CA]   | 177        |
| [CA]   | 294         | Hill v Rochard [CA]  | 21         |
| Cleggs (a firm), Garner v [CA]   | 398         | Hillesden Securities Ltd v Ryjak Ltd [QBD]   | 184        |
| Company, Re a [ChD; Lord Grantchester QC]  | 36          | Hodes, ex p, R v Windsor Licensing Justices  |            |
| — [ChD; Vinelott J]  | 854         | [CA] Hubbard Universal City Studies Inc. v. [ChD]  | 551        |
| Comr of Police of the Metropolis, ex p, R v Bow Street Stipendiary Magistrate [QBD]    | 915         | Hubbard, Universal City Studios Inc v [ChD]<br>Immigration Appeal Tribunal, R v, ex p AS | 596        |
| Costain Property Investments Ltd, Stokes (In-  | 0.10        | [CA]   | 1045       |
| spector of Taxes) v [ChD]  | 681         | Immigration Appeal Tribunal, Rv, exp Bastiam-  |            |
| Coupland v Arabian Gulf Petroleum Co [QBD]   | 434         | pillai [QBD]   | 844        |
| Crilley (John) & Son (a firm), Chubb Cash Ltd  | 294         | Immigration Appeal Tribunal, R v, ex p Enwia   | 1045       |
| v[CA]  | 234         | [CA]   | 1045       |

|  | Page        |  | Page        |
|--|-------------|--|-------------|
| Immigration Appeal Tribunal, R v, ex p Khan  |             | Oceanica Castelana Armadora SA v Mineral-  |             |
| (Mahmud) [CA]  | 420         | importexport (Barclays Bank International  | CE          |
| Immigration Appeal Tribunal, R v, ex p Kotecha   | 289         | Ltd intervening) [QBD] Ortiz, A-G of New Zealand v [HL]                            | 65<br>93    |
| [CA]   | 495         | Osmond, Marshall v [CA]  | 225         |
| IRC, R v, ex p Preston [QBD]   | 300         | Paula Lee Ltd v Robert Zehil & Co Ltd [QBD]  | 390         |
| James Walker Goldsmith and Silversmith Ltd,  | 4007        | PCW (Underwriting Agencies) Ltd v Dixon  | 450         |
| Amherst v [CA]   | 1067        | [QBD]  | 158<br>697  |
| Khan (Mahmud), ex p, R v Immigration Appeal  | 46          | Police Complaints Board, R v, ex p Madden  | 037         |
| Tribunal [CA]  | 420         | [QBD]  | 353         |
| Kington (Inspector of Taxes), Gubay v [CA]   | 976         | Police Complaints Board, R v, ex p Rhone   |             |
| Kotecha, ex p, R v Immigration Appeal Tribunal   | 200         | [QBD]  | 353         |
| [CA] Kuwait Insurance Co, Amin Rasheed Shipping  | 289         | Polish Steam Ship Co v Atlantic Maritime Co  | 532         |
| Corp v [HL]  | 884         | Poole Justices, R v, ex p Fleet [QBD]  | 897         |
| Kuwait Minister of Public Works v Sir Frederick  |             | Power Packing Casemakers Ltd v Faust [CA]  | 166         |
| Snow & Partners (a firm) [CA]  | 754         | Practice Direction (Chancery Division: appli-                                      | E 4.4       |
| Land Securities plc v Receiver for the Metro-<br>politan Police District [ChD].              | 254         | cations by post or telephone) [ChD] Practice Direction (child: removal from juris- | 541         |
| Laughton, Merkur Island Shipping Corp v  | 254         | diction) [FamD]  | 253         |
| [HL]   | 189         | Practice Direction (contempt of court: appli-                                      |             |
| [HL] Law Society, Buckley v [ChD]  | 1039        | cation for release of contemnor) [FamD]  | 1066        |
| Loc (I daid) Lia v Hobert Leim a de Lia  | 390         | Practice Direction (Crown Court: bail) [LC]  | 261         |
| [QBD]  | 408         | Practice Direction (matrimonial home: rights of occupation) [FamD]                 | 1088        |
| Lister v Quaife [QBD]  | 29          | Practice Direction (minor: maintenance:  | .000        |
| Lister v Quaife [QBD]  | 969         | school fees) [FamD]  | 679         |
| Lloyd's, Moran v [CA] Lloyds Bank plc v Ellis-Fewster [CA]                                   | 200<br>424  | Practice Direction (payment into court:  | 25          |
| London Transport Executive, R v, ex p Greater  | 424         | Queen's Bench Division) [QBD]<br>Practice Direction (ward: parties: undesirable    | 35          |
| London Council [QBD]   | 262         | association) [FamD]  | 672         |
| London Council [QBD] Lord, Blackshaw v [CA]  | 311         | Practice Note (appeal: documents) [CA]   | 416         |
| Madden, ex p, R v Police Complaints Board  | 353         | Practice Note (Court of Appeal: single judge)                                      | 199         |
| [QBD]  | 417         | Practice Note (Court of Appeal: skeleton   | 133         |
| Mahoney, Enfield London BC [CA]  | 901         | arguments) [CA]  | 34          |
| Mallalieu v Drummond (Inspector of Taxes)  | 4005        | Practice Note (Crown Office list: uncontested                                      |             |
| [HL] Marshall v Osmond [CA]  | 1095<br>225 | proceedings: applications outside London: delay) [QBD]                             | 1020        |
| Marshall v Osmond [CA] Mason v Farbrother [ChD]  | 1078        | Prasad v Wolverhampton BC [CA]   | 1020<br>140 |
| Merkur Island Shipping Corp v Laughton [HL]  | 189         | Preston, ex p, R V IRC [QBD]   | 300         |
| Mersey Regional Health Authority, Ashcroft v   | 0.45        | Punjab and Sind Bank, European Asian Bank  | ===         |
| [QBD]  | 245<br>725  | Purchase & Sons (Farms) Ltd, Burgess v   | 508         |
| Metropolitan Police District (Receiver), Land  | 120         | [ChD]  | 4           |
| Securities plc v [ChD]   | 254         | [ChD]  | 29          |
| Miles (R) (Confectioners) Ltd, E V Saxton &  | 1005        | R v Bailey [CA]  | 503         |
| Sons Ltd v [ChD] Milk Marketing Board, Garden Cottage Foods                                  | 1025        | R v Bow Street Stipendiary Magistrate, ex p  | 1089        |
| Ltd v [HL]   | 770         | Comr of Police of the Metropolis [ORD]   | 915         |
| Mineralimportexport, Oceanica Castelana  |             | R v Braithwaite [CA]   | 87          |
| Armadora SA v (Barclays Bank International   | 65          | R v Eastleigh BC, ex p Betts [CA]  | 481         |
| Ltd intervening)[QBD]  | 427         |  | 1111        |
|  |             | [OBD]  | 545         |
| Lock Seeds Ltd [HL]  | 737         | R v Ewing [CA]   | 645         |
| Morris R v [CA]  | 200<br>448  | R v Immigration Appeal Tribunal, ex p AS   | 87          |
| Multinational Gas and Petrochemical Co v   | 440         | [CA]   | 1045        |
| Multinational Gas and Petrochemical Ser-   |             | R v Immigration Appeal Tribunal, ex p Bastiam-                                     | 1010        |
| vices Ltd [CA]   | 563         | pillai [QBD]   | 844         |
| Ltd, Multinational Gas and Petrochemical   |             | R v Immigration Appeal Tribunal, ex p Enwia  | 1045        |
| Cov[CA]  | 563         | R v Immigration Appeal Tribunal, ex p Khan   | 1045        |
| National Westminster Bank Ltd v Hart [CA]  | 177         | (Mahmud) [CA]  | 420         |
| National Westminster Bank plc, Stanfield Prop-<br>erties Ltd v (London and County Securities |             | R v Immigration Appeal Tribunal, ex p Kotecha [CA]                                 | 200         |
| Ltd, third party) [ChD]  | 249         | R v IRC, ex p Preston [QBD]  | 289<br>300  |
| Neumann v Bakeaway Ltd (Ghotli, claimant)  |             | R v Jenner [CA]  | 46          |
| [CA]   | 935         | R v London Transport Executive, ex p Greater                                       |             |
| Ng Yuen Shiu, A-G of Hong Kong v [PC] Nippon Kaiji Kyokai, Resolute Maritime Inc v           | 346         | London Council [QBD]   | 262         |
| [QBD]  | 1           | R v Maher [CA]   | 417<br>427  |
| Observer Ltd v Gordon (Cranfield and ors,  |             | R v Morris [CA]  | 448         |
| claimants) [QBD]   | 945         | R v Police Complaints Board, ex p Madden   | 252         |
|  |             | [GRD]  | 353         |

|   | Page        | I  | Page        |
|---|-------------|--|-------------|
| B - B-li Cleiste Board ov a Phone                                     | 3           | Stokes (Inspector of Taxes) v Costain Property |             |
| R v Police Complaints Board, ex p Rhone                               | 353         | Investments Ltd [ChD]                          | 681         |
| [QBD]   | 897         |  | 001         |
| R v Secretary of State for Trade, ex p Anderson                       | 007         | [ORD]  | 129         |
| Strathclyde plc [QBD]   | 233         | [QBD]  | 673         |
| R v Seymour [HL]  | 1058        | Sweden (Government), Dowse v [HL]              | 123         |
| B v Sullivan [HL]   | 673         | Sybron Corp v Rochem Ltd [CA]                  | 707         |
| B v Taaffe [CA]   | 625         |  |             |
| R v Seymour [HL]  | 12          |  | 375         |
| R v Windsor Licensing Justices, ex p Hodes                            |             | v [QBD]  | 625         |
| [CA]  | 551         | Tan. R v [CA]                                  | 12          |
| R (a minor) (child in care: access), Re [CA]                          | 929         | Thames Television Ltd, Fraser v [QBD]          | 101         |
| Resolute Maritime Inc v Nippon Kaiji Kyokai                           |             | Theotokos, The [QBD]                           | 65          |
| [QBD]   | 1           | Tiger Leasing SA, Unilever Computer Services   |             |
| Rhone, ex p, R v Police Complaints Board                              | 0=0         | Ltd v [CA]                                     | 139         |
| [QBD]   | 353         | Torminster Properties Ltd v Green [CA]         | 457         |
| Richards v Richards [HL]  | 807         | Tracomin SA v Sudan Oil Seeds Co Ltd (No 2)    | 120         |
| [QBD]   | 707         | [QBD]  | 129<br>745  |
| Ryjak Ltd, Hillesden Securities Ltd v [QBD]                           | 184         | I I I I I I I I I I I I I I I I I I I          | 745         |
| St Anna, The [QBD]  | 691         | Udale v Bloomsbury Area Health Authority [QBD] | 522         |
| Sauvel, Intpro Properties (UK) Ltd v [CA]                             | 495         | Unilever Computer Services Ltdv Tiger Leasing  | 522         |
| Saxton (E V) & Sons Ltd v R Miles (Confec-                            | 400         | SA[CA]   | 139         |
| tioners) Ltd [ChD]  | 1025        |  | 596         |
| Scandinavian Trading Tanker Co AB v Flota                             |             | Universal Oil Products Co, Export Credits      | 000         |
| Petrolera Ecuatoriana [HL]  | 763         | Guarantee Dept v [QBD, CA and HL]              | 205         |
| Scaptrade, The [HL]   | 763         | Varenna. The [OBD]                             | 375         |
| Secretary of State for the Environment, Backer                        |             | Vinava Shipping Co Ltd, Finelvet AG v [QBD]    | 658         |
| v [QBD]   | 1021        | Visions Channel 4 Ltd, WEA Records Ltd v       |             |
| Secretary of State for the Environment, Young                         | 4405        | [CA]   | 589         |
| v[HL]   | 1105        | Waite v Government Communications Head-        |             |
| Secretary of State for Trade, R v, ex p Anderson                      | 222         | quarters [HL] Walker v Walker [CA]             | 1013        |
| Strathclyde plc [QBD] Seymour, R v [HL]                               | 233<br>1058 | Walker v Walker [CA]                           | 909         |
| Seymour, R v [HL]<br>Sheffield Area Health Authority v Sheffield City | 1056        |  | 1067        |
| Council [QBD]   | 384         | Ltd, Amherst v [CA]                            | 1067<br>841 |
| Sheffield City Council, Sheffield Area Health                         | 304         | WEA Records Ltd v Visions Channel 4 Ltd        | 041         |
| Authority v [QBD]   | 384         | [CA]   | 589         |
| Sir Frederick Snow & Partners (a firm), Kuwait                        |             | Welsh Development Agency, Wettern Electric     | 000         |
| Minister of Public Works v [CA]                                       | 754         | Ltd v [OBD]                                    | 629         |
| Skips A/S Nordheim v Syrian Petroleum Co                              |             | Ltd v [QBD]                                    | 985         |
| Ltd [QBD]   | 375         | Wettern Electric Ltd v Welsh Development       |             |
| Ltd [QBD]   | 1           | Agency [QBD]                                   | 629         |
| Smith Kline & French Laboratories Ltd v Bloch                         |             | Agency [QBD]                                   | 51          |
| [CA]  | 72          | Windsor Licensing Justices, R v, ex p Hodes    |             |
| Snow (Sir Frederick) & Partners (a firm),                             |             | [CA]   | 551         |
| Kuwait Minister of Public Works v [CA]                                | 754         | Wolverhampton BC, Prasad v [CA]                | 140         |
| Southland Enterprise Co Ltd, Astro Exito                              |             | Wright v British Rlys Board [HL]               | 698         |
| Navegacion SA v (Chase Manhattan Bank                                 | 705         | Wright, Dawson v ICAL                          | 969         |
| NA intervening) [HL]  | /25         | Wright, Lloyd v [CÅ] X AG v A bank [QBD]       | 969         |
| Stanfield Properties Ltd v National Westminster                       |             | Young v Secretary of State for the Environment | 464         |
| Bank plc (London and County Securities Ltd, third party) [ChD]        | 249         |  | 1105        |
| Stoke-on-Trent City Council v B & Q (Retail)                          | 249         | [HL] Zehil (Robert) & Co Ltd, Paula Lee Ltd v  | 1105        |
| I td[CA]  | 787         | [OBD]  | 390         |

# Digest of cases reported in volume 2

| ADMIRALTY – Jurisdiction – Action in rem – Claim arising out of agreement relating to carriage of goods – Claim to enforce arbitration award  The St Anna Sheen     | J 691 |
|---|-------|
| AGRICULTURAL HOLDING - Tenancy - Minister approving letting for 364 days - Whether  |       |
| taking effect as tenancy from year to year  | n 59  |
| Epsom and Ewell BC v C Bell (Tadworth) Ltd Judge Rubii  | 1 55  |
| ARBITRATION – Award – Appeal – Basis on which award may be appealed  Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis  | J 658 |
| ——Award – Enforcement – Foreign award – Country becoming party to New York Convention between date of award and date enforcement proceedings instituted             |       |
| Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm)  | 754   |
| <ul> <li>Continuation of proceedings – Writ issued in High Court seeking substantially same relief –<br/>Whether arbitration terminated when writ issued</li> </ul> |       |
| Lloyd v Wright, Dawson v Wright CA  | 969   |
| <ul> <li>Setting aside or remitting award – Misconduct of umpire – Procedural errors – Inconsistency<br/>in findings</li> </ul>                                     |       |
| Moran v Lloyd's CA  | 200   |
| BANK - Documentary credit - Irrevocable credit - Duty of bank - Letter of credit negotiated through unauthorised bank   |       |
| European Asian Bank AG v Punjab and Sind Bank CA  | 508   |
| CAPITAL GAINS TAX – Disposal of assets – Married woman living with her husband – Residence in United Kingdom 'for year of assessment'                               |       |
| Gubay v Kington (Inspector of Taxes)  | 976   |
| CARRIAGE BY AIR – Damage to baggage or cargo – Limitation of liability – Damage to package forming part of consignment  |       |
| Data Card Corp v Air Express International Corp Bingham   | 639   |
| CHILD - Removal from jurisdiction - Injunction - Notification of Passport Office  Practice Direction - Fam D  | 253   |
| COMMONWEALTH IMMIGRANT – Appeal – Refusal to issue special voucher – Sex  | 255   |
| discrimination  | 064   |
| Amin v Entry Clearance Officer, Bombay  | . 864 |
| COMPANY – Compulsory winding up – Alternative remedy – Offer to purchase shares of minority shareholder   |       |
| Re a company Vinelott J   | 854   |
| <ul> <li>Conduct of company 'unfairly prejudicial' to interests of member – Sale of minority<br/>shareholding in private family company</li> </ul>                  |       |
| Re a company Lord Grantchester QC   | 36    |
| ——Voluntary winding up – Creditors' voluntary winding up – Validity of winding up resolution  |       |
| E V Saxton & Sons Ltd v R Miles (Confectioners) Ltd Judge John Finlay QC  | 1025  |
| CONFLICT OF LAWS – Contract – Proper law – Libyan company employing Scotsman through agent in London to work in Libya   |       |
| Coupland v Arabian Gulf Petroleum Co  | 434   |
| <ul> <li>Contract - Proper law - Swiss company having account with London branch of American<br/>bank</li> </ul>  |       |
| X AG v A bank Leggatt J   | 464   |
| <ul> <li>Foreign law – Enforcement – Forfeiture of historic articles unlawfully removed from foreign<br/>country</li> </ul>   |       |
| A-G of New Zealand v Ortiz  | 93    |
| ——Foreign order – Enforcement – New York court ordering American bank to produce documents held by its London branch  |       |
| X AG v A bank Leggatt J   | 464   |
| ——Foreign proceedings – Restraint of foreign proceedings – Injunction   |       |
| Smith Kline & French Laboratories Ltd v Bloch CA  | 72    |

| CONFLICT OF LAWS – Proper law of contract – Marine insurance – Service out of jurisdiction  Amin Rasheed Shipping Corp v Kuwait Insurance Co, The Al Wahab              | IL 884 |
|---|--------|
| Restraint of foreign proceedings – Jurisdiction to restrain foreign proceedings in breach of arbitration agreement  Tracomin SA v Sudan Oil Seeds Co Ltd (No 2) Leggatt | J 129  |
| —Tort – Actionability in lex loci delicti – Personal injuries – Scottish plaintiff employed by  | 0 120  |
| Libyan company to work in Libya  Coupland v Arabian Gulf Petroleum Co   | J 434  |
| CONSTITUTIONAL LAW - Foreign sovereign state - Immunity from suit - Action to enforce   |        |
| obligation under lease  | A 495  |
| CONTEMPT OF COURT - Committal for breach of court order - Period of custody - Application   |        |
| for release of contemnor  | 001    |
| Ellion Edition 20 Thomas of the   | A 901  |
| —Release of contemnor – Contemnor to be present in court – Exception where Mental Health<br>Act 1959 applies  |        |
| Practice Direction Fam  | D 1066 |
| CONTRACT - Acceptance - Retrospective acceptance - Whether late acceptance having retrospective effect  |        |
| Wettern Electric Ltd v Welsh Development Agency Judge Newey Q   | C 629  |
| ——Damages for breach – Alternative obligations – Basis for assessment of damages  Paula Lee Ltd v Robert Zehil & Co Ltd   | J 390  |
| Frustration - War - Whether declaration of war automatically frustrating contract   |        |
| Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis Mustill   | J 658  |
| —Fundamental breach – Effect on clause limiting liability  George Mitchell (Chesterhall) Ltd v Finney Lock Seeds Ltd  | IL 737 |
| <ul> <li>Implied term – Business efficacy – Licence to occupy factory – Factory becoming unsuitable<br/>and dangerous</li> </ul>  |        |
| Wettern Electric Ltd v Welsh Development Agency Judge Newey Q   | C 629  |
| —Implied term - First refusal - Implied negative covenant  Fraser v Thames Television Ltd   | J 101  |
| —Penalty - Indemnity clause - Guarantee of promissory notes   |        |
| Export Credits Guarantee Dept v Universal Oil Products Co Staughton J, CA and H   | L 205  |
| CONVERSION - Measure of damages - Sale of profit-earning chattel by lessee without title  |        |
| Hillesden Securities Ltd v Ryjak Ltd Parker   | J 184  |
| OSTS – Order for costs against Official Solicitor – Official Solicitor applying for release of contempor from custody   |        |
| Enfield London BC v Mahoney   | A 901  |
| COURT OF APPEAL - Appeals - Presentation - Skeleton arguments   |        |
| Practice Note   | A 34   |
| —Applications for leave to appeal – Applications to single judge  |        |
| Practice Note   | A 199  |
| <ul> <li>Leave to appeal – Judge refusing to set aside or remit arbitration award – Whether interlocutory or final order</li> </ul>                                     |        |
| Moran v Lloyd's   | A 200  |
| —Practice – Documents to be lodged by appellant   |        |
| Practice Note   | A 416  |
| CRIMINAL EVIDENCE – Handwriting – Comparison of handwriting – Admissibility – Standard of proof   |        |
| R v Ewing   | A 645  |
| <ul> <li>Improper conduct of accused on other occasions – Whether judge should know during trial<br/>that accused is of bad character</li> </ul>                        |        |
| R v Ewing   | A 645  |

| CRIMINAL EVIDENCE – Record relating to trade or business – Computer print-out of account   | of bank  |                               |                                 |
|--|--|-------------------------------|---------------------------------|
| R v Ewing  |  | CA                            | 645                             |
|  | lement   |                               |                                 |
| to contradict statement  Lister v Quaife   |  | DC                            | 29                              |
| CRIMINAL LAW – Automatism – Insanity distinguished – Epileptic seizure   |  | HL                            | 673                             |
| R v Sullivan   |  | HL                            | 0/3                             |
| ——Automatism – Self-induced automatism – Diabetic in state of automatism due to hypog mia Properties   | iycae-   | CA                            | 503                             |
| R v Bailey   |  | CA                            | 505                             |
| <ul> <li>Conspiracy – Conspiracy to defraud – Conspiracy to be carried out abroad – Econom<br/>and damage to company within jurisdiction – Injury to company in England by cau<br/>damage abroad</li> </ul>  | sing it  |                               |                                 |
| A-G's Reference (No 1 of 1982)   |  | CA                            | 721                             |
| Corruption - Presumption - Consideration received by employee of public body   |  |                               |                                 |
| R v Braithwaite, R v Girdham   |  | CA                            | 87                              |
| <ul> <li>Costs - Order to pay prosecution costs - Effect of plea of guilty - Effect of long to<br/>imprisonment</li> </ul>   | erm of   |                               |                                 |
| R v Maher  |  | CA                            | 417                             |
| ——Damage to property – 'Recklessness' whether property would be destroyed or damage.   | d  |                               |                                 |
| Elliott v C (a minor)  |  | DC                            | 1005                            |
| Disorderly house - House used by prostitute - Only one client at a time  |  |                               |                                 |
| R v Tan  |  | CA                            | 12                              |
| <ul> <li>Handling stolen goods – Undertaking or assisting in retention etc – Doctrine of<br/>possession</li> </ul>   | recent   |                               |                                 |
| R v Ball   | * *  | CA                            | 1089                            |
| Manslaughter - Causing death by unlawful act - Dangerous act - Chain of causation  |  |                               |                                 |
| R v Mitchell   |  | CA                            | 427                             |
| Boundary Indian Control of Control of the Control of Co |  |                               |                                 |
| ——Prostitution – Living on earnings of prostitution – Prostitute a male at birth but   | t later  |                               |                                 |
| ——Prostitution — Living on earnings of prostitution — Prostitute a male at birth but undergoing sex change operation  R v Tan  | t later  | CA                            | 12                              |
| undergoing sex change operation  R v Tan   |  | CA                            | 12                              |
| undergoing sex change operation  R v Tan   |  |                               |                                 |
| undergoing sex change operation  R v Tan   |  | CA                            | 12<br>448                       |
| undergoing sex change operation  R v Tan   | ching  | CA                            | 448                             |
| undergoing sex change operation  R v Tan   | ching rt   |                               |                                 |
| undergoing sex change operation R v Tan  | ching tt   | CA                            | 448                             |
| undergoing sex change operation  R v Tan   | ching tt   | CA                            | 448                             |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switted price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' coure practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibiter R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw   | ching tt gerous d                                  | CA                            | 448<br>261                      |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly swit price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' cour Practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibite R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw pregnancy  | ching tt gerous d                                  | CA<br>LC                      | 448<br>261<br>625               |
| undergoing sex change operation R v Tan  — Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switterice labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' courterior practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying danged drug believing it was currency – Defendant believing importation of currency prohibitering v Taaffe  N v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unwas pregnancy Udale v Bloomsbury Area Health Authority   | ching tt gerous d anted                            | CA                            | 448<br>261                      |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly swit price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' cour Practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibite R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw pregnancy  | ching  t gerous d anted Ju                         | CA<br>LC<br>CA                | 448<br>261<br>625               |
| undergoing sex change operation R v Tan  — Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switteric labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' courtering properties Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying danged drug believing it was currency – Defendant believing importation of currency prohibiter R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unwas pregnancy Udale v Bloomsbury Area Health Authority  DISCOVERY – Interrogatories to company – Duty of company in answering interrogatories Stanfield Properties Ltd v National Westminster Bank plc (London and Company)  | cching  t gerous d anted Ju s punty                | CA<br>LC<br>CA                | 448<br>261<br>625<br>522        |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switted price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' court practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibiter R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw pregnancy Udale v Bloomsbury Area Health Authority  DISCOVERY – Interrogatories to company – Duty of company in answering interrogatories Stanfield Properties Ltd v National Westminster Bank plc (London and Consecurities Ltd, third party)  DIVORCE – Custody – Access – Committal of child to care of local authority – Review of  | ching erous d anted Ju s punty egarry              | CA<br>LC<br>CA<br>pp J        | 448<br>261<br>625<br>522        |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switted price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' court Practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying danged drug believing it was currency – Defendant believing importation of currency prohibited R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unwas pregnancy Udale v Bloomsbury Area Health Authority  DISCOVERY – Interrogatories to company – Duty of company in answering interrogatories Stanfield Properties Ltd v National Westminster Bank plc (London and Consecurities Ltd, third party)  DIVORCE – Custody – Access – Committal of child to care of local authority – Review of authority's decision   | cching tt gerous d anted Ju s punty egarry i local | CA<br>LC<br>CA<br>pp J        | 448<br>261<br>625<br>522<br>249 |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switt price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' cour Practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibite R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw pregnancy Udale v Bloomsbury Area Health Authority  DISCOVERY – Interrogatories to company – Duty of company in answering interrogatories Stanfield Properties Ltd v National Westminster Bank plc (London and Consecurities Ltd., third party)  DIVORCE – Custody – Access – Committal of child to care of local authority – Review of authority's decision Re R (a minor) (child in care: access)   | cching tt gerous d anted Ju s punty egarry i local | CA<br>LC<br>CA<br>pp J<br>V-C | 448<br>261<br>625<br>522<br>249 |
| undergoing sex change operation R v Tan  Theft – Appropriation – Obtaining property by deception – Defendant dishonestly switt price labels on goods in store R v Morris  CROWN COURT – Bail – Applications – Bail in course of proceedings in magistrates' cour Practice Direction  CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying dang drug believing it was currency – Defendant believing importation of currency prohibite R v Taaffe  DAMAGES – Unsuccessful operation – Negligent sterilisation operation – Subsequent unw pregnancy Udale v Bloomsbury Area Health Authority  DISCOVERY – Interrogatories to company – Duty of company in answering interrogatories Stanfield Properties Ltd v National Westminster Bank plc (London and Consecurities Ltd., third party)  DIVORCE – Custody – Access – Committal of child to care of local authority – Review of authority's decision Re R (a minor) (child in care: access)   | ching t gerous d anted Ju s sunty egarry i local t | CA<br>LC<br>CA<br>pp J<br>V-C | 448<br>261<br>625<br>522<br>249 |

| EQUITY – Breach of confidence – Damages – Use of information obtained in confidence Fraser v Thames Television Ltd   | rst J        | 101        |
|--|--------------|------------|
| EUROPEAN ECONOMIC COMMUNITY – Rules on competition – Abuse of dominant position – Remedy   |              |            |
| Garden Cottage Foods Ltd v Milk Marketing Board  | HL           | 770        |
| <b>EXECUTION</b> – Instrument – Judge ordering document to be signed by master – Whether document binding on third parties   |              |            |
| Astro Exito Navegacion SA v Southland Enterprise Co Ltd (Chase Manhattan Bank NA intervening), The Messiniaki Tolmi  | HL           | 725        |
| Sheriff - Protection - Action by third party in respect of wrongful execution against his goods  | 0.1          | 005        |
| Neumann v Bakeaway Ltd (Ghotli, claimant)  | CA<br>rell J | 935<br>945 |
| EXTRADITION - Committal - Evidence to justify committal - Affirmation  Dowse v Government of Sweden  | HL           | 123        |
| FATAL ACCIDENT – Action by dependants three months after death – Whether premature   |              |            |
| Austin v Hart  | PC           | 341        |
| <ul> <li>Damages – Assessment – Survival of claim for benefit of estate – Deceased a single man of<br/>26 without dependants</li> </ul>                              |              |            |
| Adsett v West McCullou   | gh J         | 985        |
| ——Damages – Multiplier – Date at which multiplier to be determined  Graham v Dodds   | HL           | 953        |
| HIGHWAY – Dedication – Presumption – Public use for prescribed period – Manorial market right  |              |            |
| Gloucestershire CC v Farrow Gouldi   | ng J         | 1031       |
| HIRE PURCHASE – Damages – Disposal of goods by hirer – Measure of damages in conversion  |              |            |
| Chubb Cash Ltd v John Crilley & Son (a firm)   | CA           | 294        |
| HONG KONG - Natural justice - Duty to hear parties - Illegal immigrant   |              |            |
| A-G of Hong Kong v Ng Yuen Shiu  | PC           | 346        |
| HOUSING - Compulsory purchase - Compensation for disturbance - Displacement from land<br>'in consequence of' compulsory acquisition                                  |              |            |
| Prasad v Wolverhampton BC  | CA           | 140        |
| — Homeless person – Duty of housing authority – Whether applicant 'normally resident' in authority's area  | . 111        | 1111       |
|  | ; HL         | 1111       |
| HUSBAND AND WIFE – Matrimonial home – Rights of occupation – Practice and procedure – Heading of summons – Transfer of proceedings to High Court  Practice Direction | m D          | 1088       |
| IMMIGRATION – Appeal – Evidence – Events occurring after entry clearance officer's decision  | 111111       | 1000       |
| R v Immigration Appeal Tribunal, ex p Kotecha  | CA           | 289        |
| ——Appeal – Evidence – Facts coming into existence after Secretary of State's decision  R v Immigration Appeal Tribunal, ex p Bastiampillai Glidewo                   | ell J        | 844        |
| ——Appeal – Reasons for decision – Whether failure to give adequate reasons an error of law  R v Immigration Appeal Tribunal, ex p Khan (Mahmud)                      | CA           | 420        |
| ——Deportation – Iraqi citizen required to leave United Kingdom – Applicant not to be treated as<br>a person 'to be removed' to Iraq                                  |              |            |
| R v Immigration Appeal Tribunal, ex p Enwia, R v Immigration Appeal Tribunal, ex p AS  | CA           | 1045       |
| ——Leave to remain indefinitely – Dependent parents – Emotional dependence –Other relatives in own country to turn to   |              |            |
| R v Immigration Appeal Tribunal, ex p Bastiampillai  | ell J        | 844        |
| INCOME TAX - Capital allowances - Expenditure 'met' by person other than taxpayer - Provision of finance by financier  |              |            |
| Stokes (Inspector of Taxes) v Costain Property Investments Ltd Harma   | an J         | 681        |

| INCOME TAX – Capital allowances – Machinery or plant 'belonging' to taxpayer in consequence of expenditure – Machinery or plant installed by tenant becoming landlord's fixtures  Stokes (Inspector of Taxes) v Costain Property Investments Ltd   | J 681  |
|--|--------|
| ——Deduction in computing profits – Expenditure for purposes of trade or profession – Purpose of expenditure – Female barrister's court clothes  The second of the second | L 1095 |
| Mallalieu v Drummond (Inspector of Taxes) H  |        |
| INJUNCTION – Balance of convenience – Injunction restraining bank from complying with order of foreign court to produce documents  | J 464  |
| AAGVA balik  |        |
| <ul> <li>Domestic violence – Power of arrest – Application by former wife to exclude former husband<br/>from former matrimonial home</li> </ul>  |        |
| White v White C.   | A 51   |
| <ul> <li>Exclusion of party from matrimonial home – Divorce pending – Exclusion of husband – Needs<br/>of children</li> </ul>  |        |
| Richards v Richards H  | L 807  |
| Mareva injunction - Variation - Defendant's living expenses, outstanding debts and legal   |        |
| costs PCW (Underwriting Agencies) Ltd v Dixon Lloyd J 158; C.  | A 697  |
|  |        |
| ——Mareva injunction – Variation – Interests of innocent third parties  Oceanica Castelana Armadora SA v Mineralimportexport (Barclays Bank Inter-  |        |
| national Ltd intervening), The Theotokos Lloyd   | J 65   |
| INTEREST – Damages – Personal injury – Pain, suffering and loss of amenities   |        |
| Wright v British Rlys Board H  | L 698  |
| JUDICIAL REVIEW – Availability of remedy – Exercise of discretion on behalf of Crown – Decision to reopen investigation  |        |
| R v IRC, ex p Preston Woolf  | J 300  |
| ——Delay – Application to set out reasons for delay – Extension of time   |        |
| Practice Note D  | C 1020 |
| ——Evidence in support of claim – Hansard – Admissibility   |        |
| R v Secretary of State for Trade, ex p Anderson Strathclyde plc De   | C 233  |
| LANDLORD AND TENANT – Leasehold enfranchisement – Long tenancy – Tenancy for 'term of years certain'   |        |
| Eton College v Bard  | A 961  |
| ——Rent – Review – Delay in serving notice to initiate rent review – Delay, however unreasonable, not precluding landlord from relying on notice  |        |
| Amherst v James Walker Goldsmith & Silversmith Ltd C   | A 1067 |
|  | 1007   |
| ——Rent – Review – Rent fixed by arbitration after tenant surrendering lease  Torminster Properties Ltd v Green   | A 457  |
|  | 4 457  |
| <ul> <li>Tenant's right to question landlord's title – Tenant refusing to pay rent on discovering<br/>landlord's title determined</li> </ul>   |        |
| National Westminster Bank Ltd v Hart   | A 177  |
| <b>LEGAL AID</b> – Certificate to 'brief counsel' – Work done before delivery of brief – Discretion to allow unauthorised costs  |        |
| Din v Wandsworth London BC (No 3) Lloyd  | J 841  |
| LIBEL AND SLANDER - Damages - Power of Court of Appeal   |        |
| Blackshaw v Lord   | A 311  |
| ——Qualified privilege – Common law – Newspaper report  |        |
| Blackshaw v Lord   | 311    |
| <ul> <li>Qualified privilege – Notice issued by government department – Statement by government official over telephone</li> </ul>   |        |
| Blackshaw v Lord   | 311    |
| LICENCE - Licence to occupy premises - Implied term - Fitness for purpose  |        |
| Wettern Electric Ltd v Welsh Development Agency Judge Newey QC   | 629    |
| - Ladge Howey at   | 720    |

此为试读,需要完整PDF请访问: www.ertongbook.com

| LICENSING – Occasional licence – Grant – Occasional licence until application for late renewal of on-licence heard   |      |
|--|------|
| R v Bow Street Stipendiary Magistrate, ex p Comr of Police of the Metropolis   | 915  |
| – Validity   | 5.45 |
| R v Edmonton Licensing Justices, ex p Baker  | 545  |
| <ul> <li>Off-licence – Renewal – Justices only renewing licences in accordance with predetermined policy</li> </ul>  |      |
| R v Windsor Licensing Justices, ex p Hodes   | 551  |
| <b>LIMITATION OF ACTION</b> – When time begins to run – Negligence – Time between negligent act and occurrence of damage   |      |
| Dove v Banhams Patent Locks Ltd Hodgson J  | 833  |
| LONDON TRANSPORT EXECUTIVE – Fares – Reduction – Exercise of Greater London Council's powers   |      |
| R v London Transport Executive, ex p Greater London Council DC   | 262  |
| MASTER AND SERVANT – Duty of servant – Disclosure of fraudulent misconduct – Employee acting fraudulently in conjunction with subordinate employees to detriment of employer               |      |
| Sybron Corp v Rochem Ltd CA  | 707  |
| MINOR – Maintenance – Maintenance order including element in respect of school fees – Increase in fees – Tax relief  |      |
| Practice Direction Fam D   | 679  |
| MISREPRESENTATION – Agent's liability for misrepresentation – Whether liability attaching to principal only  |      |
| Resolute Maritime Inc v Nippon Kaiji Kyokai, The Skopas Mustill J  | 1    |
| MISTAKE – Money paid under mistake of fact – Employee acting fraudulently in conjunction with other employees to detriment of employer – Employee obtaining discretionary pension benefits |      |
| Sybron Corp v Rochem Ltd CA  | 707  |
| MONOPOLIES AND MERGERS – Report of Monopolies and Mergers Commission – Order of Secretary of State on merger reference – Discretion  |      |
| R v Secretary of State for Trade, ex p Anderson Strathclyde plc DC   | 233  |
| NATIONAL HEALTH SERVICE – Reorganisation – Transfer of property – Property held by local authority   |      |
| Sheffield Area Health Authority v Sheffield City Council Lloyd J   | 384  |
| NATURAL JUSTICE – Hearing – Duty to hear parties – Hong Kong immigration authorities   |      |
| A-G of Hong Kong v Ng Yuen Shiu PC   | 346  |
| NEGLIGENCE – Duty to take care – Driver of motor vehicle – Police officer pursuing person attempting to avoid arrest   |      |
| Marshall v Osmond  | 225  |
| —Professional person – Duty to exercise reasonable skill and care – Proof of negligence – Question for court   |      |
| Ashcroft v Mersey Regional Health Authority Kilner Brown J   | 245  |
| NEW ZEALAND - Statute - Interpretation - 'Forfeiture' of historic articles unlawfully removed  |      |
| from New Zealand  A-G of New Zealand v Ortiz HL  | 93   |
|  | 93   |
| NUISANCE - Neglect - Neglect of house - Neglect interfering with easement of support - Liability to neighbour for nuisance   |      |
| Bradburn v Lindsay Judge Blackett-Ord V-C  | 408  |
| POLICE - Complaint against police - Police Complaints Board - Discharge of board's function  |      |
| R v Police Complaints Board, ex p Madden, R v Police Complaints Board, ex p<br>Rhone McNeill J   | 353  |
| PRACTICE – Anton Piller order – Appeal against order made on ex parte application – Whether Court of Appeal will hear appeal   |      |
| WEA Records Ltd v Visions Channel 4 Ltd CA   | 589  |

| copyright<br>Universa                                | City St                        | udios Ir                | nc v H           | ubbard    |          |                                  |                    |           |           |          | Falco          | ner J   | 59   |
|--|--------------------------------|-------------------------|------------------|-----------|----------|----------------------------------|--------------------|-----------|-----------|----------|----------------|---------|------|
|  |                                |                         |                  |           |          | hone                             |                    |           |           |          |                | - 050 T | -    |
| Chancery Practice                                    |                                |                         | ations           | by post ( | or telep | none                             |                    |           |           |          |                | Ch D    | 54   |
|  |                                |                         |                  |           |          | · · ·                            |                    |           |           | <br>     |                |         |      |
| Conduct o  | luded fro                      | m acces                 | s to in          | formatio  | n disclo | osed to c                        | er – Wi<br>ourt    | nether d  | etendar   | its sol  | icitors        | 0.4     | F0   |
| WEA Rec  | ords Ltd                       | v Visio                 | ns Ch            | annel 4   | Ltd      |                                  |                    |           |           |          |                | CA      | 58   |
| —Crown Off<br>London                                 | ice list -                     | Uncont                  | ested            | criminal  | causes   | or mat                           | ters - l           | Jrgent a  | applicati | ons o    | utside         |         |      |
| Practice I   | Vote                           |                         | * *              |           |          |                                  |                    | * *       |           |          |                | DC      | 102  |
| ——Dismissal o  |                                |                         | t of pro         | secutio   | n – Del  | ay in del                        | ivering            | statem    | ent of cl | aim –    | When           |         |      |
| Greek Cit<br>Ltd v At                                | y Co Lto<br>hanasio            |                         |                  |           |          |                                  |                    |           |           |          | ty Co<br>Gould | ing J   | 92   |
| —Funds in c  | ourt – Ces                     | ssation o               | of old p         | ractice   |          |                                  |                    |           |           |          |                |         |      |
| Practice I   | Direction                      | n                       |                  | 606       |          | * *                              | * *                | 61(6)     |           |          |                | QBD     | 3    |
| —Hearing – \   | /acation                       | of date f               | ixed fo          | r hearing | 9        |                                  |                    |           |           |          |                |         |      |
| Unilever (   | Comput                         | er Servi                | ices L1          | td v Tig  | er Leas  | sing SA                          |                    |           |           |          |                | CA      | 13   |
| ——Parties – L<br>Whether lo                          |                                |                         |                  |           |          |                                  |                    |           | itants of | their    | area –         |         |      |
| Stoke-on   |                                | -                       |                  |           |          |                                  |                    |           |           |          | * *            | CA      | 78   |
| —Payment ir  |                                |                         |                  | of payme  | nt in –  | Costs in                         | curred             | after dat | te of pay | ment     | in             |         |      |
| Garner v (   | Cleggs (                       | a firm)                 |                  |           | * *      | * .                              | * *                |           |           | 16.16    | ***            | CA      | 39   |
| —Service ou When actio Multinati Service —Service ou | on proper<br>onal Gas<br>s Ltd | ly broug<br>s and P<br> | ht aga<br>etrock | nemical   | on with  | nin jurisd<br><b>Multina</b><br> | liction<br>Itional | Gas a     | nd Petr   | ochei    | mical<br>      | CA      | 56   |
| outside jur<br>jurisdiction<br><b>Multinati</b>      |                                |                         |                  |           |          |                                  |                    |           |           |          |                |         |      |
| Service  |                                |                         |                  | · ·       |          |                                  |                    |           |           | ocnei    | nicai<br>      | CA      | 56   |
| ——Summary j  |                                |                         |                  |           |          |                                  | w of ju            | dge's ex  | ercise o  | f discr  | etion          |         |      |
| European   | Asian B                        | ank AG                  | v Pur            | njab and  | Sind     | Bank                             |                    |           |           |          | * *            | CA      | 50   |
| —Summary j<br>with judge                             |                                |                         | e to de          | fend – (  | Ground   | s on wh                          | ich Co             | urt of A  | oppeal v  | vill int | erfere         |         |      |
| Lloyds Ba  | nk plc v                       | Ellis-Fe                | ewste            | r         |          |                                  |                    |           |           |          |                | CA      | 42   |
| UBLIC AUTI   | HORITY                         | – Statu                 | itory p          | owers -   | Exces    | sive exe                         | ercise             | of powe   | ers - Re  | ducti    | on of          |         |      |
| R v Londo  |                                |                         | ecutiv           | e, ex p ( | Greate   | r Londo                          | n Cou              | ncil      |           |          |                | DC      | 26   |
| ATES - Distre  | ss – Warı                      | rant of c               | ommit            | ment – Ir | nquiry a | s to mea                         | ans                |           |           |          |                |         |      |
| R v Poole  | Justices                       | , ex p F                | leet             |           | * *      | 1414                             | 2.2                |           |           |          | Forb           | es J    | 897  |
| ENT RESTRI   | CTION -                        | - Alterna<br>nmodat     | itive ac         | commo     | dation   | - Suitab                         | ility to           | needs o   | f tenant  | - Ten    | ant's          |         |      |
| Hill v Rock  | nard                           |                         |                  |           |          |                                  |                    |           | * *       |          |                | CA      | 21   |
| OAD TRAFFI<br>- Proper dire                          | C – Reck                       | less drivi              | ing – C          | ausing d  | eath by  | reckless                         | drivin             | g – Char  | ge of ma  | nslau    | ghter          |         |      |
| R v Seymo  |                                |                         | ,                |           |          | *1.40                            | (a. (a.            |           | * *       |          |                | HL      | 1058 |
| ALE OF GOO   | DS – Exc                       | lusion o                | f implie         | ed term - | - Merch  | antable                          | quality            | - Reas    | onablen   | ess      |                |         |      |
| George Mi  | tchell (0                      | Chester                 | hall) L          | td v Fir  | nney L   | ock See                          | ds Ltd             | *         |           | *(*)     |                | HL      | 737  |
| HIPPING - Bi   | ll of ladin                    | g – Inco                | rporati          | on of ter | ms of c  | harterpa                         | irty – A           | rbitratio | n clause  | )        |                |         |      |
| Skips A/S  | Nordhei                        | m v Syr                 | ian Pe           | etroleur  | n Co L   | td, The                          | Varen              | na        | * *       | Но       | bhou           | se J    | 375  |
|  |                                |                         |                  |           |          |                                  |                    |           |           |          |                |         |      |

| CHIPPING Character Francisco West Whether declaration of war outsmatically   |      |
|--|------|
| SHIPPING - Charterparty - Frustration - War - Whether declaration of war automatically frustrating charterparty  |      |
| Finelvet AG v Vinava Shipping Co Ltd, The Chrysalis Mustill J  | 658  |
| ——Limitation of liability – Limitation fund – Interest Polish Steam Ship Co v Atlantic Maritime Co, The Garden City Parker J                           | 532  |
| ——Time charterparty – Withdrawal of vessel – Relief against forfeiture   |      |
| Scandinavian Trading Tanker Co AB v Flota Petrolera Ecuatoriana, The Scaptrade HL  | 763  |
| SHOP – Sunday closing – Enforcement by local authority – Whether proceedings required to be brought by Attorney General                                |      |
| Stoke-on-Trent City Council v B & Q (Retail) Ltd CA  | 787  |
| SOLICITOR – Dishonesty – Intervention by Law Society in solicitor's practice – Solicitor applying for discovery of Law Society's internal documents    |      |
| Buckley v Law Society Sir Robert Megarry V-C   | 1039 |
| TORT - Inducement to commit breach of contract - Indirect inducement   | 100  |
| Merkur Island Shipping Corp v Laughton HL  | 189  |
| TOWN AND COUNTRY PLANNING – Development – Material change of use – Use for stationing residential caravans   |      |
| Backer v Secretary of State for the Environment David Widdicombe QC  | 1021 |
| <ul> <li>Enforcement notice – Effect – Reversion to earlier lawful use – Purpose for which land may<br/>be used without planning permission</li> </ul> |      |
| Young v Secretary of State for the Environment HL  | 1105 |
| ——Stop notice – Challenge to validity in criminal proceedings  R v Jenner  | 46   |
| TRADE DISPUTE - Acts in furtherance of trade dispute - Secondary action - Whether actionable   | 70   |
| in tort  Merkur Island Shipping Corp v Laughton  | 189  |
| TRADE MARK - Trafficking - Application for registration of mark and registered user - Proprietor   | 100  |
| not using mark in connection with similar goods  |      |
| Re American Greetings Corp's Application   | 609  |
| TRUST AND TRUSTEE – Discretionary trust – Appointments made at behest of settlor – Whether appointments invalid exercise of discretionary powers       |      |
| Turner v Turner Mervyn Davies J  | 745  |
| <ul> <li>Unmarried couple – House acquired by joint efforts for joint benefit – Couple separating –<br/>Date of valuation of shares</li> </ul>         |      |
| Gordon v Douce CA  | 228  |
| UNFAIR DISMISSAL – Dismissal in connection with strike or 'other industrial action' – Refusal to work overtime   |      |
| Power Packing Casemakers Ltd v Faust CA  | 166  |
| <ul> <li>Right not to be unfairly dismissed – Restriction on right where employee reaches 'normal retiring age'</li> </ul>                             |      |
| Waite v Government Communications Headquarters HL  | 1013 |
| VALUER - Speaking valuation - Valuer's decision final, binding and conclusive - Impugnment of valuation  |      |
| Burgess v Purchase & Sons (Farms) Ltd Nourse J   | 4    |
| VARIATION OF TRUSTS – Variation by court – Investment clause – Extension of powers of investment – Pension fund  |      |
| Mason v Farbrother Judge Blackett-Ord V-C  | 1078 |
| WARD OF COURT - Parties to proceedings - Ward making undesirable association with another person   |      |
| Practice Direction Fam D   | 672  |

### CORRIGENDA

do not intend by my use of that phrase . . . p 762. Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm). Line h5

|     | [1903] I AII EN   |
|-----|---|
| 229 | p 754. Ford v Warwickshire CC. Line j3 should read ' an interval that could not be characterised as |
| 230 | short'  |
| 231 |   |
|     | [1983] 2 AII ER   |
| 232 | p 245. Ashcroft v Mersey Regional Health Authority. Counsel for the plaintiff: read 'John Rowe      |
| 233 | QC and Norman A Wright'.  |
| 234 | p 735. Astro Exito Navegacion SA v Southland Enterprise Co Ltd. Line h6 should read ' But I         |

should read 's 1(2)(c) of the Foreign Judgments (Reciprocal Enforcement) Act 1933.'

#### House of Lords

The Lord High Chancellor: Lord Hailsham of St Marylebone

Lords of Appeal in Ordinary

Lord Diplock Lord Fraser of Tullybelton Lord Keith of Kinkel Lord Scarman Lord Roskill Lord Bridge of Harwich Lord Brandon of Oakbrook Lord Brightman Lord Templeman

# Court of Appeal

The Lord High Chancellor

The Lord Chief Justice of England: Lord Lane (President of the Criminal Division)

The Master of the Rolls: Sir John Francis Donaldson (President of the Civil Division)

The President of the Family Division: Sir John Lewis Arnold

The Vice-Chancellor: Sir Robert Edgar Megarry

#### Lords Justices of Appeal

Sir John Frederick Eustace Stephenson Sir Frederick Horace Lawton Sir George Stanley Waller Sir James Roualeyn Hovell-Thurlow-Cumming-Bruce Sir Edward Walter Eveleigh Sir Desmond James Conrad Ackner Sir Robin Horace Walford Dunn Sir Peter Raymond Oliver Sir Tasker Watkins VC.

Sir Patrick McCarthy O'Connor Sir William Hugh Griffiths Sir Michael John Fox Sir Michael Robert Emanuel Kerr Sir John Douglas May Sir Christopher John Slade Sir Francis Brooks Purchas Sir Robert Lionel Archibald Goff Sir George Brian Hugh Dillon

#### REPORTERS

#### House of Lords

Mary Rose Plummer Barrister

## **Privy Council**

Mary Rose Plummer Barrister

# Court of Appeal, Civil Division

Mary Rose Plummer Barrister Frances Rustin Barrister Diana Procter Barrister Henrietta Steinberg Barrister Diana Brahams Barrister Patricia Hargrove Barrister

Sophie Craven Barrister

# Court of Appeal, Criminal Division

N P Metcalfe Esq Barrister Sepala Munasinghe Esq Barrister Dilys Tausz Barrister Jacqueline Charles Barrister April Weiss Barrister Raina Levy Barrister

Martine Kushner Barrister

## **Chancery Division**

Jacqueline Metcalfe Barrister Evelyn M C Budd Barrister Hazel Hartman Barrister Vivian Horvath Barrister

# Queen's Bench Division

David Bartlett Esq Barrister M Denise Chorlton Barrister

J M Collins Esq Barrister K Mydeen Esq Barrister

# **Family Division**

Admiralty

Bebe Chua Barrister

N P Metcalfe Esq Barrister

#### **Revenue Cases**

Courts-Martial Appeals

Rengan Krishnan Esq Barrister Edwina Epstein Barrister N P Metcalfe Esq Barrister

#### **SUB-EDITORS**

Radhika Edwards Barrister

Robert Brennan Esq Barrister, New Zealand

#### MANAGER

John W Wilkes Esq

此为试读,需要完整PDF请访问: www.ertongbook.com