

The Law Relating to Banking

By

T. G. REEDAY

LL.B. (Hons.) (Lond.), F.C.I.S., A.I.B.

of Lincoln's Inn, Barrister;

First Place, Final Examination, Institute of Bankers,

Beckett, Whitehead and Charles Reeve Prizeman;

a Head of Department, School of Law,

Polytechnic of Central London

FOURTH EDITION

LONDON

BUTTERWORTHS

1980

- ENGLAND:* BUTTERWORTH & CO. (PUBLISHERS) LTD.
LONDON: 88 KINGSWAY, WC2B 6AB
- AUSTRALIA:* BUTTERWORTHS PTY. LTD.
SYDNEY: 586 PACIFIC HIGHWAY,
CHATSWOOD, NSW 2067
ALSO AT MELBOURNE, BRISBANE, ADELAIDE AND
PERTH
- CANADA:* BUTTERWORTH & CO. (CANADA) LTD.
TORONTO: 2265 MIDLAND AVENUE,
SCARBOROUGH M1P 4S1
- NEWZEALAND:* BUTTERWORTHS OF NEW ZEALAND
LTD.
WELLINGTON: 77-85 CUSTOM HOUSE
QUAY
- SOUTH AFRICA:* BUTTERWORTH & CO. (SOUTH AFRICA)
(PTY.) LTD.
DURBAN: 152-154 GALE STREET
- U.S.A.:* BUTTERWORTH & CO. (PUBLISHERS)
INC.
BOSTON: 10 TOWER OFFICE PARK,
WOBBURN, MASS. 01801

©

Butterworth & Co. (Publishers) Ltd.

1980

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.

This book is sold subject to the Standard Conditions of Sale of Net Books and may not be re-sold in the UK below the net price fixed by Butterworths for the book in our current catalogue.

ISBN Casebound 0 406 64766 6

Limp 0 406 64767 4

Printed in Great Britain
by W & J Mackay Limited, Chatham

To my friends and acquaintances now or formerly in
the business of banking, and especially to the late
Owain W. Jones, LL.B., A.I.B., Barrister.

Preface to the Fourth Edition

Any book which endeavours to deal with a wide-ranging spectrum of law is particularly susceptible to changes in the law. The past four years have seen an especially heavy flow of statutes, statutory instruments and cases, which have been incorporated in the text where appropriate. I am obliged to the publishers and the printers for their co-operation in fitting in at the proof stage some amendments which occurred in December 1979 so that this edition is as up-to-date as it is possible to be. The new Government's Companies Bill 1979 is noted at the end of Chapter 4, but as it had not become law by the end of 1979, it should emerge as the Companies Act 1980. Despite its compendious title the Banking Act 1979 has changed little in this book, as the Act is largely concerned with the control of banks as organisations. The Consumer Credit Act 1974 continues to make slow and laborious progress towards full implementation: no doubt it will get there someday, for as the poet Swinburne puts it:

... even the weariest river
Winds somewhere safe to sea.

It made another move forward on 27 January 1980 when the repeal of the Moneylenders Act 1927, mentioned on page 30, came largely into force.

On a happier note, the Institute of Bankers celebrated its centenary in 1979; and unless something drastic happens, the Bills of Exchange Act should do likewise in two years' time.

As with the two preceding editions I must express my appreciation and thanks to Mr. R. McC. M. Adams, Resident Solicitor of the National Westminster Bank Limited, for his helpful comments on current developments; to Butterworth's editorial staff for their general guidance and the revision of the index and of the tables of statutes and cases; and to my one-time banking colleague in Leeds, Mrs. Angela E. Powell, for her assistance in proof-reading.

January, 1980

T. G. REEDAY.

Preface to the First Edition

“A prudent man shuns hyaenas;
No banker is imprudent.
No banker fails to shun hyaenas.”

Lewis Carroll

This syllogism, or flawed logic, first caught my attention long before I commenced a career destined to fluctuate between banking and the law. The falsity of the second line is shown by the number of cases which have been decided adversely to banks, though they must be set against many millions of banking transactions which are happily and successfully concluded. The justification for this book as a new assortment of familiar topics is that it is designed to meet the tri-composite syllabus of the Institute of Bankers in its subject, Law Relating to Banking. It is hoped that the book will be of assistance to present and future bankers, as well as perhaps to other students who may be particularly interested in this aspect of the commercial scene.

The pattern of the book is based on the three Sections of the Institute syllabus, starting with a resumé of the law of contract, the bedrock of the whole subject, followed by chapters on Agency, Partnership, Companies and Bankruptcy to complete Section A. Then come four chapters covering the securities most commonly taken by banks—land, life policies, stocks and shares, and guarantees—which comprise Section B. The last five chapters deal with Section C, together with promissory notes which have been added for the sake of completeness, and include the full text of the Bills of Exchange Act 1882 and the Cheques Act 1957.

For bibliography, readers seeking the larger air on individual topics are recommended to turn to the following other Butterworth publications: Stevens' *Mercantile Law*; Cheshire and Fifoot's *Law of Contract*; Fridman's *Law of Agency*; Underhill's *Law of Partnership*; Magnus and Estrin's *Companies: Law and Practice*; Cheshire's *Modern Real Property*; and finally Paget's *Law of Banking*, to which all students of banking in the last resort are debtors.

I would like to thank Butterworth's editorial staff for their valuable

help, particularly in providing the index and the tables of cases and statutes.

T. G. REEDAY.

April, 1968

Table of Statutes

References in this Table to "*Statutes*" are to Halsbury's Statutes of England (Third Edition) showing the volume and page at which the annotated text of the Act will be found. Page references printed in bold type indicate where the Act is set out in part or in full.

	PAGE		PAGE
Administration of Estates Act 1925 (13 <i>Statutes</i> 38)	204	Banking Act 1979	109, 330
Administration of Justice Act 1925 (3 <i>Statutes</i> 169)—		s. 18	156
s. 22 (1)	200	36	330
Administration of Justice Act 1956 (18 <i>Statutes</i> 20)—		38 (1)	3
s. 35	223	(2)	294
37 (2)	180	(3)	3
Administration of Justice Act 1970 (40 <i>Statutes</i> 356, 1059)—		47	432
s. 36	242	Banking and Financial Dealings Act 1971 (41 <i>Statutes</i> 1554) . . .	328, 333, 342, 450
Administration of Justice Act 1973 (43 <i>Statutes</i> 755)—		s. 1	342
s. 8	242	2	450
Administration of Justice Act 1977 (47 <i>Statutes</i> 80, 1180)	236	(1), (4)	450
s. 7	150	3 (1)	450
26	236	(2)	342
Agricultural Credits Act 1928 (1 <i>Statutes</i> 783)—		4 (3), (4)	450
s. 5 (7)	331	Sch. 1	342
Agricultural Holdings Act 1948 (1 <i>Statutes</i> 685)—		Banking Companies' (Shares) Act 1867	280
s. 66	225	Bankruptcy Act 1883 (3 <i>Statutes</i> 14)	179
Sch. 7	225	Bankruptcy Act 1890 (3 <i>Statutes</i> 17)	179
Arbitration Act 1975 (45 <i>Statutes</i> 32)—		Bankruptcy Act 1914 (3 <i>Statutes</i> 33)	168, 200, 392, 453
s. 1 (1)	359	s. 1 (1)	170, 173, 174
Attachment of Earnings Act 1971 (41 <i>Statutes</i> 791)	188	4	169, 171
Bank Charter Act 1844 (2 <i>Statutes</i> 739)	348, 446	(1)	169, 173
Bank Holidays Act 1871 (35 <i>Statutes</i> 365)	342	5 (3)	175
Bankers' Books Evidence Act 1879 (12 <i>Statutes</i> 848)	27	6	174
s. 9	330	8	175
		16	324
		26	178, 179
		28	324
		30	194
		31	194, 198
		33	162, 190, 191
		(5)	169

	PAGE		PAGE
Bankruptcy Act 1914— <i>cont.</i>		Bills of Exchange Act 1882— <i>cont.</i>	
s. 33 (6)	106	s. 57	45
35 (1)	193	60 200, 351, 431, 436, 437,	441
36	193	64	335
37	182	67 (2)	450
38 180, 181, 182, 190		72	389
39 (1)	179	73	331
40 (1)	183	73–82	407–423
41 (1)	183	76–79	395, 441, 451
42	193	80 351, 395, 441, 436, 451	
(1)	183	81 53, 338, 347, 395, 441,	451
44	187	82 102, 338, 429, 430, 431,	437, 438, 439
(1)	184	83–100	444–454
45 187, 188, 189		89	383
46 174, 187, 188, 189, 195,		(4)	382
196, 201		91	349
47 190, 197, 198		92	341, 342
53 177, 288		95	420, 423, 438
54	181	Sch. 1	454
55–58	182	Bills of Exchange Act 1958 (Isle of	
59	192	Man)	443
63, 66	193	Bills of Exchange Act (1882)	
88	197	Amendment Act 1932—	
89	197	s. 1	430
94	179	Bills of Exchange (Crossed	
108	175	Cheques) Act 1906	430
114 107, 170		Bills of Exchange (Guernsey) Law	
127	111	1958	443
129	176	Bills of Exchange (Time of Noting)	
130 (6) 169, 191		Act 1917 (3 <i>Statutes</i> 237)	328
155	178	s. 1	382
Sch. 2	108	2	382
Bankruptcy (Amendment) Act		Bills of Lading Act 1855 (31 <i>Statutes</i>	
1926 (3 <i>Statutes</i> 170)	168	44)	50
s. 1	178	s. 1	55
3	179	Bills of Sale Act 1878 (3 <i>Statutes</i>	
4 189, 190		245)—	
11	192	s. 43 (1)	183
Bills of Exchange Act 1882 (3		Building Societies Act 1962 (3 <i>Sta-</i>	
<i>Statutes</i> 188)	442	<i>tutes</i> 312)	275
s. 1–38 328–366		Cheques Act 1957 (3 <i>Statutes</i> 238)	328,
2	427	351, 360, 393, 408, 410	
3	444	s. 1	396, 424
4	445	2	426
9 (1)	390	3	428
19	370	4 102, 421, 429 , 451, 452	
(2)	369	(2)	410, 420
20	388	5 395, 420, 423, 441 , 451, 452	
27	13	6	442
29 188, 388		7, 8	443
36	53	Cheques Act 1959 (Eire)	443
37	396	Cheques (Jersey) Law 1957	443
38 (2)	188	Civil Liability (Contribution) Act	
39–52 367–384		1978 (48 <i>Statutes</i> 357):	95, 102,
45	389	306, 446	
49 (12)	450		
51	335		
53–72 385–406			

Table of Statutes

xvii

	PAGE
Coinage Act 1971 (41 Statutes 225)—	37
s. 2	208
Community Land Act 1975—	114, 452
Companies Act 1862	109
Companies Act 1907—	114
s. 37	114, 219
Companies Act 1908	Sch. 1 TABLE A
Companies Act 1929	art. 69
Sch. 1 TABLE A	129, 130
art. 69	Companies Act 1947 (5 Statutes 104)
Companies Act 1947 (5 Statutes 104)	114, 186
s. 92	187, 318
115	187, 318
(3)	184
Companies Act 1948 (5 Statutes 110)	18, 28, 112, 114, 120, 169, 303, 305
s. 1	115
2	116
3, 4	118
5 (1)–(3)	119
(7)	121
(9)	119
6, 8–10	120
13	121
16	119
17	116
18	118
(4)	323
19	116
22	291
28	109, 122, 166, 277
30, 31	122
32	19
33	128
41	122
(1)	61
54	151, 152
56, 57	126
58	273
60	126
61	119
(1)	271, 277
62	120
63	119
66	120, 280
67	120
73–75	277
76–78	278
79	279
80	279
81	279
83	281
89	141, 224
90	141
94	146, 149, 161

	PAGE
Companies Act 1948—cont.	
s. 95	136, 137, 139, 140, 144, 147, 231, 232, 268
(1)	140
96 (3)	140
97	139, 140
98 (1)	138
(2)	138, 139
99	141
100	140, 249
101	138
102	150, 243
103	140
104	268
105	140
108	123, 124
(4)	123
109	122, 167
117	228
124–128	122
130	122, 167
133	118
136	57
141	118
142	124
147	153
176	122
177, 178	125
181	124
182	124, 290
184	124
187	178
188	125
190	150, 305
199	153
200	128
211	154
212	156, 159, 285
213	155
222	100, 154, 155
223	155
224	155, 156
225	157
227	157, 158
228, 229, 237, 238	157
257	158
273	158
274	165
278 (1)	159, 160
279–281, 283	159
285–289	160
290	160, 165
291, 293–295	160
296 (2)	160
297–299	160
300	165
301–305	160
306	154, 160

	PAGE		PAGE
Companies Act 1948— <i>cont.</i>		Consumers Credit Act 1974— <i>cont.</i>	
s. 307	150, 160	s. 123	358
308–310	160	(1)–(3)	358
311–315	161	124	358
317	154, 194	125	358
319	146, 154, 161, 190	(1)	358
319 (1), (2), (4)	162	(4)	356
320	154, 185	126	246
321	187, 318	137–140	30
322	144	185	3
332	164, 165	Corporate Bodies' Contracts Act	
352	166	1960 (7 <i>Statutes</i> 14)	19
(1)	165, 166	County Courts Act 1959 (1 <i>Statutes</i>	
353	166	41; 7 <i>Statutes</i> 302)	173
366	149	s. 48 (1)	242
367	149, 178	56 (1)	242
369	150	Credit Unions Act 1979	20
399 (9)	111	Criminal Justice Act 1972	169, 170, 173, 174
424	114	Decimal Currency Act 1969 (40	
434	90	<i>Statutes</i> 316)—	
439	87, 114	s. 2	334
455	123, 138	Deeds of Arrangement Act 1914 (3	
Sch. 1	120	<i>Statutes</i> 19)	200
TABLE A, Part I	120	s. 1	200
art. 77	290	2	201
art. 79	129, 130, 305	3	200
art. 84	153	11	200, 201
art. 99	152	24	201
art. 106	152	Diplomatic Privileges Act 1964 (6	
art. 113	279	<i>Statutes</i> 1013)	19
TABLE A, Part II	120	Employment Protection (Con-	
Sch. 3	122	solidation) Act 1978 (48	
Sch. 6	122	<i>Statutes</i> 452)	40
Companies Act 1967 (5 <i>Statutes</i> 535;		s. 121	162, 191
24 <i>Statutes</i> 532)	114	Equal Pay Act 1970 (40 <i>Statutes</i>	
s. 2	122, 151	561)	40
35	156	Estate Agents Act 1979	75
43–45	119	European Communities Act 1972	
46	118	(42 <i>Statutes</i> 59)—	
119, 120	90	s. 9	79
121	109	(1)	19, 115, 117, 127, 129, 131, 132, 133, 134, 303
Companies Act 1976 (46 <i>Statutes</i>		(2)	121
187)	114	(5)	68
s. 21	124	(7)	116, 117, 123
22	128	Exchange Control Act 1947 (22 <i>Sta-</i>	
23	117	<i>tutes</i> 900)	281
27	286	s. 10	281
28, 29	125	Factors Act 1889 (1 <i>Statutes</i> 94)—	
30	116	s. 1 (1)	58, 75
Companies (Floating Charges and		2	76
Receivers) (Scotland) Act		(1)	75
1972	116	Fair Trading Act 1973 (43 <i>Statutes</i>	
Companies (Floating Charges)		1618)	3, 33
Scotland) Act 1961	116	Family Law Reform Act 1969 (17	
Consumer Credit Act 1974 (44 <i>Sta-</i>		<i>Statutes</i> 148, 792)—	
<i>tutes</i> 746)	3, 30, 294	s. 1, 9	14
s. 40	4		
78 (4)	3		

Table of Statutes

xix

	PAGE
Family Law Reform Act 1969— <i>cont.</i>	
s. 12	14, 348
19	258
Finance Act (1909–10) Act 1910 (32 <i>Statutes</i> 216)—	
s. 74	284
Finance Act 1949	282
Finance Act 1968	258
Finance Act 1970	121, 262, 283, 303, 332, 408, 444
Finance Act 1971 (41 <i>Statutes</i> 1400)	142, 220, 226, 260, 262, 303
Finance Act 1972 (42 <i>Statutes</i> 159)—	
s. 41	162
Finance Act 1973 (43 <i>Statutes</i> 1405)—	
s. 47–49	121
Finance Act 1975 (45 <i>Statutes</i> 1770)—	
s. 7–9	262
Finance Act 1976 (46 <i>Statutes</i> 1389)	260
s. 126	227, 281
Finance Act 1978 (48 <i>Statutes</i> 1373)—	
s. 49	302
Forged Transfer Act 1891 (5 <i>Statutes</i> 99)	286
Forged Transfer Act 1892 (5 <i>Statutes</i> 101)	286
Forgery Act 1913 (8 <i>Statutes</i> 257)—	
s. 1	341
Friendly Societies Act 1974 (44 <i>Sta-</i> <i>tutes</i> 279)—	
s. 59	191
Gaming Act 1845 (14 <i>Statutes</i> 523)	33
Government of Ireland Act 1920 (23 <i>Statutes</i> 843)	329
s. 6	443
Holidays Extension Act 1875 (35 <i>Statutes</i> 368)	342
Housing Act 1957 (16 <i>Statutes</i> 109)	229, 241
Housing Act 1974 (44 <i>Statutes</i> 590)—	
s. 118	207
Industrial and Provident Societies Act 1965 (17 <i>Statutes</i> 333)	20
Infants Relief Act 1874 (17 <i>Statutes</i> 412)	14, 446
s. 1, 2	16
Insolvency Act 1976 (46 <i>Statutes</i> 152, 184)	155, 162, 168, 173, 178, 180, 197
s. 5	192
6	177

	PAGE
Insolvency Act 1976— <i>cont.</i>	
s. 7, 8	179
9	125, 165
11	173
Insurance Brokers (Registration) Act 1977 (47 <i>Statutes</i> 351)	77
Land Charges Act 1925 (27 <i>Statutes</i> 685)—	
s. 17 (2)	231
Land Charges Act 1972 (42 <i>Statutes</i> 1590)	136, 228
s. 4	233
5	229
10	233
(3)	231
(5)	233
(6)	231
17	229, 233
Land Commission Act 1967 (36 <i>Statutes</i> 451)	208
Land Commission (Dissolution) Act 1971 (41 <i>Statutes</i> 1563) ...	208
Land Registration Act 1925 (27 <i>Sta-</i> <i>tutes</i> 778)	213, 217, 220, 237
s. 3	215
8	214
35	248
49, 54	237
64	219
66	235
70 (1)	216
81 (1)	215
82	217
101	220
106	236
(2)	237
(3), (4)	231
123	214
Land Registration Act 1966 (27 <i>Sta-</i> <i>tutes</i> 919)	213
Land Registration and Land Charges Act 1971 (41 <i>Statutes</i> 1173)	214
Land Transfer Act 1875	213
Land Transfer Act 1897 (27 <i>Statutes</i> 335)	213
Landlord and Tenant Act 1927 (18 <i>Statutes</i> 451)—	
s. 19 (1)	211
Landlord and Tenant Act 1954 ...	241
Law of Property Act 1925 (27 <i>Sta-</i> <i>tute</i> 341)	211, 240
s. 1	204
(5)	206
40	3, 10, 73, 209
44 (1)	209
(2), (3)	212
52 (1)	209, 211

Table of Statutes

	PAGE		PAGE
Law of Property Act 1925— <i>cont.</i>		Limitation Act 1939— <i>cont.</i>	
s. 52 (2)	211	s. 12	223
53	61, 211	22	47
(1), (2)	216	23	48
54	61, 211	26, 31	47
(2)	211	Limitation Act 1963 (19 <i>Statutes</i>	
73, 74	2	102)	47
85	222, 224	Limited Partnership Act 1907 (24	
87	222	<i>Statutes</i> 525)	90, 108, 109
93	225, 226	s. 4, 5	109
94	227, 228	6	110
99, 100	225	(4), (5)	111
101 (1)	240, 241, 243	7	109
103	224, 241	8–10	110
104 (1)	243	15	109
(2)	226, 241	16	110
109	225	Local Land Charges Act 1975 (45	
110	244	<i>Statutes</i> 1705)	230
115	247	s. 1, 2, 10	230
123, 124	59	Marine Insurance Act 1906 (17 <i>Sta-</i>	
125 (1)	59	<i>tutes</i> 836)	50
126–129	59	s. 18 (2), (7)	254
136	50, 51, 54	53 (2)	76
172	171, 172	Married Women's Property Act	
(1)	172	1882 (17 <i>Statutes</i> 16)—	
198	228	s. 11	258, 263
205 (1)	205	Matrimonial Causes Act 1973 (43	
Law of Property Act 1969 (27 <i>Sta-</i>		<i>Statutes</i> 539)—	
<i>tutes</i> 727, 958)—		s. 24	229
s. 16, 23	209	Matrimonial Homes Act 1967 (17	
24	228	<i>Statutes</i> 139)	228, 229, 242
26	233	s. 1	217
Law Reform (Contributory Neg-		(1), (2)	217
ligence) Act 1945 (23 <i>Statutes</i>		(5)	218
789)	432	2	217
Law Reform (Frustrated Con-		(5)	184
tracts) Act 1943 (7 <i>Statutes</i> 9) ..	43	(8)	228
Law Reform (Limitation of		Matrimonial Proceedings and	
Actions, &c.) Act 1954 (19 <i>Sta-</i>		Property Act 1970 (40 <i>Statutes</i>	
<i>tutes</i> 99)	47	795)—	
Law Reform (Married Women and		s. 41	64
Tortfeasors) Act 1935	170	Mental Health Act 1959 (25 <i>Statutes</i>	
Law Reform (Miscellaneous Provi-		42)	17, 99
sions) Act 1934 (25 <i>Statutes</i>		s. 101, 103	99
752)	350	Mercantile Law Amendment Act	
s. 3	45	1856 (7 <i>Statutes</i> 8)—	
Law Reform (Miscellaneous Provi-		s. 3, 5	301
sions) Act 1970	11	Merchant Shipping Act 1894 (31	
Law Reform (Miscellaneous Provi-		<i>Statutes</i> 57)	14
sions) Act 1971	47	Misrepresentation Act 1967 (22	
Leasehold Reform Act 1967 (18		<i>Statutes</i> 675)—	
<i>Statutes</i> 633, 769)	207	s. 1–3	26
Life Assurance Act 1774 (17 <i>Statutes</i>		Money-lenders Act 1900 (22 <i>Sta-</i>	
827)	252	<i>tutes</i> 693)	30
s. 1	252, 253	Moneylenders Act 1927 (22 <i>Statutes</i>	
2, 3	252	700)	30
Limitation Act 1939 (19 <i>Statutes</i> 60)	47, 48	National Debt Act 1958 (22 <i>Statutes</i>	
s. 2	47, 322	1148)	271

Table of Statutes

xxi

	PAGE		PAGE
National Debt Act 1958— <i>cont.</i>		Powers of Criminal Courts Act	
s. 4 (1)	295	1973 (43 <i>Statutes</i> 288)	173
Partnership Act 1890 (24 <i>Statutes</i>		Protection from Eviction Act 1977	
500)	86, 89, 109	(47 <i>Statutes</i> 661)—	
s. 1	88	s. 5	206
(1), (2)	86	Race Relations Act 1976 (46 <i>Sta-</i>	
2	87	<i>tutes</i> 389)	40
3	88, 193	Registration of Business Names	
4	86	Act 1916 (37 <i>Statutes</i> 867)	102,
9	94, 102	118, 438	
10, 11	94	s. 1	86
12	95	18	86
14	92	Rent Act 1977 (47 <i>Statutes</i> 387) . .	241
(1), (2)	92	Rent (Agriculture) Act 1976 (46	
17 (1)—(3)	91	<i>Statutes</i> 50)	241
20	96, 98	Resale Prices Act 1976 (46 <i>Statutes</i>	
21	96	2033)	32
22	96	Restrictive Trade Practices Act	
23 (2)	99	1976 (46 <i>Statutes</i> 1955)	32
24		Revenue Act 1883—	
(1)	98	s. 17	410, 430,
(2)—(9)	97	442	
25	97	Sale of Goods Act 1979	27
29	96	s. 3	15
30	97	6	23
31	98	23	22
32	98, 99	57	7, 73
33	99	Sex Discrimination Act 1975 (45	
(1)	98, 104,	<i>Statutes</i> 221)	40, 308
105		Small Tenements Recovery Act	
(2)	99	1838 (18 <i>Statutes</i> 421)—	
34, 35	99	s. 1	242
36 (1), (2)	91	Solicitors Act 1974 (44 <i>Statutes</i>	
(3)	105	1478)—	
38, 44	100	s. 22 (1)	237
45	88	Stamp Act 1853 (2 <i>Statutes</i> 748)—	
Policies of Assurance Act 1867 (17		s. 19	395, 441
<i>Statutes</i> 831)	265, 266	Stamp Act 1891 (32 <i>Statutes</i> 861) . .	210,
s. 1, 2	256	276	
3	256, 267	s. 15	287
4—6	256	Sch. 1	226
Post Office Act 1953 (25 <i>Statutes</i>		Statute of Frauds 1677 (7 <i>Statutes</i>	
413)	441	6)—	
s. 21 (3)	442	s. 4	4, 300
Post Office Act 1969 (25 <i>Statutes</i>		Statute of Frauds Amendment Act	
470)	271	1828 (Lord Tenterden's Act)	
s. 6	442	(7 <i>Statutes</i> 7)—	
28	420	s. 6	25, 71
Post Office (Banking Services) Act		Stock Exchange (Completion of	
1976 (46 <i>Statutes</i> 1195)	330	, Bargains) Act 1976 (46 <i>Statutes</i>	
Powers of Attorney Act 1971 (41		180)—	
<i>Statutes</i> 2)	59	s. 2	279, 280
s. 1—4	59	Stock Transfer Act 1963 (22 <i>Statutes</i>	
5	60	1033)	276, 278,
9 (2), (4)	60	294, 295	
10	59	s. 1	287
Prevention of Corruption Act 1906		2	278
(8 <i>Statutes</i> 236)	67	Suicide Act 1961 (8 <i>Statutes</i> 519) . .	255

Table of Statutes

	PAGE		PAGE
Suicide Act 1961— <i>cont.</i>		Trade Descriptions Act 1968 (37	
s. 1	255	<i>Statutes</i> 948)	25
Supply of Goods (Implied Terms)		Trade Descriptions Act 1972 (42	
Act 1973 (43 <i>Statutes</i> 1337) ...	27	<i>Statutes</i> 2249)	25
Supreme Court of Judicature Act		Trade Union and Labour Rela-	
1873	49, 50	tions Act 1974	20
Tenures Abolition Act 1660 (27		Trading with the Enemy Act 1939	
<i>Statutes</i> 298)	203	(38 <i>Statutes</i> 359)	390
Theft Act 1968 (8 <i>Statutes</i> 782)—		Trustee Act 1925 (38 <i>Statutes</i>	
s. 16 (1), (2)	410	104)—	
Theft Act 1978 (48 <i>Statutes</i> 311) ...	410	s. 25	59, 60
Torts (Interference with Goods)		(1)–(8), (11)	60
Act 1977 (47 <i>Statutes</i> 1340) 83, 429		Trustee Savings Bank Act 1969 (30	
s. 11	432	<i>Statutes</i> 243)—	
Town and Country Planning Act		s. 3	330
1947 (36 <i>Statutes</i> 22)	207	72	191
Town and Country Planning Act		Unfair Contract Terms Act 1977	
1953	208	(47 <i>Statutes</i> 84)	7, 27,
Town and Country Planning Act		35, 36, 82, 241	
1971 (41 <i>Statutes</i> 1571)	207	s. 9	35
s. 22 (1)	207	11	27
Town and Country Planning		Sch. 2	27
(Amendment) Act 1972 (42		Wales and Berwick Act 1746 (32	
<i>Statutes</i> 2134)	207	<i>Statutes</i> 412)	116

Table of Cases

	PAGE
Albert <i>v.</i> Motor Insurers' Bureau, [1971] 2 All E.R. 1345; [1971] 3 W.L.R. 291 ..	11
Alderslade <i>v.</i> Hendon Laundry, Ltd., [1945] K.B. 189; [1945] 1 All E.R. 244	7
Alexander Stewart & Co., of Dundee, Ltd. <i>v.</i> Westminster Bank. <i>See</i> Stewart (Alexander) & Co., of Dundee, Ltd. <i>v.</i> Westminster Bank	
Allen <i>v.</i> Gold Reefs of West Africa, Ltd., [1900] 1 Ch. 656; [1900-3] All E.R. Rep. 746	121
Alliance Bank Ltd. <i>v.</i> Kearsley (1871), L.R. 6 C.P. 433; 40 L.J.C.P. 249	103
Aluminium Industrie Vaasen B.V. <i>v.</i> Romalpa Aluminium, Ltd., [1976] 2 All E.R. 552; [1976] 1 W.L.R. 676; affirmed, [1976] 2 All E.R. at p. 557; [1976] 1 W.L.R. at p. 683, C.A.	145
Amicable Society <i>v.</i> Bolland (1830), 4 Bli. N.S. 194	255
Anderson <i>v.</i> Edie (1795), 2 Park's Marine Insces., 8th ed., p. 914	253
Appleson <i>v.</i> H. Littlewood, Ltd., [1939] 1 All E.R. 464; 83 Sol. Jo. 236	11
Arab Bank Ltd. <i>v.</i> Ross, [1952] 2 Q.B. 216; [1952] 1 All E.R. 709	355
Arbuckle <i>v.</i> Taylor (1815), 3 Dow. 160	94
Armstrong <i>v.</i> Jackson, [1917] 2 K.B. 822; [1916-17] All E.R. Rep. 1117	78
Armstrong <i>v.</i> Strain, [1952] 1 K.B. 232; [1952] 1 All E.R. 139	72
Art Production Co., Ltd., <i>Re</i> [1952] Ch. 89; [1951] 2 All E.R. 984	195
Ashbury Railway Carriage and Iron Co. <i>v.</i> Riche (1875), L.R. 7 H.L. 653; 44 L.J.Ex. 185	115
Ashley <i>v.</i> Ashley (1829), 3 Sim. 149	253
Auchteroni & Co. <i>v.</i> Midland Bank Ltd., [1928] 2 K.B. 294; [1928] All E.R. Rep. 627	345, 392, 394
Australia and New Zealand Bank Ltd. <i>v.</i> Ateliers de Constructions Electriques de Charleroi, [1967] 1 A.C. 86; 110 Sol. Jo. 467	80
Avery <i>v.</i> Bowden (1856), 6 E. & B. 953, 962; 26 L.J.Q.B. 3	41
Ayres <i>v.</i> Moore, [1940] 1 K.B. 278; [1939] 4 All E.R. 351	355
Bache & Co. (London), Ltd. <i>v.</i> Banque Vernes et Commerciale de Paris S.A. (1973), 117 Sol. Jo. 483; [1973] 2 Lloyd's Rep. 437, C.A.	311
Backhouse <i>v.</i> Charlton (1878), 8 Ch.D. 444	92, 105
Baines <i>v.</i> National Provincial Bank Ltd. (1927), 96 L.J.K.B. 801; 137 L.T. 631 ..	394
Baker <i>v.</i> Australian and New Zealand Bank Ltd., [1958] N.Z.L.R. 907	417
Baker <i>v.</i> Barclays Bank Ltd., [1955] 2 All E.R. 571	433
Balkis Consolidated Co. <i>v.</i> Tomkinson, [1893] A.C. 396; [1891-4] All E.R. Rep. 982	280
Ball <i>v.</i> Dunsterville (1791), 4 Term Rep. 313	58
Banbury <i>v.</i> Bank of Montreal, [1918] A.C. 626; [1918-19] All E.R. Rep. 1 ...	25, 71
Banca Popolare di Novara <i>v.</i> John Livanos & Son, Ltd., [1965] 2 Lloyd's Rep. 149	356
Bank of England <i>v.</i> Vagliano Brothers, [1891] A.C. 107; [1891-4] All E.R. Rep. 93	337
Bank of Gibraltar and Malta, <i>Re</i> (1865), 1 Ch. App. 69; 35 L.J.Ch. 49	161
Bank of Montreal <i>v.</i> Stuart, [1911] A.C. 120; 80 L.J.P.C. 75	308

	PAGE
Bank of New South Wales <i>v.</i> Owston (1879), 4 App. Cas. 270; [1874–80] All E.R. Rep. 83	94
Barclay <i>v.</i> Pearson, [1893] 2 Ch. 154; 62 L.J.Ch. 636	34
Barclays Bank Ltd. <i>v.</i> Aschaffenburg Zellstoffwerke A.-G. (1967), 111 Sol. Jo. 350; [1967] 1 Lloyd's Rep. 387	366
Barclays Bank Ltd. <i>v.</i> Astley Industrial Trust, Ltd., [1970] 2 Q.B. 527; [1970] 1 All E.R. 719	356
Barclays Bank Ltd. <i>v.</i> Taylor, [1973] 1 All E.R. 752; [1973] 2 W.L.R. 293	236
Barclays Bank Ltd. <i>v.</i> Thienel and Thienel (1978), 122 Sol. Jo. 472	240
Barclays Bank Ltd. <i>v.</i> Trevanion (1933)	317
Barclays Bank Ltd. <i>v.</i> W. J. Simms, Son and Cooke (Southern), Ltd., [1979] 3 All E.R. 522; 123 Sol. Jo. 785	414
Barker (George) Transport, Ltd <i>v.</i> Eynon, [1974] 1 All E.R. 900; [1974] 1 W.L.R. 462, C.A.	144
Barling (T. N.) & Co., Ltd., <i>Re</i> (1937) (unreported) but see "Journal of Institute of Bankers", Vol. LVIII, p. 340	185
Barwick <i>v.</i> English Joint Stock Banking Co., Ltd. (1867), L.R. 2 Exch. 259; [1861–73] All E.R. Rep. 194	71
Bavins, Junr. and Sims <i>v.</i> London and South Western Bank, [1900] 1 Q.B. 270; 69 L.J.Q.B. 164	333
Bayswater Trading Co., Ltd., <i>Re</i> , [1970] 1 All E.R. 608; [1970] 1 W.L.R. 343	156
Beal <i>v.</i> South Devon Rail. Co. (1864), 3 H. & C. 337; [1861–73] All E.R. Rep. 972	65
Bechuanaland Exploration Co. <i>v.</i> London Trading Bank Ltd., [1898] 2 Q.B. 658; 67 L.J.Q.B. 986	53
Beckett <i>v.</i> Addyman (1882), 9 Q.B.D. 783; 51 L.J.Q.B. 597	324
Beresford <i>v.</i> Royal Insurance Co., Ltd., [1938] A.C. 586; [1938] 2 All E.R. 602	255
Beswick <i>v.</i> Beswick, [1968] A.C. 58; [1967] 2 All E.R. 1197	48
Bettini <i>v.</i> Gye (1876), 1 Q.B.D. 183; [1874–80] All E.R. Rep. 242	26
Bevan <i>v.</i> National Bank Ltd. (1906), 23 T.L.R. 65	436
Bevan <i>v.</i> Webb, [1901] 2 Ch. 59; [1900–3] All E.R. Rep. 206	97
Birkmyr <i>v.</i> Darnell (1704), 1 Salk. 27	300
Blackburn Building Society <i>v.</i> Cunliffe, Brooks & Co. (1882), 22 Ch.D. 61; 52 L.J.Ch. 92	418
Bolton <i>v.</i> Mahadeva, [1972] 2 All E.R. 1322; [1972] 1 W.L.R. 1009	45
Bond Worth, Ltd., <i>Re</i> , [1979] 3 W.L.R. 629; 123 Sol. Jo. 216	146
Bonsor <i>v.</i> Musicians' Union, [1956] A.C. 105; [1955] 3 All E.R. 518	20
Borax Co., <i>Re</i> , Foster <i>v.</i> Borax Co., [1901] 1 Ch. 326; 70 L.J.Ch. 162	145
Borden (UK), Ltd. <i>v.</i> Scottish Timber Products, Ltd., [1979] 3 All E.R. 961; [1979] 3 W.L.R. 672, C.A.	146
Boston Deep Sea Fishing Co. <i>v.</i> Ansell (1888), 39 Ch.D. 339; [1886–90] All E.R. Rep. 65	66
Boston Deep Sea Fishing and Ice Co., Ltd. <i>v.</i> Farnham, [1957] 3 All E.R. 204; [1957] 1 W.L.R. 1051	63
Bourne, <i>Re</i> , Bourne <i>v.</i> Bourne, [1906] 2 Ch. 427; 75 L.J.Ch. 779	94
Bradbury <i>v.</i> Morgan (1862), 1 H. & C. 249; 31 L.J.Ex. 462	323
Bradford Banking Co., Ltd. <i>v.</i> Henry Briggs, Son & Co., Ltd. (1886), 12 App. Cas. 29; 56 L.J.Ch. 364	289
Bradford Old Bank Ltd. <i>v.</i> Sutcliffe, [1918] 2 K.B. 833; 88 L.J.K.B. 85	322, 324
Brady's Case, <i>Re</i> National Savings Bank Association. See National Savings Bank Association, <i>Re</i> , Brady's Case.	
Branwhite <i>v.</i> Worcester Works Finance, Ltd., [1969] 1 A.C. 552; [1968] 3 All E.R. 104	56
Brauch (A Debtor), <i>Re</i> , <i>Ex parte</i> Britannic Securities and Investments, Ltd., [1978] Ch. 316; [1978] 1 All E.R. 1004, C.A.	169
Brettel <i>v.</i> Williams (1849), 4 Exch. 623; [1843–60] All E.R. Rep. 702	303
Brimmes, The, Tenax Steamship Co., Ltd. <i>v.</i> Owners of Motor Vessel Brimmes, [1974] 3 All E.R. 88; [1974] 3 W.L.R. 613	6