

SNELL'S EQUITY

SNELL'S EQUITY THIRTY-THIRD EDITION

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PREFACE

The text is generally up to date to August 31, 2014 but at proof stage reference has been made to a number of more recent cases. However it has been possible to make only brief reference to the recent and important decision of the Supreme Court in *AIB Group (UK) Plc v Mark Redler & Co Solicitors* [2014] UKSC 58 the implications of which will be dealt with more fully in the first annual cumulative supplement.

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Abu Dhabi National Tanker Co v Product Star Shipping (The Product Star) (No.2); Product Star, The (No.2) [1993] 1 Lloyd's Rep. 397 CA (Civ Div)	7-010
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Acheson v Russell; sub nom. Manor Farm Kytes Hardwick, Re [1951] Ch. 67; [1950] 2 All E.R. 572; 66 T.L.R. (Pt. 2) 279	31-011
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Actionstrength Ltd (t/a Vital Resources) v International Glass Engineering IN.GL.EN SpA [2003] UKHL 17; [2003] 2 A.C. 541; [2003] 2 W.L.R. 1060; [2003] 2 All E.R. 615; [2003] 2 All E.R. (Comm) 331; [2005] 1 B.C.L.C. 606; [2003] 1 C.L.C. 1003; [2003] B.L.R. 207; 88 Con. L.R. 208; (2003) 153 N.L.J. 563; (2003) 147 S.J.L.B. 418	12-029, 12-045, 37-021
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Adlard [1954] Ch. 29	3-030, 22-042
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Advance Bank of Australia Ltd v FAI Insurances Australia Ltd (1987) 9 N.S.W.L.R. 464	10-022
Advanced Industrial Technology Corp Ltd v Bond Street Jewellers Ltd [2006] EWCA Civ 923	43-005
AEG Unit Trust (Managers) Ltd's Deed, Re; sub nom. Midland Bank Executor & Trustee Co Ltd v AEG Unit Trust (Managers) Ltd [1957] Ch. 415; [1957] 3 W.L.R. 95; [1957] 2 All E.R. 506; (1957) 101 S.J. 517 Ch D	29-030
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AG Spalding & Bros v AW Gamage Ltd (Taxation) [1914-15] All E.R. Rep. 147; (1915) 31 T.L.R. 328; (1915) 32 R.P.C. 273; (1915) 84 L.J. Ch. 449; (1915) 113 L.T. 198 HL	18-016
AG v Albany Hotel Co [1896] 2 Ch 696	18-066
Aggeliki Charis Compania Maritima SA v Pagnan SpA (The Angelic Grace); Angelic Grace, The [1995] 1 Lloyd's Rep. 87 CA (Civ Div)	18-095
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Agip SpA v Navigazione Alta Italia SpA (The Nai Genova and The Nai Superba); Nai Genova, The; Nai Superba, The [1984] 1 Lloyd's Rep. 353 CA (Civ Div)	16-019
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