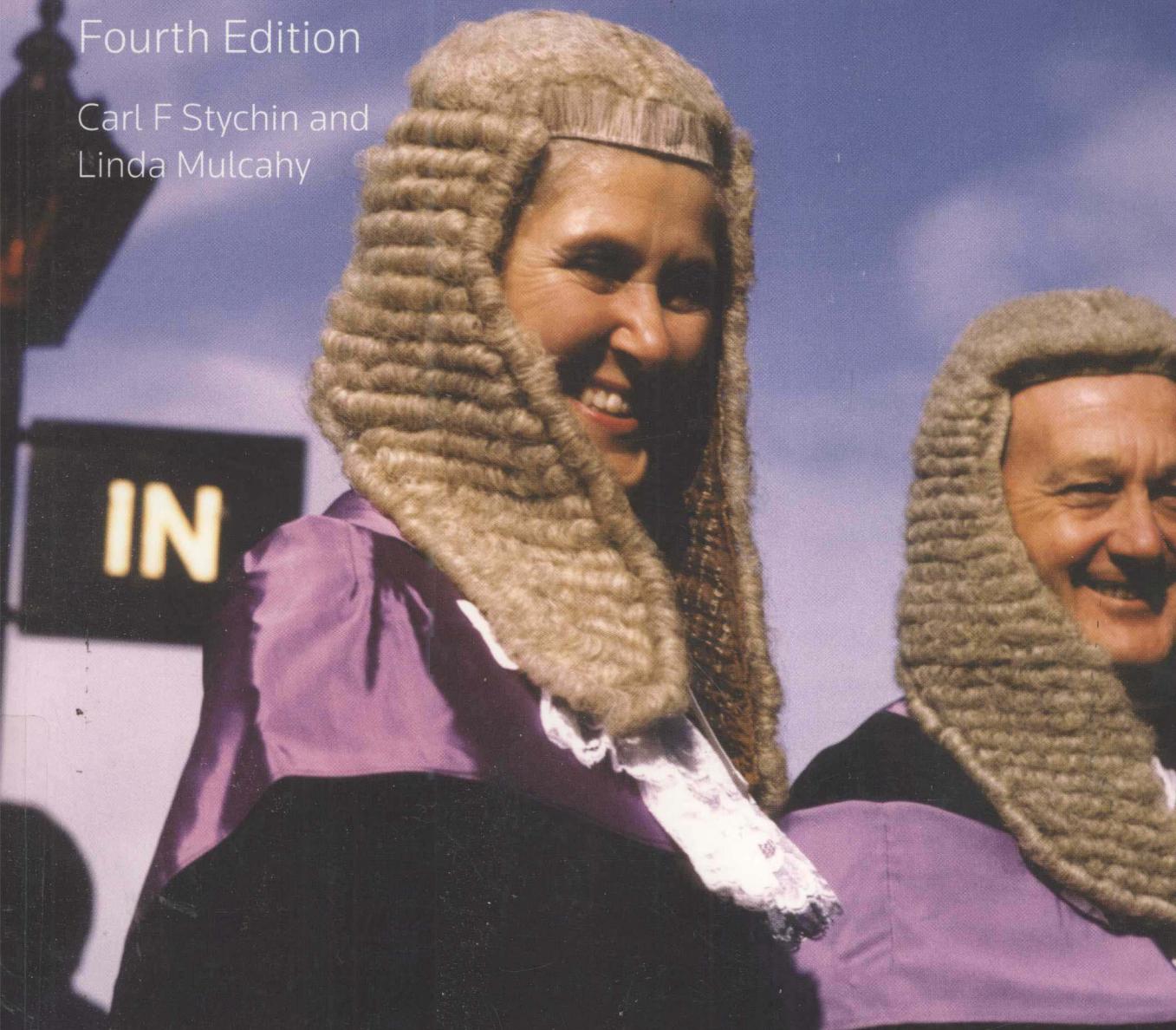


Text and Materials

Legal Methods and Systems

Fourth Edition

Carl F Stychin and
Linda Mulcahy



SWEET & MAXWELL

LEGAL METHODS AND SYSTEMS:

TEXT AND MATERIALS

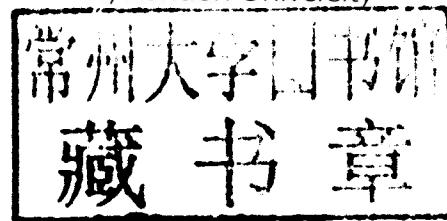
Fourth Edition

CARL F. STYCHIN, B.A., J.D., LL.M., LL.D.

Professor of Law and Social Theory, University of Reading

LINDA MULCAHY, LL.B., LL.M., PH.D.

Professor of Law, London School of Economics, London University



First edition	1999	by Carl F Stychin
Second impression	2000	
Third impression	2001	
Second edition	2003	by Carl F Stychin and Linda Mulcahy
Second impression	2005	
Third edition	2007	by Carl F Stychin and Linda Mulcahy
Fourth edition	2010	by Carl F Stychin and Linda Mulcahy

Published in 2010 by Thomson Reuters (Legal) Ltd

(Registered in England & Wales, Company No 1679046.

Registered Office and address for service: 100 Avenue Road, London, NW3 3PF)

trading as Sweet & Maxwell

Typeset by Servis Filmsetting Ltd, Stockport, Cheshire

Printed and bound in Great Britain by Ashford Colour Printers

For further information on our products and services, visit

www.sweetandmaxwell.co.uk

No natural forests were destroyed to make this product; only farmed timber was used and
re-planted

A CIP catalogue record for this book is available from the British Library

ISBN 9780414041837

Thomson Reuters and the Thomson Reuters logo are trademarks of Thomson Reuters
Sweet & Maxwell ® is a registered trademark of Thomson Reuters (Legal) Limited

© 2010 Thomson Reuters (Legal) Limited

Crown copyright material is reproduced with the permission of the Controller of HMSO and the
Queen's Printer for Scotland.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by
any means, or stored in any retrieval system of any nature without prior written permission, except
for permitted fair dealing under the Copyright, Designs and Patents Act 1988, or in accordance with
the terms of a licence issued by the Copyright Licensing Agency in respect of photocopying and/or
reproductive reproduction. Application for permission for other use of copyright material including
permission to reproduce extracts in other published works shall be made to the publishers. Full
acknowledgement of author, publisher and source must be given.

LEGAL METHODS AND SYSTEMS:

TEXT AND MATERIALS

PREFACE

Previous editions of this text have emerged from courses in legal method and legal system taught by the authors at Keele University, Reading University and Birkbeck University of London. The aim of those courses has been to introduce students, not only to the “traditional” foundations of legal reasoning, but also to more socio-legal and theoretical scholarship, including feminist and critical legal theories. This text carries on that approach. We have sought to provide students with a firm grounding in the canon as well as providing them with a range of materials which will encourage them to critique approaches which privilege the statute and case report. The aim is not to indoctrinate, but to stimulate lively debate and scepticism about legal authorities (including the casebook itself!). In this fourth edition, we have sought to reflect on ongoing debate about human rights, the reform of the tribunal system and the ways in which the insights of comparative lawyers have resonance in our multi-cultural society. We have also tried to make the text more user-friendly and engaging for the reader by the introduction of mind maps. We have aimed to create a sourcebook of materials and commentary, along with questions suitable for tutorials and essays. Each chapter contains sufficient material for a tutorial or seminar and poses a series of questions or exercises which aim to guide students in their reading and focus their attention on key points.

Finally we would like to use this opportunity to express our gratitude to all the students we have taught who have engaged with the materials in this book and brought fresh insights to it.

Carl F. Stychin and Linda Mulcahy
London
April 2010

ACKNOWLEDGEMENTS

Grateful acknowledgement is made to the following authors and publishers for their permission to quote from their works:

ABEL-SMITH, B. and STEVENS, R.: *In Search of Justice: Society and the Legal System* (London: Penguin, 1968) © Brian Abel-Smith and Robert Stevens, 1968. Reproduced by permission of Penguin Books Ltd

ABRAMCZYK, J.: "The tyranny of the majority: liberalism in legal education", *Canadian Journal of Women and the Law*, 1992, Vol.5 at 442, p.451. Reprinted by permission of University of Toronto Press Incorporated (<http://www.utpjournals.com>)

ALLISON, J.W.F.: "Theoretical and institutional underpinnings of a separate administrative law", in Michael Taggart (ed), *The Province of Administrative Law* (Oxford: Hart Publishing, 1997). Reprinted with permission of Hart Publishing, Oxford

ALTMAN, A.: *Critical Legal Studies: A Liberal Critique* (Princeton, New Jersey: Princeton University Press) © 1990 Princeton University Press, 1993 paperback edition. Reprinted by permission of Princeton University Press

ARMSTRONG, N.: "Making tracks" in A.A.S. Zuckerman and Ross Cranston, (eds), *Reform of Civil Procedure: Essays on "access to justice"* (Oxford: Clarendon Press, Oxford, 1995) © By permission of Oxford University Press

ATIYAH, P.S.: *Law and Modern Society*, 2nd edn (Oxford: Oxford University Press, 1995) © By permission of Oxford University Press

BAILEY, S.H., CHING, J., GUNN M.J., and ORMEROD, D.: *Smith, Bailey and Gunn on the Modern English Legal System*, 4th edn (London: Sweet and Maxwell, 2002)

BAKER, J.H.: "Statutory interpretation and parliamentary intention" (1993) 52 *Cambridge Law Journal* 353 Cambridge University Press.

BALE, C.G.: "Parliamentary Debates and Statutory Interpretation: Switching on the Light or Rummaging in the Ashcans of the Legislative Process" (1995) 74 *Canadian Bar Review* 1, Canadian Bar Association. © Canadian Bar Review and C.G. Bale

BANAKAS, S.: "The contribution of comparative law to the harmonisation of European private law" in Andrew Harding and Esin Orucu (eds), *Comparative Law in the 21st century*, (London/The Hague/New York: Kluwer, 2002)

BELL, J.: *French Legal Cultures* (London: Butterworths, 2001) By permission of Cambridge University Press

BELL, J. and ENGLE, SIR G.: *Cross on Statutory Interpretation*, 3rd edn (London: Butterworths, 1995) © By permission of Oxford University Press

BOON, A.: "History is past politics: a critique of the legal skills movement in England and Wales", *Journal of Law and Society* v25.i1, reprinted by permission of Blackwell Publishing

BOON, A., DUFF L., AND SHINER, M.: "Career paths and choices in a highly differentiated profession: the position of newly qualified solicitors" (2001) v64i4, reprinted by permission of Blackwell Publishing

BRADLEY, A.W.: "The sovereignty of parliament—form or substance?" in Jeffrey Jowell and Dawn Oliver (eds), *The Changing Constitution*, 5th edn (Oxford: Oxford University Press, 2004) © By permission of Oxford University Press

BROWN, H. and MARRIOTT A.: *ADR Principles and Practice*, 1st edn (London: Sweet and Maxwell, 1996)

BURNS, ROBERT P.: *A Theory of the Trial* (Princeton and Oxford: Princeton University Press) © 1999, Princeton University Press. Reprinted by permission of Princeton University Press

BUSH, R. and FOLGER, J.: *The Promise of Mediation* Copyright © Jossey-Bass, San Francisco, 1994. Reprinted with permission of John Wiley & Sons, Inc

CANE, P.: *The Anatomy of Tort Law* (Oxford: Hart Publishing, 1997). Reprinted with permission of Hart Publishing, Oxford

CAPPELLETTI, M.: "Alternative Dispute Resolution Processes within the Framework of the Worldwide Access-to-justice Movement" (1993) 56 *Modern Law Review* 282, reprinted by permission of Blackwell Publishing

COLLINS, H.: *Marxism and Law* (Oxford: Clarendon Press, 1982) © By permission of Oxford University Press

CONAGHAN, J.: "Feminist perspectives on the law of tort" in *The Critical Lawyers Handbook 2*, Paddy Ireland and Per Laleng (eds) (London: Pluto Press, 1997)

COTTERRELL, R.: *The Politics of Jurisprudence*, 2nd edn (Oxford: Oxford University Press, 2003) © By permission of Professor R. Cotterrell;

The Sociology of Law: An Introduction, 2nd edn (London: Butterworths, 1992) © By permission of Professor R. Cotterrell

COWNIE, F., BRADNEY, A. and BURTON, M.: *English Legal System in Context*, 4th edn (Oxford: Oxford University Press, 2007) © By permission of Oxford University Press

CRAIG, P.: "Formal and Substantive Conceptions of the Rule of Law: an Analytical Framework" (1997) Public Law 467 (London: Sweet and Maxwell, 1997)

CRAIG, P. and DE BÚRCA, G.: *EU Law: Text, Cases and Materials*, 4th edn (Oxford: Oxford University Press, 2008) © By permission of Oxford University Press

CROSS R. and HARRIS, J.W.: *Precedent in English Law*, 4th edn (Oxford: Clarendon Press, 1991) © By permission of Oxford University Press

DARBYSHIRE, P: *Darbyshire on the English Legal System*, 8th edn (London: Sweet & Maxwell, 2005); *Eddey on the English Legal System*, 7th edn (London: Sweet & Maxwell, 2001)

DENNING, LORD: *The Discipline of Law* (London: Butterworths, 1979) © By permission of Oxford University Press

DICEY, A.V.: *An Introduction to the Law of the Constitution*, 8th edn (London: Macmillan, 1915)

DOWNES, T.A.: *Textbook on Contract*, 5th edn (London: Blackstone Press, 1997) © By permission of Oxford University Press

DWORKIN, R.: *Law's Empire* (HarperCollins, 1985) Reprinted by permission of HarperCollins Publishers Ltd. © (Ronald Dworkin) (1985)

US rights: Reprinted by permission of the publisher from THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR by Patricia S. Williams, pp12–13, Cambridge, Mass.: Harvard University Press, Copyright © 1991 by the President and Fellows of Harvard College

ELLIOTT, C., QUINN, F.: *English Legal System*, 3rd edn © Longman 2000. Reprinted by permission of Pearson Education Limited

EWING, K.D.: "The Human Rights Act and parliamentary democracy" (1999) 62 *Modern Law Review* 79, reprinted by permission of Blackwell Publishing

EWING, K.D. and THAM, J.: "The Continuing Futility of the Human Rights Act" (2008) *Public Law* 668 (London: Sweet and Maxwell, 2008)

FARRAR, J.D., DUGDALE, A.M.: *Introduction to Legal Method*, 3rd edn (London: Sweet & Maxwell, 1990)

FIRTH, G.: "The rape trial and sexual history evidence—*R v A* and the (un)worthy complainant" *Northern Ireland Quarterly*, 2006, Vol (57)(3) at 442, pp.451–453, 454–456, 461–463

Fiss, O.M.: "Against settlement" (1984) 93 *Yale Law Journal* 1073 Reprinted by permission of the Yale Law Journal

FLETCHER, G.P.: *Basic Concepts of Legal Thought* (New York: Oxford University Press, 1996) © By permission of Oxford University Press, Inc

FRANK, J.: *Law and the Modern Mind* (Gloucester, MA : Peter Smith Publisher, Inc, 1970) By permission of Transaction Publishers

GEARTY, C.: "11 September 2001, counter-terrorism and the Human Rights Act" (2005) 23 *Journal of Law and Society* 18 reprinted by permission of Blackwell Publishing

GELDART, W.: *Introduction to English Law*, 11th edn (Oxford: Oxford University Press, 1995) © By permission of Oxford University Press

GENN, H.: "Access to just settlements: the case of medical negligence" in A.A.S. Zuckerman and Ross Cranston (eds) *Reform of Civil Procedure: Essays on "access to justice"* (Oxford: Clarendon Press, Oxford, 1995) © By permission of Oxford University Press; *Judging Civil Justice, The Hamlyn Lectures 2008* (Cambridge: Cambridge University Press, 2010); *Mediation in Action: Resolving Court Disputes without Trial*, published by the Calouste Gulbenkian Foundation

GLENN, H.P.: *Legal Traditions of the World: Sustainable Diversity in Law*, 2nd edn (Oxford: Oxford University Press, 2004) © By permission of Oxford University Press

GOODRICH, P.: *Reading the Law* (Oxford: Blackwell, 1986). Reprinted by permission of Blackwell Publishing

GRAYCAR, R.: "The gender of judgments: an introduction:" in Margaret Thornton (ed) *Public Private: Feminist Legal Debates* (Melbourne: Oxford University Press, 1995). Reproduced by permission of Oxford University Press Australia from *Public Private Feminist Legal Debates 1995*, Thornton © Oxford University Press, <http://www.oup.com.au>

GRIFFITH, J.A.G.: *The Politics of the Judiciary*, 4th edn (London: Harper Collins 1991). © (J.A.G. Griffith) (1991) Reprinted by permission of HarperCollins Publishers Ltd. By permission of the Authors Licensing & Collecting Society Lt on behalf of J.A.G. Griffith, the author of '*The Politics of the Judiciary*'

GRILLO, T.: "The medication alternative: process dangers for woman" (1991) 100 *Yale Law Journal* 1545. Reprinted by permission of the Yale Law Journal

HARRIS, P.: *An Introduction to Law*, 6th edn (London: Butterworths, 2002). Reprinted by permission of Cambridge University Press

HARTLEY, T.C.: "Five forms of uncertainty in European Community Law" (1996) 55 *Cambridge Law Journal* 265. Cambridge University Press. By permission of the author

HARRINGTON, J.A. and MANJI, A.: "Mind with mind and spirit with spirit: Lord Denning and African legal systems" (2003) 30 *Journal of Law and Society* 376, reprinted by permission of Blackwell Publishing

HERMAN, D.: "'An unfortunate coincidence': Jews and Jewishness in twentieth-century English judicial discourse" (2006) 33 *Journal of Law and Society* 277, reprinted by permission of Blackwell Publishing

HEUSTON, R.F.V.: "Donoghue v Stevenson in retrospect" (1957) 20 *Modern Law Review* 1, reprinted by permission of Blackwell Publishing

HIBBITS, BERNARD J.: "The politics of principle: Albert Venn Dicey and the rule of law" (1994) 23 *Anglo-American Law Review* 25 now called Common Law World Review. Reproduced with the kind permission of Vathek Publishers

HOWARTH, D.: *Textbook on Tort* (London: Butterworths, 1995) © By permission of Oxford University Press

HORWITZ, M.: "The rule of law: an unqualified human good?" (1977) 86 *Yale Law Journal* 561. Reprinted by permission of The Yale Law Journal

JOHNSTONE, G.: *Restorative Justice: Ideas, Values and Debates* (Devon: Willan Publishing, 2002)

JOWELL, J.: "Parliamentary Sovereignty Under the new Constitutional Hypothesis" (2006) *Public Law* 562 at 578–579 (London: Sweet and Maxwell, 2006);

"The Rule of Law Today" in Jeffrey Jowell and Dawn Oliver (eds) *The Changing Constitution*, 5th edn (Oxford: Oxford University Press, 2004) © By permission of Oxford University Press

KAIRYS, D.: *Politics of Law: A Progressive critique*, 3rd edn (USA: Basic Books, 1990). Copyright © 1998 David Kairys. Reprinted by permission of Basic Books, a member of the Perseus Books Group

KAVANAGH, A.: "Pepper v Hart and matters of constitutional principle" (2005) 121 L.Q.R. 98 (London: Sweet and Maxwell, 2005)

KLUG, F.: "The long road to human rights compliance" *Northern Ireland Quarterly* 2006, Vol 57(1) at 186, pp.195–198. By permission of Queen's University Belfast

KWAW, E.: *The Guide to Legal Analysis, Lethal Methodology and Legal Writing* (Toronto: Emond Montgomery Publications, 1992). Reproduced with permission of Emond Montgomery Publications

LANGBEIN, J.H.: *The Origins of the Adversary Criminal Trial* (Oxford: Oxford University Press, 2003) © By permission of Oxford University Press

LEWIS, G.: *Lord Atkin*, (Oxford: Hart Publishing, 1999). Reprinted with permission of Hart Publishing, Oxford

LLEWELLYN, K.N.: *The Bramble Bush* (New York: Oceana Publications, 1996) © By permission of Oxford University Press, Inc

LORD GRIFFITHS: "The History and Future of the Jury" (1987) 18 *Cambrian Law Review* 5, Department of Law and Criminology, University of Wales Aberystwyth

LORD LESTER OF HERNE HILL QC: "Human rights and the British constitution", in Jeffrey Jowell and Dawn Oliver (eds) *The Changing Constitution*, 5th edn (Oxford: Oxford University Press, 2004) © By permission of Oxford University Press

MACCORMICK, N.: *Legal Reasoning and Legal Theory* (Oxford: Clarendon Press, 1978 reprinted 1995) © By permission of Oxford University Press

MANCHESTER, C., SALTER, D.: *Exploring the Law: The dynamics of precedent and statutory interpretation*, 3rd edn (London: Sweet & Maxwell, 2006)

MANSSELL, W.: "Goodbye to all that: the rule of law, international law, the United States, and the use of force" (2004) 31 *Journal of Law and Society* 433, reprinted by permission of Blackwell Publishing

MANSSELL, W., METEYARD, B. and THOMSON, R.: *A Critical Introduction to Law*, 3rd edition Copyright (© 2004) Cavendish, London. Reproduced by permission of Taylor & Francis Books UK

MARKESINIS, B.S.: "A Matter of Style" (1994) 110 L.Q.R. 607 (London: Sweet and Maxwell, 1994)

MARSHALL, G.: "Interpreting interpretation in the Human Rights Bill" (1998) *Public Law* 167 (London: Sweet and Maxwell, 1998)

McEWAN, J.: "Ritual, Fairness and Truth: The Adversarial and Inquisitorial models of Criminal Trial", in Anthony Duff, Lindsay Farmer, Sandra Marshall and Victor Tadros (eds) *The Trial on Trial, Vol 1: Truth and Due Process* (Oxford and Portland, Oregon: Hart Publishing, 1994). Reprinted with permission of Hart Publishing, Oxford

MENKEL-MEADOW, C.: "Lawyer negotiations: theories and realities—What we learn from mediation" (1993) 56 M.L.R. 361 *Modern Law Review*. Reprinted by permission of Blackwell Publishing

MCLEOD, I.: *Legal Method* (Basingstoke: Palgrave, 2009)

MENSKI, W.: *Comparative Law in a Global Context*, 2nd edn (Cambridge: Cambridge University Press, 2006). Reprinted by permission of the W. Merenski and Cambridge University Press

MOSSEMAN, M.J.: "Feminism and legal method: the difference it makes", Copyright (© 1991) from *At the Boundaries of Law* by Martha Albertson Fineman and Nancy Sweet Thomadsen (eds) (New York: Routledge). Reproduced by permission of Routledge, a division of the Taylor & Francis Group

MULCAHY, L.: "Feminist fever? Cultures of adversarialism in the aftermath of the Woolf reforms" in *Current Legal Problems* Vol 58 (2005) edited by Holder, J. and O'Cinneide, C. © By permission of Oxford University Press;

"Can Leopards change their spots? An Evaluation of the Role of Lawyers in Medical Negligence Mediation" (2001) 8(3) *International Journal of the Legal Profession* (Online) 203. Reprinted by permission of the publisher (Taylor & Francis Group, <http://www.informaworld.com>)

NICHOLAS, B.: *The French Law of Contract*, 2nd edn (Oxford: Clarendon Press, 1992) © By permission of Oxford University Press

NOBLES, R. and SCHIFF, D.: "The Criminal Cases Review Commission: reporting success" (2001) 64 *Modern Law Review* 280. Reprinted by permission of Blackwell Publishing

PARTINGTON, M.: *An Introduction to the English Legal System*, 3rd edn (Oxford: Oxford University Press, 2006) © By permission of Oxford University Press

RACKLEY, E.: "Difference in the House of Lords" in *Social and Legal Studies* (2006) 15 at 163. Reprinted by permission of Sage Publications

RIFKIN, J.: "Mediation from a feminist perspective: promise and problems" (1984) 2 *Law and Inequality* 21 University of Minnesota Law School. By permission of Janet Rifkin

RT HON LADY JUSTICE ARDEN: "The interpretation of UK domestic legislation in the light of European Convention on Human Rights jurisprudence" *Statute Law Review*, 2004, Vol 25(3), at 165, pp.170-179, by permission of Oxford University Press

SAMUELS, A.: "Human Rights Act 1998 Section 3: A New Dimension to Statutory Interpretation?" (2008) 29 *Statute Law Review* 130. Oxford University Press

SHACHAR, A.: "Privatising Diversity: A Cautionary Tale from Religious Arbitration in Family Law" (2008) 9 *Theoretical Inquiries in Law* 573. By permission from *Theoretical Inquiries in Law*, Tel Aviv University

SHELDON, S.: *Beyond Control: Medical Power and Abortion Law* (London: Pluto Press, 1997)

SMART, C.: *Feminism and the Power of Law* Copyright © 1989, London: Routledge. Reproduced by permission of Taylor & Francis Books UK

STEYN, J.: "Pepper v Hart; A Re-examination" *Oxford Journal of Legal Studies*, Spring 2001, Vol 21(1) at 59, pp.60–72, by permission of Oxford University Press

STREET, H.: *Justice in the Welfare State*, 2nd edn (London: Steven & Sons, 1975) by permission of Sweet and Maxwell

SUGARMAN, D.: "A Hatred of Disorder": Legal Science, Liberalism and Imperialism" in Peter Fitzpatrick (ed) *Dangerous Supplements* (London: Pluto Press, 1991)

SZYSZCZAK and CYGAN: *Understanding Law* (London: Sweet & Maxwell, 2005)

THOMPSON, E.P.: *Whigs and Hunters*, (London: Penguin, 1990) Copyright © E.P. Thompson, 1975. Reproduced by permission of Penguin Books Ltd and *The Essential E.P. Thompson Compilation* © 2001 by Dorothy Thompson. Published by The New Press, New York, 2001, <http://www.thenewpress.com>

TOMKINS, A.: "Introduction: on being sceptical about human rights", in *Sceptical Essays on Human Rights*, T.Campbell, K.D. Ewing and A. Tomkins (eds) (Oxford: Oxford University Press, 2001) © By permission of Oxford University Press

VAGO, S.: *Law and Society*, 7th edn (New Jersey: Prentice Hall, 2003)

VANDEVELDE, K.J.: *Thinking Like A Lawyer* (Boulder: Westview Press, 1996). Copyright © 1996 Kenneth J Vandeveld. Reprinted by permission of Westview Press, a member of the Perseus Books Group

WALDRON, J.: *The Law* Copyright (© 1990), London: Routledge. Reproduced by permission of Taylor & Francis Books UK

WARD, R. and AKHTAR, A.: *Walker & Walker's English Legal System*, 9th edn (Oxford University Press, 2005) © By permission of Oxford University Press

WERRO, F.: *Notes of the Purpose and Aims of Comparative Law*, originally published in 75 TUL. L. REV. 1225–1233 (2001). Reprinted with the permission of the Tulane Law Review Association, which holds the copyright

WILLIAMS, P.J.: *The Alchemy of Race and Rights: Diary of a Law Professor*, pp.12–13. Cambridge, Mass.: Harvard University Press, Copyright © 1991 by the President and Fellows of Harvard College. Reprinted by permission of the publisher: Harvard University Press

WOODHOUSE, D.: "The Constitutional Reform Act 2005—Defending Judicial Independence the English Way" (2007) 5 *International Journal of Constitutional Law* 153. Oxford University Press and New York School of Law

ZWEIGERT K. and KÖTZ, H.: *Introduction to Comparative Law*, 3rd edn (Oxford: Clarendon Press, 1998)
© By permission of Oxford University Press

While every care has been taken to establish and acknowledge copyright, and contact the copyright owners, the publishers tender their apologies for any accidental infringement. They would be pleased to come to a suitable arrangement with the rightful owners in each case.

TABLE OF CASES

All references are to page numbers

A v Secretary of State for the Home Department; D v Secretary of State for the Home Department (No.2); C v Secretary of State for the Home Department [2005] UKHL 71; [2006] 2 A.C. 221; [2005] 3 W.L.R. 1249	33, 35
A v Secretary of State for the Home Department; sub nom. X v Secretary of State for the Home Department [2004] UKHL 56; [2005] 2 A.C. 68; [2005] 2 W.L.R. 87	35
Abbey National Mortgages Plc v Key Surveyors Nationwide Ltd [1996] 1 W.L.R. 1534; [1996] 3 All E.R. 184 CA (Civ Div).....	336
Anns v Merton LBC; sub nom. Anns v Walcroft Property Co Ltd [1978] A.C. 728; [1977] 2 W.L.R. 1024 HL	297, 298
Ash v Abdy (1678) 3 Swan 664, 36 E.R. 114	140
Ashford v Thornton (1818) 106 E.R. 149	267, 268
Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank; sub nom. Wallbank v Aston Cantlow and Wilmcote with Billesley Parochial Church Council [2003] UKHL 37; [2004] 1 A.C. 546; [2003] 3 W.L.R. 283	163
Attorney General v HRH Prince Ernest Augustus of Hanover; sub nom. Prince Ernest of Hanover v Attorney General [1957] A.C. 436; [1957] 2 W.L.R. 1; [1957] 1 All E.R. 49 HL.....	136
Attorney General v Lamplough (1877-78) L.R. 3 Ex. D. 214 CA.....	137
Barclays Bank Plc v O'Brien [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417 HL.....	177
Barrett v Ministry of Defence [1995] 1 W.L.R. 1217; [1995] 3 All E.R. 87 CA (Civ Div)	302, 305
Beamish v Beamish [1861] 9 H.L. Cases 274	249
Bellinger v Bellinger [2003] UKHL 21; [2003] 2 A.C. 467; [2003] 2 W.L.R. 1174; [2003] 2 All E.R. 593	187, 215
Black Clawson International Ltd v Papierwerke Waldhof-Aschaffenburg AG [1975] A.C. 591; [1975] 2 W.L.R. 513; [1975] 1 All E.R. 810 HL	137, 147, 153, 162, 163
Boaler, Re [1915] 1 K.B. 21 CA	137
Boddington v British Transport Police [1999] 2 A.C. 143; [1998] 2 W.L.R. 639 HL	92
Bremer Vulkan Schiffbau und Maschinenfabrik v South India Shipping Corp Ltd; Gregg v Raytheon; sub nom. Bremer Vulkan Schiffbau und Maschinenfabrik v South India Shipping Corp [1981] A.C. 909; [1981] 2 W.L.R. 141 HL	333
British Launderers Research Association v Hendon Rating Authority; sub nom. British Launderers Research Association v Central Middlesex Assessment Committee [1949] 1 K.B. 462; [1949] 1 All E.R. 21.....	116
British Railways Board v Pickin; sub nom. Pickin v British Railways Board [1974] A.C. 765; [1974] 2 W.L.R. 208 HL....	28, 29, 89
Brock v Wollams [1949] 2 K.B. 388; [1949] 1 All E.R. 715 CA.....	182
Bromley LBC v Greater London Council [1983] 1 A.C. 768; [1982] 2 W.L.R. 92 HL.....	48, 52, 53, 54, 60, 85
Brown v Stott; sub nom. Stott (Procurator Fiscal) v Brown [2003] 1 A.C. 681; [2001] 2 W.L.R. 817 PC (Sc)	214
Brutus v Cozens [1973] A.C. 854; [1972] 3 W.L.R. 521; [1972] 2 All E.R. 1297	117, 172
CILFIT Srl v Ministero della Sanita (283/81); sub nom. CILFIT Srl v Ministro della Sanita (283/81) [1982] E.C.R. 3415; [1983] 1 C.M.L.R. 472 ECJ	203
Candler v Crane Christmas & Co [1951] 2 K.B. 164; [1951] 1 All E.R. 426 CA	290, 291, 294, 296, 297, 301
Caparo Industries Plc v Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358 HL.....	297, 298
Chapman v United Kingdom (27238/95) (2001) 33 E.H.R.R. 18; 10 B.H.R.C. 48 ECHR.....	105
Commission for Racial Equality v Dutton [1989] Q.B. 783; [1989] 2 W.L.R. 17 [1989] I.R.L.R. 8 CA (Civ Div)	128, 129
Council of Civil Service Unions v Minister for the Civil Service [1985] A.C. 374; [1984] 3 W.L.R. 1174 HL.....	54, 56, 60, 85, 91
Crocker v Sundance Northwest Resorts [1988] 1 S.C.R. 1186	302, 304
Curran v Northern Ireland Coownerships Housing Association Ltd [1987] A.C. 718; [1987] 2 W.L.R. 1043 HL (NI).....	297
Da Costa en Schaake NV v Nederlandse Belastingadministratie (28/62) [1963] E.C.R. 31; [1963] C.M.L.R. 224 ECJ	203
Davis v Johnson [1979] A.C. 264; [1978] 2 W.L.R. 553; [1978] 1 All E.R. 1132 HL	140, 249
Dawkins v Crown Suppliers (PSA); sub nom. Crown Suppliers (PSA) v Dawkins [1993] I.C.R. 517; [1993] I.R.L.R. 284.....	118, 127,
Derbyshire CC v Times Newspapers Ltd [1993] A.C. 534; [1993] 2 W.L.R. 449 HL	130, 132
Derry v Peek; sub nom. Peek v Derry (1889) L.R. 14 App. Cas. 337.....	276-278, 290, 292, 294, 301
Deyong v Shenburn [1946] K.B. 227 CA	290
DPP v Bull [1995] Q.B. 88; [1994] 3 W.L.R. 1196 DC	101
DPP v Schildkamp; sub nom. R. v Schildkamp [1971] A.C. 1; [1970] 2 W.L.R. 279; [1969] 3 All E.R. 1640 HL	137

Dr Bonham's Case, 1610	88
Donoghue v Stevenson; sub nom. McAlister v Stevenson [1932] A.C. 562; 1932 S.C. (H.L.) 31 H.L	278, 283–299
Douglas v Hello! Ltd (No.3) [2005] EWCA Civ 595; [2006] Q.B. 125; [2005] 3 W.L.R. 881; [2005] 4 All E.R. 128	64
Dudgeon v United Kingdom (A/45) (1982) 4 E.H.R.R. 149 ECHR	192
Dunnett v Railtrack Plc [2002] EWCA Civ 303; [2002] 1 W.L.R. 2434; [2002] 2 All E.R. 850	376
Duport Steels Ltd v Sirs [1980] 1 W.L.R. 142; [1980] 1 All E.R. 529 H.L.....	108, 135
Dyson Holdings Ltd v Fox [1976] Q.B. 503; [1975] 3 W.L.R. 744; [1975] 3 All E.R. 1030 CA (Civ Div)	171, 173, 179, 180, 182, 183
Ealing LBC v Race Relations Board [1972] A.C. 342; [1972] 2 W.L.R. 71; [1972] 1 All E.R. 105 H.L	120, 121
Edinburgh & Dalkeith Railway v Wauchope, 8 E.R. 279; (1842) 8 Cl. & F. 710 H.L.....	88
Elmer's Case.....	93, 95
Fisher v Bell [1961] 1 Q.B. 394; [1960] 3 W.L.R. 919; [1960] 3 All E.R. 731	97, 99
Fitzpatrick v Sterling Housing Association Ltd [2001] 1 A.C. 27; [1999] 3 W.L.R. 1113; [1999] 4 All E.R. 705 H.L.....	174, 183–186,
	193, 223
Foster v British Gas Plc (C-188/89) [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1990] 3 All E.R. 897 ECJ	234
French's Case (New Brunswick)	165–168
Gammans v Ekins [1950] 2 K.B. 328; [1950] 2 All E.R. 140 CA	169, 171–173, 178, 182
Garland v British Rail Engineering Ltd (12/81) [1982] 2 All E.R. 402; [1982] E.C.R. 359 ECJ	76, 77, 80, 82, 83, 85, 260, 261
George v Skivington (1869–70) L.R. 5 Ex. 1 Ex Ct	279
Ghaidan v Godin-Mendoza; sub nom. Godin-Mendoza v Ghaidan; Ghaidan v Mendoza; Mendoza v Ghaidan [2004] UKHL 30; [2004] 2 A.C. 557; [2004] 3 W.L.R. 113.....	184, 220–222, 223
Glynn v Keele University; sub nom. Glynn v University of Keele [1971] 1 W.L.R. 487; [1971] 2 All E.R. 89; (1970) 115 S.J. 173 Ch D.....	321
Grant v Australian Knitting Mills Ltd; sub nom. Australian Knitting Mills v Grant Ltd [1936] A.C. 85 PC (Aus).....	286, 290
Grant v South West Trains Ltd (C-249/96) [1998] All E.R. (EC) 193; [1998] E.C.R. I-621 ECJ	81, 83–85
Gregory v Fearn [1953] 1 W.L.R. 974; [1953] 2 All E.R. 559 CA	194
HP Bulmer Ltd v J Bollinger SA (No.2) [1974] Ch. 401; [1974] 3 W.L.R. 202; [1974] 2 All E.R. 1226 Ch D	203
Hadmor Productions v Hamilton [1983] 1 A.C. 191; [1982] 2 W.L.R. 322 H.L	140
Harrogate BC v Simpson [1986] 2 F.L.R. 91; (1985) 17 H.L.R. 205 CA (Civ Div)	175, 180, 181
Haseldine v Daw & Son Ltd [1941] 2 K.B. 343 CA	286
Hawes v Evenden [1953] 1 W.L.R. 1169; [1953] 2 All E.R. 737 CA	182
Heaven v Pender (t/a West India Graving Dock Co) (1882–83) L.R. 11 Q.B.D. 503 CA	273, 276–278, 280, 284, 288, 293
Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] A.C. 465; [1963] 3 W.L.R. 101 H.L.....	295, 297–299, 301
Henderson v Merrett Syndicates Ltd (No.1); Hallam-Eames v Merrett Syndicates Ltd; Hughes v Merrett Syndicates Ltd; Feltrim Underwriting Agencies Ltd v Arbuthnott; Deeny v Gooda Walker Ltd (Duty of Care); sub nom. Gooda Walker Ltd v Deeny; McLarnon Deeney v Gooda Walker Ltd; Arbuthnott v Fagan [1995] 2 A.C. 145; [1994] 3 W.L.R. 761; [1994] 3 All E.R. 506 H.L	298
Heydon's Case [1584] 3 Co. Rep. 7.....	88, 107, 154
Hilder v Dexter [1902] A.C. 474 H.L	139
Home Office v Dorset Yacht Co Ltd [1970] A.C. 1004; [1970] 2 W.L.R. 1140 H.L	297, 298
James Buchanan & Co Ltd v Babco Forwarding & Shipping (UK) Ltd [1978] A.C. 141; [1977] 3 W.L.R. 907 H.L	208
Jenkins v Kingsgate (Clothing Productions) Ltd (96/80) [1981] 1 W.L.R. 972; [1981] E.C.R. 911 ECJ	261
Karner v Austria (40016/98) [2003] 2 F.L.R. 623; [2004] 2 F.C.R. 563; 14 B.H.R.C. 674 ECHR	185, 190
Keating v Horwood (1926) 135 L.T. 29	97
Le Lievre v Gould [1893] 1 Q.B. 491 CA	277, 278, 280, 283, 284, 290–294, 296, 297
Lee v Bude & Torrington Junction Railway Co; sub nom. Fisher, Ex p.; Stevens, Ex p. (1870–71) L.R. 6 C.P. 576 CCP	88
Litster v Forth Dry Dock & Engineering Co Ltd; sub nom. Forth Estuary Engineering Ltd v Litster [1990] 1 A.C. 546; [1989] 2 W.L.R. 634; [1989] 1 All E.R. 1134	204
London Street Tramways Co Ltd v London CC [1898] A.C. 375 H.L	249
Low v Bouverie [1891] 3 Ch. 82 CA	292
McAlister v Stevenson. See Donoghue v Stevenson	
Macarthy's Ltd v Smith [1981] Q.B. 180; [1980] 3 W.L.R. 929; [1981] 1 All E.R. 111 CA (Civ Div)	260, 261
McBoyle v United States, 293 U.S. (1930)	195
McCawley v King, The [1920] A.C. 691 PC (Aus).....	61
McLoughlin v O'Brian [1983] 1 A.C. 410; [1982] 2 W.L.R. 982 H.L	294, 298
Magor and St Mellons Rural DC v Newport Corp [1952] A.C. 189; [1951] 2 All E.R. 839 H.L.....	107, 138
Malone v Commissioner of Police of the Metropolis (No.2) [1979] Ch. 344; [1979] 2 W.L.R. 700 Ch D	21
Mandla (Sewa Singh) v Dowell Lee [1983] 2 A.C. 548; [1983] 2 W.L.R. 620 H.L.....	118, 124, 127, 129–131, 132
Marzari v Italy (Admissibility) (36448/97) (2000) 30 E.H.R.R. CD218 ECHR.....	185
Maunsell v Olins [1975] A.C. 373; [1974] 3 W.L.R. 835; [1975] 1 All E.R. 16	108, 109
Mew and Throne, Re (1862) 31 L.J. Bcy 87	140
Milchkontor v Hauptzollamt Saarbrücken (29/68) [1969] E.C.R. 165; [1969] C.M.L.R. 390 ECJ	259, 260
Millar v Taylor (1769) 4 Burr 233: 98 E.R. 21.....	140
Mirehouse v Rennell [1833] 1 Cl & F 527	248
Morris v Beardmore [1981] A.C. 446; [1980] 3 W.L.R. 283; [1980] 2 All E.R. 753 H.L	193
Muir v Keay (1874–75) L.R. 10 Q.B. 594 QBD	193

Murphy v Brentwood DC [1991] 1 A.C. 398; [1990] 3 W.L.R. 414 HL	297
Nocton v Lord Ashburton [1914] A.C. 932; [1914-15] All E.R. Rep. 45 HL	301
O'Brien v Sim-Chem Ltd [1980] 1 W.L.R. 1011; [1980] 3 All E.R. 132	261
Ogden Industries Pty v Lucas [1970] A.C. 113; [1969] 3 W.L.R. 75 PC (Aus)	194
Padfield v Minister of Agriculture, Fisheries and Food; sub nom. R. v Minister of Agriculture and Fisheries Ex p. Padfield [1968] A.C. 997; [1968] 2 W.L.R. 924; [1968] 1 All E.R. 694 HL	153, 155
Palmer v Snow [1900] 1 Q.B. 725 QBD	193
Pearce v Brooks (1865-66) L.R. 1 Ex. 213 Ex Ct	321
Pedro v Diss [1981] 2 All E.R. 59; (1981) 72 Cr. App. R. 193 DC	18, 19
Pepper (Inspector of Taxes) v Hart [1993] A.C. 593; [1992] 3 W.L.R. 1032; [1993] 1 All E.R. 42 HL	139, 144-149, 152,
	153, 155, 156, 161-163
Pickstone v Freemans Plc [1989] A.C. 66; [1988] 3 W.L.R. 265; [1988] 2 All E.R. 803 HL	204, 261
Poplar Housing & Regeneration Community Association Ltd v Donoghue; sub nom. Donoghue v Poplar Housing & Regeneration Community Association Ltd; Poplar Housing & Regeneration Community Association Ltd v Donaghue [2001] EWCA Civ 595; [2002] Q.B. 48; [2001] 3 W.L.R. 183; [2001] 4 All E.R. 604	226
Practice Direction (HL: Petition: Supporting Documents) [1993] 1 W.L.R. 303; [1993] 1 All E.R. 573 HL	152
Practice Direction (Sup Ct: Hansard Extracts) [1995] 1 W.L.R. 192; [1995] 1 All E.R. 234 Sup Ct	152
Pretty v United Kingdom (2346/02); sub nom. R. (on the application of Pretty) v DPP (2346/02) [2002] 2 F.L.R. 45; [2002] 2 F.C.R. 97 ECHR	190
R. v A (Complainant's Sexual History); sub nom. R. v A (No.2); R. v Y (Sexual Offence: Complainant's Sexual History) [2001] UKHL 25; [2002] 1 A.C. 45; [2001] 2 W.L.R. 1546	211-214, 216, 217, 219, 220, 221, 223
R. v A (No.2). See R. v A (Complainant's Sexual History)	
R. v Bow Street Metropolitan Stipendiary Magistrate Ex p. Pinochet Ugarte (No.1); R. v Bartle Ex p. Pinochet Ugarte (No.1); sub nom. R. v Evans Ex p. Pinochet Ugarte (No.1); Pinochet Ugarte (No.1), Re [2000] 1 A.C. 61; [1998] 3 W.L.R. 1456	41
R. v Bow Street Metropolitan Stipendiary Magistrate Ex p. Pinochet Ugarte (No.3) [2000] 1 A.C. 147; [1999] 2 W.L.R. 827 HL	38
R. v City of London Court Judge [1892] 1 Q.B. 273 CA	106
R. v Cuthbertson ; R. v Todd R. v Munro; R. v Fieldi; R. v Hughes; R. v Annable R. v Robertson R. v McDonnell; R. v Lochhead ; R. v Spenceley [1981] A.C. 470; [1980] 3 W.L.R. 89; [1980] 2 All E.R. 401	193
R. v DPP Ex p. Kebilene; R. v DPP Ex p. Boukemiche; R. v DPP Ex p. Souidi; R. v DPP Ex p. Rechachi; sub nom. R. v DPP Ex p. Kebilene [2000] 2 A.C. 326; [1999] 3 W.L.R. 972 HL	211
R. v Galvin [1987] Q.B. 862; [1987] 3 W.L.R. 93; [1987] 2 All E.R. 851	136
R. v Henn; R. v Darby; sub nom. Henn v DPP [1981] A.C. 850; (1980) 71 Cr. App. R. 44 HL	204, 261
R. v Immigration Appeal Tribunal Ex p. Antonissen (C292/89) [1991] E.C.R. I-745; [1991] 2 C.M.L.R. 373 ECJ	199, 201, 202
R. v Ireland; R. v Burstow [1998] A.C. 147; [1997] 3 W.L.R. 534 HL	149
R. v Lambert R. v Jordan; R. v Ali [2001] UKHL 37; [2002] 2 A.C. 545; [2001] 3 W.L.R. 206	213, 214, 217
R. v McFarlane [1994] Q.B. 419; [1994] 2 W.L.R. 494 CA (Crim Div)	99
R. v Ministry of Defence Ex p. Smith; R. v Admiralty Board of the Defence Council Ex p. Lustig-Prean; R. v Admiralty Board of the Defence Council Ex p. Beckett; R. v Ministry of Defence Ex p. Grady [1996] Q.B. 517; [1996] 2 W.L.R. 305; [1996] 1 All E.R. 257 CA (Civ Div)	176
R. v Panel on Takeovers and Mergers Ex p. Datafin Plc [1987] Q.B. 815; [1987] 2 W.L.R. 699; [1987] 1 All E.R. 564 CA (Civ Div)	235
R. v R, 1991	322
R. v Secretary of State for the Home Department and the Parole Board Ex p. Norrey (1995) 7 Admin. L.R. 861; [1996] C.O.D. 81 QBD	208
R. v Secretary of State for the Home Department Ex p. Brind [1991] 1 A.C. 696; [1991] 2 W.L.R. 588; [1991] 1 All E.R. 720 HL	208
R. v Secretary of State for the Home Department Ex p. Pierson; sub nom. [1998] A.C. 539; [1997] 3 W.L.R. 492 HL	47
R. v Secretary of State for the Home Department Ex p. Simms; R. v Governor of Whitemoor Prison Ex p. Main; R. v Secretary of State for the Home Department Ex p. O'Brien; sub nom. R. v Secretary of State for the Home Department Ex p. Main [2000] 2 A.C. 115; [1999] 3 W.L.R. 328 HL	36, 211
R. v Secretary of State for Transport Ex p. Factortame Ltd (No.1) [1990] 2 A.C. 85; [1989] 2 W.L.R. 997; [1989] 2 All E.R. 692 HL	141, 142
R. v Secretary of State for Transport Ex p. Factortame Ltd (No.2) [1991] 1 A.C. 603; [1990] 3 W.L.R. 818; [1991] 1 All E.R. 70 HL	77-80, 203
R. v Servite Houses Ex p. Goldsmith (2001) 33 H.L.R. 35; (2000) 2 L.G.L.R. 997 QBD	234
R. v Z; sub nom. Z (Attorney General for Northern Ireland's Reference), Re [2005] UKHL 35; [2005] 2 A.C. 645; [2005] 2 W.L.R. 1286	113
R. (on the application of Anderson) v Secretary of State for the Home Department; R. (on the application of Taylor) v Secretary of State for the Home Department; sub nom. R. v Secretary of State for the Home Department Ex p. Anderson; R. v Secretary of State for the Home Department Ex p. Taylor [2002] UKHL 46; [2003] 1 A.C. 837; [2002] 3 W.L.R. 1800	33, 215, 221
R. (on the application of Jackson) v Attorney General; sub nom. Jackson v Attorney General [2005] UKHL 56; [2006] 1 A.C. 262; [2005] 3 W.L.R. 733;	61, 89

R. (on the application of Javed) v Secretary of State for the Home Department; R. (on the application of Ali (Zulfiqar)) v Secretary of State for the Home Department; R. (on the application of Ali (Abid)) v Secretary of State for the Home Department; sub nom. Secretary of State for the Home Department v Javed; R. v Secretary of State for the Home Department Ex p. Ali; R. v Secretary of State for the Home Department Ex p. Javed; [2001] EWCA Civ 789; [2002] Q.B. 129; [2001] 3 W.L.R. 323;.....	91
R. (on the application of Quintavalle) v Secretary of State for Health [2003] UKHL 13; [2003] 2 A.C. 687; [2003] 2 W.L.R. 692; [2003] 2 All E.R. 113.....	109
R. (on the application of Spath Holme Ltd) v Secretary of State for the Environment, Transport and the Regions; sub nom. R. v Secretary of State for the Environment, Transport and the Regions Ex p. Spath Holme Ltd [2001] 2 A.C. 349; [2001] 2 W.L.R. 15; [2001] 1 All E.R. 195 HL	149, 154, 156
River Wear Commissioners v Adamson (1876-77) L.R. 2 App. Cas. 743 HL.....	106
Robinson v Barton Eccles Local Board (1882-83) L.R. 8 App. Cas. 798 HL.....	138, 162
Rojas v Berllaque [2003] UKPC 76; [2004] 1 W.L.R. 201; [2004] H.R.L.R. 7.....	224
Ross v Collins (1964) [1964] 1 W.L.R. 425; [1964] 1 All E.R. 861 CA.....	177
Royal College of Nursing of the United Kingdom v Department of Health and Social Security [1981] A.C. 800; [1981] 2 W.L.R. 279; [1981] 1 All E.R. 545 HL	102, 105, 107, 175, 178, 181
S (Children) (Care Order: Implementation of Care Plan), Re; W (Children) (Care Order: Adequacy of Care Plan), Re; sub nom. W (Children) (Care Plan), Re; W and B (Children) (Care Plan), Re [2002] UKHL 10; [2002] 2 A.C. 291; [2002] 2 W.L.R. 720	33, 214-217
SPUC v Grogan. See Society for the Protection of Unborn Children (Ireland) Ltd (SPUC) v Grogan (No.1)	
Salkeld v Johnson (1848) 2 Exch 256; 154 E.R. 487	141
Secretary of State for Defence v Percy [1999] 1 All E.R. 732 Ch D	92
Secretary of State for the Home Department v E [2007] UKHL 47; [2008] 1 A.C. 499; [2007] 3 W.L.R. 720	38
Secretary of State for the Home Department v JJ; Secretary of State for the Home Department v KK; Secretary of State for the Home Department v GG; Secretary of State for the Home Department v HH; Secretary of State for the Home Department v NN; Secretary of State for the Home Department v LL; sub nom. JJ, Re [2007] UKHL 45; [2008] 1 A.C. 385; [2007] 3 W.L.R. 642	38
Secretary of State for the Home Department v MB; Secretary of State for the Home Department v AF; sub nom. MB, Re [2007] UKHL 46; [2008] 1 A.C. 440; [2007] 3 W.L.R. 681.....	38
Sheldrake v DPP; Attorney General's Reference (No.4 of 2002), Re [2004] UKHL 43; [2005] 1 A.C. 264; [2004] 3 W.L.R. 976.....	221
Smith v Hughes; Smith v Caiels; Tolan v Hughes; Tolan v Caiels; Tolan v Thomas; Tolan v Mackinnon [1960] 1 W.L.R. 830; [1960] 2 All E.R. 859 QBD	98, 99
Smith v River Douglas Catchment Board [1949] 2 K.B. 500; [1949] 2 All E.R. 179 CA	291
Snail Darter Case	95
Society for the Protection of Unborn Children (Ireland) Ltd (SPUC) v Grogan (No.1) [1990] 1 C.M.L.R. 689; [1989] I.R. 753 Sup Ct (Irl)	269
Spring v Guardian Assurance Plc [1995] 2 A.C. 296; [1994] 3 W.L.R. 354; [1994] 3 All E.R. 129 HL.....	298
Stephens v Cuckfield Rural DC [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248 CA	137
Sutherland Shire Council v Heyman [1955-95] P.N.L.R. 238; 157 C.L.R. 424; (1985) 60 A.L.R. 1.....	297
Thoburn v Sunderland City Council; Hunt v Hackney LBC; Collins v Sutton LBC; Harman v Cornwall CC; sub nom. Thorburn v Sunderland City Council [2002] EWHC 195 (Admin); [2003] Q.B. 151; [2002] 3 W.L.R. 247	92
Thompson v London Midland & Scottish Railway Co [1930] 1 K.B. 41 CA	268
Vasquez v R [1994] 1 W.L.R. 1304	214
Von Ernst & Cie SA v Inland Revenue Commissioners [1980] 1 W.L.R. 468; [1980] 1 All E.R. 677 CA (Civ Div).....	2-02, 2-37
Wakim Ex p. Mcnally, Re; Wakim Ex p. Darvall, Re; Brown Ex p. Amann, Re; Spinks v Prentice (1999) 73 A.L.J.R. 839 HC (Aus)	175
Ward v Bradford Corp, 70 L.G.R. 27; (1971) 115 S.J. 606 CA (Civ Div)	321
Wheeler v Leicester City Council [1985] A.C. 1054; [1985] 3 W.L.R. 335; [1985] 2 All E.R. 1106 HL.....	56, 60, 85
Wilson v First County Trust Ltd (No.2); sub nom. Wilson v Secretary of State for Trade and Industry [2003] UKHL 40; [2004] 1 A.C. 816; [2003] 3 W.L.R. 568	156, 161, 162
Young v Bristol Aeroplane Co Ltd [1946] A.C. 163; (1946) 79 Ll. L. Rep. 35 HL.....	172
Yuen Kun Yeu v Attorney General of Hong Kong [1988] A.C. 175; [1987] 3 W.L.R. 776 PC (HK).....	297

