

Leading Cases in Constitutional and Administrative Law

Fifth Edition

O. Hood Phillips

Sweet & Maxwell

LEADING CASES
IN
CONSTITUTIONAL AND
ADMINISTRATIVE LAW

by

O. HOOD PHILLIPS

Q.C., D.C.L., M.A. (OXON.), J.P.

*Emeritus Professor of Jurisprudence
and formerly Dean of the Faculty of Law
in the University of Birmingham*

FIFTH EDITION

LONDON
SWEET & MAXWELL
1979

First Edition	1952
Second Edition	1957
Third Edition	1967
Fourth Edition	1973
First Impression	1978
Fifth Edition	1979

*Published by
Sweet & Maxwell Limited of
11 New Fetter Lane, London
and printed in Great Britain
by the Eastern Press Limited
of London and Reading*

ISBN Hardback 0 421 24970 6
Paperback 0 421 24980 3

©
Sweet & Maxwell
1979

**LEADING CASES
IN
CONSTITUTIONAL AND
ADMINISTRATIVE LAW**

AUSTRALIA

The Law Book Company Ltd.
Sydney : Melbourne : Brisbane

CANADA AND U.S.A.

The Carswell Company Ltd.
Agincourt, Ontario

INDIA

N. M. Tripathi Private Ltd.
Bombay
and
Eastern Law House Private Ltd.
Calcutta
M.P.P. House
Bangalore

ISRAEL

Steimatzky's Agency Ltd.
Jerusalem : Tel Aviv : Haifa

MALAYSIA : SINGAPORE : BRUNEI

Malayan Law Journal (Pte.) Ltd.
Singapore

NEW ZEALAND

Sweet & Maxwell (N.Z.) Ltd.
Auckland

PAKISTAN

Pakistan Law House

PREFACE TO THE FIFTH EDITION

SOME rearrangement of the material has been made to help the student to find the context and background of the cases in the new edition of my textbook on *Constitutional and Administrative Law* without the need for specific cross-references. On the other hand, of course, this book can be used together with any other textbooks on the same subject.

The treatment of each case: (i) indicates the court in which the decision was given, the names of the judges and whether any dissented, and the previous or subsequent course of the litigation; (ii) summarises the facts concisely but with sufficient detail to arouse the student's interest and assist his memory; and (iii) gives a verbatim extract—more or less complete—from one judgment, so that the reader may follow the process of judicial reasoning from the facts to conclusion. In some cases shorter extracts have also been included from other judgments, including dissenting opinions.

There are no headnotes. However skilful one may be in putting into three lines what the House of Lords takes 30 pages to say, the result is liable to mislead. The student should learn to extract the *ratio decidendi* for himself. There may be more than one in a given case. He should be aware, in particular, that it is not necessarily the statement of principle that may be contained in the judge's opinion. "It is always a little dangerous," as Greer L.J. said in *Monk v. Warbey* [1935] 1 K.B. 75, "to pick out one or two observations from a long judgment and treat them as if they necessarily afforded the *ratio decidendi* of the case." Guidance may, of course, be obtained from the editorial headings and subheadings, though the classification adopted is based on convenience of exposition, and one case may cover several different matters.

Since I have written extensively on this subject elsewhere, the notes are kept to a minimum. They are intended primarily to advise the reader of changes in the law since the decision was given, or of the limits of the decision concerned. Space has thereby been found for full judgments from about 100 cases.

An apologia for case books is not called for on this occasion. My experience leads me to believe that some teachers exaggerate the risk that a case book may deter students from reading the law reports. A book of this kind should be both a guide and a stimulus to the reading of full reports. A warning, however, should be given against overlooking the importance of statutes, in this branch of the law as in others. To these the textbooks will usually be the student's first introduction. Even as regards the case law, the reader may profitably consider how many

of the decisions contained in this book turn on the interpretation of statutes.

Twenty-five cases have been newly included in this edition, most of them decided since the last edition was published; and 20 cases have been omitted as rendered obsolete by statute or judicial decisions or superseded by better authority, or because it was decided to discard the section on the Commonwealth. *Attorney-General for New South Wales v. Trethowan*, however, is retained and has been transferred to section 1. Among the cases appearing for the first time may be mentioned:—*Pickin v. British Railways Board*; *E. Coomes (Holdings) Ltd. v. Shields*; *Laker Airways v. Department of Trade*; *Sirros v. Moore*; *Gouriet v. Union of Post Office Workers*; *Bulmer v. Bollinger*; *Congreve v. Home Office*; *Metropolitan Properties Co. v. Lannon*; *Anns v. Merton London Borough Council*; *Secretary of State for Education and Science v. Tameside Metropolitan Borough Council*; *R. v. Liverpool Corporation, ex p. Liverpool Taxi Fleet Operators' Association*; *R. v. Secretary of State for the Environment, ex p. Ostler*; and *R. v. Lewes Justices, ex p. Home Secretary*. The notes of some of the cases retained from the last edition have been revised.

Although this remains a casebook, I have thought it helpful to students to insert extracts from the European Communities Act 1972 and the new Rules of the Supreme Court concerning applications for judicial review of administrative action.

Professor David Yardley and Professor Paul Jackson kindly answered my request for advice about cases to be introduced or discarded. If not all of their suggestions were accepted it was for reasons which, after careful consideration, seemed good to me. If I was mistaken, the responsibility is mine.

I would like to take this opportunity, also, to express my sincere thanks to Miss Mary Blake, and to her colleagues from time to time on the staff of the former Law Faculty Library and the present Harding Law Library at Birmingham University, for all the expert help they have so cheerfully and patiently given me in my researches and writings over the last 25 years.

Acknowledgements are due to the Incorporated Council of Law Reporting and the proprietors of the *All England Law Reports*, the *Law Times Reports*, the *Times Law Reports*, the *Scots Law Times*, the *Criminal Appeal Reports*, the *Criminal Law Review* and the *Industrial Relations Law Reports* for permission to publish extracts from their reports; and also to the Controller of H.M. Stationery Office for permission to publish extracts from the statutes and statutory instruments.

TABLE OF CASES

(References in heavy type indicate that a case is reported in this book)

ABBOTT v. Sullivan	442	Att.-Gen. v. Mulholland	161
Adams v. Adams	498	— v. Newcastle-upon-Tyne Corporation	485
Adjustment Tax on Petrol, <i>Re</i>	196	— v. Premier Line Ltd.	170
Administrator of Austrian Property v. Russian Bank for Foreign Trade	99	— v. Sharp	170
Ahmad v. Inner London Education Authority	217	— v. Wilts United Dairies. 14, 391, 394	394
Albatross S.A.R.L. v. Société des Petroles et des Combustibles Liquides (SOPECO)	195	Att.-Gen. for Canada v. Cain	120
Algemene Transport en Expeditie Onderneming van Gend en Loos N.V. v. Nederlandse Tarief-commissie	42	Att.-Gen. for New South Wales v. Trethowan	32
Allinson v. General Council of Medical Education and Registration	444	Att.-Gen. for Northern Ireland's Reference (No. 1 of 1978)	288
Amies v. Inner London Educational Authority	43	Att.-Gen. of the Gambia v. N'Jie ..	428
Amministrazione delle Finanze dello Stato v. Simmenthal SpA (No. 2) [1978] 3 C.M.L.R. 201...	52	Att.-Gen. <i>ex rel</i> McWhirter v. Independent Broadcasting Authority	173
Amphitrite Case. <i>See</i> Rederiaktiebolaget Amphitrite v. The King		Attwyll's Case	56
Anderson v. Gorrie	149	Aylesbury (Men of), Case of <i>See</i> R. v. Paty	
Andrews v. Mitchell	444	Aynsham's Case	472
Anisimic v. Foreign Compensation Commission ... 348, 446, 451, 456-464		Ayr Harbour Trustees v. Oswald ..	101, 357, 358, 359, 369
Anns v. Merton London Borough Council	365	BAGG'S CASE	342
Anon (1697)	424	Bailey v. Williamson	319
Apsley's Case	424	Baldwin & Francis Ltd. v. Patents Appeal Tribunal	426
Ashbridge Investments Ltd. v. Minister of Housing and Local Government	459	Banbury Case	56
Ashby v. White and Others	56, 203	Bankers' Case	473
Asher v. Lacey	465	Bank voor Handel en Scheepvaart N.V. v. Administrator of Hungarian Property	92
— v. Secretary of State for the Environment	470	Barnard v. Gorman	139
Ashley's Case	424	Barnard v. National Dock Labour Board	441
Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation	391, 392, 401	Barnardiston v. Soame	54
Att.-Gen. v. Bastow	170, 172, 441	Baron De Bode's Case, The	473
— v. De Keyser's Royal Hotel Ltd. 73, 74, 75, 76, 80		Barras v. Aberdeen Steam Trawling and Fishing Co. Ltd.	186
— v. Briant	331	Barwis v. Keppel	305
— v. Chandry	170	Beatty v. Gillbanks ... 259, 271, 272, 277	277
— v. Clough	499	Benjamin v. Storr	440
— v. Cockermouth Local Board ..	172	Birdi v. Secretary of State for Home Affairs	217
— v. Great Eastern Ry.	174	Birkdale District Electric Supply Co. Ltd. v. Southport Corporation ..	431, 428
— v. Harris	170, 174	Black-Clawson International Ltd. v. Papierwerke Waldhof-Aschaffenburg A.G.	177
		Blackburn v. Att.-Gen.	18, 114
		Boaler, <i>Re</i>	211
		Board of Education v. Rice ..	327, 328, 412, 415

Board of Trade v. Teriperley Steam Shipping Co. Ltd.	101, 102, 103
Bombay Province v. Bombay Municipal Corporation	99
Bonham's (Dr.) Case	433
Bowditch v. Balchin	139
Bowles v. Bank of England	12, 446
Boyce v. Paddington Borough Council	439
Bradbury v. Enfield London Borough Council	435
Bradlaugh v. Clarke	64
Bradlaugh, v. Gossett	63, 68, 446
Brass Crosby's Case	54, 60
Brennan v. Prince William Hospital	45
Bribery Commissioners v. Rana-singhe	32
Brine v. Great Western Ry.	364
British Broadcasting Corporation v. Johns	70, 411
British Coal Corporation v. The King	20
British Leyland v. Powell	45
Bromage v. Prosser	253
Broome v. Broome	490
Buchanan (James) & Co. v. Babco Forwarding and Shipping (U.K.) Ltd.	203
Buckoke v. Greater London Council	174
Bulmer (H.P.) Ltd. v. Bollinger (J.) S.A.	191, 446
Burdett v. Abbot	55, 60, 61, 67
Burmah Oil Co. v. Lord Advocate	72, 88, 89, 129
Buron v. Denman	115, 122, 125
Bushell's Case	151, 152, 154, 157
Butt v. Conant	223
CANNON BREWERY CO. LTD. v. Central Control Board (Liquor Traffic)	410
Canterbury (Viscount) v. Att.-Gen.	473
Capper Pass Ltd. v. Lawton	44
Cardiff Bridge Case	423
Carltona Ltd. v. Commissioners of Works	315
Carnatic (Nabob) v. East India Co.	111
Carr v. Fracis Times & Co.	129
Chandler v. Director of Public Prosecutions	74, 282
Chaplin v. Westminster City Council	440
Chatterton v. Secretary of State for India in Council	498
Cheney v. Conn	26
Chester v. Bateson	208
Chic Fashions (West Wales) Ltd. v. Jones	243
Christie v. Leachinsky	233
Church v. Inclosure Commissioners	412, 414
Civilian War Claimants Association Ltd. v. The King	88
Clarke v. Bradlaugh	64
Clerke's Case	56
Clifford and O'Sullivan, Re ...	297, 413
Coe v. Wise	362
Collieries Ltd. v. Lloyd George	315
Commissioners of Crown Lands v. Page	99, 360, 474
Commissioners of Customs and Excise v. Cure & Deeley Ltd.	212, 314
Congreve v. Home Office	385, 446
Conway v. Rimmer ...	483, 493, 495, 498
Cook v. Sprigg	126, 127
Cook's Case	56
Coomber v. Berks Justices ...	82, 93, 94, 98, 492
Coomes (E.) (Holdings) Ltd. v. Shields	39, 52
Cooper v. Wandsworth Board of Works	331, 343, 346
— v. Wilson	342, 444
Cory (William) & Sons Ltd. v. City of London Corporation	101, 102, 431
Cosin's Case	56
Costa v. Ente Nazionale Per L'Energia Elettrica	18, 42
Crosby upon Eden, Re	412, 414
Cummins v. Massam	423
Cundell's Case	220
Cutler v. Wandsworth Stadium Ltd.	171
D. v. National Society for the Prevention of Cruelty to Children	109, 500
Da Costa en Schaake N.V. v. Nederlandse Belastingad-rustatie	194, 197, 200
Darcy v. Allein. See Monopolies, Case of	
Davies v. Cowperthwaite	467
— v. Price	454
Davis v. Lisle	282
Davison v. Duncan	254
Dawkins v. Antrobus	344
— v. Lord F. Paulet	305, 307
— v. Lord Rokeby	159, 160, 305, 306, 307
Daymond v. South West Water Authority	317
Deare v. Att.-Gen.	480
De Bode's (Baron) Case	473
Defrenne v. Sabena Airways ...	42, 49, 50
Deutsche Grammophon G.m.b.H. v. Metro-S.B.-Crossmark-te G.m.b.H. & Co. K.G.	196

De Verteuil v. Knaggs	346	Fisher v. Keane	344, 346
Dillon v. O'Brien and Davis	244	Fitzharris's Case	56
Dimes v. Grand Junction Canal	146, 339	Five Knights' Case. <i>See</i> Darnel's Case	
Direct United States Cable Company v. Anglo-American Telegraph Company	24	Fletcher v. Clay Cross (Quarry Services) Ltd. [1978] 1 W.L.R. 1429	52
Donoghue v. Stevenson	366, 371, 476	Forester v. Secretary of State for India in Council	111, 125
Dorset Yacht Co. Ltd. v. Home Office	366, 371, 372, 375	Franklin v. Att.-Gen.	474
Dugdale v. Kraft Foods	45	Fraser v. Balfour	306, 307
Dumbarton Magistrates v. Glasgow Magistrates	4	— v. Hamilton	306, 307
Dumbell v. Roberts	233	— v. Mudge	348
Duncan v. Cammell, Laird & Co. Ltd.	484, 490, 491, 492, 493, 496, 498	Fratelli Grassi v. Amministrazione delle Finanze	195
— v. Findlater	364	Fray v. Blackburn	151
— v. Jones	264, 275	French Widow's Pension Settlement <i>Re</i>	197
Durayappah v. Fernando	330	Frith v. R.	112
Dutton v. Bognor Regis Urban District Council	368, 372, 373	Fritz v. Hobson	440
Dyson v. Att.-Gen.	172, 175, 176, 480	Fry, <i>ex p.</i>	348
EAST SUFFOLK RIVERS CATCHMENT BOARD v. Kent			
	370, 372, 375, 376, 377	GAIN v. Gain	490
Eastman Photographic Materials Co. v. Controller-General of Patents	186	Garland v. Jekyll	223
Eaton v. Nuttall	45	Garnett v. Ferrand	149
Ecclesiastical Persons (Case of)	99	Geddis v. Bann Reservoir Proprietors	370, 371, 375, 477
Edinburgh and Dalkeith Railway Co. v. Wauchope	4	General Medical Council v. Spackman	425
Edmonds v. Watermen's Co.	318	Gentel v. Rapps	323
Egerton v. Home Office	480	Ghani v. Jones	241
Electrolux Ltd. v. Hutchinson	45	Gibson v. Lord Advocate	1, 11
Elias v. Pasmore	243	Gilbert v. Corporation of Trinity House	408
Ellen Street Estates Ltd. v. Minister of Health	6	Glasgow Corporation v. Central Land Board	484, 489
Ellerman Lines v. Murray; White Star Line and U.S. Mail Steamers Oceanic Steam Navigation Co. Ltd. v. Comerford	190	Gouriet v. Union of Post Office Workers	165, 441, 482
Ellis v. Home Office	478, 490	Governors of the British Cast Plate Manufacturers, The v. Meredith	363
Elphinstone v. Berdreechund	296	Grant v. Gould	305, 307
Entick v. Carrington	234, 238, 243, 244	Greenwell v. Prison Commissioners	477, 479
Esso Petroleum v. Kingswood Motors (Aldelstone) Ltd.	199	Greig v. Edinburgh University	93, 94, 97
Evans v. Collins	468	Griffiths v. Liverpool Corporation	381
Export of Oat Flakes, <i>Re</i>	195	Groenvelt v. Burwell	423
FEATHER v. The Queen			
	473	H. K. (An Infant), <i>Re</i>	108, 330
Felixstowe Dock and Railway Co. v. British Transport Docks Board	52	H.T.V. Ltd. v. Price Commission	91
Ferrers's Case	56	Hall v. Smith	364
Fisher v. Jackson	342	Halliday v. St. Leonard's Shore-ditch	364
		Hammersmith Ry. v. Brand	379, 380
		Hamond v. Howell	151
		Hampden's Case. <i>See</i> R. v. Hampden	
		Harris v. Minister of the Interior	10, 29

Harris v. Quine	180, 183, 187	King v. Skinner	160
Hart v. Basset	440	— v. Wright	254
Haydon v. Kent County Council ..	385	Kingston (Duchess of) Case	183
Haynes v. Harwood	476	Knollys's (or Knowles's Case)	56
Healey v. Ranhina	338	Kruse v. Johnson	317
Heddon v. Evans	304		
Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.	366, 476	LAKE v. King	57
Henderson v. Broomhead	159	Laker Airways v. Department of Trade	87, 446
Hennessy v. Wright	498, 499	Lancaster Canal Co. v. Parnaby ..	364
Herring v. Finch	208	Lane v. Cotton	363
— v. Templeman	348, 356, 446	Lansbury v. Riley	279, 281
Hessische Knappschaft v. Maison Singer et Fils	196	Lapeyre v. Administration des Dovanes	197
Heydon's Case	181	Lapointe v. L'Association de Bien- faisance, etc., de Montreal	344
Hobhouse's Case. <i>See</i> R. v. Hob- house		Laragoity v. Att.-Gen.	480
Hodges v. Att.-Gen.	481	Larke's Case	56
Hogg v. Scott	342	Leach v. Money	231
— v. Toye & Co. Ltd.	190	Lee v. Showmen's Guild of Great Britain	442, 444
Holgate v. Lancashire Mental Hospitals Board	478	Leeson v. General Council of Medical Education and Regis- tration	444
Home Office v. Dorset Yacht Co. ...	474	Lerose Ltd. v. Hawick Jersey International Ltd.	199
Hopkins v. Smethwick Local Board of Health	343, 346	Lever Finance Ltd. v. Westminster (City) London Borough Council ..	428
Horne Tooke's Case. <i>See</i> R. v. Wright		Liversidge v. Anderson ...	92, 105, 131, 141, 287, 446
Houlden v. Smith	150	Liyanage v. R.	32
Humphreys v. Connor	279	Local Government Board v. Arlidge	326, 345, 443
Hungerford Market Case	312	London Corporation v. Cox	300
Hyde's Case	56	London County Council v. Att.- Gen.	167
		Löwenbrau Munchen v. Grunhalle Lager International Ltd.	199
		Lyon v. Fishmongers' Co.	440
IMPORT OF POWDERED MILK (No. 3), <i>Re</i>	197	MACBEATH v. Haldimand	473
Import Licence for Oats, <i>Re</i>	198	MacCormick v. The Lord Advocate .	8
Indian Towing Co. Inc. v. United States	370	McGuinness v. Att.-Gen. of Victoria	163
Inland Revenue Commissioners v. Collco Dealings Ltd.	27	Mackalley's Case	235
Institute of Patent Agents v. Lock- wood	419	Mackenzie v. Stewart	3, 4
International Railway v. Niagara Parks Commission	408	Mackonochie v. Lord Penzance ...	300
Iveson v. Moore	440	McWhirter v. Att.-Gen.	114
		Magdalen College Case (Warren v. Smith)	99
JAY v. Topham	60	Mansergh, <i>Re</i>	305
Johnstone v. Pedlar	114, 122, 125, 126, 127, 128	Marais (D. F.) v. G. O. C. Lines of Communication and Att.-Gen. of Cape Colony	295
— v. Sutton ...	301, 302, 304, 305, 306	Maritime Electric Co. Ltd. v. General Dairies Ltd.	91
Jordan v. Burgoyne	273	Marks v. Beyfus	331, 498, 499
Joyce v. Director of Public Prose- cutions	224	— v. Frogley	306, 307
		Marshalsea Case	149, 151
KANDA v. Government of Malaya .	105		
Keighley v. Bell	305, 306, 309		
King v. The Queen	244		
— The v. Pease	363, 379		

Maunsell v. Olins	186	PADDINGTON BOROUGH COUNCIL v. Att.-Gen.	441
Maurice v. London County Council	429	Padfield v. Minister of Agriculture, Fisheries and Food	89, 389, 391, 392, 435
Major and St. Mellons Rural District Council v. Newport Corporation	200	Pasmore and Others v. Oswald- twistle U.D.C.	433
Meggs v. Liverpool Corporation ..	385	Paty's Case. <i>See</i> R. v. Paty	
Mersey Docks and Harbour Board v. Cameron	93, 94, 97	Pawlett v. Att.-Gen.	480
— v. Gibbs	360	Peebles v. Oswaldtwistle U.D.C. <i>See</i> Pasmore v. Oswaldtwistle U.D.C.	
— v. Penhallow	360	Pergamon Press Ltd. <i>Re</i>	333, 354
Metcalfe v. Hethrington	364	Petition of Right, <i>Re</i>	73, 76
Metropolitan Asylum District (Managers) v. Hill	377	Pickin v. British Railways Board .	1, 446
Metropolitan Meat Industry Board v. Sheedy	98	Pledall's Case	56
Metropolitan Properties Co. v. Lannon	333, 426	Point of Ayr Collieries Ltd. v. Lloyd George	315
Middlesex's (Sheriff) Case	59	Potato Flour Tax, <i>Re</i>	199
Milchwerke Heinz Wöhrmann & Sohn K.G. v. Commission of the European Economic Community	194	Powell v. May	321
Minister of Health v. The King (on the prosecution of Yaffe). <i>See</i> R. v. Minister of Health, <i>ex p.</i> Yaffe		Prenn v. Simmonds	185
Minnesota Mining & Manufactur- ing Co. v. Geerpres Europe Ltd. .	199	Prescott v. Birmingham Corpora- tion	311, 314, 446
Monopolies, Case of (Darcy v. Allein)	69	Pringle v. Bremner and Stirling	243
Morse v. Slue	207	Processed Vegetable Growers Asso- ciation Ltd. v. Customs and Excise Commissioners	199
Mortensen v. Peters	21	Proclamations, Case of	89
Munster, <i>Re</i>	98		
— v. Lamb	158	R. v. Abingdon (Lord)	58
Murray's (Alexander) Case	54, 60	— v. Aldred	252
		— v. Altrincham Justices, <i>ex p.</i> Pennington	339
NAAFI v. Varley	46	— v. Anon (1816)	424
Nakkuda Ali v. Jayaratne .	141, 330, 346	— v. Army Council	306
National Vulcan Insurance v. Ward	46	— v. Askew	432
Ndlwana v. Hofmeyr, N.O.	29, 32	— v. Barnsley Licensing Justices <i>ex p.</i> Barnsley and District Li- censed Victuallers' Association .	334, 337, 338
Newcastle Breweries Ltd. v. R.	83	— v. Bottrill, <i>ex p.</i> Kuechen- meister	117
Nicholson v. Mounsey	363	— v. Brailsford	229
Nissan v. Att.-Gen.	89, 121	— v. Brighton Corporation, <i>ex p.</i> Thomas Tilling Ltd.	427
North Yorkshire County Council v. Secretary of State for Educa- tion and Science	406	— v. Brixton Prison (Governor), <i>ex p.</i> Armah	454
Northampton Corporation v. Ellen	312	— v. Brown	295
Nottingham No. 1 Area Hospital Management Committee v. Owen	411	— v. Burdett	247
		— v. Burns and Others	249, 255
O'BRENNAN v. Tully	163	— v. Caird and Others	264
O'Kelly v. Harvey	279	— v. Camborne Justices	337
O'Shea v. O'Shea and Parnell	144	— v. Casement	218
Oldham v. Lords of the Treasury ..	473	— v. Caunt	252
Oropesa, The	476	— v. Chertsey Justices, <i>ex p.</i> Franks	426
Osgood v. Nelson	346	— v. Chief Immigration Officer, Heathrow Airport, <i>ex p.</i> Salamat Biba	107, 217
Overseas Tankership (U.K.) Ltd. v. Morts Dock and Engineering Ltd.	476		

R. v. Commissioner of Police of the Metropolis, <i>ex p.</i> Blackburn	173
— v. Cork Justices	287
— v. Creevey	58
— v. Criminal Injuries Compensation Board, <i>ex p.</i> Lain	107
— v. Cunninghame Graham and Burns	255
— v. Dangerfield	55
— v. Darlington School Governors	341, 342
— v. Dickenson	425
— v. Electricity Commissioners, <i>ex p.</i> London Electricity Joint Committee (1920) Ltd.	344, 346, 411
— v. Elliot (Sir J.), Denzil Hollis and Others	65
— v. Essex (Inhabitants)	425
— v. Ford	235
— v. Gaming Board of Great Britain, <i>ex p.</i> Benaim and Khaida	329
— v. Gaskin	342
— v. Glamorganshire (Inhabitants)	412
— v. Graham-Campbell, <i>ex p.</i> Herbert	67, 435
— v. Halliday, <i>ex p.</i> Zadig	105, 133, 140, 141, 209
— v. Hampden	75, 81, 89
— v. Hardy	331, 498, 499
— v. Hobhouse	60, 61
— v. Howarth	235
— v. Huggins	335
— v. Kennett	295
— v. Knott	466
— v. Legislative Committee of the Church Assembly, <i>ex p.</i> Haynes-Smith	345
— v. Levermore	424
— v. Lewes Justices, <i>ex p.</i> Secretary of State for Home Department	106, 426, 494
— v. Light Railway Commissioners	412
— v. Liverpool Corporation, <i>ex p.</i> Liverpool Taxi Fleet Operator's Association	91, 426
— v. Local Government Board	300
— v. Londonderry Justices	271, 272
— v. Medical Appeal Tribunal, <i>ex p.</i> Gilmore	426
— v. Metropolitan Police Commissioners, <i>ex p.</i> Parker	330, 431
— v. Miah	191, 213
— v. Minister of Health, <i>ex p.</i> Yaffe	417, 418
— v. Nailsworth Licensing Justices, <i>ex p.</i> Bird	335
— v. Nat. Bell Liquors Ltd.	422, 424
R. v. Northumberland Compensation Appeal Tribunal, <i>ex p.</i> Shaw	332, 420
— v. Paty (Case of the Men of Aylesbury)	56, 60, 61, 208
— v. Pinney	295
— v. Poor Law Commissioners	412
— v. Prebble	277
— v. Queen's County Justices	280
— v. Reynolds; <i>See</i> R. v. Frodsham Justices	
— v. Roberts	466, 469
— v. Secretary of State for the Environment, <i>ex p.</i> Ostler	426, 456
— v. Secretary of State for Home Affairs, <i>ex p.</i> Birdi	108
— v. Secretary of State for Home Affairs, <i>ex p.</i> Hosenball	104, 426
— v. Secretary of State for the Home Department, <i>ex p.</i> Bhajar Singh	217
— v. Secretary of State for the Home Department, <i>ex p.</i> Phansopkar	217
— v. Senate of the University of Aston, <i>ex p.</i> Roffey	351, 355, 356
— v. Smith (1844)	342, 346
— v. Smith (1900)	304, 308
— v. Stratford-on-Avon Corporation	341
— v. Sunderland Justices	335
— v. Sussex Justices, <i>ex p.</i> McCarthy	334, 337
— v. Tower Hamlets Sewers Commissioners	425
— v. Vine Street Police Station Superintendent, <i>ex p.</i> Liebmann	119
— v. Warnford	424
— v. Waterfield	244, 245
— v. West Riding of Yorkshire Justices	425
— v. White	423
— v. Williams	55
— v. Woodhouse	412
— v. Wright (Horne Tooke's Case)	55
Ramshay <i>ex p.</i>	342, 346
Rederiaktiebolaget Amphitrite v. The King	101
Rediffusion (Hong Kong) Ltd. v. Att.-Gen. of Hong Kong	37
Reffell v. Surrey County Council	435
Revis v. Smith	159
Reynes v. Belgium	42
Rheinmühlen-Düsseldorf (Firma) v. Einfuhr und Vorratsstelle für Getreide und Futtermittel	
Ridge v. Baldwin	141, 147, 330, 331, 339, 348, 415, 431, 446, 463

River Wear Commissioners v. Adamson	186	Snoxell and Davies v. Vauxhall Motors Ltd.	51
Roberts v. Hopwood	314, 467	Sociale Verzekeringsbank v. Van der Vecht	199, 200
Robertson v. Minister of Pensions ..	91, 103, 428	Société des Petroles Shell-Berre, <i>Re</i>	197
Robinson v. State of South Australia (No. 2)	489, 490	Somerset's (Duchess) Case	56
Rochester (Bishop of) v. Bridges ...	434	Southampton and Itchin Bridge Co. v. Southampton Local Board of Health	362
Rondel v. Worsley	160	South Cadbury (Inhabitants) v. Braddon, Somerset (Inhabitants) ..	424
Rookes v. Barnard	183	South Eastern Ry. Co. and Wiffin's Contract Case	358
Ross Smith (orse Radford) v. Ross Smith	186	Spackman v. Plumstead District Board of Works	343
Routh v. Reading Corporation ...	462	Spartan Steel & Alloys Ltd. v. Martin & Co. (Contractors) Ltd. ..	367
Russell v. Duke of Norfolk	330	Spettabile Consorzio Veneziano di Armamento e Navigazione v. Northumberland Shipbuilding Co.	175
Rustomjee v. The Queen	19, 88	Springhead Spinning Co. v. Riley ..	171
Rutland's (Countess) Case	235	State v. Cornet	197
S.C.M. (UNITED KINGDOM) LTD. v. Whittall (W. J.) & Sons Ltd.	367	Stockdale v. Hansard ...	52, 59, 61, 62, 66, 68, 255
Saif Ali v. Sydney Mitchell & Co. (A firm)	161	Stourcliffe Estates Co. Ltd. v. Corporation of Bournemouth ..	356, 441
Salaman v. Secretary of State for India	110, 126	Sutton v. Clarke	363
Salgoil S.p.A. v. Foreign Trade Ministry of the Italian Republic ..	198	— v. Johnstone. <i>See</i> Johnstone v. Sutton	
Salomon v. Commissioners of Customs and Excise	188, 217	TAAFFE v. Downes (Note)	151
Saltpetre, Case of the King's Prerogative in	77	Tamlin v. Hannaford	407
Schmidt v. Secretary of State for Home Affairs	108	Tax on Imported Lemons, <i>Re</i>	200
Schulz v. American Can Company ..	45	Taylor v. Hawkins	253
Scott v. Scott	142	— v. Munrow (District Auditor). ..	468
— v. Stansfield	149, 159	Terrell v. Secretary of State for the Colonies	341
Scott's Trustees v. Moss	476	Territorial and Auxiliary Forces Association of the County of London v. Nichols	408, 410
Seaman v. Netherclift	159	Territorial Forces Association v. Philpot	410
Secretary of State in Council of India v. Kamachee Boye Sahaba ..	113, 126	Thomas v. The Queen	471
Secretary of State for Education and Science v. Tameside Metropolitan Borough Council ..	89, 395, 439	— v. Sawkins	278
Secretary of State for Employment v. ASLEF (No. 2)	397	Thorp's Case	54, 56
Secretary of State for India v. Bai Rajbai	126	Tilonko v. Att.-Gen. for Natal ...	299
Shaftesbury's (Lord) Case ...	55, 60, 61	Tobin v. The Queen	473
Sheppard v. Glossop Corporation ..	370	Trethowan's Case	37
Sheriff of Middlesex's Case. <i>See</i> Middlesex's (Sheriff) Case		Trewynnard's Case	56
Shrimoney, Case of. <i>See</i> R. v. Hampden		Turner v. Sterling	207
Sirena S.R.L. v. Eda S.R.L.	198		
Sirros v. Moore	147	UNITED STATES v. Caltex (Philippines) Inc.	76
Smith v. Crawshaw	207		
— v. East Elloe R.D.C.	453, 456-464		
— v. Pywell	456		
— v. The Queen	343		

VAN DUYN v. Home Office . . .	42, 49, 196, 200, 202	West Rand Central Gold Mining Co. Ltd. v. The King	126
Van Gend en Loos v. Nederlandse .	42	Westbury v. Powell	206
Vauxhall Estates Ltd. v. Liverpool Corporation	7	Wheaton v. Maple & Co.	82
Vereniging van Fabrikanten en Importeurs van Verbruiksarti- kelen (F.I.V.A.) v. Mertens	197	Wheeler v. Le Marchant	499
Vine v. National Dock Labour Board	446	White v. Morley	323
		Whitehall v. Whitehall	490
		Whitehouse v. Fellows	363
		Whitfield v. Le Despencer	363
		Wilkes v. Wood	237
		Williams's Case	206
W. (AN INFANT), <i>Re</i>	403	Williams v. Bagot	422, 424
Waddington v. Miah. <i>See</i> R. v. Miah		— v. State of New York	479
Walker v. Baird . . .	115, 126, 127, 128	Williamson v. Norris	68
Walsh's Case	56	Willis v. MacLachlan	150
Warren v. Smith. <i>See</i> Magdalen College Case		Winterbottom v. Lord Derby	440
Wason v. Walter	252, 255	Wise v. Dunning	270, 281
Weber, <i>ex p.</i>	119	Wood v. Wood	343, 346, 347
Weinberger v. Inglis	344, 346	Woodall, <i>ex p.</i>	298
Weller & Co. v. Foot and Mouth Disease Research Institute	366		
		X's PETITION OF RIGHT, <i>Re</i>	80, 82

CONTENTS

<i>Preface</i>	<i>Page</i> v
<i>Table of Cases</i>	xiii

1. PARLIAMENT

LEGISLATIVE SUPREMACY

Act of Parliament not subject to judicial review

<i>R. v. Jordan</i>	1
-----------------------------	---

<i>Pickin v. British Railways Board</i>	1
---	---

Implied repeal

<i>Ellen Street Estates Ltd. v. Minister of Health</i>	6
--	---

Parliament and the Union with Scotland

<i>MacCormick v. The Lord Advocate</i>	8
--	---

Parliament and taxation

<i>Bowles v. Bank of England</i>	12
--	----

<i>Attorney-General v. Wilts United Dairies</i>	14
---	----

Parliament and treaties

<i>Blackburn v. Attorney-General</i>	18
--	----

Parliament and international law

<i>Mortensen v. Peters</i>	21
------------------------------------	----

<i>Cheney v. Conn (Inspector of Taxes)</i>	26
--	----

Legislature of a sovereign state may be limited

<i>Harris v. Minister of the Interior</i>	29
---	----

Manner and form of legislation

<i>Attorney-General for New South Wales v. Trethowan</i>	32
--	----

PARLIAMENT AND THE EUROPEAN COMMUNITIES

<i>European Communities Act 1972</i>	37
--	----

Application of Community law	39
--------------------------------------	----

<i>E. Coomes (Holdings) Ltd. v. Shields</i>	39
---	----

PARLIAMENTARY PRIVILEGE

Nature of privilege: authorised publications

<i>Stockdale v. Hansard</i>	52
-------------------------------------	----

Power to commit for contempt

<i>Case of the Sheriffs of Middlesex</i>	59
--	----

Right to control proceedings

<i>Bradlaugh v. Gossett</i>	63
-------------------------------------	----

<i>R. v. Graham-Campbell and others, ex p. Herbert</i>	67
--	----

2. THE EXECUTIVE

PREROGATIVE SUBJECT TO THE LAW

No new prerogatives

<i>Case of Monopolies (Darey v. Allein)</i>	69
---	----

Legislation

<i>Case of Proclamations</i>	70
--------------------------------------	----

Administration of justice

<i>Prohibitions del Roy (Case of Prohibitions)</i>	71
--	----

Compensation for loss or damage

<i>Burmah Oil Co. Ltd. v. Lord Advocate</i>	72
---	----

PREROGATIVE IN RELATION TO ACT OF PARLIAMENT

Prerogative subject to Act of Parliament

<i>Attorney-General v. De Keyser's Royal Hotel Ltd.</i>	80
---	----

<i>Laker Airways v. Department of Trade</i>	87
---	----

Presumption that the Crown is not bound by Act of Parliament

<i>Bank voor Handel en Scheepvaart N.V. v. Administrator of Hungarian Property</i>	92
--	----

EXECUTIVE POWERS OF THE CROWN

Effect of contract on exercise of Crown's executive powers

<i>Commissioners of Crown Lands v. Page</i>	99
---	----

Deportation of non-patrial in the interests of national security

<i>R. v. Secretary of State for Home Affairs, ex p. Hosenball</i> ..	104
--	-----

Act of State

<i>Salaman v. Secretary of State for India</i>	110
--	-----

<i>Johnstone v. Pedlar</i>	114
------------------------------------	-----

<i>R. v. Bottrill, ex p. Kuechenmeister</i>	117
---	-----

<i>Nissan v. Attorney-General</i>	121
---	-----

Statutory emergency powers

<i>Liversidge v. Anderson and Another</i>	131
---	-----

3. ADMINISTRATION OF JUSTICE

PUBLICITY

<i>Scott (otherwise Morgan) and Another v. Scott</i>	142
--	-----

NO MAN A JUDGE IN HIS OWN CAUSE

<i>Dimes v. Grand Junction Canal</i>	146
--	-----

IMMUNITY OF PERSONS TAKING PART

Judge

<i>Sirros v. Moore</i>	147
--------------------------------	-----

Jury

<i>Bushell's Case</i>	154
-------------------------------	-----