

THE
MODERN ENGLISH
LEGAL SYSTEM

P. F. Smith and S. H. Bailey



THE MODERN ENGLISH LEGAL SYSTEM

by

P. F. SMITH, LL.B.,

*Senior Lecturer in Law at the
University of Nottingham*

and

S. H. BAILEY, LL.B.,

*Senior Lecturer in Law at the
University of Nottingham*

London
Sweet & Maxwell
1984

Published in 1984 by
Sweet & Maxwell Limited of
11, New Fetter Lane, London
Computerset by Promenade Graphics Limited, Cheltenham
Printed and bound in Great Britain by
Hazell Watson and Viney Limited

British Library Cataloguing in Publication Data

Smith, P.F.

The modern English legal system.

1. Law—England 2. Justice, Administration
of—England

I. Title II. Bailey, S.H.

344.207 KD660

ISBN 0-421-27180-9

ISBN 0-421-27190-6-Pbk

All rights reserved.

No part of this publication may be
reproduced or transmitted, in any form
or by any means, electronic, mechanical, photocopying,
recording or otherwise, or stored in any retrieval
system of any nature, without the written permission
of the copyright holder and the publisher, application
for which shall be made to the publisher.



P. F. SMITH & S. H. BAILEY

1984

THE MODERN ENGLISH
LEGAL SYSTEM

AUSTRALIA AND NEW ZEALAND

The Law Book Company Ltd.
Sydney : Melbourne : Perth

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 and Delhi
M.P.P. House
Bangalore

ISRAEL

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

MALAYSIA : SINGAPORE : BRUNEI

Malayan Law Journal (Pte.) Ltd.
Singapore

PAKISTAN

Pakistan Law House
Karachi

PREFACE

Courses which bear the title “English Legal System” frequently reflect the particular interests and idiosyncracies of their teachers: the subject is sufficiently wide-ranging to allow the content of any particular course to be individual. Our selection of material in this book is equally individual yet, we hope, sufficiently comprehensive to satisfy the needs of undergraduate students and others who may need to inform themselves about the legal system. One of our especial objectives has been the provision of a substantial number of bibliographical references so that the book may serve to stimulate interest and encourage further reading, as well as providing a source of information and reference.

We are particularly indebted to two colleagues at Nottingham who have each written a chapter to extend the range of the book into areas not always regarded as a natural part of English Legal System studies but which we consider to be of interest and significance in this context. Professor Alan Prichard has contributed the chapter on Remedies, and Diane Birch has contributed the chapter on Sentencing. We are grateful for their collaboration and scholarship.

In the course of producing this book we have received assistance from many people but we wish to record our particular thanks to Rod Edmunds, Nigel Gravells, Michael Gunn, Louisa Hardman, Philippa Hayes, Gavin Love, Alan Prichard, Mark Sterling and Louise Woodhead. They have variously undertaken research, read and commented upon manuscripts, scrutinised proofs and collectively provided correction, support and inspiration. In addition we are grateful to Christine Mason, Jan Goodman and Margaret Marchant for producing typescript from manuscript, often under considerable temporal pressure.

It is customary for authors to acknowledge support and assistance from their publishers. In our case it is no token gesture. All authors need publishers like ours, but not all publishers need authors like us! The patience and forbearance of our publishers has been a vital factor in the appearance of this book.

We have tried to state the law as at May 1, 1984, although there has been some opportunity to incorporate later developments in page proof.

NOTTINGHAM
September 1, 1984.

P. F. SMITH
S. H. BAILEY

ACKNOWLEDGMENTS

The Green Form, Key Card and accompanying notes reproduced in Chapter 9 at pp. 344–347 are included by kind permission of the Law Society.

The County Court forms reproduced in Chapter 11 at pp. 400–401, 403–404, 406–407 and 411 are reproduced by kind permission of the Lord Chancellor's Department.

The High Court forms included in Chapter 11 at pp. 417–420, 422–427 and 436–438 are reproduced by kind permission of the Solicitors' Law Stationery Society plc.

The forms reproduced in Chapter 12 at pp. 450–468 and 471–473 are reproduced by kind permission of Her Majesty's Stationery Office.

TABLE OF CASES

ACF Chemiefarma v. Commission (1970)	233	Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation (1948)	731, 744
Abadesa, The (No.2) (1968)	262	Athlumney, <i>Re</i> (1898)	203, 267
Abbott v. Philbin (1961)	303	Atkinson v. United States Government (1971)	703
Absence in Ireland, <i>An, Re</i> (1977)	230	Att.-Gen. v. British Broadcasting Corporation (1981)	77, 91
Addie (Robert) & Sons (Collieries) Ltd. v. Dumbreck (1929)	298	— v. Edison Telephone Co. (1880)	237
Addis v. Crocker (1961)	118	— v. Ernest Augustus (Prince) of Hanover (1957)	245, 246, 252, 258
Adler v. George (1964)	238, 248	— v. Fulham Corporation (1921) ..	743
Aello, The (1961)	297	— v. Great Eastern Railway Co. (1880)	743
Aglionby v. Cohen (1955)	661	— v. Hancock (1940)	268
Agricultural, Horticultural and Forestry Industry Training Board v. Aylesbury Mushrooms Ltd. (1972)	215, 745	— v. New Statesman and Nation Publishing Co. (1981)	614
Air-India v. Wiggins (1980)	202	— v. Vernazza (1960)	203, 728
Alexander v. Mackenzie (1947)	254	— <i>Ex rel</i> McWhirter v. Independent Broadcasting Authority (1973)	747
— v. Tredegar Iron and Coal Co. Ltd. (1944)	255	Att.-Gen. for Northern Ireland v. Gallagher (1963)	719
Allen v. Emmerson (1944)	255	Att.-Gen.'s References (Nos. 1 and 2 of 1979) (1980)	79, 717, 718
— v. Gulf Oil Refining Co. Ltd. (1981)	188	Australian Consolidated Press Ltd. v. Uren (Thomas) (1969)	300
— v. Thorn Electrical Industries Ltd. (1968)	266	B. (An Infant), <i>Re</i> (1958)	724
Amalgamated Society of Railway Servants v. Osborne (1910)	284	— v. B. (1978)	291, 293
American Cyanamid Co v. Ethicon Ltd. (1975)	657	— v. Gloucestershire County Council (1980)	703
Amministrazione delle Finanze dello Stato v. Simmenthal (1978)	224, 225	— v. W. (Wardship: Appeal) (1979)	732
Amsterdam Bulb BV v. Produktschap voor Siergewassen (1977)	222	Bailey v. Williamson (1873)	216
Anderson (W.B.) and Sons Ltd v. Rhodes (Liverpool) (1967)	302	Bain v. Thorne (1916)	216
Andrews v. Hopkinson (1957)	651	Baker v. Longhurst (E.) & Sons Ltd. (1933)	280
Anisimic Ltd. v. Foreign Compensation Commission (1969)	180, 266, 304, 305, 744	— v. Sims (1959)	306
Annicola Investments v. Minister of Housing and Local Government (1968)	204	— v. The Queen (1975)	281, 294, 300
Anns v. Merton London Borough Council (1978)	180, 303, 728	Balogh v. St. Albans Crown Court (1975)	600
— v. Walcroft Property Co. Ltd. <i>See</i> Anns v. Merton London Borough Council.		Bank of England v. Vagliano Brothers (1891)	260
Anton Piller K.G. v. Manufacturing Processes Ltd. (1976)	657	Barnard v. Gorman (1941)	248
Antrim's (Earl) Petition (1967)	205	Barras v. Aberdeen Fishing and Steam Trawling Co. Ltd. (1933)	259
Application des Gaz S.A. v. Falks Veritas (1974)	220	Barrington v. Lee (1972)	292
Ashbridge Investments Ltd. v. Minister of Housing and Local Government (1965)	741	Barrs v. Bethell (1982)	281
Assam Railways and Trading Co. Ltd. v. I.R.C. (1935)	260	Barwick v. English Joint Stock Bank (1866)	282, 283
		Bassett v. Bassett (1744)	257
		Bate's Case (1606) <i>see</i> Case of Impositions. Bate's Case.	

Bates v. Lord Hailsham of St. Marylebone (1972)	210	British Launderers' Research Association v. Hendon Borough Rating Authority (1949)	9,280
— v. State Bar of Arizona (1977)	109	British Railways Board v. Herrington (1972)	83, 180, 297, 298, 636
Beach v. Freeson (1972)	118	British South African Co. v. Companhia de Moçambique (1893)	299
Bebb v. Law Society (1914)	99, 204	Broadway Approvals Ltd. v. Odhams Press Ltd. (1965)	286
Becke v. Smith (1836)	243	Broekmevlen v. Committee for the Registration of General medical Practitioners (1981)	751
Becker v. Finanzamt Munster-Innenstadt (1982)	220, 222	Bromley London Borough Council v. Greater London Council (1983)	175, 180
Behrens v. Bertram Mills Circus Ltd. (1957)	283	Broome v. Cassell & Co. Ltd. (1971) ..	286
Belfast Corporation v. O.D. Cars Ltd. (1960)	266	Brown v. Edinburgh (Magistrates of) (1913)	205
Bell v. Lever Bros Ltd. (1932)	637	Brown (R.F.) & Co. Ltd. v. Harrison (T. & J.) (1927)	249
Bell's Indenture, <i>Re</i> , Bell v. Hickley (1980)	121	Brunner v. Greenslade (1971)	281
Benmax v. Austin Motor Co. Ltd. (1955)	730	Buchanan (James) & Co. Ltd. v. Babco Forwarding and Shipping (U.K.) Ltd. (1978)	261, 277
Bennett v. Tatton (1918)	204	Bulmer v. Bollinger (1974) ..	277, 752, 754, 757
Berkeley v. Berkeley (1946)	306	Burmah Oil Co. (Burma Trading) v. Lord Advocate (1965)	203
Berkeley (Earl of), <i>Re</i> , Borrer v. Berkeley (1945)	728	Bushell v. Secretary of State for the Environment (1981)	180
Beswick v. Beswick (1968) ..	259, 263, 266	Buttes Gas and Oil Co. v. Hammer (1982)	736
Bethell (Lord) v. S.A.B.E.N.A. (1983)	753, 755	Button v. D.P.P. (1966)	304
Biggs v. Commissioner of Police (1982)	216	C. <i>Re</i> An Infant (1937)	263
Birdi v. Secretary of State for Home Affairs (1975)	262	C.I.L.F.I.T. Srl v. Ministry of Health (1982)	754, 756
Birtwistle v. Tweedale (1954)	306	Callis v. Gunn (1964)	602
Black-Clawson International Ltd v. Papierwerke Waldhof-Aschaffenburg A.G. (1975)	240, 241, 251, 260, 261, 265	Campbell v. Paddington Corporation (1911)	654
Blackburn v. Att.-Gen. (1971) ..	228, 229, 718	Campbell College, Belfast (Governors) v. Commissioners of Valuation for Northern Ireland (1964)	257
Blyth v. Blyth (1966)	295	Candler v. Crane, Christmas & Co. (1951)	302
Boaler, <i>Re</i> (1915)	252	Cantliff v. Jenkins (1978)	292, 293
Bodhu v. Hampshire Area Health Authority (1982)	446	Carrington v. Therm-A-Stor Ltd. (1983)	249
Bonham's (Dr.) Case (1610)	207	Carter v. Butcher (1966)	106
Bonsignore (Angelo) Cologne v. Oberstadtdirektor of the city of Cologne (1975)	275	Case of Impositions: Bate's Case (1606)	184
Borker (Jules), <i>Re</i> (1980)	751	Case of Proclamations (1611)	184
Bourne v. Norwich Crematorium Ltd. (1967)	243, 255, 257	Case of Ship Money: R. v. Hampden (1637)	184
Bowles v. Bank of England (1913) ..	185	Cassell & Co. Ltd v. Broome (1972)	168, 287, 288, 294, 654, 735
Boyce v. Paddington Corporation (1903)	747	Castioni, <i>Re</i> (1891)	257
Boys v. Chaplin (1971)	83, 289, 301	Cathcart, <i>Re</i> , <i>ex p.</i> Campbell (1869)	259
Bracegirdle v. Oxley (1947)	704	Cathrineholm A/S v. Norequipment Trading Ltd. (1972)	289
Bradlaugh v. Clarke (1883)	81		
Breach v. Epsylon Industries Ltd. (1976)	286		
Bremer Vulkan Schiffbau und Maschinenfabrik v. South India Shipping Corporation (1981)	299		
British Broadcasting Corporation v. Johns (1965)	268		
British Car Auctions v. Wright (1972)	248		

Central Asbestos Ltd. v. Dodd (1973)	284	Corner v. Buckinghamshire County Council (1978)	137
Champion v. Maughan (1984)	259	Costa v. E.N.E.L. (1964)	224, 274, 751, 756
Chandler v. D.P.P. (1964)	253, 256	Cozens v. Brutus (1973)	9, 280
Chaplin v. Boys (1971)	284	Crake v. Supplementary Benefits Commission (1982)	553
— v. Hicks (1911)	652, 654	Crane v. D.P.P. (1921)	718
Chapman v. Earl (1968)	749	Crawcour v. Salter (1882)	724
Cheney v. Conn (1968)	207	Creed v. Fisher (1854)	540
Chertsey Urban District Council v. Mixnam's Properties Ltd. (1965)	266	Crown Agents for Overseas Govern- ments & Administration v. Lawal (1979)	446
Chic Fashions (West Wales) Ltd. v. Jones (1968)	180	Cullen v. Rogers (1982)	680
Chorlton v. Lings (1868)	204	Customs and Excise Commissioners v. A.P.S Samex (1983)	753, 755
Christie v. Davey (1893)	658		
Church of Scientology of California, <i>Exp.</i> (1978)	175	D. v. M. (Minor: Custody Appeal) (1983)	732
— v. Customs and Excise Com- missioners (1981)	753	Da Costa en Schaake NV v. Neder- landse Belasting-administratie (1963)	277, 300, 753
Cimenteries v. Commission (the Noordwijks Cement Accord Case) (1967)	232	Dallison v. Caffery (1965)	508
City of London v. Wood (1701)	207	Dalton v. Angus (1881)	304
Clark v. Kirby-Smith (1964)	122	Davies v. Taylor (No.2) (1974)	394
Clarke-Hunt v. Newcombe (1983)	732	Davis v. Johnson (1979)	262, 263, 291-294, 301
Clay Cross (Quarry Services) Ltd. v. Fletcher (1979)	53, 561	Davy v. Spelthorne Borough Council (1983)	746
Clode v. Clode (1982)	732	Day v. Savadge (1614)	207
Coggs v. Bernard (1703)	304, 308	Dean v. Wiesengrund (1955)	256
Colchester Estates (Cardiff) v. Carl- ton Industries plc. (1984)	285	Defrenne v. Sabena (No. 2) (1976)	220, 272
Coleen Properties Ltd. v. Minister of Housing and local Government (1971)	741	de Lasala v. de Lasala (1980)	300
Collier v. Hicks (1831)	340	Denny v. Hancock (1870)	637
Colquhoun v. Brooks (1888)	256	Dering v. Uris (1964)	655
Combe v. Edwards (1877)	300	Derry v. Peek (1889)	651
Commission v. Belgium (1978)	233	Devenish v. P.D.I. Homes (Hythe) Ltd. (1959)	722
— v. — (1980)	220	Dick v. Burgh of Falkirk (1976)	297
— v. Council (E.R.T.A.) (1971)	232, 274	Dimes v. Grand Junction Canal Pro- prietors (1852)	174, 744
— v. France (1979)	87	D.P.P. v. Humphrys (1976)	590
— v. Germany (1973)	274	— v. Merriman (1973)	296, 304, 720
Commission for Racial Equality v. Ealing London Borough Council (1978)	434	— v. Schildkamp (1971)	252-254
Compagnie des Forges de Châtillon Commentry et Neuves Maison v. High Authority (1966)	223	— v. Shannon (1975)	710
Company, <i>Re</i> A. <i>see</i> Racial Communications Ltd., <i>Re</i>		— v. Smith (1961)	83
Congreve v. Home Office (1976)	181	— v. Stonehouse (1978)	605
— v. I.R.C. (1948)	297	— v. Woolmington (1935)	602
Connelly v. D.P.P. (1964)	300, 589, 590	Distillers Co. (Biochemicals) Ltd. v. Times Newspapers (1975)	91
Conway v. Hotten (1976)	602	Dixon v. British Broadcasting Cor- poration (1979)	289
— v. Rimmer (1968)	297	Doe <i>d. Bennett</i> v. Hale (1850)	96
Cooke v. Head (1972)	317	Donaghey v. Boulton and Paul Ltd. (1968)	729
Cooper v. Phibbs (1867)	637	— v. O'Brien & Co. (1966)	729
Coral Squash Clubs Ltd. v. Matthews (1979)	556, 558	Donoghue v. Stevenson (1932)	302
Cordell v. Second Clanfield Properties Ltd. (1969)	303	Doughty v. Turner Manufacturing Co. Ltd. (1964)	303

Dowling, <i>Re. see</i> R. v. Deputy Industrial Injuries Commissioner, <i>ex p. Amalgamated Engineering Union, Re Dowling.</i>		Fielding v. Morley Corporation (1899)	251
Draper (C.E.B.) & Son Ltd. v. Turner (Edward) & Son Ltd. (1965)	202	Firth, <i>ex p.</i> , <i>Re</i> Cowburn (1882)	729
Drapers Company v. Hodder (1892) ..	703	Fisher v. Bell (1961)	248, 267
Drover v. Rugman (1951)	702	— v. Raven (1964)	251
Dudgeon v. United Kingdom (1981) ..	91	— v. Ruislip-Northwood Urban District Council (1945)	289
Duncan v. Jones (1936)	705	Fitzleet Estates Ltd. v. Cherry (1977)	299
Duport Steels Ltd. v. Sirs (1980) ..	181, 207	Fitzsimmons v. Ford Motor Co. (1946)	290
Dyson Holdings Ltd. v. Fox (1976)	237	Foglia v. Novello (No. 1) (1980)	752
E.M.I. Records Ltd. v. Wallace (Ian Cameron) (1983)	363	— v. — (No. 2) (1981)	751, 752
Ealing London Borough v. Race Relations Board (1972)	247	Ford v. Blurton (1922)	534, 539
Eastman Photographic Materials Co. Ltd. v. Comptroller General of Patents, Designs and Trade Marks (1898)	260	Forster v. Pugh (1955)	656
Edinburgh and Dalkeith Railway v. Wauchope (1842)	207	Fothergill v. Monarch Airlines Ltd. (1980)	261, 262
Edward's Will Trusts, <i>Re</i> , Edwards v. Edwards (1982)	732	France v. United Kingdom (1979)	87
Edwards v. Bairstow (1956)	10	Froom v. Butcher (1976)	285, 701
Egerton v. Brownlow (1853)	177	Fullam v. Newcastle Chronicle and Journal (1977)	434
Elderton v. United Kingdom Totalisator Co. Ltd. (1945)	286	Gall, <i>Re</i> (1975)	221
Ellerman Lines v. Murray (1931) ..	262, 270	Gallie v. Lee (1969)	292, 301
Elliot v. Brighton Borough Council (1980)	749	— v. — (No. 2) (1971)	394
Engineers' and Managers' Association v. ACAS (1979)	108	Gardner v. Moore (1984)	247
Erebus Royal Commission, <i>Re</i> (No. 2) (1981)	173	Garland v. British Rail Engineering Ltd. (1983)	227, 755
Eridania v. Commission (1969)	234	Gelberg v. Miller (1961)	705, 720
Esso Petroleum Co. Ltd. v. Mardon (1976)	282, 289	Germany v. Commission (1963)	233
— v. Southport Corporation (1956)	540	Ghani v. Jones (1970)	180, 308
Ettenfield v. Ettenfield (1939)	286	Gibson v. Ryan (1968)	251
Europemballage Corporation & Continental Can Co. Inc. v. Commission (1973)	233, 274	Glasgow Corporation v. Central Land Board (1956)	300
Evans v. Bartlam (1937)	731, 734	Goddard v. Smith (1704)	481
F. (A Minor), <i>Re</i> (Wardship: Appeal) (1976)	732	Godden v. Hales (1686)	185
Farrell v. Alexander (1977)	259, 293, 305	Gohoho v. Lintas Export Advertising Services Ltd. (1964)	587
— v. Secretary of State for Defence (1980)	434	Golder v. United Kingdom (1975)	91
Fatuma Binti Mohamed Bin Salim Bakhshuwien v. Mohamed Bin Salim Bakhshuwien (1952)	300	Goodrich v. Paisner (1957)	305
Federal Steam Navigation Co. Ltd. v. Department of Trade and Industry (1974)	244, 248, 249	Gouriet v. Union of Post Office Workers (1978)	482, 747
Felixstowe Dock and Railway Co. and European Ferries v. British Transport Docks Board (1976)	228	Grad (Franz) v. Finanzamt Traunstein (1970)	220
Ferguson v. The Queen (1979)	602	Green v. Hoyle (1976)	106
		Greenlands Ltd. v. Wilmshurst (1913)	304
		Grey v. Pearson (1857)	243
		Groom v. Crocker (1939)	122, 289
		Hadmor Productions v. Hamilton (1983)	263
		Hagen v. Fratell: Moretti (D. & G.) S.N.C. and Molnar Machinery (1980)	756
		Haley v. London Electricity Board (1965)	302
		Hanlon v. Law Society, The (1981)	254, 260, 393
		Hanning v. Maitland (No. 2) (1970)	283, 292, 394

Hanson v. Church Commissioners for England (1978)	175	Iannelli v. Meronia; Steinike and Weinlig v. Germany (1977)	221, 222
Hardie & Lane v. Chilton (1928)	296	Incorporated Council of Law Reporting for England and Wales v. Att.-Gen. (1972)	308
Harling v. Eddy (1951)	306	Industrial Properties (Barton Hill) v. Associated Electrical Industries (1977)	288
Harper v. National Coal Board (Intended Action) (1974)	284	I.R.C. v. Aird's (Sir John) Settlement (Trustees of) (1984)	249
Harris v. D.P.P. (1952)	601	— v. Ayrshire Employers' Mutual Insurance Association (1946) ..	238, 250
— v. Quine (1869)	261	— v. Church Commissioners for England (1975)	735
Hart v. Emelkirk Ltd. (1983)	661	— v. Hinchy (1960)	250, 254
Hattersley and Sons v. Hodgson (G.) Ltd. (1905)	541	— v. National Federation of Self Employed and Small Businesses (1982)	746
Hauptzollamt Hamburg-Oberelbe v. Bollman (Paul G.) (1970)	222	Internationale Handelsgesellschaft GmbH v. Einfuhr-und Vorratsstelle für Getreide und Futtermittel (1970)	224, 276
Hawkins v. Bepey (1980)	478	Ireland v. United Kingdom (1978)	89
Heaton's Transport (St Helens) Co. v. T.G.W.U. (1973)	82, 83	Italian Minister for Finance v. Simmenthal (No. 2) (1978)	752
Hedley, Byrne & Co. Ltd. v. Heller & Partners Ltd. (1964) ..	121-123, 180, 282, 289, 302, 303, 651	Italy v. Council (1979)	233
Hemmings v. Stoke Poges Golf Club (1920)	641	— v. Council and Commission (1966)	233
Hespericles Hotels Ltd. v. Muftizade (1979)	299	Jackson v. Hall (1980)	238
Heydon's Case (1584)	241, 246, 247	— v. Horizon Holidays Ltd. (1975)	655
Heyman v. Darwins Ltd. (1942)	300	Jacobs v. London County Council (1950)	283
Hobbs v. London and South Western Railway Co. (1875)	655	Japanese Ball Bearings Cases (1979)	232
— v. Marlowe (1978)	410	Jarvis v. Swan's Tours Ltd. (1973)	655
Hodges v. Harland and Wolff Ltd. (1965)	537, 538	Jeffrey v. Black (1978)	602
Hoffman-La Roche A.G. v. Centrafarm, Vertriebsgesell Schaft Pharmazeutischer Erzeugnisse mbH (1977)	756	Jenkins v. I.R.C. (1944)	257
Holiday in Italy, <i>Re A</i> (1975)	756	Jenner v. Allen West & Co. Ltd. (1959)	248
Hollandia, <i>The</i> (1983)	261	Johnson v. Sargant (1918)	213, 214
Home Office v. Dorset Yacht Co. (1970)	180	Jones v. D.P.P. (1962)	719
Hontestroom (SS.) (Owners) v. Sagaporack (SS.) (Owners) (1927)	729	— v. Jones (1970)	123
Horsler v. Zorro (1975)	642	— v. National Coal Board (1957)	168, 541, 598, 733
Hotel and Catering Industry Training Board v. Automobile Proprietary Ltd. (1969)	216	— v. Nicks (1977)	147
Howard Marine and Dredging Co. Ltd. v. Ogden (A.) & Sons (Excavations Ltd. (1978)	282	— v. Robson (1901)	213
Huddersfield Police Authority v. Watson (1947)	285, 286	— v. Secretary of State for Social Services; Hudson v. Same (1972)	298, 299
Hulton (E.) & Co. v. Jones (1910)	287	— v. Smart (1784)	237, 242
Humblet v. Belgium (1960)	274	— v. Victoria Graving Dock Co. (1877)	724
Hurst v. Picture Theatres Ltd. (1915)	658	— v. Wrotham Park Settled Estates (1980)	247, 249
Huth v. Clarke (1890)	308	Joyce v. Yeomans (1981)	729
Hyam v. D.P.P. (1975)	721	Judd v. Minister of Pensions and National Insurance (1966)	551
I Congreso del Partido, <i>The</i> (1981)	294, 303	Junior Books Ltd. v. Veitchi Co. Ltd. (1983)	180
Ibrahim v. R. (1914)	602		
I.C.I. v. Commission (the Dyestuffs Case) (1972)	233		

Kaur (Surjit) v. Lord Advocate (1980)	277	M'Ar a v. Magistrates of Edinburgh (1931)	205
Kavanagh v. Chief Constable of Devon and Cornwall (1974)	705	Macarthys Ltd. v. Smith (1981)	228
Kenrick's Case (1826)	166	McCarey v. Associated Newspapers Ltd. (1965)	286
Kruse v. Johnson (1898)	216, 745	McEniff v. General Dental Council (1980)	84
Kurma, Son of Kaniu v. R. (1955)	602	McKenzie v. McKenzie (1971)	108, 340
Ladd v. Marshall (1954)	728	McLeod v. St. Aubyn (1899)	167
Laker Airways v. Department of Trade (1977)	180	McLorie v. Oxford (1982)	180
Lancaster v. Blackwell Colliery Co. (1919)	551	McLoughlin v. O'Brian (1983)	179, 180, 655
Lane v. Esdaile (1891)	736	MacManaway, Re (1951)	258
— v. Willis (1972)	286	Mahon v. Air New Zealand Ltd. (1983)	173
Langdale v. Danby (1982)	728	Maidstone Borough Council v. Mortimer (1980)	246
Launchbury v. Morgans (1973)	18, 376	Maizena GmbH v. Council (1980)	223
Lazarus Estates Ltd v. Beasley (1956)	722	Malone v. Metropolitan Police Commissioner (1979)	91, 180
Leach v. R. (1912)	266	Maltby v. Freeman (D.J.) & Co. (1978)	370
Lee v. Bude and Torrington Junction Railway Co. (1871)	207	Manchester Corporation v. Manchester Palace of Varieties Ltd. (1955)	30
Leedale v. Lewis (1982)	263	Mandla v. Dowell-Lee (1983)	263
Leeds Industrial Co-operative Society v. Slack (1924)	658	Manley v. Law Society, The (1981)	393
Le Scroog v. General Optical Council (1982)	84	Mapp v. Ohio (1961)	299
Lewis v. Averay (No. 2) (1973)	394	Marbury v. Madison (1803)	181
Lewisham London Borough Council v. Lewisham Juvenile Court JJ. (1980)	258	Mareva Compania Naviera S.A. v. International Bulk Carriers S.A. (1975)	657
Ley v. Hamilton (1935)	287	— v. — (1980)	657
Libman (Julius) v. General Medical Council (1972)	84	Marshall v. British Broadcasting Corporation (1979)	246
Lim Poh Choo v. Camden and Islington Area Health Authority (1980)	656	Martin v. O'Sullivan (1984)	207
Line v. Taylor (1862)	532	Matarazzo v. Kent Area Health Authority (1981)	397
Linkletter v. Walker (1965)	299	Maunsell v. Olins (1975)	244, 246, 248
Lloyd v. Grace, Smith & Co. (1912)	283	Maynard v. Osmond (1977)	217
Lockwood, Re, Atherton v. Brooke (1958)	250	— v. — (No. 2) (1979)	394
London & Clydeside Estates Ltd. v. Aberdeen District Council (1980)	745	Mecca, The (1968)	262
London and North-Eastern Railway v. Berriman (1946)	236, 243, 247, 267	Mechanical and General Inventions Co. Ltd. and Lehweß v. Austin and Austin Motor Co. (1935)	733
London County Council v. Central Land Board (1958)	257	Medical Expenses Incurred in France, Re (1977)	230
London Tramways v. London County Council (1898)	296	Meek v. Fleming (1961)	733
London Transport Executive v. Betts (1959)	305	Merchandise Transport Ltd. v. British Transport Commission (1962)	301
London Welsh Estates Ltd. v. Phillip (1931)	655	Meroni S.p.A. v. High Authority (1957)	233
Lonhro Ltd v. Shell Petroleum Co. Ltd. (No. 2) (1982)	236	Merry v. Persons Unknown (1974)	108
Luby v. Newcastle under Lyme Corporation (1965)	254	Methven and Musiolik v. Cow Industrial Polymers Ltd. (1980)	54, 561
Lütticke v. Commission (1966)	234	Metropolitan Film Studios Application, Re (1962)	266
Lyde v. Barnard (1836)	237	Metropolitan Properties Co. v. Lannon (1969)	745, 749
		Metropolitan Railway Co. v. Wright (1886)	733

Midland Bank Trust Co. Ltd v. Hett, Stubbs & Kemp (1979)	121, 289, 294	O'Brien v. Brabner (1885)	490
Miliangos v. Frank (George) (Textiles) Ltd. (1976)	283, 287, 288, 290, 291, 297, 299, 301, 542	O'Connell v. R. (1844)	81, 82
Miller v. Commission (No. 17/77) (1978)	218	Ogden Industries Pty. Ltd. v. Lucas (1970)	305
Miller (T.A.) Ltd. v. Minister of Housing and Local Government (1968)	555	O'Kelly v. Trusthouse Forte plc (1983)	54
Miller-Mead v. Minister of Housing and Local Government (1963)	282	Oldendorff (E.L.) & Co. G.m.b.H. v. Tradax Export S.A. (1974)	297
Ministry of Defence v. Jeremiah (1980)	283	O'Reilly v. Mackman (1983)	746
Miranda v. Arizona (1966)	299, 512	Orme v. Associated Newspapers Group (1982)	535, 536, 538
Mirehouse v. Rennell (1833)	279	Osenton (Charles) & Co. v. Johnson (1942)	731
Morelle v. Wakeling (1955)	288	Osgood v. Nelson (1872)	308
Morris v. Beardmore (1981)	636	Overseas Tankship (U.K.) Ltd. v. Morts Dock Engineering Co. Ltd (The Wagon Mound) (1961)	303
— v. Crown Office (1970)	286, 600	Padfield v. Minister of Agriculture, Fisheries and Food (1968)	180, 747
— v. Luton Corporation (1946)	280	Palmer v. Snow (1900)	255
Morson v. Netherlands; Jhanjan v. Netherlands (1982)	756	Paprika Ltd. v. Board of Trade (1944)	703
Mortensen v. Peters (1906)	207	Parkinson v. Parkinson (1939)	306
Moss (Henry) of London Ltd. v. Customs and Excise Commissioners (1981)	749	Parsons v. Davies (1983)	119
Mulholland v. Mitchell (1971)	728	Partridge v. Crittenden (1968)	248
Murphey v. Stone-Wallwork (Charlton) Ltd. (1969)	728	Payne v. Bradley (1962)	258
Mutual Life and Citizens' Assurance Co. Ltd. v. Evatt (1971)	282	— v. Harris (Lord) of Greenwich (1981)	692
Myers v. D.P.P. (1965)	179	Pearlman v. Keepers and Governors of Harrow School (1979)	722, 744
National Enterprises Ltd. v. Racial Communications Ltd. (1975)	281	Pedersen v. Camden London Borough Council (1981)	54
National Panasonic (U.K.) Ltd. v. Commission (1980)	273, 276	Pengelley v. Bell Punch Co. Ltd. (1964)	255
National Society for the Distribution of Electricity by Secondary Generators v. Gibbs (1900)	725	Penn-Texas Corporation v. Murat Anstalt (No. 2) (1964)	281
National Vulcan Engineering Insurance Group Ltd. v. Wade (1978)	561	Pepper v. Healey (1982)	412
Nederlandse Spoorwegen (1973)	751	Pickin v. British Railways Board (1974)	207
Nema, The (1980)	755	Pilkington v. I.R.C. (1964)	257
Newberry v. Simmonds (1961)	236	Piotrowska v. Piotrowski (1958)	733
Nkambule (Gideon) v. R. (1950)	300	Planmount Ltd. v. Republic of Zaire (1981)	294
Nold v. Commission (1974)	276	Plaumann & Co. v. Commission (1963)	232
Noor Mohamed v. R. (1949)	601	Polemis and Furness, Withy & Co. Ltd., <i>Re</i> (1921)	303
“Nordsee” Deutsche Hochseefischerie GmbH v. Reederei Mond Hochseefischerie Nordstern AG & Co. KG	751	Polydor and R.S.O. Records Inc. v. Harlequin Record Shops and Simons Records (1980)	753
Northern Ireland Trailers v. Preston Corporation (1972)	702	Port Line Ltd. v. Ben Line Steamers Ltd. (1958)	300
Norwhale, The (1975)	252	Portec (U.K.) Ltd v. Mogensen (1976)	286
Nothman v. Barnet London Borough (1978)	247	Post Office v. Estuary Radio Ltd. (1968)	202, 262
Nowotnik v. Nowotnik (1967)	394	Postlethwaite v. Katz (1943)	204
O. (Infants), <i>Re</i> (Wardship: Appeal) (1971)	732	Powell v. Streatham Manor Nursing Home (1935)	729
		Practice Direction (1970)	615, 616
		— (1976)	626, 630

Practice Direction (1979)	408	Practice Note (Form of Oath) (1957) ..	608
— (1981)	67	— (Justices' Clerks) (1953)	145
— (1981)	580	— (Justices' Clerks) (1954)	146
— (1982)	508	— (Legal Aid: Preparation for Proceedings: Supplementary Arrangements) (1974)	707
— (1983)	499	Practice Statement (1979)	72
— (Arbitration) (1973)	410	— (Judicial Precedent) (1966)	297
— (Chancery Chambers) (1982)	71	Preston v. Preston (1982)	732
— (Chancery: Proceedings Outside London) (1984)	71	Procedure Direction (1974)	307
— (Crime: Crown Court Business) (1971)	67, 504	Property and Reversionary Investment Corporation Ltd. v. Secretary of State for the Environment (1975)	369
— (Crime: Crown Court Business (No. 2) (1971)	67	— v. Templar (1977)	728
— (Crime: Majority Verdicts) (1967)	615	Prophet v. Platt Brothers & Co. Ltd. (1961)	248
— (Crown Court) (1973)	67	Pubblico Ministero v. Ratti (1979)	220-222
— (Crown Court: disallowing costs: where ordered to be paid out of central funds) (1977)	482	Qualcast (Wolverhampton) Ltd. v. Haynes (1959)	10, 280
— (Crown Court: Solicitors Right of Audience) (1972)	107	Quazi v. Quazi (1980)	255
— (Crown Courts: Business) (1978)	67, 504	Quinn v. Leatham (1901)	282
— (Divorce Towns: Defended Causes) (1971)	73	R. v. Adams (1980)	238
— (High Court: Divisions) (1973) ..	70	— v. Aitken (1966)	714
— (House of Lords: Costs: Security) (1981)	736	— v. Allen (1872)	251
— (House of Lords: Petitions) (1970)	736	— v. Altrincham JJ., <i>ex p.</i> Pennington (1975)	142
— (Judges: Modes of Address) (1982)	153	— v. Ambler and Hargreaves (1976)	687
— (Juries: Length of Trial) (1981)	536, 540	— v. Anderson (1972)	605
— (Jurors: Excusal from service) (1973)	608, 611	— v. — (1978)	671
— (Justices: Clerk to Court) (1981)	145	— v. Angel (1968)	718
— (Plea of Guilty: Statement of Facts) (1968)	668	— v. Angeli (1979)	295
— (Proceedings outside London) (1972)	71	— v. Annesley (1975)	672
— (Proceedings outside London) (No. 2) (1973)	71	— v. Aquarius (1974)	600
— (Rehabilitation of Offenders Act 1974: Implementation: Reference to Spent Convictions During Trial) (1975)	668	— v. Aubrey-Fletcher, <i>ex p.</i> Thompson (1969)	679
— (Sentence: Deferred Sentence: Further Offence: Passing of Sentence on Original Offence) (1974)	67	— v. Ayres (1984)	238, 247
— (Solicitors: Right of Audience) (1972)	108	— v. Bainbridge (1979)	681
Practice Note (1962)	579	— v. Baker (1912)	718
— (Appeal: Documents) (1983)	726	— v. Banks (1916)	592
— (Court of Appeal: New Procedure) (1982)	80, 725, 726	— v. Barnet London Borough Council, <i>ex p.</i> Nilish Shah (1983) ..	247
— (Court of Appeal: Skeleton Arguments) (1983)	81, 726	— v. Barnsley Justices (1960)	142
— (Crown Court: Bail pending appeal) (1983)	498	— v. Barnsley Metropolitan Borough Council, <i>ex p.</i> Hook (1976)	276
		— v. Barry (1975)	616
		— v. Barry JJ., <i>ex p.</i> Nagi Kasim (1953)	145
		— v. Batchelor (1952)	671
		— v. Bates (1952)	251
		— v. Bathurst (1968)	606
		— v. Battle Justices, <i>ex p.</i> Shepherd (1983)	666, 749
		— v. Bayley and Easterbrook (1980)	718
		— v. Beard (Graham) (1974)	250
		— v. Bennett (1968)	715

TABLE OF CASES

xxi

R. v. Beresford (1971)	708	R. v. Criminal Injuries Compensation Board, <i>ex p.</i> Lain (1967)	742
— v. Berry (1897)	587	— v. Cronin (1940)	718
— v. Bibi (1980)	689, 690, 694	— v. Cunningham (1982)	298
— v. Bingham JJ., <i>ex p.</i> Jowitt (1974)	142, 143	— v. Dacorum Gaming Licensing Committee (1971)	745
— v. Binns (1982)	600, 612	— v. Danvers (1982)	613
— v. Bloxham (1983)	267	— v. Davis	627
— v. Bouchereau (1977)	275	— v. — (1960)	614
— v. Bourne (1939)	285	— v. Deery (1977)	262
— v. Bow Road JJ. (Domestic Proceedings Court), <i>ex p.</i> Adedigba (1968)	259, 305	— v. De Haan (1968)	627
— v. Bowden and Begley (1983)	714	— v. De Haan (1968)	627
— v. Boyle (1954)	587, 588	— v. Denyer (1926)	296
— v. Bracewell (1978)	710	— v. Deputy Industrial Injuries Commissioner, <i>ex p.</i> Amalgamated Engineering Union, <i>Re</i> Dowling (1967)	298, 299
— v. Bradbury (1920)	604	— v. — <i>ex p.</i> Moore (1965)	546, 555, 557
— v. Brandon (1969)	671	— v. Ditch (1969)	709
— v. Britzmann (1983)	598	— v. Duncalf (1979)	238
— v. Brixton Prison Governor, <i>ex p.</i> Bidwell (1937)	500	— v. Durham Quarter Sessions, <i>ex p.</i> Virgo (1952)	702
— v. — <i>ex p.</i> De Demko (1959) ..	259	— v. Dyson (1908)	589
— v. — <i>ex p.</i> Naranjan Singh (1962)	254	— v. East Kerrier JJ., <i>ex p.</i> Mundy (1952)	144
— v. Broad (1979)	628	— v. Edwards (1983)	597
— v. Broderick (1970)	612	— v. Edworthy (1961)	168
— v. Cain (1976)	626, 630	— v. Ekwuyasi (1981)	668
— v. Caldwell (1982)	267, 721	— v. Ellis (1973)	587
— v. Campbell (1981)	707	— v. Epping and Harlow Justices, <i>ex p.</i> Massaro (1973)	524
— v. Casement (1917)	206, 257, 612	— v. Ewing (1983)	295
— v. Chadbund (1983)	688	— v. Feely (1973)	10, 603
— v. Chard (1984)	259, 716	— v. Ferguson (1970)	605
— v. Chief Immigration Officer, <i>ex p.</i> Salamat Bibi (1976)	262	— v. Flynn (1963)	601
— v. Chief National Insurance Commissioner, <i>ex p.</i> Connor (1981)	264	— v. Foster (1984)	709, 757
— v. City of London, etc. Rent Tribunal, <i>ex p.</i> Honig (1951)	743	— v. Freeman (1970)	305
— v. Clarke (1982)	694	— v. Galbraith (1981)	606
— v. Cleworth (1864)	255	— v. Gardiner (1967)	698
— v. Cocks (1976)	597	— v. Gash (1967)	719
— v. Coe (1968)	489, 504	— v. Gateshead Justices, <i>ex p.</i> Tesco Stores Ltd. (1981)	144
— v. Collins (1947)	578	— v. Ghosh (1982)	10, 603, 622
— v. Collister and Warhurst (1955)	508	— v. Golathan (1915)	719
— v. Colyer (1974)	285	— v. Goodson (1975)	614
— v. Commission for Racial Equality, <i>ex p.</i> Cottrell and Rothern (1980)	555, 745	— v. Gould (1968)	295, 296
— v. Comptroller of Patents (1899)	481	— v. Gowerton Justices, <i>ex p.</i> Davies (1974)	578
— v. Consett Justices, <i>ex p.</i> Postal Bingo Ltd. (1967)	145, 146	— v. Gray (1900)	167
— v. Conway (1979)	709	— v. Greater London Council, <i>ex p.</i> Burgess (1978)	262
— v. Cook (1959)	598, 601, 710	— v. Grice (1977)	626
— v. Cooper (1969)	710	— v. Guildford Justices, <i>ex p.</i> Harding (1981)	146
— v. Cooper and McMahon (1975)	711, 717, 720	— v. Gumbs (1926)	664
— v. Corr (1970)	295	— v. Gurney (1974)	673
— v. Coughlan and Young (1976)	589	— v. Hambery (1977)	613
— v. Coward (1980)	628	— v. Hampden (1637) <i>see</i> Case of Ship Money: R. v. Hampden.	
		— v. Hancock (1931)	719
		— v. Hare (1934)	253

R. v. Harlow Justices, <i>ex p.</i> Galway (1975)	489	R. v. — (1975)	720
— v. Harper (1968)	627	— v. Jordan (1977)	237
— v. Harris (1836)	242, 267	— v. Judd (1971)	367
— v. Harrison (1909)	687	— v. Judge of the City of London Court (1892)	244
— v. Harz (1967)	79	— v. Khan (Sutton Ashrof) (1982)	250
— v. Hayden (1975)	714	— v. Knightsbridge Crown Court, <i>exp.</i> Newton (1980)	493
— v. Hazeltine (1967)	588	— v. Knuller (1973)	298
— v. Head (1958)	79	— v. Lamb (1974)	614
— v. Henn and Darby (1981) ..	277, 753, 755, 756	— v. Langham (1972)	168
— v. Heron (1982)	259	— v. Lattimore (1975)	708
— v. Hier (1976)	367	— v. Lawrence (1982)	602, 604
— v. Hillingdon London Borough Council, <i>ex p.</i> Royce Homes Ltd. (1974)	748	— v. Lee (Bruce) (1984)	706, 709
— v. Hircock (1970)	168	— v. Lee Kun (1916)	587
— v. Hobson (1942)	671	— v. Leeds Justices, <i>ex p.</i> Sykes (1983)	506
— v. Holmes, <i>ex p.</i> Sherman (1981)	491	— v. Legal Aid Committee No. 1 (London) Legal Aid Area, <i>ex p.</i> Rondel (1967)	372
— v. Home Secretary, <i>ex p.</i> Zamir. <i>see</i> R. v. Secretary of State for the Home Department, <i>ex p.</i> Zamir		— v. Leggett (1969)	709
— v. Hoof (1980)	697	— v. Lemon; R. v. Gay News (1979)	482
— v. Horseferry Road JJ., <i>ex p.</i> Farooki (1982)	146	— v. Lemsatef (1977)	602
— v. Horsham Justices, <i>ex p.</i> Farquharson and West Sussex County Times (1982)	506	— v. Leyland Justices, <i>ex p.</i> Hawthorn (1979)	508
— v. Houghton and Franciosy (1978)	491	— v. Liverpool City Justices, <i>ex p.</i> Topping (1983)	142
— v. Howes (1950)	508	— v. Llewellyn-Jones (1967)	174
— v. Hudson (1980)	491	— v. Local Commissioner for Administration for the North and East Area of England, <i>ex p.</i> Bradford Metropolitan City Council (1979)	263
— v. Hull Prison Board of Visitors, <i>ex p.</i> St. Germain (No. 2) (1979)	551, 55-559	— v. Logan (1974)	600
— v. Huntingdon Crown Court, <i>ex p.</i> Jordan (1981)	702	— v. Lymm Justices, <i>ex p.</i> Brown (1973)	489
— v. Hussey (Note) (1977)	79	— v. Lytham Justices, <i>ex p.</i> Carter (1975)	367
— v. Hyam <i>see</i> Hyam v. D.P.P.		— v. McCartan (1958)	716
— v. Immigration Appeals Tribunal <i>ex p.</i> Joyles (1972)	211	— v. McCauliffe (1982)	689
— v. Industrial Injuries Commissioner, <i>ex p.</i> Amalgamated Engineering Union (No. 2) (1966)	236, 280	— v. McFadden (1976)	595, 600
— v. Ingle (1974)	672	— v. McGee and Cassidy (1980) ..	598
— v. Inniss (1971)	612	— v. McKenna (1960)	168
— v. Inns (1975)	629	— v. McMahon (1978)	711, 716
— v. Ipswich Crown Court, <i>ex p.</i> Baldwin (1981)	749	— v. Malcherek and Steel (1981) ..	491
— v. — <i>ex p.</i> Reddington (1981)	493	— v. Manchester Stipendiary Magistrate, <i>ex p.</i> Hill (1983)	144
— v. Islington North Juvenile Court, <i>ex p.</i> Daley (1982)	487	— v. Markus (1976)	584
— v. Ithell (1969)	694	— v. Markwick (1953)	676
— v. Jackson (1953)	594	— v. Mason (1924)	604
— v. Jameson (1896)	202	— v. — (1980)	611
— v. Jamieson (1975)	627	— v. Maylam (1970)	295
— v. Jenkins (1983)	296	— v. Medical Appeal Tribunal, <i>ex p.</i> Gilmore (1957)	266
— v. Jones (1924)	598	— v. Melville (1976)	708
— v. — (No. 2) (1972)	587	— v. Merriman <i>see</i> D.P.P. v. Merriman.	
		— v. Metropolitan Police Commissioner, <i>ex p.</i> Blackburn (No 1) (1968)	483, 486, 524