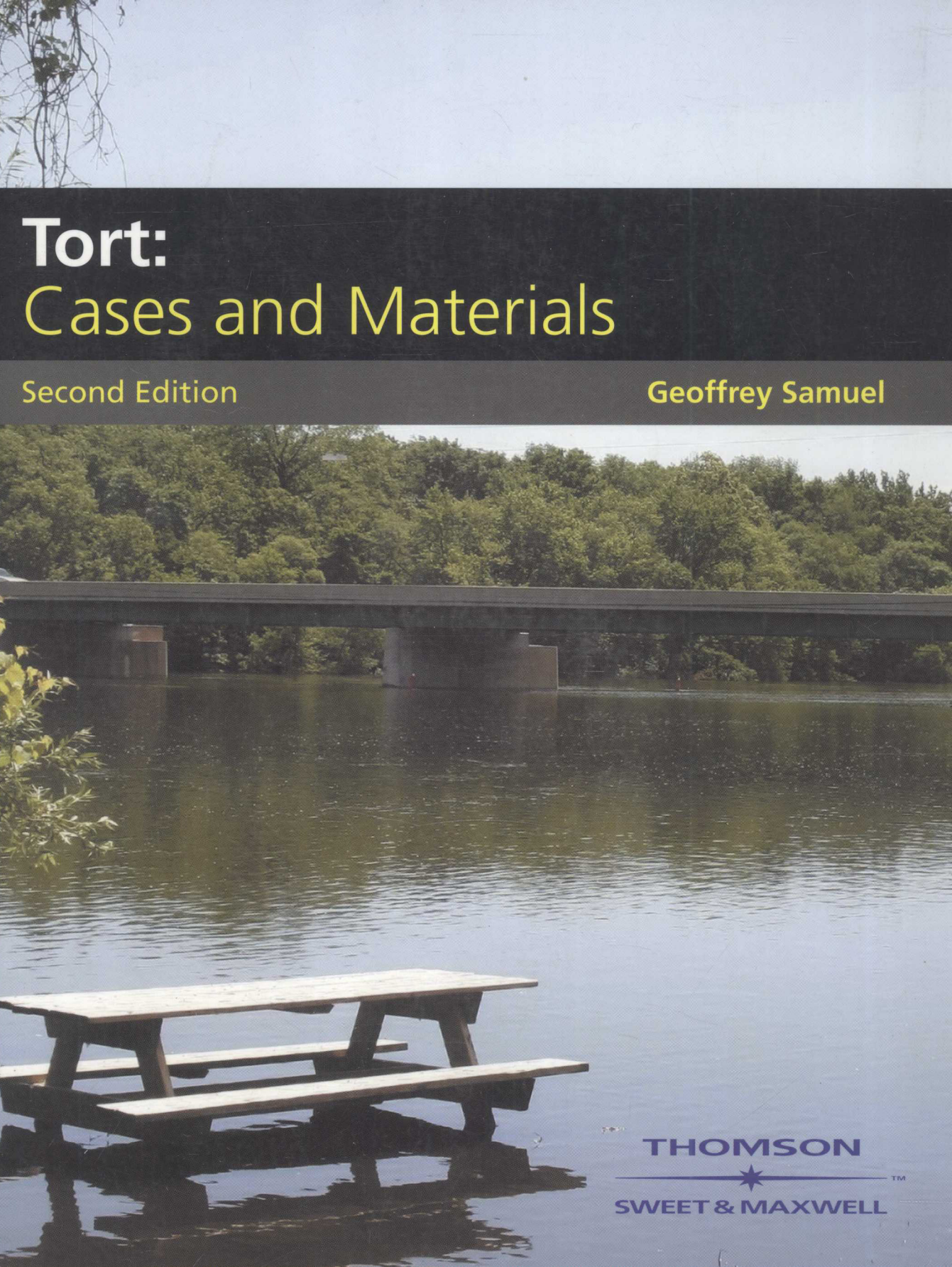




Tort: Cases and Materials

Second Edition

Geoffrey Samuel

THOMSON
★
SWEET & MAXWELL™

TORT: CASES AND MATERIALS

SECOND EDITION

By

GEOFFREY SAMUEL

LONDON
SWEET & MAXWELL
2008

First edition, *Cases and Materials on Torts* by Geoffrey Samuel,
published 2006 by Law Matters Publishing.
Second edition 2008

Published in 2008 by
Sweet & Maxwell Limited of 100 Avenue Road,
<http://www.sweetandmaxwell.co.uk>
Typeset by LBJ Typesetting Ltd of Kingsclere
Printed and bound in Great Britain by
Ashford Colour Press Ltd, Gosport, Hants

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

British Library Cataloguing in Publication Data

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

ISBN 978-184703-448-9

All rights reserved. Crown Copyright material is reproduced with the permission of the
Controller of the HMSO and the Queen's Printer for Scotland.

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 license issued by the Copyright Licensing Agency in respect of photocopying and/
or reprographic 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 acknowledgment of author, publisher and source must be given.

The Thomson trademark and Star Design are trademarks of Thomson Financial S.A. used
herein under licence

©
Sweet & Maxwell
2008

TORT: CASES AND MATERIALS

AUSTRALIA
Law Book Co.
Sydney

CANADA AND USA
Carswell
Toronto

HONG KONG
Sweet & Maxwell Asia

NEW ZEALAND
Brookers
Wellington

SINGAPORE and MALAYSIA
Sweet & Maxwell Asia
Singapore and Kuala Lumpur

DEDICATION

This book is dedicated to my sister, and to her courage and humour, whose life would have been devastated had it not been for the devotion of our parents and the great skill of Sir Alexander Fleming

PREFACE TO THE SECOND EDITION

This casebook is an updated edition of the one that I published in 2006 with LawMatters. The purpose of this book is to provide a relatively solid introduction to the main areas of undergraduate tort law through the words of a range of those who are responsible for the modern development of the subject. Such an introductory sourcebook should be valuable when used alongside tort lectures, but it ought not to replace the library (or Internet) research which, of course, remains the essential foundation for success in the subject. It will, then, hopefully act as a stimulating *passerelle* between classroom and library source material. If any specific characteristics are to be associated with this sourcebook, perhaps (as with my *Contract Law: Cases and Materials*, Sweet & Maxwell, 2007), the European orientation and the emphasis on method might be the ones to gain attention. They have been my guides.

In the Preface of my contract casebook I record my thanks to a number of friends and colleagues and to my wife. I would like to extend that paragraph to the present casebook. In addition I would like to thank Bernard Rudden who has provided me with stimulating comments and criticisms with regard both to the first edition of this book and to my contract casebook (which hopefully will complement and interrelate with this new edition). Finally I must sincerely thank not just Sweet & Maxwell for agreeing to take on and publish this second edition but equally the firm's editorial team. They have been most supportive and helpful.

The book is dedicated to my sister and, through her, to the late Sir Alexander Fleming and to the artist Ethel Gabain. In 1944 Sir Alexander Fleming took on Gillian as a test patient for a new drug that he was developing; penicillin saved her leg and the lives and limbs of millions of others. While undergoing treatment my sister was the subject of a painting by Ethel Gabain, then working as a government war artist, and the picture is entitled *A Child Bomb-Victim Receiving Penicillin Treatment* (1944). What makes the painting relevant for this present book is that Gillian was not in fact the victim of a bomb but of a traffic accident. The painting, which was rediscovered by us only a few years ago, can be seen at the Imperial War Museum (London).

Geoffrey Samuel
Kent Law School
May 2008

ABBREVIATIONS

AC	Appeal cases (Third Series)
AJCL	American Journal of Comparative Law
All ER	All England Law Reports (Butterworths & Co)
App Cas	Appeal Cases (Second Series)
BGB	Bürgerliches Gesetzbuch (German Civil Code)
C	Code of Justinian
CA	Court of Appeal
C&MC	G Samuel, <i>Contract: Cases and Materials</i> (Sweet & Maxwell, 2007)
CC	Code civil (French Civil Code)
Ch	Chancery Division (Third Series)
Ch D	Chancery Division (Second Series); Chancery Division (High Court)
CLJ	Cambridge Law Journal
CLP	Current Legal problems
CLR	Commonwealth Law Reports
D	Dalloz (also Digest of Justinian)
EHRR	European Human Rights Reports
ER	English Reports
Ex Ch	Court of Exchequer Chamber
FLR	Family Law Reports
G	Institutes of Gaius
HL	House of Lords
ICLQ	International and Comparative Law Quarterly
IECL	International Encyclopedia of Comparative Law
J	Institutes of Justinian/Justice (High Court)
JCP	Jurisclasseur periodique (La Semaine Juridique)
KB	King's Bench (Third Series)
LC	Lord Chancellor
LJ	Lord Justice (Court of Appeal)
LJCP	Law Journal Common Pleas
LJ Ex	Law Journal Exchequer
LJQB	Law Journal Queen's Bench
Ll Rep	Lloyd's List Law Reports
LQR	Law Quarterly Review
LR. . .CP	Common Pleas Cases (First Series)
LR. . .Eq	Equity Cases (First Series)
LR. . .Ex	Exchequer Cases (First Series)
LR. . .HL	English and Irish Appeals (First Series)
LR. . .QB	Queen's Bench Cases (First Series)
LS	Legal Studies
LT	Law Times Reports
MLR	Modern Law Review

ABBREVIATIONS

NILQ	Northern Ireland Legal Quarterly
OJLS	Oxford Journal of Legal Studies
OUP	Oxford University Press
P	Probate Division (Third Series)
PC	Privy Council
PECL	Principles of European Contract Law
PETL	Principles of European Tort Law
PL	Public Law
QB	Queen's Bench (Third Series)
QBD	Queen's Bench (Second Series); Queen's Bench Division (High Court)
UC&TO	G Samuel, <i>Understanding Contractual and Tortious Obligations</i> (LawMatters, 2005)
WLR	Weekly Law Reports

ACKNOWLEDGMENTS

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

- Birks, Peter: "Equity in the Modern Law: An Exercise in Taxonomy", 26 *The University of Western Australia Law Review* 1, (1996) pp.5–6.
- Cane, Peter: *The Anatomy of Tort Law* (Hart Publishing, 1997), p.1. Reproduced by permission of Hart Publishing.
- Cane, Peter: *Tort Law and Economic Interests* (2nd edn, Oxford University Press, 1996), pp.3–5, 427–429. Reproduced by permission of Oxford University Press.
- Conaghan, Joanne & Mansell, Wade: *The Wrongs of Tort* (2nd edn, Pluto Press, 1999), p.3. Reproduced by permission of Pluto Press.
- Demichel, Andre & Lalumiere, Pierre: *Le Droit Public* (7th edn, Presses Universitaires de France, 1996) pp.6–11. Reproduced by permission of Presses Universitaires de France.
- Fleming, John G.: *An Introduction to the Law of Torts* (2nd edn, Oxford University Press, 1986), p.1. Reproduced by permission of Oxford University Press.
- Honore, A.M.: "Causation and Remoteness of Damage", *International Encyclopedia of Comparative Law Volumes* (Brill NV, 1971), Vol. XI, Ch. 7. Reproduced by permission of Brill NV.
- Ibbetson, David: *A Historical Introduction to the Law of Obligations* (Oxford University Press, 1999), p.159. Reproduced by permission of Oxford University Press.
- Jones, Michael A.: *Textbook on Torts* (Oxford University Press, 2002), pp.20–21. Reproduced by permission of Oxford University Press.
- Jolowicz, J.A.: "Liability for Accidents", *Cambridge Law Journal* 50, p.50.
- Justinian I: *The Digest of Justinian* (Cambridge University Press, 1904), Vol.1. Reproduced by permission of Cambridge University Press.
- Lewis, Richard: "Insurance and the Tort System", *Legal Studies* 2005, Vol. 25, 85 pp. 86, 89, 116.
- Moreau, Jacques: *La Responsabilite administrative* (Presses Universitaires de France, 1996) pp.108–110. Reproduced by permission of Presses Universitaires de France.
- Rudden, Bernard: *The Battle of Manywells Spring* (London Review of Books, 2003), p.24. Reproduced by permission of the London Review of Books.
- Samuel, Geoffrey: *Understanding Contractual and Tortious Obligations* (Law Matters, 2008) pp.98–104. Reproduced by permission of Law Matters.
- Samuel, Geoffrey: "Notion of an Interest as a Formal Concept in English and in Comparative Law" originally appeared in Guy Canivet, Mads Andenas and Duncan Fairgrieve (eds) *Comparative Law Before the Courts* (London, BIICL 2004), and is reprinted with the permission of the British Institute of International and Comparative Law.
- Stone, Ferdinand: "Liability for Damage caused by things" in *International Encyclopedia of Comparative Law Volumes* (Brill NV, 1983), Vol.XI Chapter 5, pp.5–6 and 5–19. Reproduced by permission of Brill NV.
- Tunc, Andre: "Introduction" in *International Encyclopedia of Comparative Law Volumes*, (Brill NV, 1983), Vol.XI p.6. Reproduced by permission of Brill NV.

- Von Bar, Christian: *Common European Law of Torts*, Vol.II (Oxford University Press, 2000), pp.4, 6–7. Reproduced by permission of Oxford University Press.
- Waddams, Stephen: *Dimensions of Private Law* (Cambridge University Press, 2003), pp.12–14, 222–223, 231 and 233. Reproduced by permission of Cambridge University Press.
- Wainwright v United Kingdom* (2006) © The Times/Ni Syndication
- Weir, Tony.: *Introduction to Tort Law* (2nd edn, Oxford University Press, 2006), p.ix. Reproduced by permission of Oxford University Press.
- Weir, Tony.: “Recent Developments in Causation in English Tort Law” in B. Fauvarque-Cosson, E. Picard & A. Voinnesson (eds) *De tous horizons: Melanges Xavier Blanc Jouvan* (Societe de Legislation Comparee, 2005), pp.883, 890.
- Weir, Tony.: “Governmental Liability” in *Public Law* 40 [1989], pp.62–63.
- Weir, Tony.: *A Casebook on Tort* (10th edn, Sweet & Maxwell, 2004), p.6.
- Winfield, Sir Percy Henry: *The Province of the Law of Tort* (Cambridge University Press, 1931), pp.32, 229 and 231. Reproduced by permission of Cambridge University Press.

Grateful acknowledgment is made to The European Group on Tort Law for permission to quote from their work. Grateful acknowledgment is also made to The Incorporated Council of Law Reporting for England and Wales and LexisNexis Butterworths for permission to quote from a number of their works.

While every care has been taken to establish and acknowledge copyright and contact 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

A v Essex CC [2003] EWCA Civ 1848; [2004] 1 W.L.R. 1881; [2004] 1 F.L.R. 749, CA (Civ Div)	4.2.5
A v Hoare; X v Wandsworth LBC; H v Suffolk CC; C v Middlesbrough Council; Young v Catholic Care (Diocese of Leeds) [2008] UKHL 6; [2008] 2 W.L.R. 311; [2008] 2 All E.R. 1, HL	1.2.1, 1.4.2
A v National Blood Authority (No.1); sub nom. Hepatitis C Litigation (No.1), Re [2001] 3 All E.R. 289; [2001] Lloyd's Rep. Med. 187, QBD	5.2
A (A Child) v Ministry of Defence [2004] EWCA Civ 641; [2005] Q.B. 183; [2004] 3 W.L.R. 469, CA (Civ Div)	7.3.3
Adams v Bracknell Forest BC; sub nom. Bracknell Forest BC v Adams [2004] UKHL 29; [2005] 1 A.C. 76; [2004] 3 W.L.R. 89, HL	2.2, 3.1.2, 3.4
Airedale NHS Trust v Bland [1993] A.C. 789; [1993] 2 W.L.R. 316, HL	2.4.3, 11.3.4
Akenzua v Secretary of State for the Home Department [2002] EWCA Civ 1470; [2003] 1 W.L.R. 741; [2003] 1 All E.R. 35, CA (Civ Div)	3.6.2, 9.2
Albazeru, The. <i>See</i> Owners of Cargo Laden on Board the Albacruz v Owners of the Albazero	
Alcock v Chief Constable of South Yorkshire; Penk v Wright; Jones v Chief Constable of South Yorkshire; Copoc v Chief Constable of South Yorkshire; sub nom. Jones v Wright [1992] 1 A.C. 310; [1991] 3 W.L.R. 1057	4.3.3
Allen v Flood; sub nom. Flood v Jackson [1898] A.C. 1, HL	3.1.7
Alton v Midland Railway (1865) 19 C.B. (NS) 213; 34 L.J.C.P. 292	1.4.1
Anns v Merton LBC; sub nom. Anns v Walcroft Property Co Ltd [1978] A.C. 728; [1977] 2 W.L.R. 1024, HL	4.3.1
Anufrijeva v Southwark LBC; sub nom. R. (on the application of Anufrijeva) v Southwark LBC; R. (on the application of N) v Secretary of State for the Home Department; R. (on the application of M) v Secretary of State for the Home Department [2003] EWCA Civ 1406; [2004] Q.B. 1124; [2004] 2 W.L.R. 603, CA (Civ Div)	11.4.7
Arthur JS Hall & Co v Simons; Barratt v Woolf Seddon; Cockbone v Atkinson Dacre & Slack; Harris v Scholfield Roberts & Hill; sub nom. Harris v Scholfield Roberts & Hall; Barratt v Ansell (t/a Woolf Seddon) [2002] 1 A.C. 615; [2000] 3 W.L.R. 543, HL	1.4.2, 1.5.3, 4.1
Ashdown v Samuel Williams & Sons Ltd [1957] 1 Q.B. 409; [1956] 3 W.L.R. 1104, CA	10.2.4
Ashley v Chief Constable of Sussex [2008] UKHL 25; [2008] 2 W.L.R. 975; (2008) 158 N.L.J. 632, HL	1.4.2, 11.7
Attia v British Gas Plc [1988] Q.B. 304; [1987] 3 W.L.R. 1101, CA (Civ Div)	4.3.3
Attorney General v Blake [2001] 1 A.C. 268; [2000] 3 W.L.R. 625, HL	1.4.4, 1.4.7, 2.1, 2.2, 2.3.1, 8.1, 11.8
Attorney General v PYA Quarries Ltd (No.1) [1957] 2 Q.B. 169; [1957] 2 W.L.R. 770, CA	2.4.4, 5.4.3, 6.2.1
Attorney General v St Aubyn (No.2); sub nom. St Aubyn v Attorney General (No.2) [1952] A.C. 15; [1951] 2 All E.R. 473, HL	1.5.2
Bailey v Ayr Engineering & Constructional Co Ltd [1959] 1 Q.B. 183; [1958] 2 W.L.R. 882, CA	10.2.2
Baker v Willoughby [1970] A.C. 467; [1970] 2 W.L.R. 50, HL	10.3.6
Bamford v Turnley (1862) 122 E.R. 27, Ex CH	6.3.2
Banque Bruxelles Lambert SA v Eagle Star Insurance Co Ltd [1997] A.C. 191; [1996] 3 W.L.R. 87, HL	10.1.1, 10.3.1
Barber v Somerset CC; Baker Refractories Ltd v Bishop; Sutherland v Hatton; Sandwell MBC v Jones; sub nom. Jones v Sandwell MBC; Hatton v Sutherland; Bishop v Baker Refractories Ltd; Somerset CC v Barber [2004] UKHL 13; [2004] 1 W.L.R. 1089; [2004] 2 All E.R. 385, HL	4.2.3
Barclays Bank Plc v Fairclough Building Ltd (No.1) [1995] Q.B. 214; [1994] 3 W.L.R. 1057, CA (Civ Div)	10.5.1
Barker v Corus UK Ltd; Murray (Deceased) v British Shipbuilders (Hydrodynamics) Ltd; Patterson (Deceased) v Smiths Dock Ltd; sub nom. Barker v Saint Gobain Pipelines Plc [2006] UKHL 20; [2006] 2 A.C. 572; [2006] 2 W.L.R. 1027, HL	1.7, 10.3.7, 10.3.8, 11.5

Barnett v Chelsea and Kensington Hospital Management Committee [1969] 1 Q.B. 428; [1968] 2 W.L.R. 422, QBD	10.3.3
Barrett v Enfield LBC [2001] 2 A.C. 550; [1998] 1 W.L.R. 277, HL	1.6.2, 4.1, 9.3.1
Barrett v Ministry of Defence [1995] 1 W.L.R. 1217; [1995] 3 All E.R. 87, CA (Civ Div)	4.3.4
Benjamin v Storr (1873-74) L.R. 9 C.P. 400, CCP	1.1.2, 1.5.1
Berkoff v Burchill [1996] 4 All E.R. 1008; [1997] E.M.L.R. 139, CA (Civ Div)	8.2.2
Best v Samuel Fox & Co Ltd [1952] A.C. 716; [1952] 2 All E.R. 394, HL	4.3.3, 11.2.2, 11.3.2
Beswick v Beswick [1968] A.C. 58; [1967] 3 W.L.R. 932, HL	8.1
Bird v Jones (1845) 115 E.R. 668, QB	3.3
Birmingham City Council v Oakley. <i>See</i> Oakley v Birmingham City Council	
Birse Construction Ltd v Haiste Ltd [1996] 1 W.L.R. 675; [1996] 2 All E.R. 1, CA (Civ Div)	4.1, 11.5
Black v Yates [1992] Q.B. 526; [1991] 3 W.L.R. 90, QBD	1.4.2
Blackpool and Fylde Aero Club v Blackpool BC [1990] 1 W.L.R. 1195; [1990] 3 All E.R. 25, CA (Civ Div)	1.4.6
Blake v Galloway [2004] EWCA Civ 814; [2004] 1 W.L.R. 2844; [2004] 3 All E.R. 315, CA (Civ Div)	3.2, 4.2.4
Blue Circle Industries Plc v Ministry of Defence; sub nom. Ministry of Defence v Blue Circle Industries Plc [1999] Ch. 289; [1999] 2 W.L.R. 295, CA (Civ Div)	6.4.4
Blyth v Birmingham Waterworks Co, 156 E.R. 1047; (1856) 11 Ex. 781, Ex Ct.	4.2.1
Bolam v Friern Hospital Management Committee [1957] 1 W.L.R. 582; [1957] 2 All E.R. 118, QBD	4.2.5, 9.6
Bolitho (Deceased) v City and Hackney HA [1998] A.C. 232; [1997] 3 W.L.R. 1151, HL	4.2.5, 9.6
Bolton v Stone; sub nom. Stone v Bolton [1951] A.C. 850; [1951] 1 All E.R. 1078, HL	4.2.2, 6.1.5, 10.3.2
Bourhill v Young; sub nom. Bourhill v Young's Executor [1943] A.C. 92; [1942] 2 All E.R. 396, HL	4.3.3
Bradford Corp v Pickles [1895] A.C. 587, HL	1.1.3, 1.2.1, 1.4.3, 2.4.1, 3.1, 3.1.2, 3.1.7, 9.1.4, 10.3.4
Bradford Third Equitable Benefit Building Society v Borders [1941] 2 All E.R. 205, HL	3.5.1, 8.4.1
British Celanese Ltd v AH Hunt (Capacitors) Ltd [1969] 1 W.L.R. 959; [1969] 2 All E.R. 1252, QBD	6.4
Brooks v Commissioner of Police of the Metropolis [2005] UKHL 24; [2005] 1 W.L.R. 1495; [2005] 2 All E.R. 489, HL	1.5.3, 3.3, 9.3.1, 9.4
Broome v Cassell & Co Ltd (No.1) [1972] A.C. 1027; [1972] 2 W.L.R. 645, HL	2.1, 2.3.1
Bryanston Finance Ltd v De Vries (No.1) [1975] Q.B. 703; [1975] 2 W.L.R. 718, CA (Civ Div)	8.2.4
Bryant v Herbert (1877-78) L.R. 3 C.P.D. 389, CA	1.1.1, 1.2.3, 1.4.1
Burris v Azadani [1995] 1 W.L.R. 1372; [1995] 4 All E.R. 802, CA (Civ Div)	1.4.2, 1.4.7, 11.1.3, 11.6
Burton v Winters [1993] 1 W.L.R. 1077; [1993] 3 All E.R. 847, CA (Civ Div)	11.7
Cambridge Water Co Ltd v Eastern Counties Leather Plc; Cambridge Water Co Ltd v Hutchings & Harding Ltd [1994] 2 A.C. 264; [1994] 2 W.L.R. 53, HL	2.4.4, 6.2.3, 6.4.1
Caminer v Northern & London Investment Trust Ltd [1951] A.C. 88; [1950] 2 All E.R. 486, HL	6.2.1
Campbell v Paddington Corp; sub nom. Campbell v Mayor, Aldermen, & Councillors of the Metropolitan Borough of Paddington [1911] 1 K.B. 869, KBD	1.4.2
Caparo Industries Plc v Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358, HL	4.3.1, 4.3.2, 8.4.2
Capital and Counties Plc v Hampshire CC; John Munroe (Acrylics) Ltd v London Fire and Civil Defence Authority; Church of Jesus Christ of Latter Day Saints (Great Britain) v West Yorkshire Fire and Civil Defence Authority; Digital Equipment Co Ltd v Hampshire CC [1997] Q.B. 1004; [1997] 3 W.L.R. 331, CA (Civ Div)	4.3.4, 9.5
Carmarthenshire CC v Lewis [1955] A.C. 549; [1955] 2 W.L.R. 517, HL	7.4
Carslogie Steamship Co Ltd v Royal Norwegian Government (The Carslogie) [1952] A.C. 292; [1952] 1 All E.R. 20	10.3.4, 10.3.6
Cassidy v Ministry of Health [1951] 2 K.B. 343; [1951] 1 All E.R. 574, CA	4.2.7, 7.2.3, 9.6
Chadwick v British Railways Board; sub nom. Chadwick v British Transport Commission [1967] 1 W.L.R. 912; [1967] 2 All E.R. 945, QBD	4.3.3
Chaplin v Hicks [1911] 2 K.B. 786, CA	3.1, 10.3.8
Chester v Afshar [2004] UKHL 41; [2005] 1 A.C. 134; [2004] 3 W.L.R. 927, HL	4.2.5, 9.6, 10.3.8
Close v Steel Co of Wales [1962] A.C. 367; [1961] 3 W.L.R. 319, HL	5.3.2

Coltman v Bibby Tankers Ltd (The Derbyshire) [1988] A.C. 276; [1987] 3 W.L.R. 1181, HL.....	5.3.4
Commission of the European Communities v United Kingdom (C-300/95); sub nom. Product Liability Directive, Re (C-300/95) [1997] All E.R. (EC) 481; [1997] E.C.R. I-2649, ECJ (5th Chamber).....	5.2
Cooper v Wandsworth Board of Works, 143 E.R. 414; (1863) 14 C.B. N.S. 180, CCP.....	1.4.5, 9.1.5
Copeland v Smith; sub nom. Copeland v Smith & Goodwin [2000] 1 W.L.R. 1371; [2000] 1 All E.R. 457, CA (Civ Div)	1.5.4
Corr v IBC Vehicles Ltd [2008] UKHL 13; [2008] 2 W.L.R. 499; [2008] I.C.R. 372, HL.....	10.3.1, 10.3.3, 10.4.3, 10.5.1
Coxall v Goodyear Great Britain Ltd [2002] EWCA Civ 1010; [2003] 1 W.L.R. 536; [2003] I.C.R. 152, CA (Civ Div)	4.2.3, 4.2.6
Crofton v NHS Litigation Authority [2007] EWCA Civ 71; [2007] 1 W.L.R. 923; [2007] B.L.G.R. 507 (CA (Civ Div))	11.3.3
Customs and Excise Commissioners v Barclays Bank Plc [2006] UKHL 28; [2007] 1 A.C. 181; [2006] 3 W.L.R. 1, HL	1.2.1, 4.1, 4.3.1, 4.3.2, 8.1, 9.2
Customs and Excise Commissioners v Total Network SL; sub nom. Total Network SL v Revenue and Customs Commissioners; Revenue and Customs Commissioners v Total Network SL [2008] UKHL 19; [2008] 2 W.L.R. 711; [2008] 2 All E.R. 413, HL	1.7, 2.5, 3.1.6, 3.1.7, 3.1.8, 3.5.3, 11.1.3
Cutler v United Dairies (London) Ltd [1933] 2 K.B. 297, CA	10.3.5
D v East Berkshire Community NHS Trust. See JD v East Berkshire Community Health NHS Trust	
Danby v Lamb (1861) 31 L.J.C.P. 19	1.4.1
Darbishire v Warran [1963] 1 W.L.R. 1067; [1963] 3 All E.R. 310, CA	10.5.2, 11.4.1
Davidson v Chief Constable of North Wales [1994] 2 All E.R. 597, CA (Civ Div)	3.3
Davie v New Merton Board Mills Ltd [1959] A.C. 604; [1959] 2 W.L.R. 331, HL	5.3, 5.3.4, 7.3.4
Davy v Spelthorne BC [1984] A.C. 262; [1983] 3 W.L.R. 742, HL	9.1.3
Delaware Mansions Ltd v Westminster City Council; sub nom. Flecksun Ltd v Westminster City Council [2001] UKHL 55; [2002] 1 A.C. 321; [2001] 3 W.L.R. 1007, HL	6.2.3, 6.3.1
Dennis v Ministry of Defence [2003] EWHC 793 (QB); [2003] Env. L.R. 34; [2003] E.H.L.R. 17, QB	2.4.4, 5.6.2, 5.6.3, 6.3, 6.3.1, 6.3.4, 9.1.6
Derbyshire CC v Times Newspapers Ltd [1993] A.C. 534; [1993] 2 W.L.R. 449, HL	1.4.6, 8.2.3
Derry v Peek; sub nom. Peek v Derry (1889) L.R. 14 App. Cas. 337; (1889) 5 T.L.R. 625, HL	4.1
Donoghue v Stevenson; sub nom. McAlister v Stevenson [1932] A.C. 562; 1932 S.C. (H.L.) 31, HL	1.1.3, 1.7, 4.1, 4.3, 4.3.1, 5.2, 6.2.3, 6.4.1, 7.1.1
Dooley v Cammell Laird & Co Ltd; Dooley v Mersey Insulation Co Ltd [1951] 1 Lloyd's Rep. 271, Assizes (Liverpool)	4.3.3
Douglas v Hello! Ltd (No.3). See OBG Ltd v Allan	
Dubai Aluminium Co Ltd v Salaam; Dubai Aluminium Co Ltd v Amhurst; Dubai Aluminium Co Ltd v Amhurst Brown Martin & Nicholson [2002] UKHL 48; [2003] 2 A.C. 366; [2002] 3 W.L.R. 1913, HL	11.5
Dunne v North Western Gas Board; Lambert v North Western Gas Board; Doyle v North Western Gas Board [1964] 2 Q.B. 806; [1964] 2 W.L.R. 164, CA	6.3.1, 9.1.6
Dymond v Pearce [1972] 1 Q.B. 496; [1972] 2 W.L.R. 633, CA (Civ Div)	5.4.3
E Hulton & Co v Jones; sub nom. Jones v E Hulton & Co [1910] A.C. 20, HL	8.2.2
East Suffolk Rivers Catchment Board v Kent HL	4.3.4
Elguzouli-Daf v Commissioner of Police of the Metropolis; McBrearty v Ministry of Defence [1995] Q.B. 335; [1995] 2 W.L.R. 173, CA (Civ Div)	3.3, 9.3.1, 9.4
English v Dedham Vale Properties; sub nom. English v Denham Vale Properties [1978] 1 W.L.R. 93; [1978] 1 All E.R. 382, Ch D	1.4.7
Esso Petroleum Co Ltd v Southport Corp [1956] A.C. 218; [1956] 2 W.L.R. 81, HL	1.1.2, 1.4.6, 1.5.1, 1.7, 2.4.3, 2.4.4, 5.4.3, 6.2.1, 6.2.2, 8.1, 10.2.1, 11.8
Evans v Kosmar Villa Holiday Plc; sub nom. Evans v Kosmar Villa Ltd [2007] EWCA Civ 1003; [2008] 1 W.L.R. 297; [2008] 1 All E.R. 530, CA (Civ Div)	6.1.5, 7.1.4
F v West Berkshire HA; sub nom. F (Mental Patient: Sterilisation), Re [1990] 2 A.C. 1; [1989] 2 W.L.R. 1025, HL	2.4.3, 10.2.6
F (Mental Patient: Sterilisation), Re. See F v West Berkshire HA	
Fagan v Commissioner of Police of the Metropolis [1969] 1 Q.B. 439; [1968] 3 W.L.R. 1120, DC	3.2

Fairchild v Glenhaven Funeral Services Ltd (t/a GH Dovener & Son); Pendleton v Stone & Webster Engineering Ltd; Dyson v Leeds City Council (No.2); Matthews v Associated Portland Cement Manufacturers (1978) Ltd; Fox v Spousal (Midlands) Ltd; Babcock International Ltd v National Grid Co Plc; Matthews v British Uralite Plc [2002] UKHL 22; [2003] 1 A.C. 32; [2002] 3 W.L.R. 89, HL	1.6, 1.6.3, 10.3.7, 10.3.8
Farley v Skinner (No.2); sub nom. Skinner v Farley [2001] UKHL 49; [2002] 2 A.C. 732; [2001] 3 W.L.R. 899, HL	2.4.4, 4.3.3
Femis-Bank (Anguilla) Ltd v Lazer; Singh (Dinesh Kumar) v Lazer [1991] Ch. 391; [1991] 3 W.L.R. 80; [1991] 2 All E.R. 865, Ch D	3.7
Freeman v Home Office [1984] Q.B. 524; [1984] 2 W.L.R. 802, CA (Civ Div)	4.1
Froom v Butcher [1976] Q.B. 286; [1975] 3 W.L.R. 379, CA (Civ Div)	10.5.1
Frost v Aylesbury Dairy Co Ltd [1905] 1 K.B. 608, CA	4.1
Frost v Chief Constable of South Yorkshire. <i>See</i> White v Chief Constable of South Yorkshire	
Fytche v Wincanton Logistics Plc [2004] UKHL 31; [2004] 4 All E.R. 221; [2004] I.C.R. 975, HL	5.3.2, 10.2.2
Galoo Ltd v Bright Grahame Murray [1994] 1 W.L.R. 1360; [1995] 1 All E.R. 16, CA (Civ Div)	4.3.2
Gautret v Egerton; Jones v Egerton (1866-67) L.R. 2 C.P. 371, CCP	4.3
Ghaidan v Godin-Mendoza; sub nom. Mendoza v Ghaidan; Ghaidan v Mendoza; Godin-Mendoza v Ghaidan [2004] UKHL 30; [2004] 2 A.C. 557; [2004] 3 W.L.R. 113, HL	1.5.2
Gibbs v Rea [1998] A.C. 786; [1998] 3 W.L.R. 72; (1998) 142 S.J.L.B. 98, PC (CI)	3.7, 9.4
Glen v Korean Airlines Co Ltd [2003] EWHC 643; [2003] Q.B. 1386; [2003] 3 W.L.R. 273, QBD	5.6.1
Goldsmith v Bhoyrul [1998] Q.B. 459; [1998] 2 W.L.R. 435, QBD	8.2.3
Goode v Martin [2001] EWCA Civ 1899; [2002] 1 W.L.R. 1828; [2002] 1 All E.R. 620, CA (Civ Div)	1.1.2
Goodwill v British Pregnancy Advisory Service [1996] 1 W.L.R. 1397; [1996] 2 All E.R. 161, CA (Civ Div)	1.5.1, 4.3.1, 9.6
Gorringe v Calderdale MBC; sub nom. Calderdale MBC v Gorringe [2004] UKHL 15; [2004] 1 W.L.R. 1057; [2004] 2 All E.R. 326, HL	5.4.1, 8.1, 9.1.5, 9.2, 9.3, 9.3.2
Gorris v Scott (1873-74) L.R. 9 Ex. 125, Ex Ct	5.3.2, 10.2.2
Grant v Australian Knitting Mills Ltd; sub nom. Australian Knitting Mills v Grant Ltd [1936] A.C. 85, PC (Aus)	4.1, 5.2
Gregg v Scott [2005] UKHL 2; [2005] 2 A.C. 176; [2005] 2 W.L.R. 268, HL	9.6, 10.3.8
Grieves v FT Everard & Sons Ltd; Quinn v George Clark & Nem Ltd; Mears v RG Carter Ltd; Jackson v Brock Plc; Rothwell v Chemical & Insulating Co Ltd; Downey v Charles Evans Shopfitters Ltd; Storey v Clelands Shipbuilders Ltd; Topping v Benchtown Ltd (formerly Jones Bros (Preston) Ltd); Johnston v NEI International Combustion Ltd; Hindson v Pipe House Wharf (Swansea) Ltd [2007] UKHL 39; [2008] 1 A.C. 281; [2007] 3 W.L.R. 876, HL	1.4.1, 3.1.1, 3.6.2, 4.3.1, 4.3.3, 5.3.3
Groves v Lord Wimborne [1898] 2 Q.B. 402, CA	4.5, 5.3.2
Gulf Oil (Great Britain) Ltd v Page [1987] Ch. 327; [1987] 3 W.L.R. 166, CA (Civ Div)	3.1.8, 3.7
Gwilliam v West Hertfordshire Hospitals NHS Trust; sub nom. Gwilliam v West Hertfordshire Hospital NHS Trust [2002] EWCA Civ 1041; [2003] Q.B. 443; [2002] 3 W.L.R. 1425, CA (Civ Div)	4.2.2, 6.1.4, 9.6
H (A Child) v S (Damages); sub nom. ATH v MS; A (Children) v MS [2002] EWCA Civ 792; [2003] Q.B. 965; [2002] 3 W.L.R. 1179, CA (Civ Div)	11.3.5
H West & Son Ltd v Shephard; sub nom. Shepherd v H West & Son Ltd [1964] A.C. 326; [1963] 2 W.L.R. 1359, HL	11.3.4
Haigh v Charles W Ireland Ltd [1974] 1 W.L.R. 43; [1973] 3 All E.R. 1137, HL	1.5.2
Haley v London Electricity Board [1965] A.C. 778; [1964] 3 W.L.R. 479, HL	4.2.3
Hall (Inspector of Taxes) v Lorimer [1994] 1 W.L.R. 209; [1994] 1 All E.R. 250, CA (Civ Div)	7.2.3
Halsey v Esso Petroleum Co Ltd [1961] 1 W.L.R. 683; [1961] 2 All E.R. 145, QBD	6.2.2, 6.3.3
Halsey v Milton Keynes General NHS Trust; Steel v Joy [2004] EWCA Civ 576; [2004] 1 W.L.R. 3002; [2004] 4 All E.R. 920, CA (Civ Div)	10.3.6
Harnett v Bond [1925] A.C. 669, HL	10.2.1
Hatton v United Kingdom (36022/97) (2003) 37 E.H.R.R. 28; 15 B.H.R.C. 259, ECHR (Grand Chamber)	2.4.4, 5.6.3, 6.3.4

Haynes v Harwood; sub nom. Hynes v Harwood [1935] 1 K.B. 146; [1934] All E.R. Rep. 103, CA...	10.3.5
Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] A.C. 465; [1963] 3 W.L.R. 101, HL.....	1.4.1, 1.4.7, 1.7, 4.1, 4.3.1, 4.3.2, 8.1, 8.4, 8.4.2
Heil v Rankin; Rees v Mabco (102) Ltd (Non-Pecuniary Damages); Schofield v Saunders & Taylor Ltd; Ramsay v Rivers; Kent v Griffiths (Non-Pecuniary Damages); W (A Child) v Northern General Hospital NHS Trust; Annable v Southern Derbyshire HA; Connolly v Tasker [2001] Q.B. 272; [2000] 2 W.L.R. 1173, CA (Civ Div)	11.3.4
Henderson v Henry E Jenkins & Sons [1970] A.C. 282; [1969] 3 W.L.R. 732, HL.....	4.2.7, 5.4.1, 5.4.3, 6.4.2
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, HL.....	1.1.1, 1.2.1, 1.4.1
Herd v Weardale Steel Coal & Coke Co Ltd [1915] A.C. 67, HL.....	3.3
Hill v Chief Constable of West Yorkshire [1989] A.C. 53; [1988] 2 W.L.R. 1049, HL....	1.5.3, 1.5.4, 2.4.3, 4.3, 9.1.3, 9.4
Holbeck Hall Hotel Ltd v Scarborough BC [2000] Q.B. 836; [2000] 2 W.L.R. 1396, CA (Civ Div)....	6.2.3
Hollywood Silver Fox Farm Ltd v Emmett [1936] 2 K.B. 468, KBD	1.4.3, 2.4.1, 3.1.2, 6.2.2
Home Office v Dorset Yacht Co Ltd [1970] A.C. 1004; [1970] 2 W.L.R. 1140, HL.....	1.4.2, 1.5.1, 4.3.1, 7.1.1, 9.2
Horrocks v Lowe [1975] A.C. 135; [1974] 2 W.L.R. 282, HL.....	8.2.1
Horton v Sadler [2006] UKHL 27; [2007] 1 A.C. 307; [2006] 2 W.L.R. 1346, HL.....	2.6
Hotson v East Berkshire HA; sub nom. Hotson v Fitzgerald [1987] A.C. 750; [1987] 3 W.L.R. 232, HL	10.3.8
Hughes v Lord Advocate; sub nom. Hughes v Postmaster General [1963] A.C. 837; [1963] 2 W.L.R. 779	11.8
Hulton & Co v Jones. <i>See</i> E Hulton & Co v Jones	
Hunt v Severs; sub nom. Severs v Hunt [1994] 2 A.C. 350; [1994] 2 W.L.R. 602, HL..	11.1.1, 11.3.2, 11.3.3
Hunter v British Coal Corp [1999] Q.B. 140; [1998] 3 W.L.R. 685, CA (Civ Div).....	4.3.3
Hunter v Canary Wharf Ltd; sub nom. Hunter v London Docklands Development Corp [1997] A.C. 655; [1997] 2 W.L.R. 684, HL.....	3.1.3, 6.2.2, 6.3, 11.4.4
Hussain v Lancaster City Council [2000] Q.B. 1; [1999] 2 W.L.R. 1142, CA (Civ Div).....	9.3.2
Huth v Huth [1915] 3 K.B. 32, CA	8.2.4
ICI Ltd v Shatwell; sub nom. Shatwell v ICI Ltd [1965] A.C. 656; [1964] 3 W.L.R. 329, HL.....	10.2.4
Ingham v Emes [1955] 2 Q.B. 366; [1955] 2 W.L.R. 245, CA	5.2
Inverugie Investments Ltd v Hackett [1995] 1 W.L.R. 713; [1995] 3 All E.R. 841, PC (Bah)... 1.4.4, 11.2.1, 11.4.2	
Island Records Ltd, Ex p.. <i>See</i> Island Records Ltd v Corkindale	
Island Records Ltd v Corkindale; sub nom. Island Records Ltd, Ex p. [1978] Ch. 122; [1978] 3 W.L.R. 23, CA (Civ Div)	3.1.6, 3.1.8, 9.7
JD v East Berkshire Community Health NHS Trust; K v Dewsbury Healthcare NHS Trust; RK v Oldham NHS Trust; sub nom. MAK v Dewsbury Healthcare NHS Trust; D v East Berkshire Community NHS Trust [2005] UKHL 23; [2005] 2 A.C. 373; [2005] 2 W.L.R. 993, HL.....	4.3.3, 8.1, 9.3.1
Jackson v Horizon Holidays Ltd [1975] 1 W.L.R. 1468; [1975] 3 All E.R. 92, CA (Civ Div).....	8.1, 11.2.2
Jaggard v Sawyer [1995] 1 W.L.R. 269; [1995] 2 All E.R. 189, CA (Civ Div).....	1.4.7, 2.4.2, 11.1.3
Jain v Trent Strategic HA [2007] EWCA Civ 1186; [2008] Q.B. 246; [2008] 2 W.L.R. 456, CA (Civ Div)	4.3, 9.3.1
Jameel v Wall Street Journal Europe SPRL (No.3) [2006] UKHL 44; [2007] 1 A.C. 359; [2007] Bus. L.R. 291, HL	8.2.3, 8.3.4
Jobling v Associated Dairies [1982] A.C. 794; [1981] 3 W.L.R. 155, HL.....	10.3.6
John v MGN Ltd [1997] Q.B. 586; [1996] 3 W.L.R. 593, CA (Civ Div).....	11.2.2, 11.4.3, 11.4.5
John Summers & Sons Ltd v Frost; sub nom. Frost v John Summers & Sons Ltd [1955] A.C. 740; [1955] 2 W.L.R. 825, HL	5.3.2
Jolley v Sutton LBC [2000] 1 W.L.R. 1082; [2000] 3 All E.R. 409, HL.....	2.6, 10.4.4
Joyce v Sengupta [1993] 1 W.L.R. 337; [1993] 1 All E.R. 897, CA (Civ Div).....	3.5.2

Junior Books Ltd v Veitchi Co Ltd [1983] 1 A.C. 520; [1982] 3 W.L.R. 477, HL.....	4.3.2
Keegan v Chief Constable of Merseyside [2003] EWCA Civ 936; [2003] 1 W.L.R. 2187; [2003] Po. L.R. 408, CA (Civ Div)	3.7, 9.4
Kennaway v Thompson [1981] Q.B. 88; [1980] 3 W.L.R. 361, CA (Civ Div).....	1.3
Kent v Griffiths (No.3) [2001] Q.B. 36; [2000] 2 W.L.R. 1158, CA (Civ Div).....	9.5
Keown v Coventry Healthcare NHS Trust [2006] EWCA Civ 39; [2006] 1 W.L.R. 953; [2006] P.I.Q.R. P19, CA (Civ Div)	6.1.5
Keppel Bus Co v Sa'ad bin Ahmad [1974] 1 W.L.R. 1082; [1974] 2 All E.R. 700, PC (Sing)....	7.2.2, 7.2.6
King Ex p. See R. v Deputy Governor of Camphill Prison Ex p. King	
Kleinwort Benson Ltd v Glasgow City Council (No.2) [1999] 1 A.C. 153; [1997] 3 W.L.R. 923, HL...	1.4.4
Knowles v Liverpool City Council [1993] 1 W.L.R. 1428; [1993] 4 All E.R. 321, HL.....	5.3.4
Kuddus v Chief Constable of Leicestershire [2001] UKHL 29; [2002] 2 A.C. 122; [2001] 2 W.L.R. 1789, HL	11.2.3
Lagden v O'Connor; Clark v Ardington Electrical Services; Dennard v Plant; Sen v Steelform Engineering Co Ltd; Burdis v Livsey; sub nom. Clark v Tull (t/a Ardington Electrical Services) [2003] UKHL 64; [2004] 1 A.C. 1067; [2003] 3 W.L.R. 1571, HL.....	10.3.4, 11.4.1
Lamb v Camden LBC [1981] Q.B. 625; [1981] 2 W.L.R. 1038, CA (Civ Div).....	2.6
Latimer v AEC Ltd [1953] A.C. 643; [1953] 3 W.L.R. 259, HL.....	4.2.2
Launchbury v Morgans; sub nom. Morgans v Launchbury [1973] A.C. 127; [1972] 2 W.L.R. 1217, HL	2.6, 5.4, 5.4.1, 7.3.2
Law Society v KPMG Peat Marwick; sub nom. R. v KPMG Peat Marwick McLintock [2000] 1 W.L.R. 1921; [2000] 4 All E.R. 540, CA (Civ Div)	4.3.2
Lawrence v Pembrokehire CC; sub nom. L v Pembrokehire CC; SL v Pembrokehire CC [2007] EWCA Civ 446; [2007] 1 W.L.R. 2991; [2007] 2 F.L.R. 705, CA (Civ Div).....	9.3.1
Lennon v Commissioner of Police of the Metropolis; sub nom. Commissioner of Police of the Metropolis v Lennon [2004] EWCA Civ 130; [2004] 1 W.L.R. 2594; [2004] 2 All E.R. 266, CA (Civ Div)	1.4.1
Letang v Cooper [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573, CA.....	1.1.2, 1.1.3
Lewis v Daily Telegraph Ltd. See Rubber Improvement Ltd v Daily Telegraph Ltd	
Liesbosch, The; sub nom. Owner of the Liesbosch v Owners of the Edison; Liesbosch Dredger v SS Edison [1933] A.C. 449; [1933] All E.R. Rep. 144, HL.....	11.4.1
Lippiatt v South Gloucestershire Council [2000] Q.B. 51; [1999] 3 W.L.R. 137, CA (Civ Div).....	9.3.2
Lister v Hesley Hall Ltd [2001] UKHL 22; [2002] 1 A.C. 215; [2001] 2 W.L.R. 1311, HL.....	7.2.1, 7.2.6, 11.8
Lister v Romford Ice and Cold Storage Co Ltd; sub nom. Romford Ice & Cold Storage Co v Lister [1957] A.C. 555; [1957] 2 W.L.R. 158, HL.....	1.4.1, 2.2, 2.3.1, 2.6, 7.2.1, 11.5
Livingstone v Rawyards Coal Co (1879-80) L.R. 5 App. Cas. 25, HL.....	11.2.1
London Passenger Transport Board v Upson; sub nom. Upson v London Passenger Transport Board; London Transport Executive v Upson [1949] A.C. 155; [1949] 1 All E.R. 60, HL.....	4.5
Lonrho Ltd v Shell Petroleum Co Ltd (No.2) [1982] A.C. 173; [1981] 3 W.L.R. 33, HL.....	3.1.8
Loutchansky v Times Newspapers Ltd (No.2) [2001] EWCA Civ 1805; [2002] Q.B. 783; [2002] 2 W.L.R. 640, CA (Civ Div)	8.2.4
Lowe v Guise [2002] EWCA Civ 197; [2002] Q.B. 1369; [2002] 3 W.L.R. 562, CA (Civ Div).....	11.3.2
Lupton (Inspector of Taxes) v FA & AB Ltd; sub nom. FA & AB Ltd v Lupton (Inspector of Taxes) [1972] A.C. 634; [1971] 3 W.L.R. 670, HL.....	1.5.1, 4.3.1
McDermid v Nash Dredging & Reclamation Co Ltd [1987] A.C. 906; [1987] 3 W.L.R. 212, HL.....	7.3.4
McFarlane v Tayside Health Board; sub nom. Macfarlane v Tayside Health Board [2000] 2 A.C. 59; [1999] 3 W.L.R. 1301, HL.....	2.1, 4.3.2, 9.6
McGhee v National Coal Board [1973] 1 W.L.R. 1; [1972] 3 All E.R. 1008, HL.....	10.3.8
McKerr, Re. See McKerr's Application for Judicial Review, Re	
McKerr's Application for Judicial Review, Re; sub nom. McKerr, Re [2004] UKHL 12; [2004] 1 W.L.R. 807; [2004] 2 All E.R. 409, HL (NI)	1.5.1
McKew v Holland & Hannen & Cubitts (Scotland) Ltd [1969] 3 All E.R. 1621; 1970 S.C. (H.L.) 20, HL	10.3.3
McLoughlin v O'Brian [1983] 1 A.C. 410; [1982] 2 W.L.R. 982, HL.....	4.3.3
McWilliams v Sir William Arrol & Co Ltd [1962] 1 W.L.R. 295; [1962] 1 All E.R. 623, HL..	10.3.3, 10.5.1