

Houseman and Davies

Law of Life Assurance

Tenth Edition

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Preface

The first edition of this book was written by David Houseman in 1932 as an introduction to the law relating to life assurance policies, primarily to assist students and persons engaged in the day-to-day work of life offices. Over the following decades, however, the dynamic growth of the life assurance industry and the extensive and frequent changes in law and practice created a wider demand for something more than a mere introduction. Thus, as subsequent editions were published, the book began to develop also as a work of reference.

It successfully served the needs of student and practitioner throughout successive editions. But, despite the wish expressed in the Preface to the ninth edition, it was becoming increasingly obvious that the continued effort to satisfy both would constrain the development of the book and its treatment of many aspects of life assurance law. The student has now become well-served by more basic texts and it was clear therefore that, fifty years on from the birth of the book, a bolder step was necessary towards providing the practitioner with a work of reference more appropriate to his needs in a style and format equally relevant. This new edition is the result. Students might continue to find *Houseman* valuable as a reference, to clarify points encountered in study elsewhere. Principally, however, it is hoped that practitioners will find that it now more readily meets their demands.

The emergence of the book as a practitioner text has necessarily resulted in a quite different edition from previous ones and the main changes merit some mention here.

The essential aim has been to embody in one work reference to most of the law affecting life policies that the practitioner is likely to need. As in the previous edition, the book remains divided into two parts: Part I deals with life assurance law other than tax law with Part II devoted to taxation and ancillary matters. But most of the chapters, particularly in the first part, have been almost totally recast and extensively rewritten—in some cases even merged and retitled. Historical, and largely irrelevant, material has been ruthlessly pruned and discussion of both basic and contentious points of law and practice has been extended. In Part II some peripheral and incidental aspects of tax law have been omitted and more space has been given to discussing the use of life policies for financial and estate planning, with worked examples and additional model trust wordings.

More statutory provisions and cases have been cited as authority for statements of law and a greater number of cases are reported at length in the body of the text where this helps to illustrate critical or complex issues. Citing is now by way of footnotes but the amount of reference on a particular point is restricted, on the basis that busy practitioners are concerned more with the main authority which embodies an essential principle than the quantity of cases in support.

The book has of course been brought up-to-date following the inevitable cascade of legislation over the past six years. Reference is made to the relevant statutes and subsidiary regulations and, where appropriate, a summary of their

provisions and effect is given. Again, nowhere has the flood of legislative change been more apparent than in the field of tax, and life assurance continues to be strongly regulated and restricted by the laws of taxation, and also, interwoven in the plans for its provision and mitigation. Hardly had capital transfer tax been introduced than it had become as complex and overlaid with amending legislation, regulations, case law, concessions and practice notes as estate duty before it. The relevant chapter on the subject has therefore been updated to state the law as it stands following the two Finance Acts of 1983, and there is extensive reporting of recent Court decisions in the pious hope that certain abstruse points are thereby made clearer. The Appendices to the book have been revised and further specimen forms and model wordings added.

As previously, the preparation of this new edition would not have been possible without the help of others. In particular, I am especially indebted to my good friend Richard Shuker for discussion on a number of points and for his perceptive mind in debate about the law, to my colleagues Paul Gittins and Richard Humphreys for invaluable assistance with research, to Elaine Decker for her endless patience in typing the manuscript and its many, many revisions and to the editorial staff of Butterworths for their enthusiastic help and courtesy in all my dealings with them. Finally my most grateful thanks go to my wife Serena for her unfailing support and encouragement throughout.

B. P. A. D.
NEW HALL PLACE
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Table of statutes

References in this Table to *Statutes* are to Halsbury's Statutes of England (Third Edition) showing the volume and page at which the annotated text of the Act will be found. Page references printed in bold type indicate where the Act is set out in part or in full.

	PAGE		PAGE
Administration of Estates Act 1925 (13 <i>Statutes</i> 38)	91	Bankruptcy Act 1914— <i>cont</i>	
s 1 (2), (3)	84	s 53	145, 146, 147
4 (1)	102	143, 144	146
7	86, 87	167	152
33, 35	102	Sch 2	
36	101	para 13	147
47A	251	Bankruptcy (Amendment) Act 1926 (3 <i>Statutes</i> 170)	144
Act of Sederunt 1933	87	s 4	154
Administration of Estates Act 1971 (41 <i>Statutes</i> 566)		Bills of Exchange Act 1882 (3 <i>Statutes</i> 188)	
s 1 (3)	87	s 3	68
Administration of Estates Act (Northern Ireland) 1955	91, 96	Births and Deaths Registration Act 1953 (27 <i>Statutes</i> 1021)	
Administration of Justice Act 1965 (7 <i>Statutes</i> 744)		s 4 (6)	76
s 17	74	Building Societies Act 1962 (3 <i>Statutes</i> 312)	
Administration of Justice Act 1982 (52 <i>Statutes</i> 1967)		Sch 6	138
s 18	84	Capital Allowances Act 1968 (34 <i>Statutes</i> 1038)	328
Adoption Act 1958 (17 <i>Statutes</i> 635)	97	Capital Gains Tax Act 1979 (49 <i>Statutes</i> 1283)	
s 14 (3)	193	s 31 (1)	245
16, 17	98	63	249
20	15	143	245, 283
Adoption Act 1964 (17 <i>Statutes</i> 748)	193	144	246
Adoption Act 1968 (17 <i>Statutes</i> 779)	193	Sch 5	245
Adoption Act 1976 (46 <i>Statutes</i> 718)	98, 193	Children Act 1958 (17 <i>Statutes</i> 618)	21
s 31, 32	21	Children Act 1975 (45 <i>Statutes</i> 669)	
39 (1) (a)	98	Sch 1	98
45	99	Pt II	
Adoption of Children Act 1949 (17 <i>Statutes</i> 592)	193	para 3	98, 193
Age of Majority (Scotland) Act 1969	11	6	98, 99
Bankruptcy Act 1914 (3 <i>Statutes</i> 33)	144, 198	11	98
s 3, 4, 6, 7	145	Sch 2	99
19	146, 147	Colonial Probates Act 1892 (13 <i>Statutes</i> 34)	90, 315
(4)	146	s 2 (2) (a)	90
38	145	Colonial Probates (Protected States and Mandated Territories) Act 1927 (13 <i>Statutes</i> 113)	
42	149, 150	Companies Act 1948 (5 <i>Statutes</i> 110)	120, 155
(1)	148	s 32	13, 72
44	150	455	34
45, 46	154	Companies Act 1967	35
47 (1)	153		
48 (5)	145		

	PAGE
Companies Act (Northern Ireland) 1960	
s 399	34
Consumer Credit Act 1974 (44 <i>Statutes</i>	
746)	38, 61
s 1-6	39
21-42, 49	39
60-63, 67-73	40
87-93	40
Conveyancing (Scotland) Act 1924	331
Corporate Bodies' Contracts Act 1960 (7	
<i>Statutes</i> 14)	13, 72
Courts Act 1971 (41 <i>Statutes</i> 285)	
s 56	74
Debtors Act 1869 (3 <i>Statutes</i> 4)	153
Deeds of Arrangement Act 1914 (3 <i>Statutes</i>	
19)	151
Domicile and Matrimonial Proceedings	
Act 1973 (43 <i>Statutes</i> 231)	
s 1	89
European Communities Act 1972 (42	
<i>Statutes</i> 59)	
s 9	12
Family Law Reform Act 1969 (17 <i>Statutes</i>	
792; 40 <i>Statutes</i> 2)	93, 98
s 1, 12	9
15 (4) (b)	98
Family Provision Act 1966 (13 <i>Statutes</i>	
146)	
s 1	91
Finance (1909-10) Act 1910 (32 <i>Statutes</i>	
216)	
s 74	143, 180
(2), (5)	111
Finance Act 1956 (32 <i>Statutes</i> 278)	288
s 22	356
38 (2)	53
Finance Act 1962	179
Finance Act 1963 (12 <i>Statutes</i> 751; 32	
<i>Statutes</i> 299	
s 53, 64	111
Finance Act 1965 (34 <i>Statutes</i> 867)	
s 28	245
Sch 6	245
Sch 7	246
para 21	249
Finance Act 1966 (32 <i>Statutes</i> 320)	
s 47	53
Finance Act 1968	216, 219
Finance Act 1970 (32 <i>Statutes</i> 342; 34	
<i>Statutes</i> 1359)	65, 221, 331
s 21	295
32	52
Sch 5	243
Sch 7	
para 17	52, 53
Finance Act 1971 (41 <i>Statutes</i> 1400, 1418)	
	292, 293
s 23	217, 219, 241
64	143
Finance Act 1972 (42 <i>Statutes</i> 1931)	
Sch 16	326, 331, 336

	PAGE
Finance Act 1974 (44 <i>Statutes</i> 1572)	
s 16	294
Sch 11	
paras 3-5	111
Finance Act 1975 (45 <i>Statutes</i> 1770)	235,
	236, 247
s 7	215, 230, 232, 233, 349
8	215, 233, 349
9	215, 349
19	348
20 (2)	248, 277, 356
(4)	249, 273, 285, 354
(5), (7)	248
22 (1)	250
(2)	250, 309
(3)	250
(9)	78, 250
23	250
24	252
(3)	270
25	89
(5) (c)	88, 89
(10)	88
28 (3)	206
37	258
(2)	250
38	275
39	253
42	271
44	249
45	90, 275
46	254, 281, 282
Sch 1	
para 3	233
Sch 2	216, 237
Pt I	229
para 1	226, 345, 346
Pt II	
para 3	228, 347
4	219, 347
5	264
6	219, 347
Pt IV	
para 15	349
16	233, 349
17	238, 350
18-20	350
Sch 4	276
para 20	89
38	90
Sch 5	261
para 1	157, 261, 263, 269, 354
2	269
3	250, 264
4	264, 267, 268, 309
5	264
6	262, 264, 267, 268, 308
7-14	264
15	267, 268, 306, 307, 308,
	309, 310
16	273, 355, 356, 357
18	268, 269
Sch 6	255
para 1	252, 355, 357

	PAGE		PAGE
Finance Act 1975— <i>cont</i>		Finance (No. 2) Act 1983	
Sch 6		s 10	255
para 2	253, 357	(1)	255
5	253, 271, 356	Foster Children Act 1980 (50(1) <i>Statutes</i>	
6	111, 254	1150)	
Sch 7		s 19	21
para 1	272	Friendly and Industrial and Provident	
2	356	Societies Act 1968	359
Sch 8	255		
Sch 10	275	Government Annuities Act 1929 (30	
para 7	253, 257	<i>Statutes</i> 175)	
9	270	s 66	314
11	271, 285	Sch 2	
Finance Act 1976 (46 <i>Statutes</i> 1628)	241	Pt II	314
s 10	217		
34	270	Income and Corporation Taxes Act 1970	
73	255, 257	(33 <i>Statutes</i> 17)	157
89 (2)	273	s 19	200, 215, 234, 239, 279
99	250		332, 351
117	249	(2) (a)	216
120	270, 306	(c)	10
122	100	(3)	218
Sch 4	215	(4)	221
para 9	217	(5)	345, 346
11	351	20	215
Sch 5	329	21	215, 218
Sch 10	255, 256, 257	52, 53	242, 337
para 2	257	80–82	337
3	239, 257, 274	130 (a)	287, 294
5	239	(b)	294
11	241	(1)	294, 329
Finance Act 1978 (48 <i>Statutes</i> 1373)	240	(n), (o)	329
s 68	251	187	337
73	285	188 (3)	288
74	248	208	243
Finance Act 1980 (50 (2) <i>Statutes</i> 2172,		226	57, 115, 215, 272, 288,
2194)			293, 294, 324 , 355
s 30	229	226A	115, 272, 286, 288, 289
33	115, 272		293, 294, 327 , 355, 356
(1)	286	227	324, 328
95 (1)	111	(1)	286
Finance Act 1981 (51 <i>Statutes</i> 1613)		227A	330
s 31	288	230	244
94	253	282	287
(3)	253	321	245
101	251, 264	383	326
Sch 14	255	393	122, 216, 233, 331
para 1, 2	255	394	122, 216, 226, 233, 234
3, 9	256		331 , 348, 349
Finance Act 1982 (52 <i>Statutes</i> 1588)	261, 264	(1)	333, 350
s 34	339	(5)	334
43	288	395	122, 216, 233, 333 , 349
91	258	(1)	350
102 (1) (b)	267	(3), (3A)	335
107–110	265	396	122, 216, 233, 235, 334 ,
111	266		348, 349
112	265	(1)	350
114	267	397	122, 216, 233, 334 , 349
118	268		350
128 (1)	111	(1)	350
129	112	398	122, 216, 233, 236, 335 ,
Sch 17	264		348, 349
Finance Act 1983		(1)	350
s 18	235, 245		

	PAGE		PAGE
Income and Corporation Taxes Act 1970		Insurance Companies Act 1982— <i>cont</i>	
— <i>cont</i>		s 7 (1)	35
s 399	122, 216, 233, 336 , 349, 350	8–14	35
(1)	350	15–48	36
400	122, 216, 233, 337 , 349, 350	49, 50	36, 71
401	122, 216, 233, 338 , 349, 350	51, 52	36
402	122, 216, 233, 239, 338 , 349, 350	53, 54	36, 155
434	279	55	36
533	333	56	36, 156
Sch 1	216, 219, 221, 346, 347, 349	57	36
Pt I	227, 332, 339	58	36, 156
para 1	218, 223, 347, 348	59–73	36
2	223, 331, 347, 348	74	36, 46
3	347	75–77	16, 36, 58
4	223, 229, 348	78–81	36
9	226, 228, 333, 337, 347, 348	Sch 1	57
10	228, 347	Insurance Companies Amendment Act 1973 (43 <i>Statutes</i> 106)	35, 46
Pt II		s 50	18
para 1	245	Interpretation Act 1978 (48 <i>Statutes</i> 1296)	
Sch 8		s 17	37
para 7	288	Intestates' Estates Act 1952 (13 <i>Statutes</i> 128)	92, 94
Industrial Assurance Act 1923 (14 <i>Statutes</i> 335)	347	Sch 1	91
s 1 (2)	342, 348	Judicial Trustees Act 1896 (38 <i>Statutes</i> 79)	172
5	24	Land Charges Act 1925 (27 <i>Statutes</i> 685)	120, 141
20 (1)	17	Land Registration Act 1925 (27 <i>Statutes</i> 778)	138
Industrial Assurance and Friendly Societies Act 1948 (14 <i>Statutes</i> 382)		s 3 (xvi)	132
s 2	20	70 (1)	132
(4)	148	Law of Property Act 1925 (27 <i>Statutes</i> 341)	106, 121
9	30	s 15	61
Infants Relief Act 1874 (17 <i>Statutes</i> 412)	10	30	148
Inheritance (Provision for Family and Dependants) Act 1975 (45 <i>Statutes</i> 493)	99, 258	45	62
s 1	100	64	68
Insolvency Act 1976 (46 <i>Statutes</i> 152)	144	73	62
s 1	145	74	63
5	147	76, 77	62
7, 8, 11	146	88 (2)	135
Sch 1	145	89 (2)	135
Insurance Brokers (Registration) Act 1977 (47 <i>Statutes</i> 351)	46	91 (2)	135
s 2, 3	47	93	136
10–12	365	94	134
22	47	96	120, 141
Schedule	47	101	130
Insurance Companies Act 1958 (5 <i>Statutes</i> 505)	35	103	130
Insurance Companies Act 1974 (44 <i>Statutes</i> 32)	19, 35, 58	104	131
s 65–67	16	107 (1)	141
73	216	111	143
Insurance Companies Act 1980 (50(1) <i>Statutes</i> 224)	35	113	142
Insurance Companies Act 1982 (52 <i>Statutes</i> 288)	13, 216	114	133
s 1–6	35	115	137 , 139
7	35	(1), (2)	139, 140
		116	139
		136	108, 109, 115, 116
		137	119
		157	163
		163	177

	PAGE		PAGE
Law of Property Act 1925— <i>cont</i>		Matrimonial Proceedings and Property Act 1970 (40 <i>Statutes</i> 795)	
s 164	178	s 27 (1)	195
(1)	179	(4) (d)	195
165	178	Mental Health Act 1959 (25 <i>Statutes</i> 42)	
172	150, 198		103, 173, 174
177	84	Mental Health Act 1983	103
184	78, 91, 250	Misrepresentation Act 1967 (22 <i>Statutes</i>	
196	117	675	31, 107
198	120	s 2	49
199	119	Perpetuities and Accumulations Act 1964	
205	141, 142	(25 <i>Statutes</i> 3)	176
Sch 2	62	s 3 (5)	176
3	134, 138	4	177
Law Reform (Husband and Wife) Act		(1)	177
(Northern Ireland) 1964	189	13	178
s 4	336	Policies of Assurance Act 1867 (17 <i>Statutes</i>	
5	189	831)	64, 104, 105, 106, 107, 108, 117, 120, 121, 122
Law Reform (Married Women and Tortfeasors) Act 1935 (17 <i>Statutes</i> 128)	12, 186	s 1	114, 313
Legitimacy Act 1926 (1 <i>Statutes</i> 62)	98	2	313
Legitimacy Act 1976 (46 <i>Statutes</i> 2)	98	3	114, 118, 313
s 7 (1)	99	6	313, 326
Life Assurance Act 1774 (17 <i>Statutes</i> 827)		7-9	314
	13, 16, 20, 22, 24	Schedule	114, 314
s 1	23, 312	Policyholders Protection Act 1975 (45 <i>Statutes</i> 784)	37
2	18, 19, 23, 312	Powers of Attorney Act 1971 (41 <i>Statutes</i> 2, 2282)	
3	17, 312	s 5	66
4	312	9	174
Life Assurance Companies (Payment into Court) Act 1896 (17 <i>Statutes</i> 834)	74, 80, 121, 320	10	67
Limitation Act 1980 (50(1) <i>Statutes</i> 1253)		Presumption of Death (Scotland) Act 1977	77
s 5	74	Presumption of Life Limitation (Scotland) Act 1891	77
Married Women (Restraint upon Anticipation) Act 1949 (17 <i>Statutes</i> 131)	161	Prevention of Corruption Act 1906 (8 <i>Statutes</i> 236)	42
Married Women's Policies of Assurance (Scotland) Act 1880	188, 200, 201, 206	Prevention of Fraud (Investments) Act 1958 (22 <i>Statutes</i> 968)	41
s 2	186, 187, 336	Public Trustee Act 1906 (38 <i>Statutes</i> 83)	
Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980	12, 187	s 4 (3)	171
s 3	201	Recorded Delivery Service Act 1962 (32 <i>Statutes</i> 775)	117
Married Women's Property Act 1870		Registration of Births, Deaths and Marriages (Scotland) Act 1965	
s 10	186, 196	s 41	76
Married Women's Property Act 1882 (17 <i>Statutes</i> 116)	18, 19, 53, 72, 110, 150, 160, 171, 181, 198, 199, 210, 220, 237, 295, 303, 304, 305	Revenue Act 1884 13 <i>Statutes</i> 29)	
s 11	11, 185, 186, 189, 192, 193, 197, 198, 201, 206, 278, 336	s 11	88, 89, 209
Married Women's Property (Scotland) Act 1920	11	Revenue Act 1889	
Matrimonial Causes Act 1965 (17 <i>Statutes</i> 157)		s 19	88, 209
s 17	196	Sex Discrimination Act 1975 (45 <i>Statutes</i> 221)	
Matrimonial Causes Act 1973 (43 <i>Statutes</i> 539)		s 29, 45	41
s 18 (2)	91	Social Security Act 1973 (43 <i>Statutes</i> 866)	
Matrimonial Homes Act 1967 (17 <i>Statutes</i> 139)	132	s 69	177
		(7), (8)	178
		Social Security Act 1975 (45 <i>Statutes</i> 1071)	82
		Social Security Act 1980 (50(2) <i>Statutes</i> 1689)	100

	PAGE		PAGE
South Africa Act 1962 (4 <i>Statutes</i> 681)		Trustee Act 1925— <i>cont</i>	
Sch 2	90	s 15	204
Stamp Act 1891 (32 <i>Statutes</i> 134)	54, 64, 210	16	127, 203, 204
s 12	65	(1)	204
14, 15	64	17	205
98	52	18	175
100	48, 52	(2), (3)	84
104	179	23 (3) (c)	170
118	64 , 65, 143	25	174
Statute Law (Repeals) Act 1969 (32		31	178, 307, 308, 310
<i>Statutes</i> 819)	186	(1)	164 , 306
Statute of Frauds (1677) (7 <i>Statutes</i> 6)	21	32 (1)	165
Statutory Declarations Act 1835 (12		(1) (a)	205
<i>Statutes</i> 804)	318	33	162 , 268
Succession (Scotland) Act 1964	91, 94, 95	(1)	268
s 31	78	36	84, 172 , 175
Suicide Act 1961 (8 <i>Statutes</i> 519)	81	(1)	174
Superannuation and other Trust Funds		(6)	198
(Validation) Act 1927 (38 <i>Statutes</i>		37	175
200)	177	(1) (c)	175
Supplementary Benefits Act 1976 (46		39 (1)	175
<i>Statutes</i> 1046)	100	40 (1), (2)	166
Supreme Court Act 1981 (51 <i>Statutes</i> 851)		41	175
s 109 (1), (2)	90	57	208, 209
Supreme Court of Judicature Act 1873		68	171
106, 109, 115, 116		Trustee Investments Act 1961 (38 <i>Statutes</i>	
Supreme Court of Judicature (Consoli-		228)	165, 168, 206
dation) Act 1925 (13 <i>Statutes</i> 94)	90	s 1 (1)	205
s 156A	90	4 (1)	205
Theft Act 1968 (8 <i>Statutes</i> 782)		Trusts (Scotland) Act 1921	187
s 1 (1)	73	s 4 (1)	209
15, 16	31	Unfair Contract Terms Act 1977 (47	
Transmission of Moveable Property		<i>Statutes</i> 84)	40
(Scotland) Act 1862	106	Wills Act 1837 (39 <i>Statutes</i> 856)	
Trustee Act 1925 (38 <i>Statutes</i> 104)	116, 168	s 11, 18	84
s 1 (1)	206		

Table of cases

	PAGE
Acey v Fernie (1840) 7 M & W 151, 10 LJ Ex 9	43
Adie & Sons v Insurance Corpn Ltd [1898] 14 TLR 544	7
Aiken v Short (1856) 1 H & N 210, 25 LJ Ex 321, 27 LTOS 188, 4 WR 645	74
Allan's Trustees v IRC 1971 SLT 62	188
Amin Rasheed Shipping Corpn v Kuwait Insurance Co [1983] 1 All ER 873, [1983] 1 WLR 228, CA	33
Amis v Witt (1863) 33 Beav 619	102
Anctil v Manufacturers' Life Insurance Co [1899] AC 604, 68 LJCP 123, 81 LT 279, PC	28
Anderson v Fitzgerald (1853) 4 HL Cas 484, 21 LTOS 245, 17 Jur 995, HL	31
Anderson v Pacific Fire and Marine Insurance Co (1872) LR 7 CP 65, 26 LT 130, 20 WR 280, 1 Asp MLC 220	26
Anstey v British Natural Premium Life Association Ltd (1908) 99 LT 765, 24 TLR 871, CA	29
A-G v Boden [1912] 1 KB 539, [1911–13] All ER Rep Ext 1306, 81 LJKB 704, 105 LT 247	284
A-G v Cohen [1937] 1 KB 478, [1937] 1 All ER 27, 106 LJKB 262, 156 LT 130, 53 TLR 214, 81 Sol Jo 57, CA	112
A-G v Murray [1904] 1 KB 165, 73 LJKB 66, 89 LT 710, 68 JP 89, 52 WR 258, 20 TLR 137, CA	23
A-G v Power [1906] 2 IR 272	263
Avon County Council v Howlett [1983] 1 All ER 1073	74
Baden's Deed Trusts (No 2), Re [1973] Ch 9, [1972] 2 All ER 1304, [1972] 3 WLR 250, 116 Sol Jo 356, CA	158
Baker v IRC [1924] AC 270, [1923] All ER Rep 566, 93 LJKB 211, 130 LT 513, HL	111
Balfour v Balfour [1919] 2 KB 571, [1918–19] All ER Rep 860, 88 LJKB 1054, 121 LT 346, 35 TLR 609, 63 Sol Jo 661, CA	4
Bancroft v Heath (1900) 5 Comm Cas 110	42
Barclays Bank Ltd v WJ Simms Son & Cooke (Southern) Ltd [1980] QB 677, [1979] 3 All ER 522, [1980] 2 WLR 218, 123 Sol Jo 785	74
Barker's Trusts, Re (1875) 1 Ch D 43, 45 LJ Ch 52, 24 WR 264	171
Barnes v London, Edinburgh and Glasgow Life Insurance Co [1892] 1 QB 864, 8 TLR 143, 36 Sol Jo 125	20
Barron v Fitzgerald (1840) 6 Bing NC 201, 8 Scott 460, 9 LJCP 153, 4 Jur 88	42
Bartlett v Barclays Bank Trust Co [1980] Ch 515, [1980] 1 All ER 139, [1980] 2 WLR 430, 124 Sol Jo 85	168
Bates v Hewitt (1867) LR 2 QB 595, 36 LJQB 282, 15 WR 1172	26
Bates (Thomas) & Son Ltd v Wyndham's (Lingerie) Ltd [1981] 1 All ER 1077, [1981] 1 WLR 505	51
Batten's Will Trusts, Re (1961) 105 Sol Jo 529	81
Batty v Pearl Assurance Co Ltd [1937] IAC Rep 12	6
Bawden v London, Edinburgh and Glasgow Assurance Co [1892] 2 QB 534, 61 LJQB 792, 57 JP 116, 8 TLR 566, 36 Sol Jo 502, CA	44
Beith's Trustees v Beith [1950] SC 66	201
Bennett, Re, ex p Official Receiver [1907] 1 KB 149, 76 LJKB 134, 95 LT 887, 23 TLR 99, 51 Sol Jo 83, 14 Mans 6	153
Beresford v Royal Insurance Co Ltd [1938] AC 586, [1938] 2 All ER 602, 107 LJKB 464, 158 LT 459, 54 TLR 789, 82 Sol Jo 431, HL	81
Berwick (Lord), Re, Lord Berwick v Lane (1900) 81 LT 797, CA	42

	PAGE
Best, Re, <i>Parker v Best</i> [1924] 1 Ch 42, [1923] All ER Rep 696, 93 LJ Ch 63, 130 LT 311, 68 Sol Jo 102	102, 108
Beswick v <i>Beswick</i> [1968] AC 58, [1967] 2 All ER 1197, [1967] 3 WLR 932, 111 Sol Jo 540, HL	9, 158, 184
Biggar v <i>Rock Life Assurance Co</i> [1902] 1 KB 516, 71 LJKB 79, 85 LT 636, 18 TLR 119, 46 Sol Jo 105	44
British Bank of the Middle East v <i>Sun Life Assurance Co of Canada (UK)</i> [1983] 2 Lloyds Rep 9, HL	43
Brockbank, Re, <i>Ward v Bates</i> [1948] Ch 206, [1948] 1 All ER 287, [1948] LJ 952, 92 Sol Jo 141	169
Brook's Settlement, Re, <i>Brook v Brook</i> [1968] 3 All ER 416, [1968] 1 WLR 1661, 112 Sol Jo 845	163
Brotherton v <i>IRC</i> [1978] 2 All ER 267, [1978] 1 WLR 610, 122 Sol Jo 164, [1978] STC 201, [1977] TR 317, CA	263
Brown's Policy, Re, <i>Browne v Browne</i> [1903] 1 Ch 188, 72 LJ Ch 85, 87 LT 588, 51 WR 364, 19 TLR 98	197
Bryan v <i>Cassin</i> [1942] 2 All ER 262, 167 LT 275, 24 TC 468	243
Burgess' Policy, Re (1915) 85 LJ Ch 273, 113 LT 443, 59 Sol Jo 546	190
Burrough v <i>Philcox</i> (1840) 5 My & Cr 72, 5 Jur 453	159
Buswell v <i>IRC</i> [1974] 2 All ER 520, [1974] 1 WLR 1631, 118 Sol Jo 864, [1974] STC 266, CA	90
Byrne v <i>Van Tienhoven</i> (1880) 5 CPD 344, 49 LJQB 316, 42 LT 371, 44 JP 667	8
<i>Canning v Farquhar</i> (1886) 16 QBD 727, 55 LJQB 225, 54 LT 350, 34 WR 423, 2 TLR 386, CA	5
Carlill v <i>Carbolic Smoke Ball Co</i> [1893] 1 QB 256, [1891-4] All ER Rep 127, 62 LJQB 257, 67 LT 837, 57 JP 325, 41 WR 210, 9 TLR 124, CA	4
Carmichael v <i>Carmichael's Executrix</i> 1919 SC 636	20
Carter v <i>Boehm</i> (1766) 3 Burr 1905, 1 Wm B 593	25
Carter Bros v <i>Renouf</i> (1962) 36 ALJR 67	23
Chaplin v <i>Royal London Mutual</i> [1958] IAC Rep 2	82
Chapman v <i>Walton</i> (1833) 10 Bing 57, 3 Moo & S 389, [1824-34] All ER Rep 384, 2 LJCP 910	42
Chard v <i>Chard</i> [1956] P 259, [1955] 3 All ER 721, [1955] 3 WLR 954, 99 Sol Jo 890	77
Clark's Trustees v <i>IRC</i> 1972 SLT 190, [1972] TR 17	188
Clay's Policy of Assurance, Re, <i>Clay v Earnshaw</i> [1937] 2 All ER 548	192
Cleaver v <i>Mutual Reserve Fund Life Association</i> [1892] 1 QB 147, 1891-4 All ER Rep 335, 61 LJQB 128, 66 LT 220, 56 JP 180, 40 WR 230, 8 TLR 139, 36 Sol Jo 106, CA	82, 160, 189
Clements v <i>London and North Western Ry Co</i> [1894] 2 QB 482	10
Clore's Settlement Trusts, Re, <i>Sainer v Clore</i> [1966] 2 All ER 272, [1966] 1 WLR 955, 110 Sol Jo 252	268
Coleman, Re, <i>Coleman v Coleman</i> [1976] Ch 1, [1975] 1 All ER 675, [1975] 2 WLR 213, 119 Sol Jo 86	84
Collett v <i>Morrison</i> (1851) 9 Hare 162, 21 LJ Ch 878	50
Collier, Re [1930] 2 Ch 37, [1930] All ER Rep 447, 143 LT 329, 99 LJ Ch 241, [1929] B & CR 173	197
Colonial Bank v <i>Exchange Bank of Yarmouth Nova Scotia</i> (1885) 11 App Cas 84, 55 LJPC 14, 54 LT 256, 34 WR 417	74
Colonial Bank v <i>Whinney</i> (1885) 30 Ch D 261, CA; revsd (1886) 11 App Cas 426, 56 LJ Ch 43, 55 LT 362, 34 WR 705, 2 TLR 747, 3 Morr 207, HL	204
Connecticut Fire Insurance Co v <i>Kavanagh</i> [1892] AC 473, 61 LJPC 50, 67 LT 508, 57 JP 21, 8 TLR 752, PC	42
Coombes v <i>Brookes</i> (1871) LR 12 Eq 61	171
Cousins v <i>Sun Life Assurance Society</i> [1933] 1 Ch 126, [1932] All ER Rep 404, 102 LJ Ch 114, 148 LT 101, 49 TLR 12, CA	192, 193 , 197
Currie v <i>Misa</i> (1875) LR 10 Exch 153, 44 LJ Ex 94, 23 WR 450; affd. sub. nom. <i>Misa v Currie</i> (1876) 1 App Cas 554, [1874-80] All ER Rep 686, 45 LJQB 852, 35 LT 414, 24 WR 1049, HL	8
Dalby v <i>India and London Life Assurance Co</i> (1854) 15 CB 365, 3 CLR 61, 24 LJCP 2, 24 LTOS 182, 18 Jur 1024, 3 WR 116	17
Davies' Policy Trusts, Re [1892] 1 Ch 90, 61 LJ Ch 650, 66 LT 104	196
Dawson v <i>IRC</i> [1905] 2 IR 69	101

	PAGE
Debtor (A) (No 24 of 1971), Re, ex p Marley [1976] 2 All ER 1010, [1976] 1 WLR 952 . . .	148
Dennis, Re [1981] 2 All ER 140, 124 Sol Jo 885 . . .	100
Densham (Bkpt), Re, ex p Trustee of the Bankrupt v Densham [1975] 3 All ER 726, 119 Sol Jo 774; sub nom Re Densham (Bkpt), Ex p Trustee of Property of Bankrupt v Bankrupt [1975] 1 WLR 1519 . . .	149
Department of Trade and Industry v St Christopher Motorists Association Ltd [1974] 1 All ER 395, [1974] 1 WLR 99, 117 Sol Jo 873, [1974] 1 Lloyd's Rep 17 . . .	3
Didisheim v London and Westminster Bank [1900] 2 Ch 15, 69 LJ Ch 443, 82 LT 738, 48 WR 501, 16 TLR 311, CA . . .	103
Dodwell & Co Ltd's Trust, Re [1979] Ch 301, [1978] 3 All ER 738, 123 Sol Jo 98 . . .	179
Dracup (Samuel) & Sons Ltd v Dakin [1957] 37 TC 377, [1957] TR 169 . . .	288
Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd [1915] AC 847, [1914-15] All ER Rep 333, 84 LJKB 1680, 113 LT 386, 31 TLR 399, 59 Sol Jo 439, HL . . .	8, 181
Durham Bros v Robertson [1898] 1 QB 765, 67 LJQB 484, 78 LT 438, CA . . .	105
Eagle Star Insurance Co Ltd v Spratt [1971] 2 Lloyd's Rep 116 . . .	43
Edinburgh Life Assurance Co v Balderston 1909 2 SLT 323 . . .	201
Edwards v Marshall-Lee (1975) Times, 18 June . . .	141
Egerton v IRC [1982] STC 520 . . .	267
Eilbeck v Rawling [1982] AC 300, [1981] 1 All ER 865, [1981] 2 WLR 449, 125 Sol Jo 220, [1981] STC 174, HL . . .	298
Engelbach's Estate, Re, Tibbetts v Engelbach [1924] 2 Ch 348, [1923] All ER Rep 93, 93 LJ Ch 616, 130 LT 401, 68 Sol Jo 208 . . .	182
Entores Ltd v Miles Far East Corpn [1955] 2 QB 327, [1955] 2 All ER 493, [1955] 3 WLR 48, 99 Sol Jo 384, [1955] 1 Lloyd's Rep 511, CA . . .	5
Facer v Vehicle and General Insurance Co [1965] 1 Lloyd's Rep 113 . . .	44
Farquharson v Pearl Assurance Co Ltd [1937] 3 All ER 124 . . .	60
First National Securities v Jones [1978] Ch 109, [1978] 2 All ER 221, [1978] 2 WLR 475, 121 Sol Jo 760, CA . . .	63
Fisher, Re, Harris v Fisher [1943] Ch 377, [1943] 2 All ER 615, 113 LJ Ch 17, 169 LT 289, 59 TLR 446, 87 Sol Jo 372 . . .	294
Fleetwood's Policy, Re [1926] Ch 48, [1925] All ER Rep 262, 95 LJ Ch 195, 134 LT 374 . . .	194, 201, 305
Fletcher v Krell (1872) 42 LJQB 55, 28 LT 105, 37 JP 198 . . .	25
Floor v Davis [1980] AC 695, [1979] 2 All ER 677, [1979] 2 WLR 830, 123 Sol Jo 374, [1979] STC 379, [1979] TR 163, HL . . .	298
Foster, Re, Hudson v Foster [1938] 3 All ER 357, 54 TLR 993, 82 Sol Jo 584 . . .	182
Foster, Re, Hudson v Foster (No 2) [1938] 3 All ER 610, 159 LT 279, 54 TLR 1059, 82 Sol Jo 665 . . .	136
Foster's Policy, Re, Manneer v Foster [1966] 1 All ER 432, [1966] 1 WLR 222, 110 Sol Jo 151 . . .	183, 211
Fowler v Scottish Equitable Life Insurance Society and Ritchie (1858) 28 LJ Ch 225, 32 LTOS 119, 4 Jur NS 1169, 7 WR 5 . . .	50
Furniss v Dawson [1982] STC 267, 126 Sol Jo 83; affd. [1983] STC 549 . . .	298
Gale v Lewis (1846) 9 QB 730, 16 LJQB 119, 8 LTOS 158, 11 Jur 730 . . .	43
Gartside v IRC [1968] AC 553, [1968] 1 All ER 121, [1968] 2 WLR 277, 111 Sol Jo 982 . . .	263
Gedge v Royal Exchange Assurance Corpn [1900] 2 QB 214, [1900-3] All ER Rep 179, 69 LJQB 506, 82 LT 463 . . .	13, 23
General Accident Insurance Corpn v Cronk [1901] 17 TLR 233, 45 Sol Jo 261 . . .	7
Giles, Re, Giles v Giles [1972] Ch 544, [1971] 3 All ER 1141, [1971] 3 WLR 640, 115 Sol Jo 428 . . .	190
Gilly v Burley (1856) 22 Beav 619, 28 LTOS 55, 2 Jur NS 897, 4 WR 769 . . .	105
Gladitz, Re, Guaranty Executor and Trustee Co Ltd v Gladitz [1937] Ch 588, [1937] 3 All ER 173, 106 LJ Ch 254, 157 LT 163, 53 TLR 857, 81 Sol Jo 527 . . .	192
Glicksman v Lancashire and General Assurance Co Ltd [1927] AC 139, [1926] All ER Rep 161, 136 LT 263, 43 TLR 46, 70 Sol Jo 1111, 32 Com Cas 62, HL . . .	31
Godfrey v Britannic Assurance Co Ltd [1963] 2 Lloyd's Rep 515, 107 Sol Jo 536 . . .	26
Gould v Curtis [1913] 3 KB 84, 82 LJKB 802, 108 LT 779, 29 TLR 469, 57 Sol Jo 461, CA . . .	3, 218
Grabiner v Brew (1965) 108 Sol Jo 1030 . . .	137
Grey v IRC [1960] AC 1, [1959] 3 All ER 603, [1959] 3 WLR 759, 103 Sol Jo 896, [1959] TR 311, 38 ATC 313, HL . . .	249

	PAGE
Griffiths' Policy, Re [1903] 1 Ch 739, 72 LJ Ch 330, 88 LT 547	196
Griffiths v Fleming [1909] 1 KB 805, [1908–10] All ER Rep 760, 78 LJKB 567, 100 LT 765, 25 TLR 377, 53 Sol Jo 340, CA	19, 20, 186, 191
Grosvenor, Re, Peacey v Grosvenor [1944] Ch 138, [1944] 1 All ER 81	78
Gulbenkian v Gulbenkian [1927] P 237, 96 LJ P 53, 136 LT 800, 43 TLR 267, 71 Sol Jo 311	195
Gunner v Gunner and Stirling [1949] P 77, [1948] 2 All ER 771, [1948] LJR 1904, 64 TLR 513	195
Gunsbourg, Re [1920] 2 KB 426; sub nom Re A Gunsbourg & Co Ltd, ex p Cook [1920] All ER Rep 492, 123 LT 353, 36 TLR 485, 64 Sol Jo 498; sub nom Re Gunsbourg ex p Trustee 89 LJKB 725, [1920] B & CR 50, CA	150
Haas v Atlas Assurance Co Ltd [1913] 2 KB 209, 82 LJKB 506, 108 LT 373, 29 LTR 307, 57 Sol Jo 446	88
Hadden v Bryden (1899) 1F, 36 SLR 524 (Ct of Sess) 710, 36 Sc LR 524, 6 SLT 362	23
Halford v Kymer (1830) 10 B & C 724, 8 LJOSKB 311	17, 20
Harrington v Pearl Life Assurance Co Ltd [1914] 30 TLR 613, CA	6
Harrison v Alliance Assurance Co [1903] 1 KB 184, 72 LJKB 115, 88 LT 4, 51 WR 281, 19 TLR 89, CA	80
Harrison (WF) & Co v Burke [1956] 2 All ER 169, [1956] 1 WLR 419, 100 Sol Jo 300, CA	116
Harse v Pearl Life Assurance Co [1904] 1 KB 558, 73 LJKB 373, 90 LT 245, 52 WR 457, 20 TLR 264, 48 Sol Jo 275, CA	13, 24
Hart, Re, ex p Green [1912] 3 KB 6, [1911–13] All ER Rep Ext 1164, 81 LJKB 1213, 107 LT 368, 19 Mans 334, CA	149
Hay's Settlement Trusts, Re [1981] 3 All ER 786, [1982] 1 WLR 202, 125 Sol Jo 866	163
Hebdon v West (1863) 3 B & S 579, 1 New Rep 431, 32 LJQB 85, 7 LT 854, 9 Jur NS 747, 11 WR 422	18, 21
Hector SS Co v VO Soufracht, Moscow [1945] KB 343, [1945] 1 All ER 540, 115 LJKB 182, 172 LT 268, 61 TLR 264	268
Hemsworth v Hemsworth [1946] KB 431, [1946] 2 All ER 117, 115 LJKB 422, 62 TLR 329	242
Henderson, Re, Henderson v Henderson [1940] Ch 764, [1940] 3 All ER 295, 109 LJ Ch 363, 56 TLR 871, 84 Sol Jo 441	175
Hickman v Peacey [1945] AC 304, [1945] 2 All ER 215, 114 LJ Ch 225, 173 LT 89, 61 TLR 489, 89 Sol Jo 339, HL	78
Hockey v Western [1898] 1 Ch 350, 67 LJ Ch 166, 78 LT 1, 46 WR 312, 14 TLR 201, 42 Sol Jo 232, CA	141
Holder v Holder [1968] Ch 353, [1968] 1 All ER 665, [1968] 2 WLR 237, 112 Sol Jo 17, CA	83
Holdsworth v Lancashire and Yorkshire Insurance Co (1907) 23 TLR 521	30
Howard v Refuge Friendly Society (1886) 54 LT 644, 2 TLR 474	20, 24
Hughes v Liverpool Victoria Legal Friendly Society [1916] 2 KB 482, [1916–17] All ER Rep 918, 85 LJKB 1643, 115 LT 40, 32 TLR 525, CA	24
Hunter v R [1904] AC 161, 73 LJKB 381, 90 LT 325, 52 WR 593, 20 TLR 370, 5 TC 13	219
Independent Air Travel Ltd, Re [1961] 1 Lloyd's Rep 604	296
Inglewood (Lord) v IRC [1981] STC 318, [1981] TR 11; affd [1983] 1 WLR 366	267
IRC v Buchanan [1958] Ch 289, [1957] 2 All ER 400, [1957] 3 WLR 68, 101 Sol Jo 502, 37 TC 365, [1957] TR 43	249
IRC v Bullock [1976] 3 All ER 353, [1976] 1 WLR 1178, 120 Sol Jo 591, [1976] STC 409, [1976] TR 179, CA	90
IRC v Burmah Oil Co Ltd [1982] STC 30, [1982] TR 535, HL	298
IRC v Duchess of Portland [1982] Ch 314, [1982] 1 All ER 784, [1982] 2 WLR 367, [1981] TR 475	90
IRC v EMI Ltd [1949] 1 All ER 120; affd [1950] 2 All ER 261, CA	108
IRC v Rennell [1964] AC 173, [1963] 1 All ER 803, [1963] 2 WLR 745, 107 Sol Jo 232, 42 ATC 55	254
IRC v Stype Investments (Jersey) Ltd [1981] Ch 367, [1981] 2 All ER 394; revsd. [1982] Ch 456, [1982] 3 All ER 419, [1982] 3 WLR 228, [1982] STC 625, 79 LS Gaz 1291	89
IRC v Trustees of Sir John Aird's Settlement (No 1) and (No 2) (1983) Times, 2 August	267
Ioakimidis' Policy Trusts, Re, Ioakimidis v Hartcup [1925] 1 Ch 403, [1925] All ER Rep 164, 95 LJ Ch 24, 133 LT 796, 41 TLR 486, 69 Sol Jo 662	194

	PAGE
Joel v Law Union and Crown Insurance Co [1908] 2 KB 863, 77 LJKB 1108, 99 LT 712, 24 TLR 898, 52 Sol Jo 740, CA	27, 28 , 31
Johnston v Prudential Assurance Co [1946] IAC Rep (1938-49) 59	6
Jones v Daniel [1894] 2 Ch 332, 63 LJ Ch 562, 70 LT 588, 42 WR 687	5
Jones' Settlement, Re, Stunt v Jones [1915] 1 Ch 373, 84 LJ Ch 406, 112 LT 1067, 59 Sol Jo 364	170
Jones Will Trusts, Re, Soames v A-G [1947] Ch 48, [1946] 2 All ER 281, 115 LJ Ch 307, 175 LT 402, 90 Sol Jo 405	307
Jopling v IRC [1940] 2 KB 282, [1940] 3 All ER 279, 109 LJKB 734, 163 LT 361, 56 TLR 877, 84 Sol Jo 525	101
Keates v Cadogan (1851) 10 CB 591, [1843-60] All ER Rep 433, 20 LJCP 76, 16 LTOS 367, 15 Jur 428	25
Kelly v Solari (1841) 9 M & W 54, 11 LJ Ex 10, 6 Jur 107	74
Kennedy's Trustees v Sharpe 1895 3 SLT 186	187
Kerr's Trustees v Lord Advocate [1974] STC 309, [1974] TR 7, 53 ATC 6	188
King, Re, Sewell v King [1879] 14 Ch D 179, 49 LJ Ch 73, 28 WR 344	109
Knight v Knight (1840) 3 Beav 148	158
Kumar v Life Assurance Co of India (1973) 117 Sol Jo 833, [1974] 1 Lloyd's Rep 147	29
Lake, Re, ex p Cavendish [1903] 1 KB 151, 72 LJKB 117, 87 LT 655, 51 WR 319, 19 TLR 116, 10 Mans 17	117
Lamb v Lord Advocate 1976 SLT 151	79
Lambert v Co-operative Insurance Society Ltd [1975] 2 Lloyd's Rep 485, CA	26, 31
Learmouth, Re (1866) 14 WR 628	152
Lee v Abdy (1886) 17 QBD 309, 55 LT 297, 34 WR 653	110
Leete v Wallace (1888) 58 LT 577	42
Leslie, Re, Leslie v French (1883) 23 Ch D 552, 52 LJ Ch 762, 48 LT 564, 31 WR 561	136
London Assurance v Clare (1937) 81 Sol Jo 258, 57 Ll L Rep 254	31
London Assurance v Mansel (1879) 11 Ch D 363, 48 LJ Ch 331, 41 LT 225, 43 JP 604, 27 WR 444	25
London Life Insurance Co v Wright (1881) 5 SCR 466	48
Looker v Law Union and Rock Insurance Co [1928] 1 KB 554, 97 LJKB 323, 137 LT 648, 43 TLR 691	27
Lort-Williams v Lort-Williams [1951] P 395, [1951] 2 All ER 241, [1951] 2 TLR 200, 95 Sol Jo 529, CA	195
McArdle, Re, [1951] Ch 669, [1951] 1 All ER 905, 95 Sol Jo 284, CA	115
McCarthy, Re, ex p Trustee of the Bankrupt v McCarthy [1975] 2 All ER 857, 119 Sol Jo 391	148
Macdonald v Irvine (1878) 8 Ch D 101, 47 LJ Ch 494, 38 LT 155, 26 WR 381, CA	169
M'Farlane v Royal London Friendly Society (1886) 2 TLR 755	19
McKenna v City Life Assurance Co [1919] 2 KB 491, 88 LJKB 1223, 122 LT 30	60
McNealy v Pennine Insurance Co Ltd (1978) 122 Sol Jo 229, [1978] 2 Lloyd's Rep 18, [1978] RTR 285, CA	43
McPhail v Doulton [1971] AC 424, [1970] 2 All ER 228, [1970] 2 WLR 1110, 114 Sol Jo 375, HL	158, 263
Manisty's Settlement, Re, Manisty v Manisty [1974] Ch 17, [1973] 2 All ER 1203, [1973] 3 WLR 341, 117 Sol Jo 665	163
Maughan v Ridley (1863) 2 New Rep 58, 8 LT 309	108
Meadows (Thos) & Co Ltd etc Pension Scheme Rules, Re [1971] Ch 278, [1971] 1 All ER 239, [1970] 3 WLR 524, 114 Sol Jo 736	178
Medical Defence Union v Department of Trade [1980] Ch 82, [1979] 2 All ER 421, [1979] 2 WLR 686, 123 Sol Jo 338, [1979] 1 Lloyd's Rep 499	3
Meldrum v Meldrum [1970] 3 All ER 1084, [1971] 1 WLR 5, 114 Sol Jo 952	196
Merritt v Merritt [1970] 2 All ER 760, [1970] 1 WLR 1211, 114 Sol Jo 455, CA	4
Mercantile Credit Co Ltd v Hamblin [1964] 1 All ER 680, [1964] 1 WLR 423, 108 Sol Jo 180; on appeal [1965] 2 QB 242, [1964] 3 All ER 592, [1964] 3 WLR 798, 108 Sol Jo 674, CA	23
Miller v Pearl Life Assurance Co Ltd 1970 23 Sh Ct Rep 334	20
Milroy v Lord (1862) 4 De GF & J 264, [1861-73] All ER Rep 783, 31 LJ Ch 798, 7 LT 178, 8 Jur NS 806	199
Moores v Moores (1974) 232 Estates Gazette 335	205