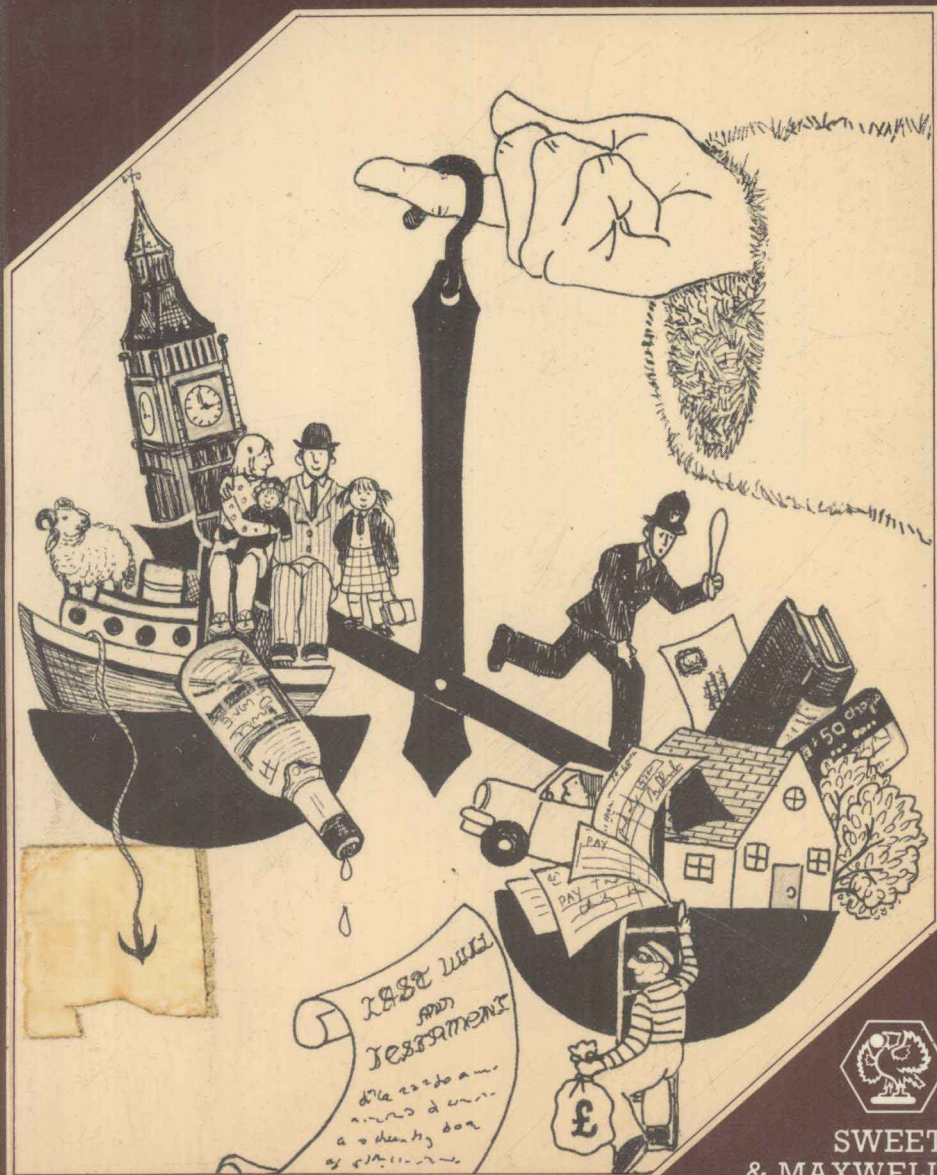


CONCISE
COLLEGE
TEXTS

GENERAL PRINCIPLES OF LAW

THIRD EDITION

Clive R. Newton



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& MAXWELL

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CONCISE COLLEGE TEXTS

GENERAL PRINCIPLES OF LAW

THIRD EDITION

by

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1983

PREFACE

THE considerable body of new statute and case law that has appeared since the last edition has affected to a greater or lesser extent every chapter of the book (apart from chapters 1, 2, and 4 which cover the general and historical introductions and the sources of law). Some of the more important developments I will note here.

Chapter 3 (The Present Legal System) incorporates the new limits on county court jurisdiction, the new form of the writ of summons in the High Court introduced by the reformulated Order 6 of the Rules of the Supreme Court and some of the changes brought in by the Arbitration Act 1979, the Supreme Court Act 1981 and the Criminal Justice Act 1982. The mainly consolidating statutes, the Justices of the Peace Act 1979 and the Magistrates' Courts Act 1980 are mentioned in the appropriate places. The controversial Police and Criminal Evidence Bill, which would have made substantial changes *inter alia*, in the rules relating to powers of arrest and detention as noted on p. 50, did not receive the royal assent before the dissolution of Parliament in May 1983.

The main change in chapter 5 (European Community Law) has been in the composition of the European Parliament where elections by direct universal suffrage have been introduced.

Some of the important provisions of the Companies Acts 1980 and 1981 and of the Employment Acts 1980 and 1982 are outlined in chapter 6 (Legal Personality) while chapter 7 (Status) makes mention of the British Nationality Act 1981 and the consolidating Statutes, the Mental Health Act 1983 and the Matrimonial Homes Act 1983.

In criminal law (chapter 8) conspiracy and attempts are now governed by the Criminal Law Act 1977 and the Criminal Attempts Act 1981 respectively.

In the chapter on the law of torts (chapter 9), the 10 pages of text explaining the duty of care in the tort of negligence have been completely rewritten to take into account several important recent decisions (principally *Anns v. Merton L.B.C.* (1977) and *Junior Books Ltd v. Veitchi Co. Ltd.* (1982)). Other developments in the law of torts include changes brought in by the Torts (Interference

with Goods) Act 1977, the Civil Liability (Contribution) Act 1978 and the Administration of Justice Act 1982.

Several new cases are discussed in the chapter on the law of contract (chapter 10), including *Bunge Corporation v. Tradax S.A.* (1981) (status of a term), *Photo Production Ltd. v. Securicor Transport Ltd.* (1980), *Ailsa Craig v. Malvern Fishing* (1981) and *George Mitchell (Chesterhall) Ltd. v. Finney Lock Seeds Ltd.* (1982) (all on exclusion and limiting terms); *Woodar Investment v. Wimpey Construction* (1980) (breach), *North Ocean Shipping Co. Ltd. v. Hyundai Construction Co. Ltd.* (1978) (consideration and economic duress) and *National Carriers Ltd. v. Panalpina (Northern) Ltd.* (1981) (frustration of leases). But by far the most important development in contract has been the enactment of the Unfair (Contract Terms) Act 1977 whose provisions are examined at pp. 253–254. Other statutory changes relating to contract include the consolidating Sale of Goods Act 1979 which replaces the 1983 Act as the main source for the law governing the sale of goods.

The final chapters, on the law of property and succession on death (chapters 11 and 12), are comparatively unchanged, but not completely (see, *e.g.* the Rent Act 1977 and the Housing Act 1980 at p. 336 and the Administration of Justices Act 1982 at p. 356).

I have attempted to state the law as it existed on March 1, 1983 although it has been possible to include a few changes occurring after that date.

This edition is dedicated to Marie Gray and Eleanor Woods.

June 1983

CLIVE R. NEWTON

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