

THE
ALL ENGLAND
LAW REPORTS
1984

Volume I

Editor

PETER HUTCHESON LL.M.
Barrister, New Zealand

Assistant Editor

BROOK WATSON
of Lincoln's Inn, Barrister
and of the New South Wales Bar

Consulting Editor

WENDY SHOCKETT
of Gray's Inn, Barrister

London
BUTTERWORTHS

ENGLAND	Butterworth & Co (Publishers) Ltd 88 Kingsway, London WC2B 6AB
AUSTRALIA	Butterworths Pty Ltd, Sydney, Melbourne, Brisbane, Adelaide and Perth
CANADA	Butterworth & Co (Canada) Ltd, Toronto Butterworth & Co (Western Canada) Ltd, Vancouver
NEW ZEALAND	Butterworths of New Zealand Ltd, Wellington
SINGAPORE	Butterworth & Co (Asia) Pte Ltd, Singapore
SOUTH AFRICA	Butterworth Publishers (Pty) Ltd, Durban
USA	Butterworth Legal Publishers, Seattle , Washington, Boston , Massachusetts, Austin , Texas and St Paul , Minnesota D & S Publishers, Clearwater , Florida

©

Butterworth & Co (Publishers) Ltd

1984

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature

ISBN 0 406 85150 6

Typeset by CCC, printed and bound in Great Britain by William Clowes Limited, Beccles and London

REPORTERS

House of Lords

Mary Rose Plummer Barrister

Privy Council

Mary Rose Plummer Barrister

Court of Appeal, Civil Division

Mary Rose Plummer Barrister

Frances Rustin Barrister

Diana Procter Barrister

Diana Brahams Barrister

Patricia Hargrove Barrister

Sophie Craven Barrister

Carolyn Toulmin Barrister

Court of Appeal, Criminal Division

N P Metcalfe Esq Barrister

Dilys Tausz Barrister

April Weiss Barrister

Raina Levy Barrister

Martine Kushner Barrister

Chancery Division

Jacqueline Metcalfe Barrister

Evelyn M C Budd Barrister

Hazel Hartman Barrister

Vivian Horvath Barrister

Queen's Bench Division

David Bartlett Esq Barrister

M Denise Chorlton Barrister

J M Collins Esq Barrister

K Mydeen Esq Barrister

Family Division

Bebe Chua Barrister

Admiralty

N P Metcalfe Esq Barrister

Revenue Cases

Rengan Krishnan Esq Barrister

Clare Mainprice Barrister

Courts-Martial Appeals

N P Metcalfe Esq Barrister

SUB-EDITOR

Radhika Edwards Barrister

MANAGER

John W Wilkes Esq

House of Lords

The Lord High Chancellor: Lord Hailsham of St Marylebone

Lords of Appeal in Ordinary

Lord Diplock
Lord Fraser of Tullybelton
Lord Keith of Kinkel
Lord Scarman
Lord Roskill

Lord Bridge of Harwich
Lord Brandon of Oakbrook
Lord Brightman
Lord Templeman

Court of Appeal

The Lord High Chancellor

The Lord Chief Justice of England: Lord Lane
(President of the Criminal Division)

The Master of the Rolls: Sir John Francis Donaldson
(President of the Civil Division)

The President of the Family Division: Sir John Lewis Arnold

The Vice-Chancellor: Sir Robert Edgar Megarry

Lords Justices of Appeal

Sir John Frederick Eustace Stephenson
Sir Frederick Horace Lawton
Sir George Stanley Waller
Sir James Roualeyn Hovell-Thurlow-
Cumming-Bruce
Sir Edward Walter Eveleigh
Sir Desmond James Conrad Ackner
Sir Robin Horace Walford Dunn
Sir Peter Raymond Oliver
Sir Tasker Watkins VC
Sir Patrick McCarthy O'Connor
Sir William Hugh Griffiths

Sir Michael John Fox
Sir Michael Robert Emanuel Kerr
Sir John Douglas May
Sir Christopher John Slade
Sir Francis Brooks Purchas
Sir Robert Lionel Archibald Goff
Sir George Brian Hugh Dillon
Sir Stephen Brown
Sir Roger Jocelyn Parker
Sir Nicolas Christopher Henry Browne-
Wilkinson

Chancery Division

The Lord High Chancellor

The Vice-Chancellor

Sir John Norman Keates Whitford
Sir Ernest Irvine Goulding
Sir Raymond Henry Walton
Sir John Evelyn Vinelott
Sir Martin Charles Nourse
Sir Douglas William Falconer

Sir Jean-Pierre Frank Eugene Warner
Sir Peter Leslie Gibson
Sir David Herbert Mervyn Davies
Sir Jeremiah LeRoy Harman
Sir Donald James Nicholls
Sir Richard Rashleigh Folliott Scott

Queen's Bench Division

The Lord Chief Justice of England

Sir Joseph Donaldson Cantley
Sir Hugh Eames Park
Sir Bernard Caulfield
Sir William Lloyd Mars-Jones
Sir Ralph Kilner Brown
Sir Peter Henry Rowley Bristow
Sir Hugh Harry Valentine Forbes
Sir David Powell Croom-Johnson
Sir Leslie Kenneth Edward Boreham
Sir Alfred William Michael Davies
Sir John Dexter Stocker
Sir Kenneth George Illtyd Jones
Sir Haydn Tudor Evans
Sir Peter Richard Pain
Sir Kenneth Graham Jupp
Sir Ralph Brian Gibson
Sir Walter Derek Thornley Hodgson
Sir James Peter Comyn
Sir Anthony John Leslie Lloyd
Sir Frederick Maurice Drake
Sir Brian Thomas Neill
Sir Michael John Mustill
Sir Barry Cross Sheen
Sir David Bruce McNeill
Sir Harry Kenneth Woolf

Sir Christopher James Saunders French
Sir Thomas Patrick Russell
Sir Peter Edlin Webster
Sir Thomas Henry Bingham
Sir Iain Derek Laing Glidewell
Sir Henry Albert Skinner
Sir Peter Murray Taylor
Sir Murray Stuart-Smith
Sir Christopher Stephen Thomas Jonathan
Thayer Staughton
Sir Donald Henry Farquharson
Sir Anthony James Denys McCowan
Sir Iain Charles Robert McCullough
Sir Hamilton John Leonard
Sir Alexander Roy Asplan Beldam
Sir David Cozens-Hardy Hirst
Sir John Stewart Hobhouse
Sir Michael Mann
Sir Andrew Peter Leggatt
Sir Michael Patrick Nolan
Sir Oliver Bury Popplewell
Sir William Alan Macpherson
Sir Philip Howard Otton
Sir Paul Joseph Morrow Kennedy
Sir Michael Hutchison

Family Division

The President of the Family Division

Sir John Brinsmead Latey
Sir Alfred Kenneth Hollings
Sir Charles Trevor Reeve
Dame Rose Heilbron
Sir Brian Drex Bush
Sir Alfred John Balcombe
Sir John Kember Wood
Sir Ronald Gough Waterhouse

Sir John Gervase Kensington Sheldon
Sir Thomas Michael Eastham
Dame Margaret Myfanwy Wood Booth
Sir Anthony Leslie Julian Lincoln
Dame Ann Elizabeth Oldfield Butler-Sloss
Sir Anthony Bruce Ewbank
Sir John Douglas Waite
Sir Anthony Barnard Hollis

CITATION

These reports are cited thus :

[1984] 1 All ER

REFERENCES

These reports contain references to the following major works of legal reference described in the manner indicated below.

Halsbury's Laws of England

The reference 26 Halsbury's Laws (4th edn) para 577 refers to paragraph 577 on page 296 of volume 26 of the fourth edition of Halsbury's Laws of England and the reference 37 Halsbury's Laws (3rd edn) 135, para 239 refers to paragraph 239 on page 135 of volume 37 of the third edition.

Halsbury's Statutes of England

The reference 5 Halsbury's Statutes (3rd edn) 302 refers to page 302 of volume 5 of the third edition of Halsbury's Statutes of England.

The Digest

References are to the green band reissue volumes and the blue band replacement volumes of The Digest (formerly the English and Empire Digest), and to the continuation volumes.

The reference 36(2) Digest (Reissue) 764, 1398 refers to case number 1398 on page 764 of Digest Green Band Reissue Volume 36(2).

The reference 47 Digest (Repl) 781, 25 refers to case number 25 on page 781 of Digest Blue Band Replacement Volume 47.

The reference Digest (Cont Vol E) 640, 2392a refers to case number 2392a on page 640 of Digest Continuation Volume E.

Halsbury's Statutory Instruments

The reference 20 Halsbury's Statutory Instruments (4th reissue) 302 refers to page 302 of the fourth reissue of volume 20 of Halsbury's Statutory Instruments; references to other reissues are similar.

Cases reported in volume 1

	Page		Page
A v B [QBD]	265	Chase Manhattan Bank, Bolivinter Oil SA v (note) [CA]	351
Abidin Daver, The [HL]	470	Chilvers v Rayner [QBD]	843
Able, A-G v [QBD]	277	Clea Shipping Corp v Bulk Oil International Ltd [QBD]	129
A-G v Able [QBD]	277	Cleveland Bridge and Engineering Co Ltd, British Steel Corp v [QBD]	504
A-G of Trinidad and Tobago v McLeod [PC]	694	Clough Mill Ltd v Martin [ChD]	721
A-G, Stewards' Co Ltd v [ChD]	50	Coates (J & P) (UK) Ltd, Brooks v [QBD]	702
A-G, Trustees of the British Museum v [ChD]	337	Costain Property Investments Ltd, Stokes (Inspector of Taxes) v [CA]	849
A-G's Reference (No 2 of 1983) [CA]	988	Courtaulds Ltd, Dexter v [CA]	70
Aga Khan Foundation (UK), Hart v [QBD]	239	Courtenay Investments (Nominees) Ltd, Bickel v [ChD]	657
Alaskan Trader, The [QBD]	129	Courtine, R v [HL]	740
Alcom Ltd v Republic of Colombia (Barclays Bank plc and anor, garnishees) [CA]	1	Crown, ex p, R v Huntingdon DC [QBD]	58
Ali v Secretary of State for the Home Dept [CA]	1009	Crown Court at Swindon, R v, ex p Pawittar Singh [QBD]	941
Ali, Patel v [ChD]	978	Cunningham-Reid, Kenny v [CA]	584
Allnatt London Properties Ltd v Newton [CA]	423	Customs and Excise Comrs v Viva Gas Appliances Ltd [HL]	112
Alltrans Express Ltd v CVA Holdings Ltd [CA]	685	Cutts v Head [CA]	597
Alltrans Group of Canada Ltd, Tor Line AB v [HL]	103	CVA Holdings Ltd, Alltrans Express Ltd v [CA]	685
American Greetings Corp's Application, Re [HL]	426	D, R v [CA]	574
Anderson, ex p, R v Secretary of State for the Home Dept [QBD]	920	Davy-Chiesman v Davy-Chiesman [CA]	321
Anderson, ex p, R v Wormwood Scrubs Prison Board of Visitors [QBD]	799	Dawson, Furniss (Inspector of Taxes) v [HL]	530
Andria, The [CA]	1126	Delamere's Settlement Trusts, Re [CA]	584
Astro Dinamico Cia Naviera SA, Williams & Glyn's Bank plc v [HL]	760	Delgado, R v [CA]	449
Aveyard v Aveyard [CA]	159	Dexter v Courtaulds Ltd [CA]	70
Ayres, R v [HL]	619	Dimbleby & Sons Ltd v National Union of Journalists [CA]	117
B, A v [QBD]	265	— [HL]	751
Bagshaw, R v [CA]	971	Douglas-Scott v Scorgie [CA]	1086
Banin v MacKinlay (Inspector of Taxes) [ChD]	1116	Downs Surgical plc, Shove v [QBD]	7
Barclays Bank Ltd v TOSG Trust Fund Ltd [CA]	628	Duke, Holgate-Mohammed v [HL]	1054
— [HL]	1060	Dunnington, R v [CA]	676
Berger & Co Inc, Gill & Duffus SA v [HL]	438	E (mental health patient), Re [ChD]	309
Bethlem Royal Hospital Governors, Sidaway v [CA]	1018	E (minors) (wardship: jurisdiction), Re [CA]	21
Biche, The [QBD]	464	E (SA) (a minor) (wardship), Re [HL]	289
Bickel v Courtenay Investments (Nominees) Ltd [ChD]	657	EC Commission v UK [CJEC]	353
Birmingham Juvenile Court, R v, ex p P [QBD]	393	Edicron Ltd v William Whiteley Ltd [CA]	219
Birmingham Juvenile Court, R v, ex p S [QBD]	393	Ellis, Wings Ltd v [QBD]	1046
Bolivinter Oil SA v Chase Manhattan Bank (note) [CA]	351	Entores Metal Brokers Ltd, Sanders Lead Co Inc v [CA]	857
Booth, Secretary of State for Trade and Industry v [QBD]	464	First National Securities Ltd v Hegerly [QBD]	139
Boulding, ex p, R v Central Criminal Court [QBD]	766	Freeman v Home Office [CA]	1036
Brice v Brown [QBD]	997	Freevale Ltd v Metrostore (Holdings) Ltd [ChD]	495
British Museum (Trustees) v A-G [ChD]	337	Furniss (Inspector of Taxes) v Dawson [HL]	530
British Steel Corp v Cleveland Bridge and Engineering Co Ltd [QBD]	504	Garage Door Associates Ltd, Re [ChD]	434
Bromley Licensed Victuallers' Association, ex p, R v Bromley Licensing Justices [QBD]	794	Gardner v Moore [HL]	1100
Bromley Licensing Justices, R v, ex p Bromley Licensed Victuallers' Association [QBD]	794	Gasco Investments (Netherlands) BV, Savings and Investment Bank Ltd v [ChD]	296
Brooks v J & P Coates (UK) Ltd [QBD]	702	General Accident Fire and Life Assurance Corp Ltd v Tanter [QBD]	35
Brown, Brice v [QBD]	997	Gill & Duffus SA v Berger & Co Inc [HL]	438
Bulk Oil International Ltd, Clea Shipping Corp v [QBD]	129	Gillet, McGregor (Inspector of Taxes) v [ChD]	1092
Bulk Oil (Zug) AG v Sun International Ltd [CA]	386	Gillick v West Norfolk and Wisbech Area Health Authority [QBD]	365
Burns v Burns [CA]	244	Global Natural Resources plc, Cayne v [CA]	225
Cairnplace Ltd v CBL (Property Investment) Co Ltd [CA]	315	Governor of Brixton Prison, R v, ex p Walsh [QBD]	344
Campbell, Thames Guaranty Ltd v [QBD]	144	Governor of Durham Prison, R v, ex p Singh [QBD]	983
Cayne v Global Natural Resources plc [CA]	225	Guardian Newspapers Ltd, Secretary of State for Defence v [CA]	453
CBL (Property Investment) Co Ltd, Cairnplace Ltd v [CA]	315	Gubay v Kingston (Inspector of Taxes) [HL]	513
Central Criminal Court, R v, ex p Boulding [QBD]	766	Hackney London BC, ex p, R v Secretary of State for the Environment [CA]	956
Champion v Maughan [QBD]	680	Hamilton v Martell Securities Ltd [ChD]	665
		Hart v Aga Khan Foundation (UK) [QBD]	239
		Harvey, Jelson (Estates) Ltd v [ChD and CA]	12
		Head, Cutts v [CA]	597
		Hegerly, First National Securities Ltd v [QBD]	139
		Heston-Francois, R v [CA]	785
		Hindle v Thynne [QBD]	770

	Page		Page
Hindle, ex p, R v Newcastle-upon-Tyne Justices [QBD]	770	Practice Direction (affidavits: filing) [FamD] ..	684
Hoey v Hoey [CA]	177	Practice Direction (applications: appeals: change of name) [ChD]	720
Holgate-Mohammed v Duke [HL]	1054	Practice Direction (child: welfare report) [FamD]	827
Holland, Keen v [CA]	75	Practice Direction (costs: taxation: applications out of time) [Sup Ct Taxing Office] ..	873
Home Office, Freeman v [CA]	1036	Practice Direction (costs: taxation: postal facilities) [Sup Ct Taxing Office] ..	940
Hubbard, Universal City Studios Inc v [CA] ..	661	Practice Direction (costs: vouching bills of costs) [Sup Ct Taxing Office] ..	679
Huntingdon DC, R v, ex p Cowan [QBD] ..	58	Practice Direction (counsel: fees: accident cases) [Sup Ct Taxing Office] ..	848
Immigration Appeal Tribunal, R v, ex p Secretary of State for the Home Dept [QBD] ..	488	Practice Direction (counsel's fees) [FamD] ..	784
Insurance Brokers Registration Council, Pickles v [QBD]	1073	Practice Direction (estimated length of hearing) [FamD]	783
Insurance Officer, Presho v [HL]	97	Practice Direction (interlocutory applications outside London) [ChD]	750
Inter-Footwear Ltd, Sport International Bussum BV v [CA]	376	Practice Direction (legal aid: costs: agreement as to costs) [Sup Ct Taxing Office] ..	919
IRC, Moore v [ChD]	1108	Practice Direction (ward of court: guardian ad litem) [FamD]	69
Islington London BC, R v, ex p Knight [QBD] ..	154	Presho v Insurance Officer [HL]	97
J (a minor) (wardship: jurisdiction), Re [CA] ..	29	R v Ayres [HL]	619
Jelson (Estates) Ltd v Harvey [ChD and CA] ..	12	R v Bagshaw [CA]	971
Jenkins v Lombard North Central plc [QBD] ..	828	R v Birmingham Juvenile Court, ex p P [QBD] ..	393
Keen v Holland [CA]	75	R v Birmingham Juvenile Court, ex p S [QBD] ..	393
Kenny v Cunningham-Reid [CA]	584	R v Bromley Licensing Justices, ex p Bromley Licensed Victuallers' Association [QBD] ..	794
Kingdon (Inspector of Taxes), Gubay v [HL] ..	513	R v Central Criminal Court, ex p Boulding [QBD]	766
Knight, ex p, R v Islington London BC [QBD] ..	154	R v Courtie [HL]	740
Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm) [HL]	733	R v Crown Court at Swindon, ex p Pawittar Singh [QBD]	941
Laing (J W) Trust, Re [ChD]	50	R v D [CA]	574
Law Society, R v, ex p Sexton [CA]	92	R v Delgado [CA]	449
Lee, R v [CA]	1080	R v Dunnington [CA]	676
Liverpool City Council, Rimmer v [CA]	930	R v Governor of Brixton Prison, ex p Walsh [QBD]	344
Lombard North Central plc, Jenkins v [QBD] ..	828	R v Governor of Durham Prison, ex p Singh [QBD]	983
McGregor (Inspector of Taxes) v Gillett [ChD]	1092	R v Heston-Francois [CA]	785
McGregor (Inspector of Taxes) v Randall [ChD]	1092	R v Huntingdon DC, ex p Cowan [QBD] ..	58
MacKinlay (Inspector of Taxes), Banin v [ChD]	1116	R v Immigration Appeal Tribunal, ex p Secretary of State for the Home Dept [QBD] ..	488
McLeod, A-G of Trinidad and Tobago v [PC] ..	694	R v Islington London BC, ex p Knight [QBD] ..	154
Martell Securities Ltd, Hamilton v [ChD]	665	R v Law Society, ex p Sexton [CA]	92
Martin, Clough Mill Ltd v [ChD]	721	R v Lee [CA]	1080
Maughan, Champion v [QBD]	680	R v Newcastle-upon-Tyne Justices, ex p Hindle [QBD]	770
Mercury Communications Ltd v Scott-Garner [ChD and CA]	179	R v Secretary of State for the Environment, ex p Hackney London BC [CA]	956
Messenger Newspapers Group Ltd v National Graphical Association [CA]	293	R v Secretary of State for the Home Dept, ex p Anderson [QBD]	920
Metrostore (Holdings) Ltd, Freevale Ltd v [ChD]	495	R v Secretary of State for the Home Dept, ex p Tarrant [QBD]	799
Millet (R & A) (Shops) Ltd, South Tottenham Land Securities Ltd v [CA]	614	R v Taaffe [HL]	747
Moore v IRC [ChD]	1108	R v Terry [HL]	65
Moore, Gardner v [HL]	1100	R v Wormwood Scrubs Prison Board of Visitors, ex p Anderson [QBD]	799
National Coal Board v Wm Neill & Son (St Helens) Ltd [QBD]	555	Randall, McGregor (Inspector of Taxes) v [ChD]	1092
National Graphical Association, Messenger Newspapers Group Ltd v [CA]	293	Rayner, Chilvers v [QBD]	843
National Union of Journalists, Dimbleby & Sons Ltd v [CA]	117	Republic of Colombia, Alcom Ltd v (Barclays Bank plc and anor, garnishees) [CA]	1
Neill (Wm) & Son (St Helens) Ltd, National Coal Board v [QBD]	555	Rimmer v Liverpool City Council [CA]	930
Newcastle-upon-Tyne Justices, R v, ex p Hindle [QBD]	770	S, ex p, R v Birmingham Juvenile Court [QBD]	393
Newton, Allnatt London Properties Ltd v [CA] ..	423	Sanders Lead Co Inc v Entores Metal Brokers Ltd [CA]	857
Niedersachsen, The [QBD and CA]	398	Savings and Investment Bank Ltd v Gasco Investments (Netherlands) BV [ChD]	296
Ninemia Maritime Corp v Trave Schiffahrtsgesellschaft mbH & Co KG [QBD and CA] ..	398	Scorgie, Douglas-Scott v [CA]	1086
Owens, Showboat Entertainment Centre Ltd v [EAT]	836	Scott-Garner, Mercury Communications Ltd v [ChD and CA]	179
P v W (access order: breach) [FamD]	866		
P, ex p, R v Birmingham Juvenile Court [QBD]	393		
Palmer v Southend-on-Sea BC [CA]	945		
Patel v Ali [ChD]	978		
Pattullo & Vinson Ltd, Sevenoaks DC v [CA] ..	544		
Peacock v Peacock [FamD]	1069		
Pickles v Insurance Brokers Registration Council [QBD]	1073		

	Page		Page
Secretary of State for Defence v Guardian Newspapers Ltd [CA]	453	Sutton v Sutton [ChD]	168
Secretary of State for Employment, Westwood v [HL]	874	Taaffe, R v [HL]	747
Secretary of State for Social Services, Woodling v [HL]	593	Tanter, General Accident Fire and Life Assurance Corp Ltd v [QBD]	35
Secretary of State for the Environment, R v, ex p Hackney London BC [CA]	956	Tarrant, ex p, R v Secretary of State for the Home Dept [QBD]	799
Secretary of State for the Home Dept, Ali v [CA]	1009	Terry, R v [HL]	65
Secretary of State for the Home Dept, ex p, R v Immigration Appeal Tribunal [QBD]	488	TFL Prosperity, The [HL]	103
Secretary of State for the Home Dept, R v, ex p Anderson [QBD]	920	Thames Guaranty Ltd v Campbell [QBD]	144
Secretary of State for the Home Dept, R v, ex p Tarrant [QBD]	799	Thompson v Smiths Shiprepairers (North Shields) Ltd [QBD]	881
Secretary of State for Trade and Industry v Booth [QBD]	464	Thynne, Hindle v [QBD]	770
Select Management Ltd, Westminster City Council v [QBD]	994	Tor Line AB v Alltrans Group of Canada Ltd [HL]	103
Sevenoaks DC v Pattullo & Vinson Ltd [CA]	544	TOSG Trust Fund Ltd, Barclays Bank Ltd v [CA]	628
Sexton, ex p, R v Law Society [CA]	92	— [HL]	1060
Shove v Downs Surgical plc [QBD]	7	Trafford's Settlement, Re [ChD]	1108
Showboat Entertainment Centre Ltd v Owens [EAT]	836	Trave Schiffahrtsgesellschaft mbH & Co KG, Ninemia Maritime Corp v [QBD and CA]	398
Sidaway v Bethlem Royal Hospital Governors [CA]	1018	UK, EC Commission v [CJEC]	353
Simmons v Simmons [CA]	83	Universal City Studios Inc v Hubbard [CA]	661
Singh, ex p, R v Governor of Durham Prison [QBD]	983	Viva Gas Appliances Ltd, Customs and Excise Comrs v [HL]	112
Singh (Pawittar), ex p, R v Crown Court at Swindon [QBD]	941	W (access order: breach), P v [FamD]	866
Smiths Shiprepairers (North Shields) Ltd, Thompson v [QBD]	881	Walsh, ex p, R v Governor of Brixton Prison [QBD]	344
Snow (Sir Frederick) & Partners (a firm), Kuwait Minister of Public Works v [HL]	733	West Anstey Common, Re [ChD]	161
South Tottenham Land Securities Ltd v R & A Millett (Shops) Ltd [CA]	614	West Norfolk and Wisbech Area Health Authority, Gillick v [QBD]	365
Southeast-on-Sea BC, Palmer v [CA]	945	Westminster City Council v Select Management Ltd [QBD]	994
Sport International Bussum BV v Inter-Footwear Ltd [CA]	376	Westwood v Secretary of State for Employment [HL]	874
Stewards' Co Ltd v A-G [ChD]	50	William Whiteley Ltd, Edicron Ltd v [CA]	219
Stokes (Inspector of Taxes) v Costain Property Investments Ltd [CA]	849	Williams & Glyn's Bank plc v Astro Dinamico Cia Naviera SA [HL]	760
Sun International Ltd, Bulk Oil (Zug) AG v [CA]	386	Wings Ltd v Ellis [QBD]	1046
		Woodling v Secretary of State for Social Services [HL]	593
		Wormwood Scrubs Prison Board of Visitors, R v, ex p Anderson [QBD]	799
		Zephyr, The [QBD]	35

Digest of cases reported in volume 1

ADMIRALTY – Jurisdiction – Action in rem – Arrest of ship – Plaintiff invoking jurisdiction to obtain security for award in arbitration proceedings			
The Andria	CA	1126	
AFFIDAVIT – Filing – Time for filing – Cause or matter for which hearing date fixed			
Practice Direction	Fam D	684	
AGRICULTURAL HOLDING – Land let for more than one but less than two years – Agreement executed a few days before expiry of term – Whether tenancy protected			
Keen v Holland	CA	75	
ARBITRATION – Award – Enforcement – Foreign award – Award made before foreign state becoming party to New York Convention			
Kuwait Minister of Public Works v Sir Frederick Snow & Partners (a firm) ..	HL	733	
—Award – Leave to appeal against award – Matters to be considered – Award involving complex question of EEC law			
Bulk Oil (Zug) AG v Sun International Ltd	CA	386	
ARREST – Arrest without warrant – Exercise of power of arrest – Belief that confession more likely if suspect arrested			
Holgate-Mohammed v Duke	HL	1054	
CAPITAL TRANSFER TAX – Interest in possession – Discretionary trust – Trust funds held on protective trusts for settlor, his wife and children – Settlor dying unmarried and without children			
Re Trafford's Settlement, Moore v IRC	Peter Gibson J	1108	
CHARITY – Cy-près doctrine – Occasion for applying property cy-près – Requirement that whole of capital and income of charitable gift be distributed within ten years of donor's death			
Re J W Laing Trust, Stewards' Co Ltd v A-G	Peter Gibson J	50	
CHILD – Care – Wardship proceedings – Jurisdiction of court to review decisions of local authority			
Re E (minors) (wardship: jurisdiction)	CA	21	
Re J (a minor) (wardship: jurisdiction)	CA	29	
—Care – Wardship proceedings – Scope of court's jurisdiction			
Re E(SA) (a minor) (wardship)	HL	289	
—Welfare report – Confidentiality – Indorsement on report			
Practice Direction	Fam D	827	
CHILDREN AND YOUNG PERSONS – Care proceedings in juvenile court – Interim care order – Application for renewal of order			
R v Birmingham Juvenile Court, ex p S, R v Birmingham Juvenile Court, ex p P	Ewbank J	393	
COMMONS – Registration – Disputed claims – Reference to commons commissioner – Extent of inquiry by commissioner			
Re West Anstey Common	Whitford J	161	
COMPANY – Compulsory winding up – Petition by contributory – Petition for relief on ground of unfair prejudice – Dispute about ownership of shares			
Re Garage Door Associates Ltd	Mervyn Davies J	434	
—Inspectors' report – Evidence – Admissibility of report as evidence – Interlocutory proceedings			
Savings and Investment Bank Ltd v Gasco Investments (Netherlands) BV	Peter Gibson J	296	
—Winding up – Proof and ranking of claims – Rule against double proof – Creditors paid in part under bank bond against insolvency			
Barclays Bank Ltd v TOSG Trust Fund Ltd	CA	628; HL	1060
COMPROMISE – Offer made 'without prejudice' before hearing – Refusal of offer – Effect of refusal on costs			
Cutts v Head	CA	597	
COMPULSORY PURCHASE – Compensation – Disturbance – Council tenant surrendering tenancy to local authority to enable it to carry out improvements			
R v Islington London BC, ex p Knight	McCullough J	154	

CONSTITUTIONAL LAW – Foreign sovereign state – Immunity from suit – Exceptions – Commercial transactions – Default judgment in respect of claim for sale of goods		
Alcom Ltd v Republic of Colombia (Barclays Bank plc and anor, garnishees) ..	CA	1
CONSUMER PROTECTION – Consumer credit – Seeking business – Car dealer – Price sticker on car displaying name of finance company		
Jenkins v Lombard North Central plc ..	DC	828
CONTEMPT OF COURT – Civil contempt – Committal for breach of court order – Defence of autrefois acquit – Original motion dismissed for irregularity		
Jelson (Estates) Ltd v Harvey ..	Goulding J and CA	12
— Sequestration – Position of third party in relation to writ of sequestration – Contemnor's auditors		
Messenger Newspapers Group Ltd v National Graphical Association ..	CA	293
CONTRACT – Damages for breach – Wrongful dismissal – Deduction of social security benefits from Redundancy Fund payment		
Westwood v Secretary of State for Employment ..	HL	874
— Damages for breach – Wrongful dismissal – Income tax		
Shove v Downs Surgical plc ..	Sheen J	7
— Part performance – Wife consenting to divorce in return for agreement by husband to transfer matrimonial home to her		
Sutton v Sutton ..	John Mowbray QC	168
— Quantum meruit – Contractor requesting manufacturer to commence production in anticipation of contract being entered into – No contract concluded		
British Steel Corp v Cleveland Bridge and Engineering Co Ltd ..	Robert Goff J	504
— Repudiation – Time charterers repudiating charter after vessel off-hire for six months for repairs – Whether owners having unfettered right to elect to refuse to accept repudiation		
Clea Shipping Corp v Bulk Oil International Ltd, The Alaskan Trader ..	Lloyd J	129
COSTS – Appeal to Court of Appeal – Extent of jurisdiction – Summary judgment for damages to be assessed – Costs of hearing to assess damages		
Alltrans Express Ltd v CVA Holdings Ltd ..	CA	685
— Taxation – Application for taxation out of time		
Practice Direction ..	SC Taxing Office	873
— Taxation – Litigant in person – Claim for costs for expenditure of time in preparing case and appearing in court		
Hart v Aga Khan Foundation (UK) ..	Lloyd J	239
— Taxation – Postal facilities – Acknowledgment of receipt of papers		
Practice Direction ..	SC Taxing Office	940
— Vouching bills of costs – Certificate		
Practice Direction ..	SC Taxing Office	679
COUNTY COURT – Application for leave to appeal – Ex parte application		
Aveyard v Aveyard ..	CA	159
— Judgment or order – Reasons for decision – Custody cases – Importance of judgment		
Hoey v Hoey (note) ..	CA	177
COURT OF APPEAL – Evidence – Principles on which further evidence received – Application for judicial review		
Ali v Secretary of State for the Home Dept ..	CA	1009
CRIMINAL EVIDENCE – Corroboration – Direction to jury – Witness who is convicted mental patient in special hospital		
R v Bagshaw ..	CA	971
CRIMINAL LAW – Attempt – Acts constituting attempt – Aiding and abetting attempt to commit offence		
R v Dunnington ..	CA	676
— Bail – Magistrates' court – Defendant in prison on remand in custody – Duty of prison governor to produce prisoner to court		
R v Governor of Brixton Prison, ex p Walsh ..	DC	344

CRIMINAL LAW – Buggery – Maximum punishment varying according to factual ingredients present – Whether more than one offence created		
R v Courtie	HL	740
— Conspiracy – Whether conspiracy to defraud at common law can be charged when evidence supports statutory offence		
R v Ayres	HL	619
— Court of Appeal – Jurisdiction – Appeal against conviction following plea of guilty – Fresh evidence		
R v Lee	CA	1080
— Self-defence – Premeditated acts – Whether self-defence encompassing premeditated acts done in anticipation of violence		
A-G's Reference (No 2 of 1983)	CA	988
— Suicide – Liability for complicity in another's suicide – Aiding, abetting etc suicide of another – Distribution of booklet containing advice on committing suicide		
A-G v Able	Woolf J	277
— Trial – Stay – Oppressive conduct by prosecution – Conduct alleged to amount to abuse of process		
R v Heston-Francois	CA	785
CROWN COURT – Binding over – Powers of court – Binding over victim of grievous bodily harm		
R v Crown Court at Swindon, ex p Pawittar Singh	DC	941
— Binding over – Powers of court – Terms of order – Opportunity to make representations against order		
R v Central Criminal Court, ex p Boulding	DC	766
CUSTOMS AND EXCISE – Importation of prohibited goods – Defendant carrying controlled drug believing it was currency – Defendant mistakenly believing importation of currency prohibited		
R v Taaffe	HL	747
DAMAGES – Personal injury – Nervous shock – Reasonable foreseeability of consequences of tort – Plaintiff with underlying personality disorder		
Brice v Brown	Stuart-Smith J	997
DECLARATION – Jurisdiction of civil court to grant declaration regarding criminal law – Declaration regarding criminality of future conduct		
A-G v Able	Woolf J	277
DISCOVERY – Privilege – Waiver – Notice of intention to adduce contemporaneous document as evidence at trial – Memorandum from defendant to solicitor		
General Accident Fire and Life Assurance Corp Ltd v Tanter, The Zephyr	Hobhouse J	35
DIVORCE – Foreign decree – Recognition by English court – Overseas divorce – 'Proceedings' in country outside British Isles – Talag divorce		
R v Immigration Appeal Tribunal, ex p Secretary of State for the Home Dept	Taylor J	488
— Maintenance pending suit – Applicant receiving supplementary benefit – Assessment of quantum of maintenance order		
Peacock v Peacock	Booth J	1069
— Transfer of property – Agreement between parties – Wife consenting to divorce in return for transfer of property to her – Collusion – Enforcement of agreement		
Sutton v Sutton John Mowbray QC	168
DOCUMENT – Admissibility in evidence – Record as evidence of facts stated therein – Report of Department of Trade inspectors		
Savings and Investment Bank Ltd v Gasco Investments (Netherlands) BV	Peter Gibson J	296
DRUGS – Controlled drugs – Possession with intent to 'supply' – Defendant in temporary control of drug for owner with intention of soon returning drug to owner		
R v Delgado	CA	449
ENTERTAINMENT – Entertainments licence – Application – Objections – Duty to inform applicant of objections and to give opportunity to reply		
R v Huntingdon DC, ex p Cowan Glidewell J	55

EQUITY – Creation of equitable charge – Borrower agreeing to create charge over property as security for loan – Borrower joint tenant of property			
First National Securities Ltd v Hegerty	Bingham J	139
Thames Guaranty Ltd v Campbell	Mann J	144
— Forfeiture – Relief – Jurisdiction of court – Circumstances in which relief will be granted – Licence to use names and trade marks			
Sport International Bussum BV v Inter-Footwear Ltd	CA	376
ESTOPPEL – Convention – Parties agreeing that tenancy agreement between them not to be protected tenancy – Whether tenant estopped from claiming statutory protection			
Keen v Holland	CA	75
— Issue estoppel – Appropriateness of doctrine in applications for judicial review			
R v Secretary of State for the Environment, ex p Hackney London BC	CA	956
EUROPEAN ECONOMIC COMMUNITY – Equality of treatment of men and women – Failure of member state to fulfil obligations – Whether UK legislation fulfilling EEC requirements			
EC Commission v UK	CJEC	353
EVIDENCE – Privilege – Newspaper – Confidential Crown document wrongfully passed to newspaper – Crown bringing action for purpose of discovering informant's identity			
Secretary of State for Defence v Guardian Newspapers Ltd	CA	453
EXECUTION – Charging order – Land – Discretion of judge to make charging order absolute			
First National Securities Ltd v Hegerty	Bingham J	139
EXPLOSIVES – Offence – Making or possessing explosive substance – Defence of lawful purpose			
A-G's Reference (No 2 of 1983)	CA	98P
FACTORY – Duty to provide ventilation – Removal of dust – All practicable measures to be taken			
Brooks v J & P Coates (UK) Ltd	Boreham J	702
FISH – Obstruction to passage of fish – Placing fixed engine in inland or tidal waters – Offence of strict liability			
Champion v Maughan	DC	680
HABEAS CORPUS – Habeas corpus ad respondendum – Whether court's power to issue writ imposing duty on prison governor to bring up prisoner			
R v Governor of Brixton Prison, ex p Walsh	DC	344
HALLMARKING – Supplying unhallmarked article to which description gold is applied – Offence of strict liability			
Chilvers v Rayner	DC	843
HEALTH AND SAFETY AT WORK – Non-domestic premises – Block of flats – Whether lifts are 'non-domestic premises'			
Westminster City Council v Select Management Ltd	Taylor J	994
IMMIGRATION – Deportation – Detention pending deportation – Extent of Secretary of State's power			
R v Governor of Durham Prison, ex p Singh	Woolf J	983
— Illegal entrant – Burden of proof that entry illegal – Appeal to adjudicator – Further evidence showing fraud practised on adjudicator			
Ali v Secretary of State for the Home Dept	CA	1009
INCOME TAX – Appeal – Natural justice – Appeal to Special Commissioners – Taxpayer seeking to conduct hearing by presenting written argument			
Banin v MacKinlay (Inspector of Taxes)	Harman J	1116
— Capital allowances – Machinery or plant 'belonging' to taxpayer in consequence of expenditure – Machinery or plant installed by tenant becoming landlord's fixtures			
Stokes (Inspector of Taxes) v Costain Property Investments Ltd	CA	849
— Emoluments from office or employment – Receipt 'from' employment – Payment to compensate employee for loss of commission			
McGregor (Inspector of Taxes) v Randall, McGregor (Inspector of Taxes) v Gillett	Scott J	1092

INDUSTRIAL TRIBUNAL – Procedure – Unfair dismissal – Time limit for presentation of complaint – Not reasonably practicable for complaint to be presented within prescribed period			
Palmer v Southend-on-Sea BC	CA	945	
INJUNCTION – Ex parte injunction – Matters to be considered before granting injunction – Injunction prohibiting payment of irrevocable letter of credit etc			
Bolinvinter Oil SA v Chase Manhattan Bank (note)	CA	351	
— Interlocutory – Grant or refusal effectively ending action – Court's approach to grant or refusal			
Cayne v Global Natural Resources plc	CA	225	
— Interlocutory – Triable issue – Serious question to be tried of which outcome uncertain			
Cayne v Global Natural Resources plc	CA	225	
— Mareva injunction – Matters to be considered in exercise of discretion to grant injunction			
Ninemia Maritime Corp v Trave Schiffahrtsgesellschaft mbH & Co KG, The Niedersachsen	Mustill J and CA	398	
— Mareva injunction – Whether Mareva creditor having sufficient interest in outcome of proceedings between third party and debtor to be joined as party to proceedings			
Sanders Lead Co Inc v Entores Metal Brokers Ltd	CA	857	
INSURANCE – Broker – Registration – Application – Adequate practical experience in work of insurance broker			
Pickles v Insurance Brokers Registration Council	DC	1073	
INTEREST – Damages – Personal injury – Rate of interest – Special damage – Loss of wages			
Dexter v Courtaulds Ltd	CA	70	
JUDICIAL REVIEW – Alternative remedy available by way of appeal – Discretion of court to grant relief			
R v Huntingdon DC, ex p Cowan	Gidewell J	58	
LANDLORD AND TENANT – Breach of covenant to repair – Covenant expressly empowering landlord to enter and carry out repairs – Whether leave required to bring action to recover cost of repairs			
Hamilton v Martell Securities Ltd	Vinelott J	665	
— Business premises – Terms of new tenancy – Term that tenant provide guarantor of his obligations under new lease – Term that tenant pay landlord's costs in respect of preparation of lease			
Cairnplace Ltd v CBL (Property Investment) Co Ltd	CA	315	
— Business tenancy – Agreement precluding application for new tenancy			
Allnatt London Properties Ltd v Newton	CA	423	
— Business tenancy – Compensation for refusal of new tenancy – Amount of compensation			
Edicron Ltd v William Whiteley Ltd	CA	219	
— Implied covenant to repair – Short lease of dwelling house – Duty of landlord – Roof above flat			
Douglas-Scott v Scorgie	CA	1086	
— Rent – Review – Retrospective determination – Forfeiture of lease if rent in arrears			
South Tottenham Land Securities Ltd v R & A Millett (Shops) Ltd	CA	614	
LEGAL AID – Charge on property recovered for deficiency of costs – Duty of assisted person's solicitor			
Simmons v Simmons	CA	83	
— Charge on property recovered for deficiency of costs – Enforcement of charge – Discretion of Law Society			
Simmons v Simmons	CA	83	
R v Law Society, ex p Sexton	CA	92	
— Taxation of costs – Agreement as to costs			
Practice Direction	SC Taxing Office	919	
Practice Direction	Fam D	944	

LICENSING – Occasional permission – Period of permission – Entitlement to object to grant of occasional permission		
R v Bromley Licensing Justices, ex p Bromley Licensed Victuallers' Association	Woolf J	794
LIMITATION OF ACTION – Extension of time limit – Ignorance of claim against employer – Plaintiff suffering from byssinosis		
Brooks v J & P Coates (UK) Ltd	Boreham J	702
MAGISTRATES – Information – Abuse of process – Two informations arising out of same incident – Second information capable of being consistent or inconsistent with first		
R v Newcastle-upon-Tyne Justices, ex p Hindle, Hindle v Thynne	DC	770
MASTER AND SERVANT – Duty of master – Liability of master – Safety of employees – Noise in shipbuilding yards – Safety of employees		
Thompson v Smiths Shiprepairers (North Shields) Ltd	Mustill J	881
MEDICAL PRACTITIONER – Negligence – Liability – Doctor's duty to warn of inherent risk of operation		
Sidaway v Bethlem Royal Hospital Governors	CA	1018
—Trespass to the person – Consent to medical treatment – Prison medical officer administering drug to prisoner		
Freeman v Home Office	CA	1036
MENTAL HEALTH – Legal proceedings brought on behalf of patient – Functions of next friend in legal proceedings – Responsibility for papers in proceedings – Ownership of papers		
Re E (mental health patient)	Sir Robert Megarry V-C	309
MINOR – Custody – Access – Enforcement of order – Monetary penalty or committal to prison		
P v W (access order: breach)	DC	866
—Medical treatment – Consent which minor can give without obtaining parental consent		
Gillick v West Norfolk and Wisbech Area Health Authority	Woolf J	365
MOTOR INSURANCE – Rights of third parties against insurers – Motor Insurers' Bureau – Liability in respect of intentional criminal act		
Gardner v Moore	HL	1100
NATIONAL HEALTH SERVICE – Family planning clinics – Contraception – Legality of advice contained in health service circular		
Gillick v West Norfolk and Wisbech Area Health Authority	Woolf J	365
NATIONAL INSURANCE – Attendance allowance – Attention in connection with bodily functions – Preparation of meals for disabled person		
Woodling v Secretary of State for Social Services	HL	593
—Unemployment benefit – Disqualification for benefit during stoppage of work due to trade dispute – Person 'directly interested' in trade dispute		
Presho v Insurance Officer	HL	97
NATURAL JUSTICE – Prison board of visitors – Exercise of disciplinary powers – Entitlement of prisoner to legal representation or assistance		
R v Secretary of State for Home Dept, ex p Tarrant, R v Wormwood Scrubs Prison Board of Visitors, ex p Anderson	DC	799
NEGLIGENCE – Landlord – Landlord also designer and builder of premises – Liability of landlord for injury caused by faulty design		
Rimmer v Liverpool City Council	CA	930
PRACTICE – Adding parties – Jurisdiction – Addition of person with only commercial interest in outcome of proceedings		
Sanders Lead Co Inc v Entores Metal Brokers Ltd	CA	857
—Anton Piller order – Privilege against self-incrimination – Proceedings for infringement of copyright – Incrimination of offence unconnected with infringement of copyright		
Universal City Studios Inc v Hubbard	CA	661
—Applications – Summary judgment – Interlocutory applications – Grounds of appeal from master – Notice of change of name		
Practice Direction	Ch D	720

PRACTICE – Counsel's fees – Accident cases – Scale of fees		
Practice Direction	SC Taxing Office	848
— Counsel's fees – Interlocutory fees – Scale of fees		
Practice Direction	Fam D	784
— Estimated length of hearing – Notice of estimate		
Practice Direction	Fam D	783
— Interlocutory applications – Causes or matters outside London		
Practice Direction	Ch D	750
— Stay of proceedings – Foreign defendant – Action in rem – Proceedings pending in foreign court		
The Abidin Daver	HL	470
— Stay of proceedings – Foreign defendant disputing jurisdiction of court at same time as applying for stay of proceedings – Whether submission by defendant to jurisdiction of court		
Williams & Glyn's Bank plc v Astro Dinamico Cia Naviera SA	HL	760
PRISON – Access to legal adviser – Access to discuss commencement of proceedings – Simultaneous ventilation rule		
R v Secretary of State for the Home Dept, ex p Anderson	DC	920
RACE RELATIONS – Discrimination against complainant personally – Manager instructed not to admit black people to amusement centre – Manager dismissed for refusing to obey instruction		
Showboat Entertainment Centre Ltd v Owens	EAT	836
RATES – Rate support grant – Reduction – Exercise of Secretary of State's discretion		
R v Secretary of State for the Environment, ex p Hackney London BC	CA	956
ROAD TRAFFIC – Driving while unfit to drive through drink – Burden of proof – Consumption of alcohol after ceasing to drive but before breath test		
R v Newcastle-upon-Tyne Justices, ex p Hindle, Hindle v Thynne	DC	770
— Excise licence – Fraudulent use – Intention to defraud – What intent must be proved		
R v Terry	HL	65
SALE OF GOODS – Cif contract – Sale by sample – Certificate of quality – Conclusive evidence clause – Rescission of contract		
Gill & Duffus SA v Berger & Co Inc	HL	438
— Passing of property – Reservation of title clause – Whether charge created in favour of vendor		
Clough Mill Ltd v Martin	Judge O'Donoghue	721
SALE OF LAND – Leasehold interest – Consent to assignment to be obtained 'where necessary' – Consent withheld – Tenant seeking rescission of contract		
Bickel v Courtenay Investments (Nominees) Ltd	Warner J	657
SHIPPING – Carrying 'passengers' in excess – Ship used for sail training excursions – Groups of people participating in sailing vessel		
Secretary of State for Trade and Industry v Booth, The Biche	DC	464
— Time charterparty – Exceptions – Owners exempted from liability for 'damage . . . whatsoever and howsoever caused' – Financial damage		
Tor Line AB v Alltrans Group of Canada Ltd, The TFL Prosperity	HL	103
SOLICITOR – Costs – Payment by solicitor personally – Order that solicitor of legally-aided person pay costs of both parties		
Davy-Chiesman v Davy-Chiesman	CA	321
— Retaining lien – Solicitor discharging himself in course of action – Solicitor entering default judgment for amount of unpaid costs and arresting client's vessel as security – Whether solicitor waiving lien on client's papers		
A v B	Leggatt J	265
SPECIFIC PERFORMANCE – Sale of land – Land belonging to company – Vendor company placed in receivership before completion of contract for sale of land		
Freevale Ltd v Metrostore (Holdings) Ltd	Donald Rattee QC	495