

THE LAW OF --- TORT

Second Edition



LexisNexis

Butterworths

BUTTERWORTHS COMM



30807469

The Law of Tort

Second Edition

Series editor

Andrew Grubb MA (Cantab), LL.D (Lond), FMedSci
*Senior Immigration Judge, Asylum and Immigration Tribunal; Visiting
Professor of Law, Cardiff Law School, Cardiff University*

General editor

Ken Oliphant BA (Oxon), BCL
City Solicitors Educational Trust Reader in Tort, University of Bristol

Contributors

Roderick Bagshaw MA (Oxon), BCL
Fellow in Law, Magdalen College, Oxford

David Burnet BA (Oxon), LL.M Wales
Lecturer, Cardiff Law School, Cardiff University

Paula Giliker MA (Oxon), BCL, PhD
Reader in Law, University of Bristol

Vivienne Harwood LL.B, Barrister
Professor, Cardiff Law School, Cardiff University

Steve Hedley MA (Oxon), LL.B (Cantab), BSc (Open), Barrister
Professor of Law, University College, Cork

David Howarth MA (Cantab), LL.M (Yale), MPhil (Yale)
*Member of Parliament, House of Commons; Fellow of Clare College,
Cambridge*

**Mark Lunney BA, LL.B (Qld) LL.M (Cantab), Solicitor, Supreme Court of
Queensland and Supreme Court of England & Wales**
Associate Professor of Law, University of New England

Paul Mitchell BA (Oxon), DPhil
Reader in Law, King's College London

Alastair Mullis LL.B (Lond), LL.M (Cantab)
Professor of Law, University of East Anglia

Donal Nolan MA (Oxon), BCL
Fellow in Law, Worcester College, Oxford



LexisNexis®

Butterworths



Members of the LexisNexis Group worldwide

United Kingdom	LexisNexis Butterworths, a Division of Reed Elsevier (UK) Ltd, Halsbury House, 35 Chancery Lane, London, WC2A 1EL, and London House, 20-22 East London Street, Edinburgh EH7 4BQ
Argentina	LexisNexis Argentina, Buenos Aires
Australia	LexisNexis Butterworths, Chatswood, New South Wales
Austria	LexisNexis Verlag ARD Orac GmbH & Co KG, Vienna
Benelux	LexisNexis Benelux, Amsterdam
Canada	LexisNexis Canada, Markham, Ontario
Chile	LexisNexis Chile Ltda, Santiago
China	LexisNexis China, Beijing and Shanghai
France	LexisNexis SA, Paris
Germany	LexisNexis Deutschland GmbH, Munster
Hong Kong	LexisNexis Hong Kong, Hong Kong
India	LexisNexis India, New Delhi
Italy	Giuffrè Editore, Milan
Japan	LexisNexis Japan, Tokyo
Malaysia	Malayan Law Journal Sdn Bhd, Kuala Lumpur
Mexico	LexisNexis Mexico, Mexico
New Zealand	LexisNexis NZ Ltd, Wellington
Poland	Wydawnictwo Prawnicze LexisNexis Sp, Warsaw
Singapore	LexisNexis Singapore, Singapore
South Africa	LexisNexis Butterworths, Durban
USA	LexisNexis, Dayton, Ohio

© Reed Elsevier (UK) Ltd 2007

Published by LexisNexis Butterworths

All rights reserved. No part of this publication may be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this publication) without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Designs and Patents Act 1988 or under the terms of a licence issued by the Copyright Licensing Agency Ltd, 6-10 Kirby Street, London EC1N 8TS. Applications for the copyright owner's written permission to reproduce any part of this publication should be addressed to the publisher.

Warning: The doing of an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.

Crown copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland. Parliamentary copyright material is reproduced with the permission of the Controller of Her Majesty's Stationery Office on behalf of Parliament. Any European material in this work which has been reproduced from EUR-lex, the official European Communities legislation website, is European Communities copyright.

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

ISBN 978 1 4057 1240 8

Typeset by Letterpart Ltd, Reigate, Surrey

Printed and bound in Great Britain by William Clowes Limited, Beccles, Suffolk

Visit LexisNexis Butterworths at www.lexisnexis.co.uk



Series Preface

The common law is justifiably seen as a jewel in the crown of English law. The common law has travelled far afield to many other countries where it has been adopted and developed by the local courts. No longer the sole preserve of the judges in London (or Edinburgh and Cardiff), its durability and richness has been due in no small way to the diversity of approach that exists between the common law countries throughout the world. Many of the great judges in England, such as Coke, Mansfield, Blackburn, Atkin, Devlin, Reid and Denning, and those from overseas such as Oliver Wendell Holmes, Benjamin Cardozo and Owen Dixon, have been masters of the common law. As we enter the new Millennium, the common law continues to influence the development of law elsewhere. It will remain a major export, but now also an import, of this country.

Butterworths Common Law Series conceives of the common law in broad terms, providing analyses of the principles informing the frameworks of the law derived from judicial decisions and legislation. The *Series* seeks to provide authoritative accounts of the common law for legal practitioners, judges and academics. While providing a clear and authoritative exposition of the existing law, the *Series* also aims to identify and examine potential developments in the common law drawing on important and significant jurisprudence from other common law jurisdictions. Judges have increasingly looked to academic works for guidance on the accepted view of the law but also when contemplating a reformulation or change of direction in the law. The *Series* may, it is hoped, provide some assistance such that the law is less likely to be left undeveloped 'marching ... in the rear limping a little', to quote a famous judicial aphorism (*Mount Isa Mines v Pusey* (1970) per Windeyer J).

Andrew Grubb

Foreword

By the Right Honourable Lord Justice Pill

In his Preface to the first volume in *Butterworths Common Law Series*, that on the Law of Contract, Lord Steyn commented that in the law of obligations, it was upon the boundaries of the law of contract that the spaces left for the law of tort (and the law of restitution) depended. The space left for that residual category of liability is, I am sure he would agree, a very large one and this volume on the Law of Tort fills a considerable space in a way which I strongly commend.

The work achieves its aim of providing an in-depth analysis of the modern law. It is comprehensive and practical. It contains that degree of detail now required in a general work by practitioners dealing with the wide range of problems they can expect to encounter. The complexity of the social context in which the law works is kept well in mind. The work achieves its further aim of identifying and encouraging the reader to identify potential developments in the law, encouragement which begins in the first chapter with its valuable analysis of the nature of tortious liability.

Within individual chapters, care has been taken to divide the subject into manageable sections. The section headings are well chosen as signposts for practitioners to the issues likely to arise upon a set of facts presented to them. Footnotes provide of course the authority relied on but also provide signposts to further thought and study, both in the cases and in academic works.

It is no surprise that topics such as product liability and government liability achieve separate attention in chapters of their own but the importance of incorporating detailed rules within the fabric of the general law is well recognised in the text. Links between the law of torts and other branches of the law are also explored.

I consider the publication of this work in the Butterworths series to be a valuable new contribution to the literature and understanding of the law. This is a space filled in a way which will in my view be of great assistance to practitioners, judges, academic lawyers and students.

Malcolm Pill

12 November 2001

Preface to the Second Edition

It is a great honour, as well as being a considerable challenge, to be invited to replace Andrew Grubb as editor of this title in the *Butterworths Common Law Series*. For many of us, Andrew has been a valued colleague and friend for a considerable period of time, and I am sure the other contributors would wish to join me in thanking him for his generous support and inspiration over the years.

For this edition, I am delighted to welcome two new names to the list of contributors, Paula Giliker and Roderick Bagshaw. There are also two wholly new chapters: 'Privacy' (Bagshaw) and 'Deceit and Misrepresentation' (Mitchell).

I must record my grateful thanks to Charles Mitchell of King's College London, for advice and assistance in the editorial process, as well as to Evelyn Reid and Elaine Pugh of LexisNexis Butterworths. Evelyn had to dig deep into her reserves of patience and perseverance to keep things moving forward during the protracted authoring period, and I hope she will feel her efforts vindicated by the outcome. Elaine saw us through production with minimum fuss and maximum effectiveness.

The majority of manuscripts were first submitted in or before December 2006, but it has been possible in some places to include references to developments in the early months of 2007. The decision of the House of Lords in *OBG Ltd v Allan* in May 2007 was too important to be ignored, but came too late to allow wholesale changes to the text. We have inserted such reference to the decision as time and other circumstances permitted.

Ken Oliphant
Bristol
22 June 2007

Preface to the First Edition

Tort law occupies a central position in the common law as a means of compensating individuals for harm caused by civil wrongs. Its derivation – from the latin *tortus*, meaning ‘twisted’ or ‘wrung’ (ie ‘wrong’) – confirms its medieval origins. But tort law has come a long way since the days of trespass *vi et armis* and the action upon the case (or trespass on the case). Besides legal historians, few lawyers would be familiar, at least in any detail, with the etymology of modern tort law and its many component torts. Today, the law of negligence has emerged as the dominant tort, sometime threatening to sweep all else, or most else, away in its wake. Its failure to do so has, in large part, been due to the resilience of other torts in providing compensation (or other remedies) for interests not protected fully (or at all) within any conventional view of negligence. Yet, as will be clear from the text of this book, negligence continues to grow in scope and the output of cases from the courts is prodigious. Torts such as defamation (reputation) and nuisance (enjoyment of land), protecting interests which are not necessarily core concerns for negligence, remain significant for those who have the financial ability to litigate.

In this volume the contributors seek to provide an analytical account of the frameworks of the many torts that protect the physical, property, economic or personality interests of the individual. They do so with an eye to the future as well as the past. Any ‘court watcher’ of recent times will immediately sense the shift in judicial attitudes to the development (by which is meant extension of) tort law. The ebbs and flows are well recognised, for example in the law of negligence. But the evolutionary nature of the law that this illustrates, is not limited to negligence and can be seen in others too, for example, defamation. The contributors, therefore, seek to state the law but also predict how the law might develop or retrench.

Torts law – for it can surely not be conceptualised any other way – is a fascinating area to study, replete with wrong-turnings and surprises for the analytically tidy mind. We hope this volume goes some way to expose and explore the intricacies of this very complex collection of legal claims.

Finally, I would like to express my gratitude to the contributors and publishers for their persistence and dedication during the period this work has been in preparation.

Andrew Grubb

Table of Statutes

References in the right-hand column are to paragraph numbers. Paragraph references printed in **bold type** indicate where the Statute is set out in part or in full.

	PARA		PARA
Abortion Act 1967	12.225	Animals Act 1971— <i>contd</i>	
Accident Compensation Act 1972		s 8 (1)	21.41
(NZ)	1.37	(2)	21.42
Administration of Justice Act 1977		9	11.167, 21.35
s 23	1.5	11	11.159, 21.15, 21.27, 21.37
Administration of Justice Act 1969		Anti-Social Behaviour Act 2003	
s 22	6.11	s 13	8.1
Administration of Justice Act 1982	7.1,	Pt VIII (ss 65–84)	22.28
7.17		Adoption Act 1976	
s 1(1)(a)	6.81, 7.9	s 39(1)	7.23
(b)	6.81	Airports Act 1986	
2	1.12	s 63, 64	11.63
3	7.29	Bills of Exchange Act 1882	
(1)	4.7, 7.18, 7.23, 7.59	s 29	11.94
(3)	7.59	38(2)	11.94
(4)	7.23	64(1)	11.39
4(2)	7.7	73	11.94
5	6.73	80	11.8
Animals Act 1971	1.18, 11.157, 21.1,	89	11.94
21.4, 21.8, 21.14,		Broadcasting Act 1990	
21.28, 21.30		s 166	25.27, 25.29
s 2(1)	21.16	Care Standards Act 1999	13.42
(2)	21.22	Care Standards Act 2000	13.42, 30.3
(b)	21.26, 21.31, 21.33	Chancery Amendment Act 1858	
(c)	21.31, 21.33	(Lord Cairns' Act)	8.51, 8.52, 8.53
3	21.34	Cheques Act 1957	
4	11.159, 21.36, 21.37, 21.38	s 1	11.8
5	5.63	4	5.53
(1)	21.33, 21.38	(2)	11.8
(2)	21.33	Children Act 1989	17.28
(3)	21.33	s 2	9.52
(b)	21.33	Children Act 2004	
(4)	21.34	s 58(3)	9.52
(5)	21.38	Children and Young Persons Act 1933	
(6)	21.39	s 18	20.12
6(2)	21.16	Civil Aviation Act 1949	
(3), (4)	21.19	s 40(2)	23.53
7	11.153, 21.37		
(2)–(6)	11.159		
8	21.8, 21.40		

Table of Statutes

	PARA
Civil Aviation Act 1982	1.26
s 76(1)	10.6, 22.95
(2)	10.6, 23.52, 23.53
(3), (4)	23.53
77(2)	22.95
81	10.6
Civil Evidence Act 1968	9.23, 9.31
s 11	13.46, 13.54
Civil Evidence Act 1995	26.9, 26.10
s 10(1)	6.53
11	9.27
Civil Jurisdiction and Judgments	
Act 1982	1.4
Civil Jurisdiction and Judgments	
Act 1991	1.4
Civil Liability (Contribution)	
Act 1978	3.35, 3.63, 4.16, 17.69
s 1(1)	4.13
(2)	4.14
(3)	4.15
(4)	4.14, 4.23, 26.142
(5)	4.15
(6)	4.13, 4.19
2(1)	4.17
(2)	4.17
(3)(b)	4.17
3	4.4, 4.5
4	4.4, 4.9
6(1)	4.13
7(3)	4.18
Civil Partnership Act 2004	7.23, 7.24, 7.29, 7.36
Clean Air Act 1993	22.36
Coal Mines Regulations Act 1887	20.24
Combines Investigation Act 1927	26.63
Common Law Procedure Act 1845	8.1
s 78	11.102
Commonwealth Secretariat Act 1966	2.36
Communications Act 2003	
s 405(4)(b)	25.29
Companies Act 1985	
s 35, 35A	2.58
111A	2.59
228	16.24
310	16.11
Companies Act 1989	2.58
s 131(1)	2.59
Companies Act 2006	
ss 39–42	2.58
s 260	2.55
Competition Act 1980	
s 16(2)	26.88
Competition Act 1998	
s 28	11.172
Compensation Act 2006	
s 1	1.36, 12.69, 13.8, 13.26, 15.28
2	13.47
3	14.13, 19.29
(1), (2)	4.8
(3), (4)	4.8
(7)	4.8

	PARA
Compensation Act 2006— <i>contd</i>	
s 16(3)–(6)	14.13
Congenital Disabilities (Civil Liability)	
Act 1976	2.45, 12.225, 16.39, 19.44
s 1(1)	2.44, 12.234
(2), (3)	2.44
(6), (7)	2.44
1A	2.44
2	2.44, 12.234
3(4), (5)	23.51
7	23.51
Consular Conventions Act 1949	
s 3	2.35
Consular Relations Act 1968	2.35
Consumer Credit Act 1974	6.74, 11.84, 11.94
Pt IX	11.95
s 16–16B	11.85
87–90	11.85
92	11.85
Consumer Protection Act 1987	1.18, 1.26, 1.33, 13.14, 13.24, 19.4, 19.21, 19.40, 19.43, 19.55, 19.72
Pt I (ss 1–9)	2.68, 8.06, 19.1, 19.2, 19.35, 19.38, 20.34
s 1(1)	19.38
(2)	19.39, 19.48, 19.69
(3)	19.51
2(1)	19.38, 19.71
(2)	19.38
(a)	19.47
(b)	19.47, 19.49, 19.65
(c)	19.47, 19.50
(3)	19.47, 19.50
(b)	19.51
(4)	19.42, 19.51
(5)	19.52
(6)	19.8, 19.38, 19.52
3(1)	19.53
(2)(a)	19.53, 19.58
(b)	19.53, 19.59
(c)	19.54, 19.57
4(1)(a)	19.56, 19.62
(b)	19.8, 19.46, 19.63
(c)	19.8
(i)	19.64
(d)	19.54, 19.65
(e)	19.57, 19.58, 19.66
(f)	19.69
(2)	19.65, 19.66
(d)	19.40, 19.68
(e)	13.45
(f)	19.48
5(1)	19.44
(2)	19.1, 19.45
(3)	19.8, 19.45, 19.46
(4)	19.8, 19.45
(5)–(7)	19.74
6	15.56
(1)(a)	19.44

	PARA		PARA
Consumer Protection Act 1987— <i>contd</i>		Criminal Justice Act 2003— <i>contd</i>	
s 6 (3)	19.44	s 329 (5)	5.50, 9.48
(4)	19.59, 19.70	(8)(b)	9.48
7	5.66, 19.73	Criminal Justice and Public Order	
11, 12	19.3	Act 1994	9.50, 10.10
29	11.172	Criminal Justice and Police Act 2001	
39(1)	19.3	Pt II (ss 50–70)	11.172
41(1)	19.3	Criminal Law Act 1967	
(4)	19.3	s 2(2)(a)	29.69
45(1)	19.39, 19.41, 19.44	3	9.24, 9.47, 9.49
46	19.63	8	1.23
(1)	19.45, 19.51	Criminal Law Act 1977	10.40
(3), (4)	19.51	Pt II (ss 6–13)	10.38
50(2), (7)	19.38	s 6(1)–(2)	10.38
Sch 1	19.74	12	10.38
Contempt of Court Act 1981		Criminal Law Amendment Act 1885	
s 14	8.10	s 10	30.12
Contracts (Rights of Third Parties)		Criminal Procedure (Attendance of	
Act 1999	12.122, 12.199, 19.7	Witnesses) Act 1965	30.53
s 1	16.15	Crown Proceedings Act 1947	2.2, 2.10,
(1)	19.6	8.32, 12.231	
(a), (b)	12.120	s 1	2.14
(2)	12.120, 19.6	2	2.38
(3)	19.6	(1)	2.3, 2.5, 2.15
Control of Pollution Act 1974		(b)	20.46
s 88	5.63	(2)	2.9
Copyright, Designs and Patents		(4)	2.12
Act 1988		3(2)(a)	2.13
Pt I (ss 1–179)	25.100	4	2.8
s 97(2)	6.26	10	17.43
229(3)	6.26	(1), (2)	2.14
Countryside and Rights of Way		11(2)	2.16
Act 2000		21	2.17
s 13	18.12	(2)	8.7
County Courts Act 1984		29	2.10
s 2, 3	8.01	32	2.18
38	8.1	38(2)	2.5
69	6.11	40(1)	2.4
144	11.150	(2)(b)	2.11
Sch 1	11.147, 11.149	(d)	2.5
Courts Act 2003		Crown Proceedings (Armed Forces)	
s 31, 32	2.62	Act 1987	17.45
100, 101	6.34, 6.38	s 2(2)	2.14
Courts and Legal Services Act 1990 ..	26.157	Customs and Excise Act 1952	11.36
s 3	8.1	Customs and Excise Management	
8	9.55	Act 1979	
(1)	6.28, 26.163	s 139–140	11.171
(2)	26.159, 26.163, 26.164	Damages Act 1996	
23(5)	26.88	s 1	6.60, 7.54
58	9.55	(1), (2)	6.61
93	16.62	2	6.39, 6.43
108	2.62	(1)	6.40, 7.6, 7.18
Sch 15	16.62	(2)	6.40, 7.6
Criminal Appeal (Northern Ireland)		(3), (4)	6.41
Act (No 1 of 1975)		(5)(b), (c)	6.41
Criminal Injuries Compensation		(7)	6.41
Act 1995	9.62	(8), (9)	6.43, 6.61
Criminal Justice Act 2003	9.25	2B	6.44
s 329(1), (2)	9.48	3(4)	7.22
(3)	5.50, 9.48	4	6.37
(4)	9.48		

Table of Statutes

	PARA
Damages Act 1996— <i>contd</i>	
s 4 (1), (2)	6.41
5	6.37
6	6.41
7	6.40, 7.2, 7.18
Dangerous Dogs Act 1991	21.20
Dangerous Dogs (Amendment) Act 1997	21.20
Dangerous Wild Animals Act 1976	
s 1(4A)(d)	1.33
(6)(a)(iv)	1.33
7	21.20
Defamation Act 1952	2.18, 26.3
s 1	25.29, 25.79, 25.96
2	25.38, 25.39, 25.40, 25.43
3	27.3, 27.7, 27.12, 27.13, 27.14
(1)	27.2, 27.14
(a)	27.8
4	26.138, 26.144
5	26.7, 26.13, 26.18, 26.175
6	26.34, 26.36
7	26.115, 26.121
8	26.76
9(2)	26.76
10	26.102
11	4.18
12	26.177
Schedule	26.115
Para 9	26.121
Defamation Act 1996	2.18, 25.102, 25.105, 26.114
s 1	1.24, 25.6, 25.86, 25.87, 25.96, 25.108
(1)	25.97
(a)	25.98
(b), (c)	25.101, 25.108
(2)(b)	25.98
(c)	25.99
(3)(c)	25.99, 25.100
(e)	25.99, 25.108
(5)(c)	25.101
2	25.16, 25.109, 26.2, 26.144, 26.172
(1)	26.138
(2)	26.139, 26.145
(3)(a), (b)	26.140
(c)	26.139
(4)	26.143, 26.145
(a)–(c)	26.138, 26.140
(5), (6)	26.140
3	25.16, 26.2
(2)	26.142
(4)	26.143
(5)	26.138, 26.140, 26.143, 26.145
(6)	26.138, 26.143, 26.145
(7), (8)	26.142
4	25.16, 26.2, 26.138
(1)	26.144
(2)	26.138, 26.144
(3)	26.144, 26.145
(a), (b)	26.138
(4)	26.144

	PARA
Defamation Act 1996— <i>contd</i>	
s 4 (5)	26.172
5(4)	26.147
8	25.20, 26.153, 26.181
9(1)(a), (b)	25.20, 26.153
(d)	26.181
(2)	26.153
10	25.20, 26.153
11(2)	26.121
13	26.55, 26.56
(1)	26.59
(2)(a)	26.58
(b)	26.58, 26.59
(4)	26.121
14	26.84, 26.116
(1)	26.76
(2)	26.85
(3)	26.76
15	25.15, 26.93, 26.105, 26.116, 26.122, 26.126
(1)	26.115, 26.119
(2)	26.119
(a), (b)	26.115
(3)	26.115, 26.118
(4)(a)	26.115
Sch 1	26.93, 26.116, 26.126
Pt I	26.115, 26.119
para 1	26.120
2, 3	26.120
6	26.120
7	26.105, 26.120
9	26.105
(1)	26.122
Pt II	26.115, 26.119, 26.120
para 9	26.121
(2)	26.121
10, 11	26.121
12	26.121
(2)	26.121
13–15	26.121
Pt III	
para 16(1)	26.120
(2)	26.121
(3), (4)	26.120
Defamation Act 1974 (New South Wales)	
s 15	26.3
Defamation Act 1957 (Tasmania)	
s 15	26.3
Defective Premises Act 1972	19.39
s 1(1)(b)	18.43
(2)–(4)	18.43
2	18.43
3	18.41
(1)	18.39
(2)	18.39
4	22.72
(1), (2)	18.38
(3)(b)	18.38
(4)–(6)	18.38
6(1)	18.38, 18.39

	PARA		PARA
Defective Premises Act 1972— <i>contd</i>		Environmental Protection Act 1990— <i>contd</i>	
s 6 (3).....	5.66, 18.38, 18.43	s 63(2).....	23.54
s 7(2).....	18.39	s 73.....	5.63
Diplomatic Privileges Act 1708.....	2.25	(6)(a), (b).....	23.54
Diplomatic Privileges Act 1964.....	2.23, 2.31,	Pt III (ss 79–85).....	22.6
s 2.....	2.35, 2.36	79(1).....	21.11
sch1.....	2.25	(h).....	22.6
Directors Liability Act 1890.....	28.20	80.....	21.11
s 3.....	28.20	(1).....	22.6
Disability Discrimination Act 1976.....	23.52	(4).....	22.6
s 3(2), (3).....	23.52	81(5).....	8.1
Disability Discrimination Act 1995.....	6.57	82.....	22.6
s 4A.....	20.15	343.....	21.11
Distress for Rent Act 1689.....	11.146	European Economic Area Act 1993	
s 1.....	11.146	s 2.....	19.50
Distress for Rent Act 1737.....	6.26	Explosives Act 1875.....	23.13
s 3.....	6.26	Factories Act 1961.....	20.3
18.....	6.26	s 14(1).....	15.29
Domestic Violence and Matrimonial		19.....	15.31
Proceedings Act 1976.....	9.43	Factors Act 1889.....	11.93
s 1.....	8.5	s 2(1).....	11.93
Dramatic and Musical Performers' Protection Act 1958.....	29.94	8.....	11.15, 11.93
Education Act 1902.....	16.13	9.....	11.15, 11.94
s 7(1)(d).....	16.13	Family Law Act 1996.....	7.30
Education Act 1996.....	19.52	s 30.....	22.60
s 548.....	9.49	Family Law Reform Act 1969.....	7.30
s 550A(4).....	9.49	s 1.....	2.39
s 550B.....	9.52	8(1), (3).....	9.20
Education (Scotland) Act 1946.....	26.63	Fatal Accidents Act 1976.....	6.13, 7.15, 7.33,
s 18(3).....	26.63	7.37, 7.40, 7.48, 7.55	
Employment Act 1982.....	2.68	s 1(1).....	7.19
Employment Protection (Consolidation) Act 1978.....	13.30	(3).....	7.19, 7.23, 7.24
s 122.....	13.30	(aa).....	7.23
Employment Rights Act 1996.....	29.39	(b).....	7.36
s 94.....	29.39	(4).....	7.23
212(3).....	3.30	(4A).....	7.23
230.....	3.4	1A.....	7.12, 7.30
Employers' Liability Act 1880.....	20.2	(1)–(5).....	7.29
Employers' Liability (Compulsory Insurance) Act 1969.....	1.33	2(1)–(4).....	7.25
Employers' Liability (Defective Equipment) Act 1969.....	3.71, 19.1,	3(1).....	7.27
20.22, 20.35		(2).....	7.47
s 1(1).....	20.34	(3).....	7.57
s 1(2).....	5.66	(4).....	7.36, 7.58
s 3(3).....	20.34	(5).....	7.31, 7.57
s 4.....	20.46	4.....	7.47, 7.59
Energy Act 1983.....	23.51	5.....	7.20, 7.21, 7.29
Pt II (ss 27–34).....	23.51	Fatal Accidents Act 1846.....	7.1, 7.17, 7.20,
s 27(1), (2).....	23.51	7.24, 7.32	
Environmental Protection Act 1990.....	23.54	s 1(1).....	7.3
s 33(1).....	23.54	(6).....	7.2
(7)(a).....	23.54	Fatal Accidents Act 1864.....	7.1
(7), (8).....	23.54	Fatal Accidents Act 1959.....	7.1, 7.17, 7.59
(9)(b).....	23.54	Fatal Accidents Act 1976.....	1.20, 2.18, 6.12,
		6.40, 6.64, 6.65, 7.1,	
		7.15, 7.17, 7.22, 7.28,	
		7.33, 12.133, 12.138,	
		15.39, 15.41, 19.44,	
		20.9	
		s 1(1).....	7.18, 7.19
		(2), (3).....	7.18

Table of Statutes

	PARA
Fatal Accidents Act 1976— <i>contd</i>	
s 1 (3)	7.18, 7.23, 7.24
(4), (5)	7.23
(6)	7.18
1A	6.16, 7.12, 7.29, 7.30
(1)–(5)	7.29
2(1)–(4)	7.25
3	7.29
(1)	7.19, 7.27
(2)	7.47
(3)	7.57
(4)	7.36, 7.58
(5)	7.31
4	4.7, 7.47, 7.57, 7.59
(1)	7.62
5	7.20, 7.29
Fatal Accidents (Damages) Act 1908	
s 1	7.59
Financial Services and Markets Act 2000	
Pt XI (ss 165–176)	11.172
s 176	11.172
213	6.41
Financial Services and Markets Act 2000	
s 26–28	29.31
Fires Prevention (Metropolis) Act 1774	23.44
s 86	1.27, 3.74, 3.39, 23.45
Food Safety Act 1990	19.3
Gas Act 1965	1.26
s 14(3), (4)	23.50
Guard Dogs Act 1975	
s 5	5.67
Health Act 1999	13.25, 13.31, 13.32, 13.33, 13.41
s 18–25	13.42
Health and Safety at Work etc Act 1974	15.26, 15.45
Pt I (ss 1–7)	15.12
s 15(1)	15.12
17(2)	15.31
47(1)	15.12, 20.3
(2)	15.30, 20.3
Health and Social Care (Community Health and Standards) Act 2003	13.42
Pt III (ss 150–169)	6.69, 6.70
s 150(1)	6.70, 6.71
(2)	6.70
(3)(b)	6.71
(5)–(7)	6.71
(13)	6.70
151(1)	6.72
(3)	6.72
(6), (7)	6.72
153, 154	6.72
162	6.72

	PARA
Health and Social Care (Community Health and Standards) Act 2003— <i>contd</i>	
s 165	6.70
169	6.70
Sch 10	6.71
Highways Act 1959	
s 154	15.34
Highways Act 1980	
s 41	15.35, 17.6
(1)	13.55, 15.36, 15.38
(1A)	15.36, 22.88
58	15.33
(1)	15.35, 15.38
(2)	3.76, 15.40, 22.88
66	15.35
79	17.24
124–129	22.85
Pt IX (ss 130–185)	22.85
s 130	22.80
(5)	8.1
137(1)	10.10, 22.86
150	22.86
161	22.87
165	22.87
263	10.9
(1)	10.17
264, 265	10.9
Highways (Miscellaneous Provisions) Act 1961	
s 1	22.88
Housing Act 1985	10.38
s 62	15.21
63(1)	15.21
70	15.27
Housing Act 1988	
s 27(5)	10.38
28	10.38
Housing Act 1996	
s 153A–153E	8.1
Housing (Homeless Persons) Act	15.21
Human Fertilisation and Embryology Act 1990	12.225
s 44(1)	2.44
Human Rights Act 1998	1.13, 1.38, 5.68, 6.1, 6.21, 8.47, 9.38, 10.11, 10.15, 10.39, 10.42, 12.227, 16.75, 17.1, 17.7, 17.31, 17.54, 25.110, 26.9
s 1	2.38
(1)	1.14, 17.59
2	1.14, 25.22
(1)	1.38, 22.8
(2)	1.14, 17.18
3	10.42, 24.9, 25.22
(1)	1.14, 22.8
4	22.8
6	1.14, 24.6, 29.40
(1)	1.14, 1.17, 17.2, 17.59, 17.61, 22.7, 22.8, 26.180
(2)	1.18

	PARA		PARA
Human Rights Act 1998— <i>contd</i>		International Organisations Act 1968— <i>contd</i>	
s 6 (3)	1.14, 17.61, 22.8, 25.22	Pt II	
(a)	15.3, 17.2	para 8	2.36
(5)	17.61	Pt III	
(6)	1.14, 17.59	para 14	2.36
7	22.6	Pt IV	
(1)	1.14, 17.59, 22.7	para 20–22	2.36
(6)(a)	1.14	23(1), (3), (4)	2.36
(7)	17.59	International Organisations Act 1981	2.36
8	1.14, 7.29, 15.3, 17.2	Judicature Act 1925	
(1)	17.59, 22.7	s 45(1)	8.1
(2)	17.62	Justices of the Peace Act 1979	
(3)	1.14, 17.64, 17.67, 17.68, 22.7	s 44, 45	2.62
(a)	17.64	Land Compensation Act 1973	22.90
(4)	17.63, 17.65	Land Registration Act 2002	
(5)(b)	17.69	s 96(3)	10.41
9	2.63	116(a)	10.24
(3)	2.63, 17.64, 17.68	Sch 6	
12	8.48	para 1(1)	10.41
(3)	8.46, 26.180	2	10.41
(4)	8.4, 8.46, 24.9	5	10.41
Human Tissue Act 2004		11(3)(a)	10.41
s 43	11.46	Landlord and Tenant Act 1730	
Indian Penal Code		s 1	6.26
s 420	30.22	Landlord and Tenant Act 1985	
Inskeepers Act 1878		s 8–10	18.38
s 1	11.88	11	18.38, 22.72
Insolvency Act 1986		12–15	18.38
s 91(1), (2)	2.51	Law of Libel Amendment Act 1888 ...	26.114
100(1)	2.51	s 3	26.76
103	2.51	Law of Libel Amendment Act 1996	26.85
112, 113	2.50	s 4	26.115
117	2.50	Law of Property Act 1925	
126	2.50	s 25	2.60
128	2.50	40	29.31
130(2)	2.50	136	2.49, 2.60, 2.61
165	2.51	Law of Property (Miscellaneous	
167(1)(a)	2.51	Provisions) Act 1989	6.40
285(1), (2)	2.48	s 2	29.31
(3)	2.48	Law Reform (Contributory Negligence)	
306, 307	2.49	Act 1945	2.8, 4.17, 5.11, 5.26, 5.34,
322(3)	2.48	5.39, 5.40, 12.65,	
323–335	2.48	19.34, 20.29, 23.40,	
382(1), (4)	2.48	23.50, 23.54, 23.55,	
436	2.49	23.56	
Sch B1		s 1	5.23, 28.17
para 60	2.53	(1)	5.2, 5.4, 5.18, 5.19, 5.22, 5.29,
64	2.53	5.36, 5.37, 5.38, 7.21,	
Sch 1		7.21, 20.51	
para 5	2.53	(2)	5.18
Sch 4		(6)	5.18
Pt II	2.51	2	2.9
Pt III	2.61	4	5.4, 28.17
International Criminal Court		Law Reform (Husband and Wife)	
Act 2001	2.36	Act 1962	12.231
International Organisations Act 1968		s 1(1), (2)	2.70
s 4, 4A	2.36		
5, 5A	2.36		
6	2.36		
Sch 1			

Table of Statutes

	PARA		PARA
Law Reform (Married Women and Tortfeasors) Act 1935	4.6	Limitation Act 1980— <i>contd</i>	
s 1	2.70	s 33 (1A)(a), (b)	19.74
6	4.4	s 35	26.149
(1)(c)	4.13, 4.14	38	19.74
Law Reform (Miscellaneous Provisions) Act 1934	2.18, 7.1, 7.4, 7.21, 11.139, 12.134	Sch 1	2.43, 2.47
s 1	25.122	Pt I	
(1)	7.2	para 6	10.41
(1A)	7.12	8(4)	10.41
(2)(a)	6.28	Limited Liability Partnerships Act 2000	2.50
(i)	7.12	s 14	2.50
(ii)	7.6, 7.7	Local Government Act 1972	
(c)	7.13, 7.14	s 222	8.1, 22.80
(5)	7.15	London Hackney Carriage Act 1843	3.20
3(1A)	6.11	London Transport Act 1982	
Law Reform (Miscellaneous Provisions) Act 1970		Sch 2	11.63
s 5	1.12	Magistrates' Courts Act 1980	
Law Reform (Miscellaneous Provisions) Act 1971	7.57	s 1	30.53
Law Reform (Miscellaneous Provisions) Act 1965 (NSW)		40(1)	22.6
s 10	14.19	Married Women's Property Act 1882	
Law Reform (Personal Injuries) Act 1948		s 12	3.1
s 1	3.71, 20.3	17	2.70
(3)	5.66	Matrimonial Homes Act 1983	
2	6.96	s 1(2)	22.60
(1)	6.94	Medical Act 1993	16.35
(4)	6.69, 6.79, 14.27	Medical (Professional Performance) Act 1995	16.35
(5)	7.59	Medicines Act 1968	19.3
Liability for Defective Products Act 1991		Pt II (ss 6–50)	19.17
s 3(1)	19.45	s 133	5.67
Libel Act 1843 (Lord Campbell's Act)	25.17	Mental Capacity Act 2005	9.22
s 1	26.172	s 3(2)	9.23
2	1.24, 26.146	5	9.23
Libel Act 1845 (Lord Campbell's Act)	26.146	Mental Health Act 1983	9.36
Limitation Act 1980	2.18, 16.25	s 1	2.47
s 2	9.41, 19.8	63	16.38
3(2)	4.15	139(2)	2.47
4A	26.147, 26.149	Merchant Shipping Act 1995	
6(6)	19.74	Pt VI Ch III (ss 152–171)	23.56
9	2.52	s 153 (1), (2)	23.56
10(5)	4.16	(8)	23.56
11	9.41, 9.44, 9.45	154(4)	23.56
(1)	1.2	155	23.56
11A(3), (4)	19.8, 19.74	156(3)	23.56
14	9.41	157–165	23.56
(1A)	19.74	172–182	23.56
(3)	19.74	236	11.139
14B	19.8	241–245	11.69
15(2), (3)	10.41	Merchant Shipping (Oil Pollution) Act 1971	23.56
17	10.41	Mines and Quarries Act 1954	20.3
28	2.43, 2.47	s 83	15.24
32A	26.147, 26.149	151	22.6
33	9.41	Minors' Contracts Act 1987	
		s 3(1)	2.41
		Misrepresentation Act 1967	
		s 2(1)	28.1, 28.18, 28.19, 28.20, 28.22

	PARA		PARA
Misuse of Drugs Act 1971	11.57	Occupiers' Liability Act 1984— <i>contd</i>	12.64, 13.16, 15.7,
s 27	11.57		18.31, 20.36
National Health Service Act 1946	6.69	s 1	18.12, 18.34
National Health Service Act 1977	13.39	(1)(a)	18.12, 18.30, 18.33
s 3(1)(c)	3.79	(b)	18.12, 18.30
National Parks and Access to the		(2)	18.30
Countryside Act 1949	18.12	(3)	18.36
National Trust Act 1939		(a)–(c)	18.32
s 12	10.45	(4)	5.62, 18.36
Noise Act 1996	22.36	(5)	5.62, 18.35, 18.36
Noise and Statutory Nuisance		(6)	5.62, 18.34, 18.35
Act 1993		(7)	18.12, 18.30
s 2	22.6	(8)	18.33
Nuclear Installations Act 1965	1.26, 1.33,	(9)	18.30, 18.33
	15.7, 20.3	3	2.7
s 7	23.52	Offences against the Person	
(1)	1.13, 12.186, 23.51	Act 1861	9.31
(a)	23.51	s 44, 45	9.27
(2)	23.51	Offices, Shops and Railway Premises	
8–10	23.51	Act 1963	20.3
12	5.67	s 16	15.32
(1)(b)	23.51	Open Spaces Act 1906	
13(4)(a), (b)	23.51	s 9, 10	11.65
(6)	23.51	Parliamentary Commissioner Act 1967	
15(1)	23.51	s 10	26.88
16(1), (1A)	23.51	Parliamentary Papers Act 1840	26.55
(3)	23.51	s 1	26.60, 26.122
(5)	23.51	2	26.122
19	1.33	3	26.122
Nuclear Installations (Amendment)		Partnership Act 1890	
Act 1965	23.51	s 5	3.63
Nuclear Installations (Licensing and		10	2.69, 3.63, 25.129
Insurance) Act 1959	23.51	12, 13	2.69
Occupiers' Liability Act 1957	1.18, 1.24,	Party Wall Act 1996	22.27
	2.18, 2.39, 2.64, 5.64,	Pension Schemes Act 1993	
	5.65, 15.5, 15.7,	s 151(7)	26.88
	16.15, 16.17, 18.26,	Pilotage Act 1913	
	18.30, 20.46	s 15	3.19
s 1(1)	18.13	Pilotage Act 1987	
(2)	18.3, 18.4, 18.8, 18.11, 18.12	s 16	3.19
(3)(a)	18.7	Police Act 1964	
(b)	18.11	s 48	3.18
(4)	18.4, 18.12	Police Act 1996	
2	13.48, 13.56, 18.12, 18.16, 21.31	s 88	3.18, 16.75, 30.12
(1)	16.14, 18.15, 18.19	Police Act 1997	
(2)	16.14, 18.19	s 29	2.9
(3)(a)	16.14, 18.25	Police and Criminal Evidence	
(3)(b)	18.27	Act 1984	9.36, 9.50, 13.30
(4)(a)	18.18, 18.24	Pt II (ss 8–23)	11.172
(b)	3.69, 18.17, 18.29	s 8–16	30.52
(5)	5.62	17(6)	10.29
(6)	18.12	18	10.29
3(1)–(4)	18.17	19	11.56
4	18.38	22(1)	11.56
5(1)–(3)	18.14	24A	9.35
6	2.7	43	30.54
Occupiers' Liability Act 1984	1.18, 1.24,	44	30.54
	2.18, 2.39, 5.65,	Police (Property) Act 1897	11.57
		s 1	11.56

Table of Statutes

	PARA
Post Office Act 1969.....	2.37, 2.38
Postal Services Act 2000	
s 1.....	2.38
89.....	2.37
90.....	25.79, 25.96
(1)–(3).....	2.37
(5), (6).....	2.37
91(7).....	2.37
92(4), (5).....	2.37
Powers of Criminal Courts Act 1973....	9.61
s 35.....	19.3
Powers of Criminal Courts (Sentencing) Act 2000.....	22.6
s 130.....	9.61
(1).....	9.61
(6)–(9).....	9.61
(11).....	9.61
131(1), (2).....	9.61
134(2)(a).....	9.61
137(1).....	9.61
138(1), (2).....	9.61
143–144.....	11.57
Prescription and Limitation (Scotland) Act 1973.....	9.45
s 18b(2)(b).....	9.45
Prisons Act 1952.....	9.36, 12.73
Private International Law (Miscellaneous Provisions) Act 1995.....	1.4
Pt III.....	1.4
Proceeds of Crime Act 2002.....	9.61
s 9.....	11.56, 11.170, 11.171
329.....	11.57
Pt V Ch 2 (ss 243–288).....	11.57
Prosecution of Offences Act 1985.....	30.17
s 1(6).....	30.17
3(2)(a).....	30.17
5.....	30.17
23.....	30.17
(3).....	30.24
(9).....	30.24
Protection from Eviction Act 1977.....	10.18, 10.38
s 1–3.....	10.18, 10.38
Protection from Harassment Act 1997....	1.13, 8.5, 9.40, 9.43, 9.46, 22.37
s 1(1)–(3).....	9.45
2, 4.....	9.45
3.....	3.57
(1), (2).....	9.45
(3).....	9.45
(6)–(8).....	9.45
3A.....	9.45
5, 5A.....	9.45
6.....	9.45
7(3A).....	9.45
9.....	9.45
10.....	9.45
Public Health Act 1875.....	15.20
s 95.....	30.5

	PARA
Public Health Act 1936.....	22.6
Pt III (ss 91–110).....	22.6
Public Order Act 1986.....	10.10
s 14A.....	10.10
Race Relations Act 1976....	2.49, 3.58, 6.27, 29.81
s 1(1)(a).....	20.25
Railways Act 1993.....	22.91
s 122.....	22.91
Railways and Transport Safety Act 2003.....	15.36
s 111.....	30.3
Registered Homes Act 1984.....	26.3, 26.20, 26.173
Rehabilitation of Offenders Act 1974....	26.21
s 1(1), (2).....	26.22
4(1).....	26.21
(a).....	26.21
5(1), (2).....	8.47
8.....	26.22
(1).....	26.22
(3).....	26.22
(4).....	26.123
(5), (6).....	26.22
(7)(a), (b).....	26.22
Rent Act 1977.....	10.38
Representation of People Act 1983.....	26.179
s 106.....	26.179
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.....	6.26
s 13(2), (6).....	20.3
Reservoirs Act 1975.....	23.42
s 28.....	23.42
Sch 2.....	1.33
Riding Establishments Act 1964.....	1.33
Road Traffic Act 1930.....	15.13
s 35.....	5.15
Road Traffic Act 1972.....	5.15
s 32.....	5.15
Road Traffic Act 1988.....	1.33
Pt IV.....	5.15
s 14, 15.....	5.15
16(2).....	13.53
38(7).....	15.35, 17.27
39.....	2.52
145.....	5.58, 18.16
149.....	5.60
(2), (3).....	6.36
151.....	6.70
Road Traffic (NHS Charges) Act 1999.....	6.70
Safety of Sports Grounds Act 1975.....	5.67
s 13.....	16.35
Sale and Supply of Goods Act 1994....	19.5
Sale of Goods Act 1979.....	16.3, 16.35
s 13.....	16.3, 16.35
14.....	16.3, 16.35