

# THE DIGEST

ANNOTATED  
BRITISH,  
COMMONWEALTH  
AND  
EUROPEAN  
CASES

39(2)

ROYAL FORCES

S. S.



BUTTERWORTHS

# The Digest

*Annotated British, Commonwealth and  
European Cases*

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*1985 reissue*

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The Titles in this volume were contributed to the original issue by:

**Royal Forces**

AP Arnold, Esq Barrister  
D Eifion Evans, Esq BA LLB Barrister

**Sale of Goods**

Alex Cairns, Esq Barrister  
W Summerfield, Esq MA BCL LLB Barrister

The Titles were revised for the Blue Band Replacement issue by:  
Philip F Skottowe, Esq LLB Barrister

The Titles were revised and compiled for this Green Band Reissue by:

Peter Stickland LLB, Solicitor  
Deborah Saunders BA, Barrister  
Simon Harris BA, Barrister

In this volume, English cases reported up to 1st February, 1985, are included, and other cases are included so far as they were available in London on that date.

## Abbreviations

### I ABBREVIATIONS OF REPORTS

A complete list of abbreviations used in citing Reports is to be found in Volume 1(1) pages xv–xxxiii. Additions or alterations to this list will be noted in future Supplements

### 2 GENERAL ABBREVIATIONS

AG	Aktiengesellschaft	DC	Divisional Court
A-G	Attorney-General	DPP	Director of Public Prosecutions
Act	Aktiengesellschaft	Dept	Department
Affd	Affirmed	Distd	Distinguished
Affg	Affirming	Div Ct	Divisional Court
Akt	Aktiengesellschaft; Aktiebolaget; Aktieselskabet	ECJ	European Court of Justice
Alta	Alberta	E Af	East Africa
Anon	Anonymous	Eccl Comrs	Ecclesiastical Commissioners
Apld	Applied	Eccl Ct	Ecclesiastical Court
Apprvd	Approved	EEC	European Economic Community
Art	Article	Ex Ch	Exchequer Chamber
Ass Tax Case	Assessed Tax Case	Ex p	Ex parte
Aus	Australia	Exch	Exchequer
		Exch Ct	Exchequer Court
BC	Borough Council	Expld	Explained
BC	British Columbia	Extd	Extended
CA	Court of Appeal	Fam Div	Family Division
CBC	Canadian Broadcasting Corporation	Fi fa	Fieri facias
CC	County Council	Folld	Followed
CCA	Court of Criminal Appeal	Govt	Government
CCR	County Court Rules	HC of A	High Court of Australia
CCR	Court of Crown Cases Reserved	HL	House of Lords
CLP Act	Common Law Procedure Act	HSI	Halsbury's Statutory Instruments
COR	Crown Office Rules	I of M	Isle of Man
CSUC	Consolidated Statutes of Upper Canada	IR Comrs	Inland Revenue Commissioners
Ca sa	Capias ad satisfaciendum	Inc	Incorporated
Can	Canada	Ir	Ireland
Ch Div	Chancery Division	JJ	Justices
Cl/cls	Clause/clauses	Jud Act	Judicature Act
Co	Company	KB Div	King's Bench Division
Comrs	Commissioners	LB	Local Board
Consd	Considered	LC	Lord Chancellor
Consist Ct	Consistory Court	LCC	London County Council
Cont	Continued	LG	Local Government
Corpn	Corporation	LG Board	Local Government Board
Ct	Court	LJ	Lord Justice
Ct of Bkpcy	Court of Bankruptcy	LJJ	Lords Justices
Ct of Ch	Court of Chancery	Lieut-Gov	Lieutenant-Governor
Ct of Eq	Court of Equity	London BC	London Borough Council
Ct of R	Court of Review	Ltd/Ltda/Ltee	Limited/Limitada/Limitee
Ct of Sess	Court of Session	Mags	Magistrates
Cty	County	Man	Manitoba
Cty Ct	County Court	Mentd	Mentioned

## Abbreviations

NB	New Brunswick	S	Section
NF	Not Followed	SA	Societe Anonyme
NI	Northern Ireland	S Af	South Africa
NP/np	Nisi Prius	S Aus	South Australia
NS	Nova Scotia	SC	Same Case
NSW	New South Wales	SC (Name of colony following)	Supreme Court of a Colony
NWP	North-West Provinces		
NWT	North-West Territories	SE	Settled Estates
NZ	New Zealand	SS	Steamship
Ont	Ontario	Sask	Saskatchewan
Ord	Order	Sched	Schedule
Overd	Overruled	Sci fa	Scire facias
PC	Privy Council	Sect/s	Section
PEI	Prince Edward Island	Soc	Society
		Soc Anon	Societe Anonyme
QB Div	Queen's Bench Division	TC	Town Council
Qd	Queensland	Tas	Tasmania
Qu	Quaere	UC	Urban Council
Que	Quebec	UDC	Urban District Council
R/r	Rule	UK	United Kingdom
RAF	Royal Air Force	US/USA	United States of America
RC	Rural Council		
RDC	Rural District Council	VAT	Value Added Tax
RM	Rural Municipality	V-C	Vice-Chancellor
RSA	Rural Sanitary Authority	Vic	Victoria
RSC	Revised Statutes of Canada		
RSC	Rules of the Supreme Court	W Af	West Africa
Refd	Referred	W Aus	West Australia
Reg	Regulation	W Indies	West Indies
Restg	Restoring		
Revsd	Reversed	YT	Yukon Territory
Revsg	Reversing		
Rs/rr	Rules		
Ry Co	Rail Co or Railway Co or Railway Company		

## **Meaning of terms used in classifying annotating cases**

The different expressions used to describe the effect of the annotating cases have the following meanings, and the classification of the annotating cases has been done strictly in accordance with these meanings. The annotating cases are grouped according to the points in the case which they annotate; within these groups they are listed chronologically. The terms used in classifying the annotating cases are as follows:—

**“Applied”** (Apld) This expression is used to denote the fact that the principle of law enunciated in the annotated case has been applied to a new set of facts and circumstances in the annotating case.

**“Approved”** (Apprvd) This expression is used to denote the fact that the annotated case has been considered to be good law in the annotating case where the latter is in a higher court than the former.

**“Considered”** (Consd) This expression is used where the remarks in the annotating case are devoid of adverse criticism and merely denote the giving of more or less careful consideration to the annotated case.

**“Distinguished”** (Distd) This expression is used where the earlier case is not necessarily doubted, but where some essential difference (either on the facts or in law) between it and the annotated case is pointed out.

**“Doubted”** (Dbtd) This expression is used where the court in the annotating case without definitely going to the length of saying that the annotated case is wrong, adduces reasons which seem to show that it is not accurate.

**“Explained”** (Expld) This expression is used where the earlier case is not necessarily doubted, but the decision arrived at is justified or accounted for by calling attention to some point of fact or of law which is usually but not necessarily, one not obvious on the fact of the report.

**“Extended”** (Extd) Compare “Applied,” *supra*.

**“Followed”** (Folld) This expression is used to denote that the same principles of law are applied in the two cases. It does not necessarily imply that the facts are substantially identical in the two cases.

**“Not Followed”** (NF) Compare “Followed,” *supra*, to which it is the adverse.

**“Overruled”** (Overd) This expression is used where the annotating case is on substantially identical facts with the annotated case and in a higher court and the rule in the latter case is held to be wrong.

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