# Contract, Tort and Remedies

General Editor D.G. Cracknell

- unannotated ideal for exam use
- updated annually





# Contract, Tort and Remedies 2008-2009

D.G. Cracknell, LLB, of the Middle Temple, Barrister



Fifth edition published 2008 by Routledge-Cavendish 2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN Simultaneously published in the USA and Canada by Routledge-Cavendish 270 Madison Avenue, New York, NY 10016

Routledge-Cavendish is an imprint of the Taylor & Francis Group, an informa business

© 2009 Routledge-Cavendish

Previous editions published by Old Bailey Press

First edition

1997

Fifth Edition

2007

Typeset in Garamond

Printed and bound in Great Britain by Cromwell Press, Trowbridge, Wiltshire

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Cracknell, D. G.

Contract, tort, and remedies, 2008-2009 / D.G. Cracknell. -- 5th ed.

p. cm.

Includes index.

- 1. Contracts--England. 2. Contracts--Wales. 3. Torts--England. 4. Torts--Wales.
- 5. Remedies (Law)--England. 6. Remedies (Law)--Wales. I. Title.

KD1554.C73 2008

346.4202--dc22

2008033608

ISBN10: 0-415-45831-5 (pbk) ISBN13: 978-0-415-45831-3 (pbk)

## Contract, Tort and Remedies 2008-2009

Previously published by Old Bailey Press as the *Cracknell's Statutes* series, Routledge-Cavendish Core Statutes provide a comprehensive series of essential statutory provisions for the core subjects and major options on the LLB or GDL.

#### Each book in the series

- provides the precise wording of Acts of Parliament and is unnanotated, making it ideal for both course and exam use
- is updated annually to incorporate all of the latest legislation covered in most UK law syllabi
- features consolidated amendments, avoiding the need to cross-refer to amending legislation
- contains both alphabetical and chronological contents listings and is fully indexed

**Douglas Cracknell** was called to the Bar in 1957 and he is still in practice. Over the years, he has devoted much time to writing and editing textbooks for students and practitioners.

#### Routledge-Cavendish Core Statutes

#### New editions available for 2008-2009:

Constitutional and Administrative Law

Contract, Tort and Remedies

Criminal Law

**Equity and Trusts** 

Family Law

International Trade Law

Land Law

Other titles available:

English Legal System (2008)

European Union Legislation (2008)

#### **PREFACE**

This book sets out the text of those statutory provisions a knowledge of which is essential for the purpose of most Contract and Tort examinations. Whenever a statutory provision is here included, the text incorporates any repeals, insertions or substitutions made (and in force) on or before 1 June 2008. A note at the end of the Act or statutory instrument indicates the source of any changes.

Many changes have been made in this edition. The new material includes relevant provisions of the Mental Capacity Act 2005, the Consumer Credit Act 2006, the Consumers, Estate Agents and Redress Act 2007 and the Consumer Protection from Unfair Trading Regulations 2008.

Since they were not in force on 1 June 2008, relevant sections of the NHS Redress Act 2006 and the Legal Services Act 2007 are included in the Appendix.

Suggestions as to statutes or statutory instruments, or provisions of them, which could helpfully be included in future editions would always be most gratefully received.

## ALPHABETICAL TABLE OF STATUTES AND REGULATIONS

```
Administration of Justice Act 1970
                                   39
                                            Civil Liability (Contribution) Act 1978
     s44
            39
                                              (contd.)
     s44A 39
                                                  s1
                                                       75
Administration of Justice Act 1982
                                                  s2
                                                       75-76
  124 - 125
                                                  s3
                                                       76
     s1
          124
                                                  s4
                                                       75 - 76
     s2
          124
                                                  s5
                                                       76
     s5
          125
                                                  s6
                                                       76
Animals Act 1971
                   39 - 43
                                                  s7
                                                       76-77
     s1
          39 - 40
                                            Companies Act 1985
                                                                   127 - 129
     s2
          40
                                                  s1
                                                       127
     s3
          40
                                                  s3A
                                                        127
     s4
          40
                                                  s14
                                                        127
     s5
          40 - 41
                                                  s35
                                                        128
     s6
          41
                                                  s35A
                                                         128
     s7
          41 - 42
                                                  s35B
                                                          128
     s8
          42
                                                  s36
                                                        129
          42
     s9
                                                  s36A
                                                          129
     s10
           43
                                                  s36AA
                                                           129
            43
     s11
                                                  s36C
                                                          129
     s12
            43
                                            Compensation Act 2006
                                                                      231-235
                                                       231
                                                  s1
Bills of Exchange Act 1882
                                                       231
                                                  s2
          5
     s3
                                                  s3
                                                       231-233
           5
     s17
                                                  s4
                                                       233-234
     s26
            5
                                                  s5
                                                       234
     s27
           5-6
                                                       234
                                                  s6
            6
     s73
                                                  s16
                                                       234-235
     s83
            6
                                            Congenital Disabilities (Civil Liability) Act
Broadcasting Act 1990
                        146-147
                                               1976
                                                      55-58
     s166
             146
                                                       55-56
                                                  s1
     s201
             146
                                                  s1A
                                                        56-57
     s202
             146
                                                  s2
                                                       57
     s203
             147
                                                  s3
                                                       57
     Schedule 20
                    147
                                                  s4
                                                       57-58
Children Act 1989
                                                  s5
                                                       58
                  142-143
                                            Consumer Credit Act 1974
                                                                        52-54
           142-143
     s2
     s3
          143
                                                  s56
                                                        52
Civil Evidence Act 1968
                                                  s140A
                                                           52 - 53
                                                  s140B
                                                           53
Civil Liability (Contribution) Act 1978
                                                  s140C
                                                           53 - 54
  75-77
                                                  s140D
                                                           54
```

xiv Contract, Tort and Remedies

s1 132-133	Consumer Protection Act 1987 132–138	Crown Proceedings Act 1947 23-26
\$\capact{\capact	sl 132–133	sl 23-24
\$\colorred{\colorred	s2 133	s2 24
\$\frac{1}{36} = 135 - 136 \qquad \text{338} \qquad \text{25} \qquad \text{5} \qquad \text{338} \qquad \text{26} \qquad \text{5} \qquad \text{36} \qquad \text{36} \qquad \text{36} \qquad \text{36} \qquad \text{36} \qquad \text{37} - 138 \qquad \text{50} \qquad \qquad \text{50} \qquad \qquad \qquad \text{50} \qquad \qqqq \qqq	s3 133-134	s4 24-25
\$5   134-135   \$31   25   \$38   25-26   \$38   136   \$38   136   \$38   136   \$38   136   \$38   136   \$39   136   \$31   172   177   \$346   137-138   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   172   177   \$31   173   175   \$31   175	s4 134	s11 25
s6       135-136       \$38       25-26         s7       136       \$40       26         s8       136       \$40       26         s9       136       Damages Act 1996       172-177         s45       136-137       \$1       172         s46       137-138       \$2       172-173         Consumer Protection from Unfair Trading Regulations 2008       247-255       \$2B       174-175         Contracts (Applicable Law) Act 1990       \$3       175         143-144       \$6       176       \$7       176-177         \$3       144       \$6       176       \$7       176-177       \$3       27         Consumers, Estate Agents and Redress Act 2000       \$2       \$2       27       28       \$2       27       28         Contracts (Rights of Third Parties) Act 1999       \$6       27-28       \$2       27       \$2       \$2       27       \$2	s5 134-135	
\$7   136   \$40   26   \$8   136   \$9   136   \$9   136   \$137 - 138   \$1   172		
\$\frac{\text{s}}{\text{s}} \frac{136}{\text{s}} \frac{\text{s}}{\text{s}} \frac{136}{137} \qquad \text{s} \qquad \qquad \text{s} \qquad \qquad \qquad \text{s} \qquad \qqquad \qqquad \qqqq \q		
s45       136-137       s1       172         s46       137-138       s2       172-173         Consumer Protection from Unfair Trading Regulations 2008       247-255       s2B       174-175         Contracts (Applicable Law) Act 1990       s3       175         143-145       s4       175-176         s1       143-144       s6       176         s2       144       s7       176-177         consumers, Estate Agents and Redress Act       s2       27         2007       s3       27         s59       236       s5       27         Consumers, Estate Agents and Redress Act       s2       27         2007       s3       27       s5       27         Contracts (Rights of Third Parties) Act 1999       s6       27-28       s9       28         s1       201-202       s10       28       s11       28         s4       203       s12       28       s12       28         s6       203-204       s13       28       s17       28         s6       203-204       s1       s6       28       s17       28         s1       31       s2       s1 <td< td=""><td>s8 <i>136</i></td><td></td></td<>	s8 <i>136</i>	
\$46   137-138   \$2   172-173    Consumer Protection from Unfair Trading Regulations 2008   247-255   \$2B   174-175    Contracts (Applicable Law) Act 1990   \$3   175    \$1   143-144   \$6   176-177    \$3   144   \$6   176-177    \$59   236   \$7   176-177    \$59   236   \$55   27    Consumers, Estate Agents and Redress Act 2007   \$3   27    \$59   236   \$55   27    Contracts (Rights of Third Parties) Act 1999   \$6   27-28    \$1   201-202   \$1   28    \$1   201-202   \$1   28    \$3   203   \$12   28    \$4   203   \$13   28    \$5   203   \$10   28    \$11   28   \$13   28    \$16   28    \$17   28    Defamation Act 1996   163-172    \$1   31   \$4   165    Countryside and Rights of Way Act 2000   \$2   209-210    \$1   208-209   \$1   166-167    \$12   210   \$13   167    \$45   210   \$14   167    Schedule 2   210-212    Courts and Legal Services Act 1990   145    \$69   145   \$19   145    Criminal Law Act 1967   Schedule 1, Part II   169-171    Criminal Law Act 1967   Schedule 1, Part III   171-172    \$20   168   169-171    \$20   164   171-172    \$20   168   169-171    \$20   168   169-171    \$20   168   169-171    \$20   168   169-171    \$20   168   169-171    \$20   168   169-171    \$20   168   174-175    \$20   174-175    \$20   174-175    \$20   174-175    \$20   174-175    \$20   174-175    \$20   174-175    \$20   176-177    \$20   27-28    \$27   28    \$27   28    \$27   28    \$27   28    \$29   28    \$3   27    \$3   27    \$3   27    \$40   27-28    \$40   27-28    \$40   27-28    \$41   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   163-164    \$52   164    \$53   164-165    \$53   164-165    \$54   165    \$55   27    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$51   28    \$52   176-177    \$56   27-28    \$51   28    \$52   27-28    \$52   27-28    \$52   27-28    \$54   27-28    \$55   27    \$51   28    \$52   27    \$51   28    \$52   28    \$51   28    \$51   28    \$51   28    \$52   164    \$53   164-165    \$53   165-166    \$51   166-16	s9 136	Damages Act 1996 172-177
Segulation   Seg	s45 136-137	sl 172
Regulations 2008	s46 137–138	s2 172-173
Regulations 2008   247-255		
Contracts (Applicable Law) Act 1990  143–145  11 143–144  12 144  13 144  Consumers, Estate Agents and Redress Act 2007  159 236  Contracts (Rights of Third Parties) Act 1999  201–205  12 201–202  13 203  13 203  13 203  13 28  14 65  Corporate Bodies' Contracts Act 1960  208–212  11 28  12 210  13 208–209  13 208–209  13 208–209  13 208–210  13 21 210  14 26  Schedule 2 210–212  Courts and Legal Services Act 1990  145  15 210  Schedule 2 210–212  Courts and Legal Services Act 1990  145  151 145  Schedule 1, Part II 168–169  Schedule 1, Part II 169–171  Criminal Law Act 1967  Schedule 1, Part II 169–171  Criminal Law Act 1967		s2B 174-175
143-145		
\$1       143-144       \$6       176         \$2       144       \$7       176-177         \$3       144       Defamation Act 1952       27-28         Consumers, Estate Agents and Redress Act       \$2       27         \$3       27       \$3       27         \$59       236       \$5       27         Contracts (Rights of Third Parties) Act 1999       \$6       27-28       \$9         \$201-205       \$9       28       \$1       28       \$9       28         \$1       201-202       \$10       28       \$1       29       \$1       363-164       \$2       \$1       364-165       \$3       \$164-165       \$4       \$6       \$6		
\$2		
S3 144 Consumers, Estate Agents and Redress Act 2007  s59 236 Contracts (Rights of Third Parties) Act 1999 201 −205  s1 201 −202 s2 202 s1 28 s3 203 s4 203 s5 203 s6 203 −204 s7 204 −205 s8 205 s10 205 S8 205 s10 205 Corporate Bodies' Contracts Act 1960 31 s1 31 s2 31 Countryside and Rights of Way Act 2000 208 −212 s1 208 −209 s2 209 −210 s2 208 −209 s3 28 s10 28 s10 28 s10 28 s10 28 s10 28 s10 28 s11 28 s12 28 s13 28 s16 −28 s17 28 s17 28 s2 164 s2 166 s1 163 −165 s2 164 s2 20 s1 163 −165 s2 164 s2 20 s2 164 s3 16 −28 s17 28 s17 28 s2 16 s16 −28 s17 28 s17 28 s17 28 s2 16 s17 28 s17 28 s2 16 s10 28 s2 20 s2 20 s10 28 s10 28 s10 28 s10 28 s10 28 s10 28 s2 20 s2 20 s2 20 s2 20 s10 28 s10		
Consumers, Estate Agents and Redress Act 2007 s59 236  Contracts (Rights of Third Parties) Act 1999 201-205 s1 201-202 s3 203 s4 203 s5 203 s6 203-204 s7 204-205 s8 205 s10 205 s8 205 s10 205 s1 31 32 s6 203-204 s7 204-205 s8 205 s10 205 Corporate Bodies' Contracts Act 1960 31 s1 31 s2 31  Countryside and Rights of Way Act 2000 208-212 s1 208-209 s2 209-210 s12 210 s4 165 Schedule 2 210-212 Courts and Legal Services Act 1990 145 s61 145 s69 145 s19 145 Criminal Law Act 1967  Schedule 1, Part II 168-169 Schedule 1, Part II 169-171 Criminal Law Act 1967  Schedule 1, Part II 169-171 Criminal Law Act 1967	s3 144	
2007 s59 236  Contracts (Rights of Third Parties) Act 1999 201-205 s1 201-202 s2 202 s3 203 s4 203 s5 203 s6 203-204 s7 204-205 s8 205 s1 0 28 s17 28  Defamation Act 1996 s1 31 s2 31  Corporate Bodies' Contracts Act 1960 31 s1 31 s2 31  Countryside and Rights of Way Act 2000 208-212 s1 208-209 s2 209-210 s12 210 s45 210 Schedule 2 210-212  Courts and Legal Services Act 1990 145 s61 145 s69 145 s19 145 Criminal Law Act 1967  Schedule 1, Part II 168-169 Schedule 1, Part II 169-171 Criminal Law Act 1967  Schedule 1, Part II 169-171 Criminal Law Act 1967	(m)	
S59 236  Contracts (Rights of Third Parties) Act 1999  201-205  \$1 201-202	3	
Contracts (Rights of Third Parties) Act 1999  201-205  \$1		
\$\frac{1}{201-202}\$ \$\frac{1}{2}  201-202  \text{s10}  28  \text{s11}  28  \text{s11}  28  \text{s11}  28  \text{s12}  28  \text{s13}  28  \text{s12}  28  \text{s13}  28  \text{s12}  28  \text{s13}  28  \text{s13}  28  \text{s13}  28  \text{s15}  28  \text{s16}  28  \text{s17}  28  \text{s16}  28  \text{s17}  28  \text{s17}  28  \text{s17}  28  \text{s17}  28  \text{s10}  \text{s1}  \text{s16}  \text{s2}  \text{s16}   \text{s16}  \text{s2}  \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  \text{s16}   \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  \text{s16}  \text{s2}  s16		
\$1  201 - 202  \text{s10}  28  \text{s11}  28  \text{s11}  28  \text{s12}  28  \text{s12}  28  \text{s12}  28  \text{s13}  28  \text{s16}  28  \text{s17}  28  \text{s13}  28  \text{s16}  \text{s17}  28  \text{s16}  \text{s17}  28  \text{s17}  \text{s16}  \text{s17}  \text{s16}  \text{s17}  \text{s16}  \text{s17}  \text{s16}  \text{s17}  \text{s16}   \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16}  \text{s16} \q		
\$2 202 \$11 28 \$12 28 \$13 203 \$13 28 \$13 28 \$15 203 \$13 28 \$16 28 \$17 28 \$17 28 \$10 205 \$10 205 \$11 163 - 164 \$15 \$11 \$2 \$10 \$205 \$11 163 - 164 \$15 \$11 \$2 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$12 \$10 \$14 \$167 \$12 \$210 \$11 \$168 - 169 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$119 \$145 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$168 \$119 \$145 \$17 \$168 \$17 \$		
\$3 203 \$4 203 \$12 28 \$12 28 \$13 28 \$15 203 \$15 203 \$16 28 \$17 28 \$17 28 \$17 28 \$17 28 \$17 28 \$17 28 \$18 205 \$19 205 \$19 205 \$19 205 \$19 205 \$19 205 \$19 205 \$19 205 \$10 205 \$1		
\$\frac{\frac		
\$5 203 \$6 203-204 \$7 204-205 \$8 205 \$10 205 Corporate Bodies' Contracts Act 1960 31 \$1 31 \$2 31 Countryside and Rights of Way Act 2000 \$208-212 \$1 208-209 \$2 209-210 \$1 208 209 \$2 209-210 \$1 210 \$1 210 \$1 210 \$1 210 \$1 210 \$1 210 \$1 210 \$1 210 \$1 31 3167 \$1 66-167 \$12 210 \$1 167 \$1 168 \$1 167 \$1 168 \$1 169-171 Courts and Legal Services Act 1990 145 \$1 145 \$1 145 \$1 168-169 \$1 19 145 \$1 169-171 Criminal Law Act 1967		
s6       203-204       \$16       28         s7       204-205       Defamation Act 1996       163-172         s8       205       \$1       163-164         s10       205       \$1       163-164         Corporate Bodies' Contracts Act 1960       31       \$2       164         \$1       31       \$3       164-165       \$4         \$2       31       \$4       165         Countryside and Rights of Way Act 2000       \$7       165       \$8       165-166         \$208-212       \$1       208-209       \$9       166         \$2       209-210       \$10       166-167       \$13       167         \$45       210       \$14       167       \$168<		
\$7 \ 204-205 \$8 \ 205 \$10 \ 205 Corporate Bodies' Contracts Act 1960 \ 31 \$1 \ 31 \$2 \ 31 Countryside and Rights of Way Act 2000 \$208-212 \$1 \ 208-209 \$2 \ 209-210 \$12 \ 210 \$31 \ 166-167 \$12 \ 210 \$45 \ 210 \$50edule 2 \ 210-212 Courts and Legal Services Act 1990 \ 145 \$69 \ 145 \$69 \ 145 \$69 \ 145 \$10 \ Schedule 1, Part I \ 168-169 \$10 \ 168-169 \$10 \ 168-161 \$10 \ 168-169 \$10 \ 168-169 \$119 \ 145 \$119 \ 145 \$119 \ 145 \$119 \ 145 \$110 \ Schedule 1, Part II \ 169-171 \$111 \ 171-172		
Sechedule 1, Part II   169-171   Schedule 1, Part II   169-171   Schedule 1, Part III   169-171   Schedule 1, Part III   169-171   Criminal Law Act 1967   Sechedule 1, Part II   169-171   Criminal Law Act 1967   Sechedule 1, Part II   169-171   Criminal Law Act 1967   Sechedule 1, Part III   171-172   Sechedule 1, Part III   171-172   Courts and Legal Services Act 1967   Schedule 1, Part III   171-172   Schedule 1, Part III		
\$10       205         Corporate Bodies' Contracts Act 1960       31         \$1       31         \$2       31         \$2       31         \$3       164-165         \$4       165         \$7       165         \$8       165-166         \$9       166         \$1       208-209         \$1       \$10         \$12       210         \$12       210         \$45       210         \$14       167         \$168       \$168         Courts and Legal Services Act 1990       145         \$61       145         \$69       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145         \$119       145 <td< td=""><td></td><td></td></td<>		
Corporate Bodies' Contracts Act 1960 31  s1 31  s2 31  Countryside and Rights of Way Act 2000  208-212  s1 208-209  s2 209-210  s12 210  s45 210  Schedule 2 210-212  Courts and Legal Services Act 1990 145  s61 145  s69 145  s19 145  Criminal Law Act 1967  Schedule 1, Part II 168-169  Schedule 1, Part II 169-171  Criminal Law Act 1967		
\$1       31       \$3       164-165         \$2       31       \$4       165         Countryside and Rights of Way Act 2000       \$7       165         \$208-212       \$8       165-166         \$1       208-209       \$9       166         \$2       209-210       \$10       166-167         \$12       210       \$13       167         \$45       210       \$14       167         Schedule 2       210-212       \$15       168         Courts and Legal Services Act 1990       145       \$17       168         \$69       145       \$20       168         \$69       145       \$5chedule 1, Part I       169-171         Criminal Law Act 1967       \$5chedule 1, Part III       171-172		
s2       31       s4       165         Countryside and Rights of Way Act 2000       s7       165         208-212       s8       165-166         s1       208-209       s9       166         s2       209-210       s10       166-167         s12       210       s13       167         s45       210       s14       167         Schedule 2       210-212       s15       168         Courts and Legal Services Act 1990       145       s17       168         s61       145       s20       168         s69       145       Schedule 1, Part I       168-169         s119       145       Schedule 1, Part II       169-171         Criminal Law Act 1967       Schedule 1, Part III       171-172		s3 164–165
Countryside and Rights of Way Act 2000  208-212  \$1		s4 165
208-212       s8 165-166         s1 208-209       s9 166         s2 209-210       s10 166-167         s12 210       s13 167         s45 210       s14 167         Schedule 2 210-212       s15 168         Courts and Legal Services Act 1990       145       s17 168         s61 145       s20 168         s69 145       Schedule 1, Part I       168-169         s119 145       Schedule 1, Part II       169-171         Criminal Law Act 1967       Schedule 1, Part III       171-172		s7 165
\$1       208-209       \$9       166         \$2       209-210       \$10       166-167         \$12       210       \$13       167         \$45       210       \$14       167         \$5chedule 2       210-212       \$15       168         \$60       145       \$17       168         \$69       145       \$20       168         \$69       145       \$5chedule 1, Part I       168-169         \$119       145       \$5chedule 1, Part II       169-171         Criminal Law Act 1967       \$5chedule 1, Part III       171-172		s8 165–166
s2       209-210       \$10       166-167         \$12       210       \$13       167         \$45       210       \$14       167         Schedule 2       210-212       \$15       168         Courts and Legal Services Act 1990       145       \$17       168         \$61       145       \$20       168         \$69       145       \$50       \$60       168         \$119       145       \$10		s9 166
\$12       210       \$13       167         \$45       210       \$14       167         Schedule 2       210-212       \$15       168         Courts and Legal Services Act 1990       145       \$17       168         \$61       145       \$20       168         \$69       145       \$50       \$14       168-169         \$119       145       \$60       \$14       \$14       \$14       \$14       \$14       \$16		s10 166-167
s45       210       s14       167         Schedule 2       210-212       s15       168         Courts and Legal Services Act 1990       145       s17       168         s61       145       s20       168         s69       145       Schedule 1, Part I       168-169         s119       145       Schedule 1, Part II       169-171         Criminal Law Act 1967       Schedule 1, Part III       171-172		s13 167
Schedule 2       210-212       s15       168         Courts and Legal Services Act 1990       145       s17       168         s61       145       s20       168         s69       145       Schedule 1, Part I       168-169         s119       145       Schedule 1, Part II       169-171         Criminal Law Act 1967       Schedule 1, Part III       171-172		s14 167
Courts and Legal Services Act 1990 145 s17 168 s61 145 s20 168 s69 145 Schedule 1, Part I 168–169 s119 145 Schedule 1, Part II 169–171 Criminal Law Act 1967 Schedule 1, Part II 171–172		s15 <i>168</i>
s61       145       s20       168         s69       145       Schedule 1, Part I       168–169         s119       145       Schedule 1, Part II       169–171         Criminal Law Act 1967       Schedule 1, Part III       171–172		
s69       145       Schedule 1, Part I       168–169         s119       145       Schedule 1, Part II       169–171         Criminal Law Act 1967       Schedule 1, Part III       171–172	_	
\$119       145       Schedule 1, Part II       169–171         Criminal Law Act 1967       Schedule 1, Part III       171–172		
Criminal Law Act 1967 Schedule 1, Part III 171-172		
	s3 36	Defective Premises Act 1972 44–47

Defective Premises Act 1972 (contd.)	Financial Services and Markets Act 2000
sl 44	205–206
s2 44-45	s412 205–206
s3 45	Schedule 2, Part II 206
s4 46	Fires Prevention (Metropolis) Act 1774
s5 46	s86 1
s6 46-47	Gambling Act 2005 228-229
Electronic Commerce (EC Directive)	s3 228
Regulations 2002 244–245	s335 228
Employers' Liability (Defective Equipment)	s336 228–229
Act 1969	Government of Wales Act 2006
s1 38	235-236
Employment Rights Act 1996	s1 235
s203 162	s42 235
Environmental Protection Act 1990	s45 236
147–148	Guard Dogs Act 1975 55
s33 147	s1 55
s73 147-148	s5 55
s75 148	s7 55
Equality Act 2006 229–231	31 77
s44 229	Health and Social Care (Community Health
s45 229	and Standards) Act 2003 212-215
s66 230	s150 212-213
s68 230	s163 213
s69 230	s163 213 s164 213-214
s72 230	s166 214
s74 231	Schedule 10 214 – 215
3/1 231	Highways Act 1980 109-110
Factors Act 1889 7-8	s41 109
s1 7	s58 109-110
s2 7	s328 110
s3 8	s329 110
s4 8	Hire-Purchase Act 1964 32-35
s5 8	s27 32-33
s6 8	s28 <i>33–34</i>
s7 8	s29 34-35
Family Law Reform Act 1969 38-39	Housing Grants, Construction and
s1 38-39	Regeneration Act 1996 177-181
s9 <i>39</i>	s104 177
s1 73	s105 177-178
s9 73	s106 178-179
Fatal Accidents Act 1976 58-60	s107 <i>179</i>
s1 58-59	s108 179
s1A 59	s109 <i>179</i>
s2 59-60	s110 <i>180</i>
s3 60	s111 180
s4 60	s112 180–181
s5 60	s113 181

Housing Grants, Construction and	Law of Libel Amendment Act 1888 (contd.)
Regeneration Act 1996 (contd.)	s5 6
s114 181	Law of Property Act 1925 16-18 s41 16
s116 181	
s117 181	s49 16
Human Fertilisation and Embryology Act	s52 16–17
1990	s53 17
s35 145	s54 17
Human Rights Act 1998 199-201 s1 199	s55 17 s56 17–18
s6 199	s205 18
s8 199–200	Law of Property (Miscellaneous Provisions)
s11 200	Act 1989 $140-142$
s12 200	sl 140–141
s13 200	s2 141-142
s21 201	s3 142
321 201	Law Reform (Contributory Negligence) Act
Insolvency Act 1986	1945 22–23
s345 131	s1   22-23
	s3 23
Judgments Act 1838 $2-3$	s4 23
s17 2	Law Reform (Frustrated Contracts) Act
s18   2-3	1943 21–22
Less Person and of Communical Dahas	s1 21
Late Payment of Commercial Debts	s2 21-22
(Interest) Act 1998 192–198	s2 21-22 s3 22
s1 192 s2 192	Law Reform (Husband and Wife) Act 1962
	32
s3 192-193 s4 193	s1 32
s5 193	si 32 s3 32
s5A 194	Law Reform (Married Women and
s6 194	Tortfeasors) Act 1935 19–20
s7 194	sl 19
s8 194–195	s2 19-20
s9 195	s3 20
s10 195	s4 20
sl1 196	Law Reform (Miscellaneous Provisions) Act
s12 196	1934
s13 197	s1 18–19
s14 197	Law Reform (Personal Injuries) Act 1948
s16 197	26–27
s17 197–198	s1 26
Latent Damage Act 1986 129–131	s2 27
s3 129–130	s3 27
s4 130–131	s4 27
s5 131	Legal Services Act 2007 258
Law of Libel Amendment Act 1888 6–7	s114 258
s1 6	s115 258
31 0	311) 2)0

```
Limited Liability Partnerships Act 2000
Legal Services Act 2007 (contd.)
                                               (contd.)
     s116
             258
     s154
             258
                                                  s6
                                                        208
Libel Act 1792
                 1 - 2
                                             Limited Partnerships Act 1907
                                                                             15 - 16
          2
                                                        15
     s1
                                                  s3
          2
     s2
                                                  s4
                                                        15
Libel Act 1843
                                                        15 - 16
                                                  s6
     s1
           4
                                                  s7
                                                        16
     s2
           4
                                             Marine Insurance Act 1906
                                                                          11 - 15
Libel Act 1845
                                                  s1
                                                        11
           4 - 5
     s2
                                                  s3
                                                        11
Limitation Act 1980
                      96 - 109
                                                  s4
                                                        11
     s1
          96
                                                  s5
                                                        11 - 12
     s2
           96
                                                  s17
                                                         12
     s3
           96
                                                  s18
                                                         12
     s4
          96 - 97
                                                  s19
                                                         12
     s4A
            97
                                                  s20
                                                         12 - 13
     s5
           97
                                                  s21
                                                         13
     s6
           97 - 98
                                                  s33
                                                         13
     s7
           98
                                                  s34
                                                         13
           98
     s8
                                                  s35
                                                         13
     s9
           98
                                                  s36
                                                         13
     s10
            98
                                                  s37
                                                         13
           98 - 99
     s11
                                                  s38
                                                         14
             99-100
     s11A
                                                  s39
                                                         14
     s12
            100
                                                  s40
                                                         14
     s13
            100
                                                  s41
                                                         14
     s14
            101
                                                  s42
                                                         14
     s14A
             101 - 102
                                                  s86
                                                         14
     s14B
             102 - 103
                                                  s87
                                                         14 - 15
     s24
            103
                                                  s88
     s28
            103
                                                         15
                                                  s91
                                                         15
     s28A
             104
                                             Matrimonial Causes Act 1973
     s29
            104
                                                         51-52
                                                  s34
     s30
            104
                                             Mental Capacity Act 2005
                                                                        215-228
     s31
            104 - 105
     s32
            105
                                                  s1
                                                        215
     s32A
                                                  s2
                                                        215
             106
     s33
            106-107
                                                  s3
                                                        216
     s36
            107-108
                                                  s4
                                                        216-217
                                                  s5
     s38
            108-109
                                                        217
     s39
            109
                                                  s6
                                                        217-218
Limited Liability Partnerships Act 2000
                                                  s7
                                                        218
  207-208
                                                  s8
                                                        218
                                                  s9
     s1
           207
                                                        218
           207
     s2
                                                  s10
                                                         219
           207
                                                         219-220
     s4
                                                  s11
     s5
           207-208
                                                  s12
                                                         220
```

Mental Cap	pacity Act 2005 (contd.)	Parliamentary Papers Act 1840 3-4
s13	220-221	s1 3
s14	221	s2 3
s15	222	s3 3-4
s16	222	s4 4
s17	222-223	Partnership Act 1890 8-10
s18	223	s1 8
s19	223-224	s4 9
s20	224-225	s5 9
s21	225	s6 9
s22	225	s7 9
s23	225-226	s8 9
s24	226	s9 9
	226–227	s10 9
	227	s11 9
s27	227–228	s12 10
s28	228	s45 10
	ontracts Act 1987 131–132	Police Act 1996
sl	131–132	s88 161–162
s2	132	Police and Criminal Evidence Act 1984
s3	132	s117 126
s4	132	Powers of Attorney Act 1971
	ntation Act 1967 35-36	s4 43
sl	35	Property Misdescriptions Act 1991
s1 s2	35	148–149
		sl 148-149
s3	36	s2 149
National M	finimum Wage Act 1998	Protection from Harassment Act 1997
198-19		190–191
s1	198	sl 190
s49	198–199	s3 191
	ess Act 2006 256-257	s3A 191
sl	256	s7 191
	256–257	Public Passenger Vehicles Act 1981
s3	257	s29 110
s7	257	D '1 - F' - 4 - 1005 - 10 - 11
s12	257–258	Railway Fires Act 1905 10–11
312	2)/ -2)0	s1 10
Occupiers'	Liability Act 1957 29-31	s4 10-11
s1	29	Rent Act 1977
s2	29-30	s125 67-68
s3	30	Road Traffic Act 1988 138–140
s5	30-31	s148 138–139
s6	31	s149 139–140
	Liability Act 1984 125-126	Sale and Supply of Goods to Consumers
sl	125–126	Regulations 2002 245-246
slA	126	Sale of Goods Act 1979 77–96
s3	126	s2 77
3.5		3L //

S.I. (C. I.A. 1070 ( ()	C.1. (C 1. A 1070 ( 1)
Sale of Goods Act 1979 (contd.)	Sale of Goods Act 1979 (contd.)
s3 77	s48 90
s4 77	s48A 90-91
s5 77	s48B 91
s6 78	s48C 91
s7 78	s48D 92
s8 <i>78</i>	s48E 92
s9 <i>78</i>	s48F 92
s10 <i>78</i>	s49 <i>92</i>
s11 <i>78</i>	s50 92-93
s12 <i>79</i>	s51 <i>93</i>
s13 <i>79</i>	s52 <i>93</i>
s14 79-80	s53 <i>93</i>
s15 <i>81</i>	s54 <i>93</i>
s15A 81	s55 94
s16 <i>81</i>	s57 94
s17 81	s59 <i>94</i>
s18 81-82	s60 94
s19 82	s61 94-95
s20 83	s62 95-96
s20A 83	Slander of Women Act 1891
s20B 83-84	s1 10
s21 84	Social Security (Recovery of Benefits) Act
s23 84	1997 181–190
s24 84	s1 181–182
s25 84-85	s2 182
s26 85	s3 182
s27 85	s4 182–183
s28 85	s5 183
s29 85	s6 183
s30 85-86	s7 184
s31 86	s8 184–185
s32 86	s9 185
s33 86-87	s10 185
s34 87	
s35 87	
	s12 186
	s13 186
s36 88	s15 186
s37 88	s17 186
s38 88	s21 187
s39 88	s22 187
s41 88	s28 187
s42 89	s29 187–188
s43 89	Schedule 1, Part I 188
s44 89	Schedule 1, Part II 189
s45 89	Schedule 2 189-190
s46 89-90	Statute of Frauds 1677
s47 90	s4 1

Statute of Frauds Amendment Act 1828	Supreme Court Act 1981 (contd.)
s6 2	s49 113
Supply of Goods and Services Act 1982	s50 113
114–124	s69 113-114
sl 114	
s2 114–115	Theatres Act 1968 36-37
s3 115	s4 <i>36</i>
s4 115–116	s7 36-37
s5 116	Torts (Interference with Goods) Act 1977
s5A 116–117	60-67
s6 117	s1 60-61
s7 117	s2 61
s8 117	s3 61-62
s9 117–118	s4 62
s10 118–119	s5 62
s10A 119	s6 62-63
s11 119	s7 63
s11M 119–120	s8 63-64
s11N 120	s9 64
s11P 120	s10 64
	s11 64
	s12 64-65
	s13 65
	s14 65
	s16 66
s13 122	Schedule 1, Part I 66-67
s14 122	Schedule 1, Part II 67
s15 122	Trade Union and Labour Relations
s16 122	(Consolidation) Act 1992 150-161
s18 122–124	s1 150
s19 124	s10 151
Supply of Goods (Implied Terms) Act 1973	s11 151
47–51	s12 151
s8 47	s20 151-152
s9 47–48	s21 152–153
s10 48-49	s22 153
s11 49-50	s23 153-154
s11A 50	s119 <i>154</i>
s12 50	s121 155
s14 50	s122 155
s15 50-51	s127 155
Supreme Court Act 1981 111–114	s130 155
s32 111	s219 <i>156</i>
s32A 111	s220 156
s35A 111–112	s221 156-157
s37 112–113	s222 157

Trade Union and Labour Relations	Unfair Contract Terms Act 1977 (contd.)
(Consolidation) Act 1992 (contd.)	s9 <i>70</i>
s223 157	s10 70-71
s224 158	s11 71
s225 158-159	s12 <i>71</i>
s226 159	s13 71-72
s236 160	s14 72
s244 160	s26 72
s298 160–161	s27 72-73
Unfair Contract Terms Act 1977 68-75  s1 68 s2 68-69 s3 69 s4 69 s5 69 s6 69-70 s7 70	s29 73 Schedule 1 73-74 Schedule 2 74 Unfair Terms in Consumer Contracts Regulations 1999 237-244 Water Resources Act 1991 149-150 s208 149-150 s221 150

#### **CONTENTS**

Preface	хi
Alphabetical Table of Statutes and Regulations	xiii
Statutes	
Statute of Frauds 1677	1
Fires Prevention (Metropolis) Act 1774	1
Libel Act 1792	1–2
Statute of Frauds Amendment Act 1828	2
Judgments Act 1838	2-3
Parliamentary Papers Act 1840	3-4
Libel Act 1843	4
Libel Act 1845	4-5
Bills of Exchange Act 1882	5-6
Law of Libel Amendment Act 1888	6–7
Factors Act 1889	7–8
Partnership Act 1890	8-10
Slander of Women Act 1891	10
Railway Fires Act 1905	10-11
Marine Insurance Act 1906	11–15
Limited Partnerships Act 1907	15-16
Law of Property Act 1925	16-18
Law Reform (Miscellaneous Provisions) Act 1934	18-19
Law Reform (Married Women and Tortfeasors) Act 1935	19-20
Law Reform (Frustrated Contracts) Act 1943	21-22
Law Reform (Contributory Negligence) Act 1945	22-23
Crown Proceedings Act 1947	23-26
Law Reform (Personal Injuries) Act 1948	26-27
Defamation Act 1952	27-28
Occupiers' Liability Act 1957	29-31
Corporate Bodies' Contracts Act 1960	31

viii	Contract, Tort and Remedies
Law Reform (Husband and Wife) Act 1962	32
Hire-Purchase Act 1964	32-35
Misrepresentation Act 1967	35-36
Criminal Law Act 1967	36
Theatres Act 1968	36-37
Civil Evidence Act 1968	37
Employers' Liability (Defective Equipment) Act 1969	38
Family Law Reform Act 1969	38-39
Administration of Justice Act 1970	39
Animals Act 1971	39-43
Powers of Attorney Act 1971	43
Defective Premises Act 1972	44-47
Supply of Goods (Implied Terms) Act 1973	47-51
Matrimonial Causes Act 1973	51-52
Consumer Credit Act 1974	52-54
Guard Dogs Act 1975	55
Congenital Disabilities (Civil Liability) Act 1976	55-58
Fatal Accidents Act 1976	58-60
Torts (Interference with Goods) Act 1977	60-67
Rent Act 1977	67-68
Unfair Contract Terms Act 1977	68-75
Civil Liability (Contribution) Act 1978	75-77
Sale of Goods Act 1979	77–96
Limitation Act 1980	96-109
Highways Act 1980	109-110
Public Passenger Vehicles Act 1981	110
Supreme Court Act 1981	111-114
Supply of Goods and Services Act 1982	114-124
Administration of Justice Act 1982	124-125
Occupiers' Liability Act 1984	125-126
Police and Criminal Evidence Act 1984	126
Companies Act 1985	127-129