

CONTRACTUAL DUTIES:
PERFORMANCE, BREACH,
TERMINATION AND REMEDIES

SWEET & MAXWELL

THE CONTRACT LAW LIBRARY

CONTRACTUAL DUTIES: PERFORMANCE, BREACH, TERMINATION AND REMEDIES

By

Professor Neil Andrews, Professor of Civil Justice
and Private Law

Professor Malcolm Clarke, Professor
of Commercial Contract Law

Professor Andrew Topham, Professor
of Commercial Law

Professor Graham Virgo, Professor
of English Private Law

SWEET & MAXWELL



THOMSON REUTERS

Published in 2011 by
Sweet & Maxwell, 100 Avenue Road, London NW3 3PF
Part of Thomson Reuters (Professional) UK Limited
(Registered in England & Wales, Company No.1679046. Registered Office and
address for service: Aldgate House, 33 Aldgate High Street,
London EC3N 1DL)

For further information on our products and services, visit
www.sweetandmaxwell.co.uk

Typeset by YHT Ltd London
Printed and bound in the UK by
CPI Antony Rowe, Chippingham, Wiltshire, SN14 6LH

No natural forests were destroyed to make this product;
only farmed timber was used and re-planted

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

ISBN 9780414025561

Crown Copyright material is reproduced with the permission of
the Controller of the HMSO and the Queen's Printer for Scotland.

All rights reserved. No part of this publication may be reproduced or
transmitted, in any form or by any means, or stored in any retrieval system of
any nature, without prior written permission,
except for permitted fair dealing under the Copyright, Designs and Patents Act
1988, or in accordance with the terms of a license issued by the Copyright
Licensing Agency in respect of photocopying and/or reprographic reproduction.

Application for permission for other use of copyright material including
permission to reproduce extracts in other published works shall be made to the
publishers. Full acknowledgment of author, publisher and source must be given.

Thomson Reuters and the Thomson Reuters logo are trademarks
of Thomson Reuters.
Sweet & Maxwell® is a registered trademark of Thomson Reuters
(Professional) UK Limited.

© 2011 Thomson Reuters (Professional) UK Limited

THE CONTRACT LAW LIBRARY

CONTRACTUAL DUTIES

FOREWORD

I have been engaged in the practice of the law for very many years. For much of that time I have grappled with maritime and other commercial contracts. Chitty and Treitel have been constant bedfellows. It has however always seemed to me that there was a gap in the market for a work like this. The title is something of a mouthful: 'Contractual Duties: Performance, Breach, Termination and Remedies', but demonstrates the great breadth of the work.

It covers topics which I have found particularly bewildering over the years. They include rescission, anticipatory breach, frustration and damages. I cannot pretend that I have assimilated the contents of this immense tome in order to satisfy myself that it contains no errors or omissions. I have perhaps concentrated too much on seeing the extent to which the authors have been rude about my decisions. I have however read enough to appreciate that this is a work of scholarship which will be of the utmost assistance to practitioners, academics and students alike. No set of chambers or firm of solicitors will be able to give sensible advice on the law of contract without consulting it and I expect it to be much cited to and by the judiciary of the future.

The reason for this is that, on the one hand it is set out very clearly and is expressed in language which the simplest minded judge can understand and, on the other hand, it provides a comprehensive analysis of each of the aspects of the law of contract that it covers. So far as I can see, there are very few aspects of the law of contract that it does not cover. The reason for what I confidently predict will be its great success is that all four of its authors have brilliant academic backgrounds, all of course professors of law, and considerable practical experience.

I wonder how the book will come to be known. It seems unlikely that it will be known by the name of all four of its authors. So will it be known by the name of just one or two of its authors and, if so, which? I have no idea but I am sure will be a leading work on contract in the first part of the 21st century. Speaking for myself, as they say in the Court of Appeal, I am sure that it will be the first of many editions. I wish it (and all its authors) well.

Anthony Clarke
Lord Clarke of Stone-cum-Ebony
Supreme Court
Parliament Square
November 2011.

PREFACE

Contract disputes are big business for practising lawyers. Or, if one wants to be strictly accurate, certain kinds of contract dispute are. A quick tour through a busy litigation department, or for that matter a swift glance at the subject-matter of cases reported under the rubric “contract,” will reveal that the vast majority of disagreements turn on one of three things: interpretation, the right to escape from what might otherwise be a done deal, and remedies. One of these issues, interpretation, is already and amply covered elsewhere. The other two form, in some detail, the subject of this book.

The first is the right of a party to disavow a contract, either because of some more serious factor such as error, misrepresentation or impossibility, or more simply because the other party has failed to perform its side of the bargain in whole or in part. And the second is the consequences of non-performance: the right of the party deprived to enforce its rights, whether by suing in debt or damages, or by obtaining performance in specie.

As readers have a right to expect in a work of this sort, we have always kept at least one eye on the needs of a busy practitioner to be quickly and concisely informed about the state of the law. Thus while not shrinking from detailing difficult points of theory where necessary, we have always remained aware that what matters is practical and commercial consequences—be this what a party should be advised to do in a difficult situation, the likely figures on an acceptable settlement cheque, or (if the worst comes to the worst) what a court is likely to say.

We are all enormously grateful to the editorial staff at Thomson Reuters for their unstinting hard work and their help in getting this project off the ground and bringing it in to a safe landing. Any errors remaining are, of course, our responsibility.

TABLE OF CASES

4 Eng Ltd v Harper [2008] EWHC 915 (Ch.); [2009] Ch. 91; [2008] 3 W.L.R. 892; [2008] Bus. L.R. 1698 Ch D.....	21-062, 24-031
869163 Ontario Ltd v Torrey Springs II Associates Ltd Partnership (2005) 256 D.L.R. (4th) 490.....	25-009
Aaron's Reefs v Twiss [1896] A.C. 273 HL.....	3-027
AB Marintrans v Comet Shipping Co [1985] 1 W.L.R. 1270.....	24-074
AB v South West Water Services Ltd [1993] Q.B. 507; [1993] 2 W.L.R. 507; [1993] 1 All E.R. 609; [1993] Env. L.R. 266; [1993] P.I.Q.R. P167; (1993) 143 N.L.J. 235; [1992] N.P.C. 146 CA.....	20-020
Aberdeen Railway Company v Blaikie Bros (1854) 1 Macq 461.....	2-044
Abrahams v Herbert Reiach Ltd [1922] 1 K.B. 477.....	21-076, 21-082
Abrahams v Performing Right Society Ltd [1995] I.C.R. 1028; [1995] IRLR 486 CA.....	19-004, 19-030, 24-041, 24-042
Abram Steamship Co Ltd (In Liquidation) v Westville Shipping Co Ltd (In Liquidation) [1923] A.C. 773; (1923) 16 Ll. L. Rep. 245; 1923 S.C. (H.L.) 68; 1923 S.L.T. 613 HL.....	1-010, 1-011, 3-007, 3-012, 3-030
Acetylene Corp of Great Britain v Canada Carbide Co (No.2) (1921) 8 Ll. L. Rep. 456.....	17-077
Acron Pacific Ltd v Offshore Oil NL (1985) 157 C.L.R. 514.....	25-051
Adam v Newbigging (1887) L.R. 34 Ch. D. 582 CA.....	3-003, 3-013, 3-017, 4-017, 4-021, 4-031, 4-034, 4-035, 4-038
Adamson v Jarvis (1827) 4 Bing 66.....	21-118
Adderley v Dixon (1824) 1 Sim. & St. 607.....	27-018, 27-022
Addis v Gramophone Co Ltd [1909] A.C. 488 HL ..	5-024, 20-014, 22-003, 22-004, 22-006, 22-009, 22-011
Admiral Management Services Ltd v Para-Protect Europe Ltd [2002] EWHC 233 (Ch.), [2002] 1 W.L.R. 2722.....	21-110, 21-116
Adyard Abu Dhabi v SD Marine Services [2011] EWHC 848 (Comm); [2011] B.L.R. 384; 136 Con. L.R. 190 QBD.....	11-001
Aerospace Publishing Ltd v Thames Water Utilities Ltd [2007] EWCA Civ 3 at [86], (2007) 110 Con L.R. 1.....	21-116
Afovos Shipping Co SA v R Pagnan & Fratelli (The Afovos) [1983] 1 W.L.R. 195; [1983] 1 All E.R. 449; [1983] 1 Lloyd's Rep. 335; [1983] Com. L.R. 83; (1983) 127 S.J. 98 HL.....	7-020, 7-028, 9-003, 9-004, 11-024, 25-066
Afovos, The. See Afovos Shipping Co SA v R Pagnan & Fratelli	
Agip (Africa) Ltd v Jackson [1990] Ch. 265; [1989] 3 W.L.R. 1367; [1992] 4 All E.R. 385; (1989) 86(3) L.S.G. 34; (1990) 134 S.J. 198 Ch D.....	4-024, 4-025
Agius v Great Western Colliery Co [1899] 1 Q.B. 413.....	21-118, 23-004
Akai Holdings Ltd v RSM Robson Rhodes LLP [2007] EWHC 1641 (Ch.).....	28-023, 28-029, 28-030
AKAS Jamal v Moolla Dawood Sons & Co. See Jamal v Moolla Dawood Sons & Co	
Aktieselskabet Pitwood v JW Baird & Co Ltd (1926) 24 Ll. L. Rep. 282 CA... ..	6-057, 6-058
Aktion Maritime Corp'n v Kasma & Bros Ltd [1987] 1 Lloyd's Rep. 283.....	21-091
Aktor, The. See PT Berlian Laju Tanker TBK v Nuse Shipping Ltd	
Alaskan Trader, The. See Clea Shipping Corp v Bulk Oil International	
Alati v Kruger 94 C.L.R. 216.....	3-012, 4-011, 4-024, 4-025
Albazer, The [1977] A.C. 774.....	21-130, 21-131
Alder v Moore [1961] 2 Q.B. 57.....	25-007, 25-042
Aldgate Construction Co Ltd v Unibar Plumbing & Heating Ltd [2010] EWHC 1063 (TCC); 130 Con. L.R. 190.....	23-034, 24-035

TABLE OF CASES

Alec Lobb Garages Ltd v Total Oil Great Britain Ltd [1983] 1 W.L.R. 87; [1983] 1 All E.R. 944; (1983) 133 N.L.J. 401; (1982) 126 S.J. 768 Ch D.....	2-041
Alecos M, The. <i>See</i> Sealace Shipping Co Ltd v Oceanvoice Ltd	
Alev, The. <i>See</i> Vantage Navigation Corp v Suhail and Saud Bahwan Building Materials	
Alexander v Cambridge Credit Corporation Ltd (1987) 9 N.S.W.L.R. 310.....	24-007
Alfred C Toepfer International GmbH v Itex Itagrani Export SA [1993] 1 Lloyd's Rep. 360 QBD.....	6-068, 6-073, 6-080, 6-090, 7-051, 7-059, 7-062, 7-064, 7-065, 7-073
Alfred McAlpine Capital Projects Ltd v Tilebox Ltd [2005] EWHC 281 (TCC), [2005] B.L.R. 271.....	25-010, 25-015, 25-020, 25-033
Alfred McAlpine Construction Ltd v Panatown Ltd (No.1) [2001] 1 A.C. 518; [2000] 3 W.L.R. 946; [2000] 4 All E.R. 97; [2000] C.L.C. 1604; [2000] B.L.R. 331; (2000) 2 T.C.L.R. 547; 71 Con. L.R. 1; [2000] E.G. 102 (C.S.); (2000) 97(38) L.S.G. 43; (2000) 150 N.L.J. 1299; (2000) 144 S.J.L.B. 240; [2000] N.P.C. 89 HL.....	21-077, 21-111, 21-112, 21-126, 21-127, 21-128, 21-130, 21-131, 21-132
Allcard v Skinner (1887) L.R. 36 Ch. D. 145 CA.....	2-031, 2-034, 3-028, 3-029, 3-033, 3-035, 3-036, 3-038, 3-039, 4-027
Allen v O'Hearn [1937] A.C. 213.....	21-127
Allen v Walters [1935] 1 K.B. 200.....	21-120
Allied Maples Group Ltd v Simmons & Simmons [1995] 1 W.L.R. 1602.....	24-030, 24-033, 24-034, 24-036
Allied Marine Transport v Vale do Rio Doce Navegacao SA (The Leonidas D) [1985] 1 W.L.R. 925; [1985] 2 All E.R. 796; [1985] 2 Lloyd's Rep. 18; (1985) 82 L.S.G. 2160; (1985) 129 S.J. 431 CA.....	13-015
Aluminium Corp of America v Essex Group Inc 499 F Supp 53 (1980).....	17-081
Amalgamated Investment & Property Co v John Walker & Sons [1977] 1 W.L.R. 164; [1976] 3 All E.R. 509; (1976) 32 P & CR 278; (1976) 239 E.G. 277; (1976) 120 S.J. 252 CA.....	17-057, 17-062, 17-087, 18-010
AMEC Developments Ltd v Jury's Hotel Management (UK) Ltd (2000) 82 P & CR 286.....	26-022
AMEC Properties Ltd v Planning Research and Systems plc [1992] B.C.L.C. 1149.....	27-081, 27-082, 27-083, 27-084
American Standard Inc v Schectman (1981) 439 NYS 2d 1027.....	21-079
American Trading Corp v Shell Int Marine Ltd (The Washington Trader) 453 F 2d 939, 942 (2 Cir, 1972).....	17-023
AMEV UDC Finance Ltd v Austin (1986) 162 C.L.R. 170.....	25-004, 25-009, 25-012
Amstrad Plc v Seagate Technology Inc 86 B.L.R. 34 QBD.....	21-039
And So To Bed Ltd v Dixon Unreported, November 21, 2000.....	21-082
Andre et Cie SA v Etablissements Michel Blanc et Fils [1977] 2 Lloyd's Rep. 166 QBD.....	21-052
Andrews v Barnett Waddingham [2006] EWCA Civ 93, [2006] P.N.L.R. 24.....	24-008
Aneco Reinsurance Underwriting Ltd v Johnson & Higgins Ltd [2001] UKHL 51, [2002] 1 Lloyd's Rep. 156.....	24-013
Angelic Star, The [1988] 1 Lloyd's Rep. 122.....	25-037
Anglia Television Ltd v Reed [1972] 1 Q.B. 60; [1971] 3 W.L.R. 528; [1971] 3 All E.R. 690; (1971) 115 S.J. 723 CA.....	21-058, 21-065, 21-067, 21-073
Anglian Water Services Ltd v Crawshaw Robbins & Co Ltd Unreported February 6, 2001.....	24-075
Anglo African Shipping Co of New York Inc v J Mortner Ltd [1962] 1 Lloyd's Rep. 81 QBD.....	19-034, 19-037
Anglo Cyprian Trade Agencies v Paphos Wine Industries [1951] 1 All E.R. 873; [1951] W.N. 205; (1951) 95 S.J. 336 KBD.....	20-034
Anglo-Northern Trading Co Ltd v Emlyn Jones & Williams. <i>See</i> Countess of Warwick Steamship Co v Le Nickel SA	
Ansett (Operations) Pty Ltd v Australian Federation of Air Pilots [1991] 2 V.R. 636.....	23-053
Antaios Compania Naviera SA v Salen Rederierna AB (The Antaios) [1985] A.C. 191, 200-1 HL.....	10-036, 10-041, 10-043, 10-046
Antaios, The. <i>See</i> Antaios Compania Naviera SA v Salen Rederierna AB	
Antclizo Shipping Corp v Food Corp of India (The Antclizo) [1992] 1 Lloyd's Rep. 558 CA.....	19-006
ANZ Executors Ltd v Humes Ltd [1990] V.R. 615.....	27-027

TABLE OF CASES

Apex Supply Co Ltd, Re [1942] 1 Ch. 108.....	25-041
Appleby v Myers (1866-67) L.R. 2 CP 651.....	15-009, 17-009, 17-034, 18-023, 18-025, 18-026, 18-027, 19-007
Araci v Fallon [2011] EWCA Civ 668	28-008, 28-010, 28-011, 28-017
Aranbel Ltd v Darcy [2010] I.E.H.C. 272.....	27-047, 27-063, 27-082
Arbitration between L Sutro & Co and Heilbut Symons & Co, Re [1917] 2 K.B. 348.....	17-021
Arbory Group Ltd v West Craven Insurance Services (A Firm) [2007] P.N.L.R. 23..	23-050
Arcos Ltd v EA Ronaasen & Son [1933] A.C. 470; (1933) 45 Ll. L. Rep. 33 HL	10-063, 10-065, 10-066
Ardennes, The. <i>See</i> Owners of Cargo Lately Laden on Board the Ardennes v Owners of the Ardennes	
Arenson v Casson Beckman Rutley & Co [1977] A.C. 405; [1975] 3 W.L.R. 815; [1975] 3 All E.R. 901; [1976] 1 Lloyd's Rep. 179; (1975) 119 S.J. 810 HL	18-006
Ariston SRL v Charly Records Ltd (1990) Financial Times, March 21.....	25-008, 25-018, 25-026
Armagas Ltd v Mundogas SA (The Ocean Frost) [1986] A.C. 717; [1986] 2 W.L.R. 1063; [1986] 2 All E.R. 385; [1986] 2 Lloyd's Rep. 109; (1986) 2 B.C.C. 99197; (1986) 83 L.S.G. 2002; (1986) 130 S.J. 430 HL	2-050
Armstrong v Jackson [1917] 2 K.B. 822 KBD	2-046, 3-018, 3-019, 3-038
Armstrong v Sheppard & Short Ltd [1959] 2 Q.B. 384.....	27-080
Arthur Sanders Ltd, Re (1981) 17 B.L.R. 125.....	27-044
Asamera Oil Corp v Sea Oil & General Corp [1979] 1 S.C.R. 633; (1978) 89 D.L.R. (3d) 1 SC (Canada).....	7-090, 19-032, 23-022, 23-048, 24-041
Ascherson v Tredegar Dry Dock & Wharf Co Ltd [1909] 2 Ch. 401.....	27-035
Ashmore & Son v CS Cox & Co [1899] 1 Q.B. 436 QBD	17-033
Assicurazioni Generali SpA v Arab Insurance Group (BSC) [2002] EWCA Civ 1642; [2003] 1 W.L.R. 577; [2003] 1 All E.R. (Comm) 140; [2003] 2 C.L.C. 242; [2003] Lloyd's Rep. I.R. 131; (2003) 100(3) L.S.G. 34 CA.....	2-009, 2-010
Associated Distributors Ltd v Hall [1938] 2 K.B. 83.....	25-043, 25-044
Associated Japanese Bank (International) Ltd v Credit du Nord SA [1989] 1 W.L.R. 255; [1988] 3 All E.R. 902; [1989] Fin. L.R. 117; (1989) 86(8) L.S.G. 43; (1988) 138 N.L.J. Rep. 109; (1989) 133 S.J. 81 QBD	17-063, 17-064
Associated Newspapers Ltd [2006] EWCA Civ 1776, [2008] Ch. 57.....	28-019
Astea (UK) Ltd v Time Group Ltd [2003] EWHC 725 (TCC).....	11-001, 11-024, 11-026, 11-030, 11-034
Astley v Austrust Ltd (1999) 161 A.L.R. 155.....	24-076
Astley v Weldon (1801) 2 B. & P. 346.....	25-035, 25-037
Athens-Macdonald Travel Service Pty Ltd v Kazis [1970] S.A.S.R. 264.....	22-011
Atkinson v Cotesworth (1825) 3 B. & C. 647.....	21-127
Atlantic Baron, The. <i>See</i> North Ocean Shipping Co v Hyundai Construction Co	
Atlantic Lines & Navigation Co Inc v Hallam Ltd (The Lucy) [1983] 1 Lloyd's Rep. 188 QBD	3-015, 3-044, 3-045, 4-020
Attica Sea Carriers Corp v Ferrostaal Poseidon Bulk Reederei GmbH (The Puerto Buitrago) [1976] 1 Lloyd's Rep. 250 CA	7-098, 19-032, 19-033, 19-037
Attorney General v Barker [1990] 3 All E.R. 257.....	28-010, 28-011, 28-019
Attorney General v Blake [2001] 1 A.C. 268; [2000] 3 W.L.R. 625; [2000] 4 All E.R. 385; [2000] 2 All E.R. (Comm) 487; [2001] IRLR 36; [2001] Emp. L.R. 329; [2000] E.M.L.R. 949; (2000) 23(12) I.P.D. 23098; (2000) 97(32) L.S.G. 37; (2000) 150 N.L.J. 1230; (2000) 144 S.J.L.B. 242 HL	20-027, 20-031, 21-108, 26-002, 26-004, 26-007, 26-008, 26-009, 26-010, 26-011, 26-012, 26-013, 26-015, 26-021, 26-023, 27-017
Attorney General v Colchester Corp [1955] 2 Q.B. 207.....	27-073
Attorney General v Mid-Kent Ry Co (1867) 3 Ch. App. 100.....	28-023, 28-025
Attorney General v Parry [2002] EWHC 3201 (Ch.); [2004] E.M.L.R. 13.....	28-019
Attorney General v Shillibeer (1849) 4 Exch 606.....	21-115
Austins of East Ham Ltd v Macey [1941] Ch. 338.....	27-013
Autry v Republic Productions 180 P.2d 888 (1947).....	17-081
Avery v Bowden 119 E.R. 647; (1855) 5 El. & Bl. 714; (1855) 26 L.J. Q.B. 3	14-024, 14-025, 21-094

TABLE OF CASES

Aviation Trading 71 Ltd v Paramount Airways Private Ltd [2010] EWHC 185 (Comm); [2011] 1 Lloyd's Rep. 9.	27-098
Avon Insurance v Swire Fraser Ltd [2000] EWHC 230 (Comm); [2000] 1 All E.R. (Comm.) 573.	2-008
Awilco of Oslo A/S v Fulvia SpA di Navigazione of Cagliari (The Chikuma) [1981] 1 W.L.R. 314; [1981] 1 All E.R. 652; [1981] 1 Lloyd's Rep. 371; [1981] Com. L.R. 64; (1981) 125 S.J. 184 HL.	11-018
Aylwen v Taylor Joynson Garrett (A Firm) [2001] EWCA Civ 1171; [2002] P.N.L.R. 1; (2001) 98(29) L.S.G. 40.	21-003
Azimut-Benetti SpA v Healey [2010] EWHC 2234 (Comm); (2010) 132 Con. L.R. 113.	25-012, 25-024, 25-028, 25-046
B Sunley & Co Ltd v Cunard White Star Ltd [1940] 1 K.B. 740; (1940) 66 Ll. L. Rep. 134 CA.	20-020
B&S Contracts and Design v Victor Green Publications [1984] I.C.R. 419; (1984) 81 L.S.G. 893; (1984) 128 S.J. 279 CA.	2-029
BA Peters plc (In Administration), Re [2008] EWHC 2205 (Ch.); [2010] 1 B.C.L.C. 11027-024	
Baber v Kenwood Manufacturing Co [1978] 1 Lloyd's Rep. 175; (1977) 121 S.J. 606 CA.	18-004, 18-005, 18-006
Backhouse v Backhouse [1978] 1 W.L.R. 243; [1978] 1 All E.R. 1158; (1977) 7 Fam. Law 212; (1977) 121 S.J. 710.	2-041
Bacon v Cooper (Metals) Ltd [1982] 1 All E.R. 397 QBD.	21-033
Badische Co Ltd, Re [1921] 2 Ch. 331; (1921) 9 Ll. L. Rep. 20 Ch D.	17-033, 17-041
Bahr v Nicolay (No.2) (1988) 164 C.L.R. 604, 612.	27-042
Bailey v Bullock [1950] 2 All E.R. 1167.	22-024, 22-025
Bairstow Eves London Central Ltd v Smith [2004] EWHC 263 (Q.B.); [2004] 2 E.G.L.R. 25.	25-072
Baker v Potter [2004] EWHC 1422 (Ch.); [2005] B.C.C. 855.	27-027
Balfour Beatty Construction (Scotland) Ltd v Scottish Power plc 1994 SC (HL) 20.	23-024
Balmoral Group Ltd v Borealis (UK) Ltd [2006] EWHC 1900 (Comm); [2006] 2 Lloyd's Rep. 629.	21-115, 21-116
Baltic Shipping Co v Dillon (1993) 67 A.L.J.R. 228.	22-012, 23-009
Banco de Portugal v Waterlow & Sons Ltd [1932] A.C. 452; [1932] All E.R. Rep. 181 HL.	20-022, 21-006, 21-020, 24-022, 24-049, 24-054
Bangladesh Export Import Co Ltd v Sucden Kerry SA [1995] 2 Lloyd's Rep. 1 CA.	18-010
Bank Line Ltd v Arthur Capel & Co [1919] A.C. 435 HL.	17-014, 17-072, 17-082, 18-022
Bank Melli Iran v Samadi-Rad [1995] 2 F.L.R. 367; [1995] 3 F.C.R. 735; [1995] Fam. Law 610; [1995] N.P.C. 76 CA.	4-008
Bank of Baroda v Panessar [1987] Ch. 335; [1987] 2 W.L.R. 208; [1986] 3 All E.R. 751; (1986) 2 B.C.C. 99288; [1987] P.C.C. 165; (1987) 84 L.S.G. 339; (1986) 136 N.L.J. 963; (1987) 131 S.J. 21 Ch D.	19-005
Bank of Boston Connecticut (formerly Colonial Bank) v European Grain & Shipping Ltd (The Dominique) [1989] A.C. 1056; [1989] 2 W.L.R. 440; [1989] 1 All E.R. 545; [1989] 1 Lloyd's Rep. 431; (1989) 86(11) L.S.G. 43; (1989) 133 S.J. 219 HL.	13-010
Bank of Credit and Commerce International SA (In Liquidation) v Ali (No.1) [2001] UKHL 8; [2002] 1 A.C. 251; [2001] 2 W.L.R. 735; [2001] 1 All E.R. 961; [2001] I.C.R. 337; [2001] IRLR 292; [2001] Emp. L.R. 359; (2001) 98(15) L.S.G. 32; (2001) 151 N.L.J. 351; (2001) 145 S.J.L.B. 67; (2001) 145 S.J.L.B. 70.	17-047, 18-015
Bank of Credit and Commerce International SA (in Liquidation) v Ali (No.3) [2002] EWCA Civ 82, [2002] 3 All E.R. 570.	24-025, 24-037
Bank of Credit and Commerce International SA v Aboody [1990] 1 Q.B. 923; [1989] 2 W.L.R. 759; [1992] 4 All E.R. 955; [1990] 1 F.L.R. 354; [1989] C.C.L.R. 63; [1989] Fam. Law 435; (1988) 132 S.J. 1754 CA.	2-032, 2-033, 2-045
Bank of New Zealand v New Zealand Guardian Trust Co Ltd [1999] 1 NZLR 664.	24-005, 24-008
Bank of Nova Scotia v Hellenic Mutual War Risk Association (Bermuda) Ltd (The Good Luck) [1992] 1 A.C. 233; [1991] 2 W.L.R. 1279; [1991] 3 All E.R. 1; [1991] 2 Lloyd's Rep. 191; (1991) 141 N.L.J. 779 HL.	14-002, 24-021, 24-076
Bank Tejarat v Hong Kong and Shanghai Banking Corp (CI) Ltd [1995] 1 Lloyd's Rep. 239 QBD.	4-026

TABLE OF CASES

Banks v Williams (1910) 10 SR (NSW) 220.	21-068
Bannerman v White 142 E.R. 685; (1861) 10 C.B. N.S. 844.	10-004
Banque Belge pour l'Etranger v Hambrouck [1921] 1 K.B. 321 CA.	4-026
Banque Bruxelles Lambert SA v Eagle Star Insurance Co Ltd [1995] Q.B. 375.	23-049, 24-006
Banque Financiere de la Cite SA (formerly Banque Keyser Ullmann SA) v Westgate Insurance Co (formerly Hodge General & Mercantile Co Ltd) [1991] 2 A.C. 249; [1990] 3 W.L.R. 364; [1990] 2 All E.R. 947; [1990] 2 Lloyd's Rep. 377; (1990) 87(35) L.S.G. 36; (1990) 140 N.L.J. 1074; (1990) 134 S.J. 1265 HL.	2-018, 2-020, 21-020
Banque Financiere de la Cite SA v Parc (Battersea) Ltd [1999] 1 A.C. 221; [1998] 2 W.L.R. 475; [1998] 1 All E.R. 737; [1998] C.L.C. 520; [1998] E.G. 36 (C.S.); (1998) 95(15) L.S.G. 31; (1998) 148 N.L.J. 365; (1998) 142 S.J.L.B. 101 HL.	4-014
Barber v NWS Bank Plc [1996] 1 W.L.R. 641; [1996] 1 All E.R. 906; [1996] R.T.R. 388; [1996] C.C.L.R. 30; (1995) 145 N.L.J. 1814 CA.	10-012
Barclays Bank International Ltd v Levin Bros (Bradford) Ltd [1977] Q.B. 270; [1976] 3 W.L.R. 852; [1976] 3 All E.R. 900; [1977] 1 Lloyd's Rep. 51; (1976) 120 S.J. 801 QBD.	19-029
Barclays Bank Ltd v Quistclose Investments Ltd [1970] A.C. 567.	27-041, 27-044
Barclays Bank Plc v Boulter [1999] 1 W.L.R. 1919; [1999] 4 All E.R. 513; [2000] Lloyd's Rep. Bank. 29; [2000] CP Rep. 16; [1999] 2 F.L.R. 986; [1999] 3 F.C.R. 529; (2000) 32 H.L.R. 170; [1999] 3 E.G.L.R. 88; [1999] 49 E.G. 97; [2000] Fam. Law 25; [1999] E.G. 121 (C.S.); (1999) 96(42) L.S.G. 44; (1999) 96(42) L.S.G. 41; (1999) 149 N.L.J. 1645; (1999) 143 S.J.L.B. 250; [1999] N.P.C. 124; (2000) 79 P & CR D1 HL.	4-024, 4-030
Barclays Bank Plc v Caplan [1998] 1 F.L.R. 532; (1999) 78 P & CR 153; [1998] Fam. Law 257; [1997] N.P.C. 164 Ch D.	4-008, 4-009
Barclays Bank plc v Fairclough Building Ltd [1995] Q.B. 214.	24-075, 24-076
Barclays Bank Plc v O'Brien [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417; [1994] 1 F.L.R. 1; [1994] 1 F.C.R. 357; (1994) 26 H.L.R. 75; (1994) 13 Tr. L.R. 165; [1994] C.C.L.R. 94; [1994] Fam. Law 78; [1993] E.G. 169 (C.S.); (1993) 143 N.L.J. 1511; (1993) 137 S.J.L.B. 240; [1993] N.P.C. 135 HL.	2-016, 2-033, 2-035
Barnes v Wood (1869) L.R. 8 Eq. 424.	27-087
Barnett v Chelsea & Kensington HMC [1969] 1 Q.B. 428.	24-002
Barrow v Chappell & Co Ltd (1951) [1976] R.P.C. 355.	27-030, 27-062
Barton (Alexander) v Armstrong (Alexander Ewan) [1976] A.C. 104; [1975] 2 W.L.R. 1050; [1975] 2 All E.R. 465; (1973) 119 S.J. 286 PC (Aus).	1-008, 2-025, 2-026, 2-027
Barton Thompson & Co Ltd v Stapling Machines Co [1966] Ch. 499.	25-066
Basildon District Council v JE Lesser (Properties) Ltd [1985] Q.B. 839.	24-074
Baskcomb v Beckwith (1869) L.R. 8 Eq. 100.	27-065, 27-093
Basma v Weekes [1950] A.C. 441.	27-087
Bastable, Re [1901] 2 K.B. 518.	27-081, 27-083
BDW Trading Ltd (t/a Barratt North London) v JM Rowe (Investments) Ltd [2011] EWCA Civ 548; [2011] 20 E.G. 113 (C.S.).	1-005
BDW Trading Ltd v JM Rowe (Investments) Ltd [2010] EWHC 1987 (Ch.).	27-059
BDW Trading Ltd v Opticliffe Ltd [2010] EWHC 1951 (Ch.).	27-091
Beach v Reed Corrugated Cases [1956] 1 W.L.R. 807; [1956] 2 All E.R. 652; 49 R. & I.T. 757; (1956) 35 A.T.C. 126; [1956] T.R. 215; (1956) 100 S.J. 472 QBD.	21-035
Beaney (Deceased), Re [1978] 1 W.L.R. 770; [1978] 2 All E.R. 595; (1977) 121 S.J. 832 Ch D.	2-037
Bear Stearns Bank Plc v Forum Global Equity Ltd [2007] EWHC 1576 (Comm).	21-050
Beary v Pall Mall Investments [2005] EWCA 415; [2005] P.N.L.R. 35.	24-003
Beazer Investments Ltd v Soares [2004] EWCA Civ 482.	14-002
Beckham v Drake (1849) 2 H.L.C. 599.	24-038
Bee v Jenson (No.2) [2006] EWHC 3359 (Comm); [2007] R.T.R. 32; affirmed [2007] EWCA Civ 923, [2008] R.T.R. 7.	24-038
Beech v Reed Corrugated Cases Ltd [1956] 1 W.L.R. 807.	21-019
Behn v Burness 121 E.R. 939; (1862) 1 B. & S. 877.	12-003
Behnke v Bede Shipping Co [1927] 1 K.B. 649.	27-025

TABLE OF CASES

Behzadi v Shaftesbury Hotels Ltd [1992] Ch. 1; [1991] 2 W.L.R. 1251; [1991] 2 All E.R. 477; (1991) 62 P & CR 163; [1990] E.G. 111 (C.S.); (1990) 140 N.L.J. 1385 CA.	11-001, 11-024, 11-025, 11-026, 27-096
Bell v Lever Brothers Ltd [1932] A.C. 161 HL	2-017, 17-018, 17-020, 17-057, 17-063
Bellgrove v Eldridge (1954) 90 C.L.R. 613.	21-077
Bence Graphics International Ltd v Fasson UK Ltd [1998] Q.B. 87.	21-111, 23-005, 23-009, 23-042, 23-043
Benedetti v Sawiris [2010] EWCA Civ 1427.	4-020
Bennett, Ex parte 32 E.R. 893; (1805) 10 Ves. Jr. 381.	4-033, 4-035
Bentinck v Fenn (1887) L.R. 12 App. Cas. 652 HL	4-040
Bentsen v Taylor Sons & Co (No.2) [1893] 2 Q.B. 274 CA.	10-048, 10-049, 12-003
Beoco Ltd v Alfa Laval Co Ltd [1995] Q.B. 137.	24-023
Berkeley Community Villages Ltd v Pullen [2007] EWHC 1330 (Ch.); [2007] 3 E.G.L.R. 101; [2007] 24 E.G. 169 (C.S.); [2007] N.P.C. 71.	7-001, 7-022, 7-023, 28-005
Bernina, The (No.3) (1886) 6 AspMC 65.	21-033
Beswick v Beswick [1968] A.C. 58.	21-126, 27-018, 27-034, 27-040
Bettini v Gye (1875-76) L.R. 1 Q.B.D. 183 QBD	8-003, 10-033
Beyfus v Lodge [1925] Ch. 350.	27-080
BGC Capital Markets (Switzerland) LLC v Rees [2011] EWHC 2009 (Q.B.).	26-002
BICC plc v Burndy Corp [1985] Ch. 232.	25-068
Bidaisee v Sampath (1995) 46 W.I.R. 461, [1995] N.P.C. 59.	25-054, 25-061
Biffa Waste Services Ltd v Maschinenfabrik Ernst Hese GmbH [2008] EWHC 2210 (TCC); [2009] P.N.L.R. 5.	21-122
Biggin & Co Ltd v Permanite Ltd [1951] 2 K.B. 314; [1951] 2 All E.R. 191; [1951] 2 T.L.R. 159; (1951) 95 S.J. 414 CA.	21-066, 21-122, 21-123, 23-042
Birmingham & District Land Co v London & North Western Railway Co (No.1) (1887) L.R. 34 Ch. D. 261 CA	19-025
Birmingham Corp v Sowsbery [1970] R.T.R. 84.	21-117
Black King Shipping Corp v Massie (The Litsion Pride) [1985] 1 Lloyd's Rep. 437; (1984) 134 N.L.J. 887 QBD	3-027
Black v Baxendale (1847) 1 Ex. 401.	23-001
Blackburn Bobbin Co Ltd v TW Allen & Sons Ltd [1918] 2 K.B. 467; 3 A.L.R. 11 CA	17-032, 17-033, 17-040, 17-046
Blackburn Low & Co v Vigors (1887) L.R. 12 App. Cas. 531 HL	2-019
Blackburn v Smith 154 E.R. 707; (1848) 2 Ex. 783.	3-009
Blackett v Bates (1865) L.R. 1 Ch. App. 117.	27-007
Blankenstein, The. See Damon Compania Naviera SA v Hapag-Lloyd International SA	
Blayney v Clogau St Davids Gold Mines Ltd [2003] F.S.R. 360.	26-019
Bliss v South East Thames RHA [1987] I.C.R. 700.	22-004, 22-006, 22-011, 22-013
Blomley v Ryan (1956) 99 C.L.R. 362, 401.	27-065
Blue Circle Industries Ltd v Ministry of Defence [1999] Ch. 289.	24-029
Blue Sky One Ltd v Blue Airways LLC [2009] EWHC 3314 (Comm).	27-025
Bluestorm Ltd v Portvale Holdings Ltd [2004] EWCA Civ 289; [2004] L. & T.R. 23.	24-016, 24-017
BMS Computer Solutions Ltd v AB Agri Ltd [2010] EWHC 464 (Ch.).	11-032
BNP Paribas v Pacific Carriers Ltd [2005] NSWCA 72.	21-125
BNP Paribas v Wockhardt EU Operations (Swiss) AG [2009] EWHC 3116 (Comm); 132 Con. L.R. 177.	10-042, 10-043, 10-044, 11-001, 11-004, 11-024
Boardman v Phipps [1967] 2 A.C. 46; [1966] 3 W.L.R. 1009; [1966] 3 All E.R. 721; (1966) 110 S.J. 853 HL	2-044
Bocardo SA v Star Energy UK Onshore Ltd [2010] UKSC 35; [2011] 1 A.C. 380; [2010] 3 W.L.R. 654.	26-018, 26-022
Bold v Brough, Nicholson & Hall Ltd [1964] 1 W.L.R. 201.	21-081
Bolton Partners v Lambert (1889) L.R. 41 Ch. D. 295 CA	1-007, 4-026
Bolton v Mahadeva [1972] 1 W.L.R. 1009; [1972] 2 All E.R. 1322; (1972) 116 S.J. 564 CA	15-003, 15-008, 15-014, 15-015, 15-035, 15-050, 19-007, 19-008
Bonnington Castings Ltd v Wardlaw [1956] A.C. 613.	24-017, 24-025
Boone v Eyre 96 E.R. 767; 126 E.R. 148; (1779) 2 Wm. Bl. 1312.	8-003, 12-003, 15-015
Booth v Bowron (18920 8 T.L.R. 641.	8-035
Borag, The [1981] 1 All E.R. 856, [1981] 1 W.L.R. 274.	24-051

TABLE OF CASES

Borealis AB v Geogas Trading SA [2010] EWHC 2789 (Comm).....	23–028, 24–021
Borradaile v Brunton (1818) 8 Taunt. 535.....	23–001
Borrelli v Ting [2010] UKPC 21; [2010] Bus. L.R. 1718 PC (Bermuda).....	2–028
Bostock & Co Ltd v Nicholson & Sons Ltd [1904] 1 K.B. 725 KBD.....	21–069
Boston Deep Sea Fishing & Ice Co v Ansell (1888) L.R. 39 Ch. D. 339 CA.....	8–051
Boustany v Pigott (1995) 69 P & CR 298; [1993] E.G. 85 (C.S.); [1993] N.P.C. 75 PC (Antigua and Barbuda).....	2–042
Bower v Bantam Investments Ltd [1972] 1 W.L.R. 1120.....	28–010, 28–014, 28–023
Bowlay Logging v Domtar [1978] 4 W.W.R. 105.....	21–058, 21–073, 21–074
Boyo v Lambeth LBC [1994] 1 C.R. 727; [1995] IRLR 50 CA.....	14–002
BP Exploration Co (Libya) Ltd v Hunt (No.2) BP Exploration Co (Libya) Ltd v Hunt (No.2) [1979] 1 W.L.R. 783; (1979) 123 S.J. 455 QBD.....	15–011, 18–027, 18–035
BP plc v Aon Ltd (No.2) [2006] EWHC 424 (Comm), [2006] 1 C.L.C. 881.....	24–021
Brace v Calder [1895] 2 Q.B. 253.....	24–038, 24–056
Bracewell v Appleby [1975] Ch. 408.....	26–020
Bradburn v Great Western Railway Co (1874–75) L.R. 10 Ex. 1.....	21–030
Braddon Towers Ltd v International Stores Ltd [1987] 1 E.G.L.R. 209.....	27–073
Bradley v H Newsom Sons & Co [1919] A.C. 16 HL.....	6–007, 6–012
Braithwaite v Foreign Hardwood Co [1905] 2 K.B. 543 CA.....	8–032, 14–021
Branchett v Beaney [1992] 3 All E.R. 910.....	22–016, 22–025
Bremer Handels GmbH v Vanden-Avenne Izegem PVBA [1978] 2 Lloyd's Rep. 109 HL.....	17–046, 18–008
Brennan v Bolt Burdon [2004] EWCA Civ 1017; [2005] Q.B. 303; [2004] 3 W.L.R. 1321; [2004] CP Rep. 43; (2004) 101(34) L.S.G. 31; (2004) 148 S.J.L.B. 972; [2004] N.P.C. 133.....	2–006
Brickles v Snell [1916] 2 A.C. 599.....	27–096
Bridge v Campbell Discount Ltd. <i>See</i> Campbell Discount Ltd v v Bridge	
Briess v Woolley [1954] A.C. 333; [1954] 2 W.L.R. 832; [1954] 1 All E.R. 909; (1954) 98 S.J. 286 HL.....	2–008
Brikom Investments Ltd v Carr [1979] Q.B. 467; [1979] 2 W.L.R. 737; [1979] 2 All E.R. 753; (1979) 38 P & CR 326; (1979) 251 E.G. 359 CA.....	10–004
Brimmes, The. <i>See</i> Tenax Steamship Co v Owners of the Motor Vessel Brimmes	
Brinkibon v Stahag Stahl und Stahlwarenhandels GmbH [1983] 2 A.C. 34; [1982] 2 W.L.R. 264; [1982] 1 All E.R. 293; [1982] 1 Lloyd's Rep. 217; [1982] Com. L.R. 72; [1982] E.C.C. 322; (1982) 126 S.J. 116 HL.....	14–046
Bristol & West Building Society v Mothew (t/a Stapley & Co) [1998] Ch. 1; [1997] 2 W.L.R. 436; [1996] 4 All E.R. 698; [1997] P.N.L.R. 11; (1998) 75 P & CR 241; [1996] E.G. 136 (C.S.); (1996) 146 N.L.J. 1273; (1996) 140 S.J.L.B. 206; [1996] N.P.C. 126 CA.....	2–049, 4–026, 4–039, 20–003, 20–004
Bristol Airport plc v Powdrill [1990] Ch. 744.....	27–025
Bristol and West Building Society v May May & Merrimans (No.1) [1996] 2 All E.R. 801; [1996] P.N.L.R. 138; [1996] E.G. 69 (C.S.); (1996) 93(19) L.S.G. 30; (1996) 146 N.L.J. 625; (1996) 140 S.J.L.B. 110 Ch D.....	20–003, 21–030
Brit Syndicates Ltd v Italaudit SpA (In Liquidation) (formerly Grant Thornton SpA) [2006] EWHC 341 (Comm); [2006] Lloyd's Rep. I.R. 487 QBD.....	4–007
British & Beningtons Ltd v North West Cachar Tea Co Ltd [1923] A.C. 48; (1922) 13 Ll. L. Rep. 67 HL.....	7–050, 7–054, 8–048, 8–052, 14–021
British & Commonwealth Holdings Plc v Quadrex Holdings Inc [1989] Q.B. 842; [1989] 3 W.L.R. 723; [1989] 3 All E.R. 492; (1989) 86(23) L.S.G. 42; (1989) 133 S.J. 694 CA 11–001	
British & Commonwealth Holdings plc v Quadrex Holdings Inc [1995] C.L.C. 1169.....	24–016, 24–018
British Columbia Sawmill Co Ltd v Nettleship (1868) L.R. 3 CP 499.....	23–001, 23–032, 23–034, 23–037
British Eagle International Airlines Ltd v Cie Nationale Air France [1975] 1 W.L.R. 75825–074	
British Glass Manufacturers Confederation v Sheffield University [2003] EWHC 3108 (Ch.); [2004] L. & T.R. 14.....	28–013
British Movietonews v London and District Cinemas [1952] A.C. 166; [1951] 2 All E.R. 617; [1951] 2 T.L.R. 571; (1951) 95 S.J. 499 HL.....	17–029, 17–071, 17–074, 17–081
British Nuclear Group Sellafeld Ltd v Kernkraftwerk Brokdorf GMBH & Co OHG [2007] EWHC 2245 (Ch.) Ch D.....	4–006

TABLE OF CASES

British Nylon Spinners Ltd v Imperial Chemical Industries Ltd [1953] Ch. 19.	27–028
British Racing Drivers' Club Ltd v Hextall Erskine & Co [1996] 3 All E.R. 667.	21–118
British Telecommunications plc v Royal Mail Group Ltd [2010] EWHC 8 (Q.B.)	27–034
British Transport Commission v Gourley [1956] A.C. 185; [1956] 2 W.L.R. 41; [1955] 3 All E.R. 796; [1955] 2 Lloyd's Rep. 475; 49 R. & I.T. 11; (1955) 34 A.T.C. 305; [1955] T.R. 303; (1956) 100 S.J. 12 HL	21–035
British Westinghouse Electric & Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd (No.2) [1912] A.C. 673 HL ...	10–074, 20–020, 20–021, 21–006, 21–008, 21–023, 21–026, 21–099, 21–122, 23–016, 24–040, 24–048
Broadmoor Special Hospital Authority v R [2000] Q.B. 775.	28–001
Broker House Insurance Services Ltd v OJS Law [2010] EWHC 3816 (Ch.); [2011] P.N.L.R. 23.	24–008
Brooks v Bernstein [1909] 1 K.B. 98 KBD	19–005, 19–022
Broom v Davis (1794) 7 East 480.	19–010
Brotherton v Aseguradora Colseguros SA (No.2) [2003] EWCA Civ 705; [2003] 2 All E.R. (Comm) 298; [2003] 2 C.L.C. 629; [2003] Lloyd's Rep. I.R. 746; (2003) 147 S.J.L.B. 658.	1–010, 2–018
Brown v KMR Services Ltd (formerly HG Poland (Agencies) Ltd) [1994] 4 All E.R. 385; [1994] C.L.C. 492 QBD	21–030, 23–049, 24–020
Brown v Muller (1872) L.R. 7 Ex. 319.	24–045
Brown v Raphael [1958] Ch. 636; [1958] 2 W.L.R. 647; [1958] 2 All E.R. 79; (1958) 102 S.J. 269 CA	2–007
Browne v London 86 E.R. 889; (1670) 1 Mod. 285.	19–028
Browning v Brachers (A Firm) (Damages) [2005] EWCA Civ 753; [2005] P.N.L.R. 44	21–005
Bruce v Carpenter [2006] EWHC 3301 (Ch.).	27–029
Bryant v MacKlin [2005] EWCA Civ 762.	21–075
BS&N Ltd (BVI) v Micado Shipping Ltd (Malta) (The Seaflower) (No.1) [2001] 1 All E.R. (Comm) 240; [2001] 1 Lloyd's Rep. 341; [2001] C.L.C. 421 CA	10–010, 10–012, 11–013
BS&N Ltd (BVI) v Micado Shipping Ltd (Malta) (The Seaflower) (No.2) [2000] 2 All E.R. (Comm) 169; [2000] 2 Lloyd's Rep. 37; [2000] C.L.C. 802.	21–096
BSkyB Ltd v HP Enterprise Services UK Ltd [2010] EWHC 862 (TCC); 131 Con. L.R. 42.	21–039
Buchanan v Newington Property Centre, 1992 S.C.L.R. 583.	22–025
Budgett & Co v Binnington & Co [1891] 1 Q.B. 35 CA	18–009
Bulkhaul Ltd v Rhodia Organique Fine Ltd [2008] EWCA Civ 1452, [2009] 1 Lloyd's Rep. 353.	24–051
Bunge Corp v Tradax Export SA [1981] 1 W.L.R. 711; [1981] 2 All E.R. 540; [1981] 2 Lloyd's Rep. 1; (1981) 125 S.J. 373 HL	10–012, 10–047, 10–053, 11–001, 11–006, 11–008, 11–013
Bunny v Hopkinson 54 E.R. 223; (1859) 27 Beav. 565.	21–058
Burdis v Livsey [2003] Q.B. 36.	21–111
Burgess v Purchase & Sons (Farms) Ltd [1983] Ch. 216; [1983] 2 W.L.R. 361; [1983] 2 All E.R. 4 Ch D.	18–004
Burland v Earle [1902] A.C. 83 PC (Canada).	2–048, 4–040
Burrows v March Gas Co (1872) L.R. 7 Ex. 96.	24–071
Burton v Islington HA [1993] Q.B. 204; [1992] 3 W.L.R. 637; [1992] 3 All E.R. 833; [1992] 2 F.L.R. 184; [1992] 2 F.C.R. 845; [1992] P.I.Q.R. P269; [1993] 4 Med. L.R. 8; (1992) 89(17) L.S.G. 51; (1992) 142 N.L.J. 565; (1992) 136 S.J.L.B. 104 CA	19–006
Burton v Pinkerton (1867) L.R. 2 Ex. 340.	22–024
Business Environment Bow Lane Ltd v Deanwater Estates Ltd [2007] EWCA Civ 622; [2007] L. & T.R. 26; [2007] 2 E.G.L.R. 51; [2007] 32 E.G. 90; [2007] 27 E.G. 303 (C.S.); [2007] N.P.C. 79 CA	10–003, 10–004
Butterworth v Kingsway Motors Ltd [1954] 1 W.L.R. 1286.	21–118
BV Oliehandel Jongkind v Coastal International Ltd [1983] 2 Lloyd's Rep. 463 QBD	6–060, 7–071, 10–076
Bwllfa & Merthyr Dare Steam Collieries (1891) Ltd v Pontypridd Waterworks Co [1903] A.C. 426.	21–096
Byrne v Schiller (1870–71) L.R. 6 Ex. 319.	18–032

TABLE OF CASES

C&P Haulage v Middleton [1983] 1 W.L.R. 1461; [1983] 3 All E.R. 94; (1983) 127 S.J. 730 CA	21-062
Caja de Ahorros del Mediterraneo v Gold Coast Ltd [2001] EWCA Civ 1806; [2002] 1 All E.R. (Comm) 142; [2002] 1 Lloyd's Rep. 617; [2002] C.L.C. 397 CA	19-028
Caledonia North Sea Ltd v British Telecommunications plc [2002] 1 Lloyd's Rep. 553 23-006	
Camdex International Ltd v Bank of Zambia (No.1) [1998] Q.B. 22; [1996] 3 W.L.R. 759; [1996] 3 All E.R. 431; [1996] C.L.C. 1477 CA	19-004
Campbell Discount Ltd v Bridge [1962] A.C. 600 HL	25-007, 25-021, 25-026, 25-043, 25-044
Campbell Mostyn (Provisions) Ltd v Barnett Trading Co [1954] 1 Lloyd's Rep. 65	21-086, 21-092
Campbell v Edwards [1976] 1 W.L.R. 403; [1976] 1 All E.R. 785; [1976] 1 Lloyd's Rep. 522; (1975) 119 S.J. 845 CA	18-004, 18-006
Campbell v Fleming 110 E.R. 1122; (1834) 1 Ad. & El. 40	3-027
Campbell v Frisbee [2002] EWCA Civ 1374; [2003] I.C.R. 141; [2003] E.M.L.R. 3; (2002) 146 S.J.L.B. 233	13-013, 13-014, 20-003, 28-019
Capcon Holdings Plc v Edwards [2007] EWHC 2662 (Ch.)	3-007, 3-028, 3-035, 3-036
Cape Breton Co, Re (1885) 29 Ch.D 795	2-048, 4-040
Car & Universal Finance Co Ltd v Caldwell [1965] 1 Q.B. 525; [1964] 2 W.L.R. 600; [1964] 1 All E.R. 290; (1964) 108 S.J. 15 CA	1-010, 1-013, 1-016, 1-017, 1-018, 1-019, 1-026, 2-012, 3-024, 3-028, 3-031, 4-023, 4-024
Cargill International SA v Bangladesh Sugar Corp [1996] 4 All E.R. 563; on appeal [1998] 1 W.L.R. 461	25-046
Cargo Ships El Yam Ltd v Invoeren Transport Onderneming Invotra NV [1958] 1 Lloyd's Rep. 39 QBD	7-049
Carillion Construction Ltd v Felix (UK) Ltd [2001] B.L.R. 1; 74 Con. L.R. 144 QBD	2-029
Carlsh v Salt [1906] 1 Ch. 335	27-090
Carpenters Estate Ltd v Davies [1940] Ch. 160	27-030
Carslogie SS Co Ltd v Royal Norwegian Government [1952] A.C. 292	24-023
Castle Insurance Co v Hong Kong Islands Shipping Co (The Potoi Chau) [1984] A.C. 226; [1983] 3 W.L.R. 524; [1983] 3 All E.R. 706; [1983] 2 Lloyd's Rep. 376; (1983) 127 S.J. 616 PC (HK)	19-026
Castle v Playford (1871-72) L.R. 7 Ex. 98	19-019
Castle v Wilkinson (1870) L.R. 5 Ch. App. 534	27-088
Catlin Estates Ltd v Carter Jonas (A Firm) [2005] EWHC 2315 (TCC); [2006] P.N.L.R. 15; [2006] 2 E.G.L.R. 139 QBD	21-077, 21-098, 21-132
Cato v Thompson (1882) 9 Q.B.D. 616	27-091
CCC Films (London) v Impact Quadrant Films [1985] Q.B. 16; [1984] 3 W.L.R. 245; [1984] 3 All E.R. 298; (1984) 81 L.S.G. 1046; (1984) 134 N.L.J. 657; (1984) 128 S.J. 297 QBD	21-058, 21-067, 21-073, 21-074
Cehave NV v Bremer Handels GmbH (The Hansa Nord) [1976] Q.B. 44; [1975] 3 W.L.R. 447; [1975] 3 All E.R. 739; [1975] 2 Lloyd's Rep. 445; (1975) 119 S.J. 678 CA	5-004, 8-003, 10-008, 12-002, 12-014, 12-017, 12-018, 12-019, 15-015
CEL Group Ltd v Nedlloyd Lines UK Ltd [2003] EWCA Civ 1716; [2004] 1 All E.R. (Comm) 689; [2004] 1 Lloyd's Rep. 381; (2003) 147 S.J.L.B. 1399	19-006
Celestial Aviation Trading 71 Ltd v Paramount Airways Private Ltd [2010] EWHC 185 (Comm); [2011] 1 All E.R. (Comm) 259; [2011] 1 Lloyd's Rep. 9; [2010] 1 C.L.C. 165	10-069, 25-069, 25-070
Cellulose Acetate Silk Co Ltd v Widnes Foundry (1925) Ltd [1933] A.C. 20	25-003, 25-063
Cenargo Ltd v Empresa Nacional Bazan de Construcciones Navales Militares SA [2002] EWCA Civ 524; [2002] C.L.C. 1151	25-018, 25-020
Cenargo Ltda v Empresa Nacional Baza'n Unreported January 30, 2001	25-015
Cerberus Software Ltd v Rowley [2001] EWCA Civ 78; [2001] I.C.R. 376; [2001] IRLR 160; [2001] Emp. L.R. 173	21-024, 24-042
Cerealmangimi SpA v Alfred C Toepfer (The Eurometal) [1981] 3 All E.R. 533; [1981] 1 Lloyd's Rep. 337; [1981] Com. L.R. 13 QBD	11-014
CH Giles & Co Ltd v Morris [1972] 1 W.L.R. 307	27-029, 27-046, 27-058
Chagos Islanders v Attorney General [2003] EWHC 2222 (Q.B.) QBD	2-041
Chamberlain v Parker, 45 NY 569, 572 (1871)	21-073
Chandelor v Lopes (1603) Cro. Jac.4	10-003

TABLE OF CASES

Chandler v Webster [1904] 1 K.B. 493 CA	18-024, 18-025, 18-028
Chandless-Chandless v Nicholson [1942] 2 K.B. 321	25-065
Chandris v Argo Insurance Co Ltd [1963] 2 Lloyd's Rep. 65; (1963) 107 S.J. 575 QBD	19-026
Channel Island Ferries Ltd v Cenargo Navigation Ltd (The Rozel) [1994] 2 Lloyd's Rep. 161; [1994] C.L.C. 168 QBD	21-072, 21-082
Channel Tunnel Group Ltd v Balfour Beatty Construction Ltd [1993] A.C. 334 HL	27-030
Channon v Lindley Johnstone (A Firm) [2002] EWCA Civ 353, [2002] P.N.L.R. 41	22-004, 22-015
Chaplin v Hicks [1911] 2 K.B. 786	24-032
Chappel v Hart (1998) 195 C.L.R. 232	24-017
Chappel v Somers & Blake [2003] EWHC 1644 (Ch.), [2004] Ch. 19	21-128
Chappell v Times Newspapers Ltd [1975] 1 W.L.R. 482	27-056, 27-059, 27-074, 28-034
Charles Hunt Ltd v Palmer [1931] 2 Ch. 287	27-091
Charles v Hugh James Jones & Jenkins [2000] 1 W.L.R. 1278	21-097, 24-062
Charlotte C, The [2005] EWHC 1974 (Comm) at [158]-[160], [2005] 2 Lloyd's Rep. 626	21-116
Charlton v Fisher [2001] EWCA Civ 112; [2002] Q.B. 578; [2001] 3 W.L.R. 1435; [2001] 1 All E.R. (Comm) 769; [2001] R.T.R. 33; [2001] Lloyd's Rep. I.R. 387; [2001] P.I.Q.R. P23; (2001) 98(10) L.S.G. 45	16-012
Charrington v Simons & Co Ltd [1970] 1 W.L.R. 725	28-025
Charrington v Simons & Co Ltd [1971] 1 W.L.R. 598	28-024, 28-025
Charter Reinsurance Co Ltd (In Liquidation) v Fagan [1997] A.C. 313; [1996] 2 W.L.R. 726; [1996] 3 All E.R. 46; [1996] 2 Lloyd's Rep. 113; [1996] C.L.C. 977; [1996] 5 Re. L.R. 411; (1996) 140 S.J.L.B. 148 HL	10-023, 10-033
Charter v Sullivan [1957] 2 Q.B. 117; [1957] 2 W.L.R. 528; [1957] 1 All E.R. 809 CA	21-003, 21-019, 21-089
Charters-Ancaster College v Girls' Public Day School Trust (1872) [1996] E.L.R. 123	28-014
Chater v Mortgage Agency Services Number Two Ltd [2003] EWCA Civ 490; [2003] H.L.R. 61; [2004] 1 P & CR 4; [2003] 15 E.G. 138 (C.S.); (2003) 147 S.J.L.B. 417; [2003] N.P.C. 48; [2003] 2 P & CR DG9	2-033, 2-035
Chatterton v Maclean [1951] 1 All E.R. 761 KBD	20-015
Cheese v Thomas [1994] 1 W.L.R. 129; [1994] 1 All E.R. 35; [1994] 1 F.L.R. 118; [1995] 1 F.C.R. 162; (1994) 26 H.L.R. 426; (1995) 69 P & CR 316; [1994] Fam. Law 80; [1993] E.G. 149 (C.S.); (1993) 143 N.L.J. 1368 CA	1-022, 3-014, 3-016, 3-020, 3-021, 3-022, 4-010, 4-012, 4-017, 4-018, 4-035
Chia Kok Leong v Prosperland Pte Ltd [2005] SGCA 12, [2005] 2 S.L.R. 484	21-112
Chief Constable of Kent v V [1983] Q.B. 34	28-001
Chiemgauer Membran und Zeltbau GmbH v New Millennium Experience Co Ltd (No.2) [2002] B.P.I.R. 42	21-094, 21-096, 23-006
Chilean Nitrate Sales Corp v Marine Transportation Co Ltd (The Hermosa) [1982] 1 Lloyd's Rep. 570 CA	6-008, 6-024, 6-026, 7-073
Christopher Hill Ltd v Ashington Piggeries Ltd [1969] 3 All E.R. 1496	23-018
Christopher Moran Holdings Ltd v Bairstow [2000] 2 A.C. 172	21-102
Cia de Seguros Imperio v Heath (REBX) Ltd (formerly CE Heath & Co (America) Ltd) [2001] 1 W.L.R. 112; [2000] 2 All E.R. (Comm) 787; [2000] C.L.C. 1543; [2001] Lloyd's Rep. I.R. 109; [2000] Lloyd's Rep. P.N. 795; (2000-01) 3 I.T.E.L.R. 134 CA	20-005
CIBC Mortgages Plc v Pitt [1994] 1 A.C. 200; [1993] 3 W.L.R. 802; [1993] 4 All E.R. 433; [1994] 1 F.L.R. 17; [1994] 1 F.C.R. 374; (1994) 26 H.L.R. 90; (1994) 13 Tr. L.R. 180; [1994] C.C.L.R. 68; [1993] Fam. Law 79; [1993] E.G. 174 (C.S.); (1993) 143 N.L.J. 1514; (1993) 137 S.J.L.B. 240; [1993] N.P.C. 136 HL	2-031, 2-032, 2-045, 2-045
Cie Commerciale Sucres et Denrees v C Czarnikow Ltd (The Naxos) [1990] 1 W.L.R. 1337; [1990] 3 All E.R. 641; [1991] 1 Lloyd's Rep. 29; (1990) 134 S.J. 1301 HL	10-012, 10-048, 11-008, 11-013
Cine Bes Filmcilik ve Yapimcilik & Anor v United International Pictures [2003] EWCA Civ 1669; [2004] 1 C.L.C. 401	25-022, 25-024, 25-030
Citicorp Australia Ltd v Hendry (1985) 4 N.S.W.L.R. 1	25-046
City and Westminster Properties (1934) Ltd v Mudd [1959] Ch. 129; [1958] 3 W.L.R. 312; [1958] 2 All E.R. 733; (1958) 102 S.J. 582 Ch D	10-004

TABLE OF CASES

City Inn Ltd v Shepherd Construction Ltd 2002 S.L.T. 781.....	25-051
Clark Boyce v Mouat [1994] 1 A.C. 428; [1993] 3 W.L.R. 1021; [1993] 4 All E.R. 268; (1993) 143 N.L.J. 1440; (1993) 137 S.J.L.B. 231; [1993] N.P.C. 128 PC (NZ).....	2-049
Clark v Nomura plc [2000] IRLR 766.....	21-082
Clarke (HF) Ltd v Thermaidare Corp Ltd (1974) 54 D.L.R. (3d) 385.....	25-022, 26-002
Clarke v Dickson 120 E.R. 463; (1858) El. Bl. & El. 148.....	3-002, 3-004, 3-007
Clarke v Marlborough Fine Art (London) Ltd (Amendments) [2002] 1 W.L.R. 1731; [2002] CP Rep. 17; (2002) 99(3) L.S.G. 26; (2001) 145 S.J.L.B. 278 Ch D.....	2-031
Clarke v Price (1819) 2 Wils. 157.....	27-031, 27-059
Clarke, Re (1887) L.R. 36 Ch. D. 348.....	27-042, 27-043
Clausen v Canada Timber and Lands Ltd [1923] 4 D.L.R. 751 PC.....	6-014
Clayton Greene v de Courville (1920) 36 T.L.R. 790.....	10-077, 24-060
Clea Shipping Corp v Bulk Oil International (The Alaskan Trader) (No.2) [1984] 1 All E.R. 129; [1983] 2 Lloyd's Rep. 645 QBD.....	7-090, 7-099, 19-007, 19-034, 19-035, 19-037
Cleaver v Schyde Investments Ltd [2011] EWCA Civ 929.....	2-015
Clef Aquitaine Sarl v Laporte Materials (Barrow) Ltd [2001] Q.B. 488; [2000] 3 W.L.R. 1760; [2000] 3 All E.R. 493 CA.....	21-055
Cleveland Ambulance NHS Trust v Blane [1997] I.C.R. 851.....	22-006
Clippens Oil Co v Edinburgh & District Water Trustees [1907] A.C. 291.....	23-050
Clough v First Choice Holidays Ltd [2006] EWCA Civ 15, [2006] P.I.Q.R. P22.....	24-026
Clough v London & North Western Railway Co (1871-72) L.R. 7 Ex. 26.....	1-013, 1-014, 1-020, 3-011, 3-019, 3-026, 3-027, 3-028, 3-030, 3-031, 3-032, 3-034, 3-040, 4-012, 4-024, 4-025
Clydebank Engineering & Shipbuilding Co Ltd v Don José Ramos Yzquierdo y Cas- taneda [1905] A.C. 6.....	25-002, 25-006, 25-015, 25-019, 25-020, 25-025
CMC Group plc v Zhang [2006] EWCA Civ 408; [2006] All E.R. (D) 197 (Mar) CA.....	25-026
CMS Dolphin Ltd v Simonet [2001] 2 B.C.L.C. 704.....	26-010, 26-015
Coats v Chaplin (1842) 3 Q.B. 483.....	21-130
Cobbold v Bakewell Management Ltd [2003] EWHC 2289 (Ch.).....	4-026
Cockburn v Alexander (1848) 6 C.B. 791.....	21-076
Cockell v Taylor 51 E.R. 475; (1852) 15 Beav. 103.....	4-029
Codelfa Construction Pty Ltd v State Railway of NSW [1982] HCA 24, (1982) 149 C.L.R. 337.....	17-023, 17-057, 17-072, 17-086, 18-007
Codemasters Software Co Ltd v Automobile Club de l'Ouest [2009] EWHC 2361 (Ch.); [2010] F.S.R. 12.....	21-123
Codemasters Software Co Ltd v Automobile Club de l'Ouest [2009] EWHC 3194 (Ch.); [2010] F.S.R. 13 Ch D.....	19-004, 19-025
Cogent v Gibson (1864) 33 Beav. 557.....	27-036
Cointat v Myham & Son [1913] 2 K.B. 220.....	21-101
Coles v Trecothick 32 E.R. 592; (1804) 9 Ves. Jr. 234.....	2-048
Colley v Overseas Exporters (1919) Ltd [1921] 3 K.B. 302; (1921) 8 Ll. L. Rep. 127 KBD.....	19-018, 19-021
Collinge v Heywood 112 E.R. 1352; (1839) 9 Ad. & El. 633.....	19-025, 21-120
Collings v Lee [2001] 2 All E.R. 332; (2001) 82 P & CR 3; [2000] E.G. 115 (C.S.); (2000) 97(42) L.S.G. 45; (2000) 97(42) L.S.G. 37; [2000] N.P.C. 106; (2001) 81 P & CR DG12 CA.....	4-026
Columbus Club v Simons, 236 P 12 (Okla 1925).....	27-070
Colyear v Mulgrave (Countess) (1836) 2 Keen. 81.....	27-014
Colyton Investments Pty Ltd v McSorley (1962) 107 C.L.R. 177.....	27-066
Commercial Bank of Amadio (1983) 151 C.L.R. 447.....	2-041
Commonwealth of Australia v Amann Aviation (1991) 66 A.J.L.R. 123.....	21-045, 21-056, 21-067
Compagnie Francaise des Chemins de Fer Paris-Orleans v Leeston Shipping Co Ltd (1919) 1 Ll. L. Rep. 235 KBD.....	3-014, 3-016
Compania Naviera Maropan SA v Bowaters Lloyd Pulp & Paper Mills Ltd [1955] 2 Q.B. 68.....	24-019
Comyn Ching & Co (London) Ltd v Oriental Tube Co Ltd (1979) 17 B.L.R. 47.....	21-123, 21-124
Condor v The Barron Knights Ltd [1966] 1 W.L.R. 87; (1966) 110 S.J. 71.....	17-016