



*Denning*

**The Closing Chapter**

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by the Rt Hon  
LORD DENNING

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## The Closing Chapter

‘O teach us to number our days: that we may apply our hearts unto wisdom’.

*Psalm 90:12*

*The Book of Common Prayer* (1815 edition)

# Preface

On 29 September 1982 I retired from the office of Master of the Rolls. I had held it for over 20 years. It was a great wrench for me. But it was time to go. I walked with a stick, limping slowly, for short distances. I could not hear as well as I used to do. The newspapers were speaking of me as an old man of 83 years of age.

Thousands of people wished me well on my retirement. I was often asked, 'What are you going to do?' I replied, 'I would like to write one more book.' 'What is it to be about?' I made answer, '*The Closing Chapter*.' This was because the last few years had seen some important issues with which I had been concerned. I thought it might be worth while to describe them.

This I have tried to do. In the first part of the book I have told of the events leading up to my retirement and after it. It is, in a way, a continuation of my part of *The Family Story*. In the second part of the book I have told of some of the matters that came under discussion during the last period of my time. These are, in a way, a sequel to *The Discipline of Law* and *The Due Process of Law*, bringing them up to date.

I have had principally in mind the students of the law. Both those who are just starting and those who are already in practice. They should know more about the controversies of our day: and then lead the way to a solution of them. So I have told of the problems of statutory interpretation, of the granting of injunctions and the conduct of arbitrations.

I have had next in mind the general reader. Most of the

leading stories in the newspapers find their way, sooner or later, into the courts of law. They have legal repercussions on which the 'reasonable man' should take a stand. So I have told of the three dockers and the five dockers, of the general steel strike, of the 25 per cent cut in London Transport fares and the Sikh boy's turban.

I have sought to make everything as up to date as can be. So I have told of the latest decisions right up to the end of the summer term of 1983. I have done this in several places – even after having written the Epilogue.

Time after time I have suggested that the present law is mistaken and is in need of reform. It should be amended so as to secure, as near as may be, the doing of justice. It was a great lawyer, Edmund Plowden, in the time of the first Elizabeth, who commended the amendment of the law with the words, 'Blessed be the amending hand'.

The bust of Edmund Plowden still stands in a place of honour in the Middle Temple. It is in the lovely hall in the making of which he played so large a part.

His advice was endorsed by the best of exemplars, Sir Edward Coke. He ended the last of his four *Institutes* with a plea for amendment. He compared the jurisdiction of the courts to a building which had many defects. His final words to posterity were:

'... I shall heartily desire the wise hearted and expert builders (justice being *architectonica virtus*) to amend both the method or uniformity, and the structure it selfe, wherein they shall finde either want of windowes, or sufficient lights, or other deficiency in the architecture whatsoever. And we will conclude with the aphorisme of the great lawyer<sup>1</sup> and sage of the law (which we have heard him often say) *Blessed be the amending hand.*'

As always, I have tried to make my meaning clear. That is necessary if you are to influence others. As St Paul said:<sup>2</sup>

<sup>1</sup> Edmund Plowden.

<sup>2</sup> 1 *Corinthians* 14:8–9 (Authorised version).

‘For if the trumpet give an uncertain sound, who shall prepare himself to the battle? So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.’

Denning

September 1983



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Book One

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# Retirement