A-Level Law in Action

Brenda Mothersole and Ann Ridley

© Brenda Mothersole and Ann Ridley 1995

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No paragraph of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, 90 Tottenham Court Road, London W1P 9HE.

Any person who does any unauthorised act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

First published 1995 by
MACMILLAN PRESS LTD
Houndmills, Basingstoke, Hampshire RG21 2XS
and London
Companies and representatives
throughout the world

ISBN 978-0-333-58237-4

ISBN 978-1-349-13044-3 (eBook)

DOI 10.1007/978-1-349-13044-3

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

10	9	8	7	6	5	4	3	2	1
04	03	02	01	00	99	98	97	96	95

CONTENTS

<i>Table of Statutes</i>	v	Part Four: The Law of Torts	201
<i>Table of Cases</i>	ix	12 <i>Tort of negligence</i>	211
<i>Preface</i>	xxiii	13 <i>Other torts</i>	231
<i>Acknowledgements</i>	xxiv	Examination questions	255
Introduction	1	Part Five: The Law of Contract	257
<i>Legal skills</i>	1	14 <i>Making the contract</i>	259
<i>How to deal with written exercises</i>	7	15 <i>The contract itself – terms and parties</i>	273
		16 <i>Ending contractual obligations – vitiating factors and discharge</i>	290
		Examination questions	304
SECTION I			
Part One: Law in Society	11	SECTION III	
1 <i>The nature of law in society</i>	13	Part Six: The Consumer in the Marketplace	307
2 <i>Law in the making</i>	30	17 <i>The case of Robert</i>	311
3 <i>Legal personnel</i>	52	18 <i>The purchases of the Parsons</i>	314
Examination questions	71	19 <i>The wedding of Miriam and Maurice</i>	328
		20 <i>The case of Kashaf</i>	332
Part Two: The Courts and the Legal Process	73	Examination questions	344
4 <i>Legal aid</i>	78	Part Seven: The Law in the Workplace	345
5 <i>Civil courts: pre-trial to trial and after</i>	83	21 <i>The case of Jonathan</i>	349
6 <i>Criminal courts: from arrest to trial and after</i>	104	22 <i>The cases of Kulbinder and Charles</i>	357
7 <i>Tribunals and other means of seeking remedies</i>	134	23 <i>The cases of Molly and Maurice</i>	374
8 <i>The European dimension</i>	139	Examination questions	385
Examination questions	152	Part Eight: Family Law	387
		24 <i>Marriage and the breakdown of marriage</i>	391
SECTION II		25 <i>The law relating to children</i>	412
Part Three: Crime and Society	153	Examination questions	419
9 <i>General principles of criminal liability</i>	155		
10 <i>The substantive offences</i>	172	<i>Index</i>	420
11 <i>Theories of punishment</i>	194		
Examination questions	200		

TABLE OF STATUTES

Abortion Act 1967	32	
Accessories and Abettors Act 1861	170	
Administration of Justice Act 1960	110	
Administration of Justice Act 1969	97, 230	
Administration of Justice Act 1985	56	
Administration of Justice (Miscellaneous Provisions) Act 1933		96
Adoption Act 1976	415	
Affiliation Proceedings Act 1957	48	
Appellate Jurisdiction Act 1876	37	
Arbitration Act 1950	138	
Assizes of Nottingham 1176	00	
Bail Act 1976	109, 115	
Bail (Amendment) Act 1993	109, 115	
Betting Act 1853	49	
Bills of Exchange Act 1882	288	
Building Societies Act 1986	56	
Child Support Act 1991	404, 408	
Children Act 1989	389, 390, 393, 402, 412–18	
Children and Young Persons Act 1933	162	
Children and Young Persons Act 1963	162	
Civil Liability (Contribution) Act 1978	209	
Clean Air Act 1956	240	
Common Law Procedures Act 1854	96, 125	
Companies Act 1844	19, 21	
Companies Act 1985	19, 21, 286	
Companies Act 1989	21, 286	
Company Securities (Insider Dealing) Act 1985	47	
Competition Act 1980	342	
Computer Misuse Act 1990	156, 190	
Congenital Disabilities (Civil Liability) Act 1976	209	
Consumer Credit Act 1974	16, 34, 271, 309, 332–7, 341	
Consumer Protection Act 1987	145, 147, 212, 309–10, 313, 323–6, 337, 341	
Contempt of Court Act 1981	151	
Contracts of Employment Act 1963	348, 365	
Control of Pollution Act 1974	240	
County Courts Act 1984	85	
Courts Act 1971	50, 83, 120	
Courts and Legal Services Act 1990	52, 54, 55, 56, 57, 58, 59, 62–5, 72, 83, 84, 85, 90, 91, 92, 99, 100	
Criminal Appeal Act 1966	97, 130	
Criminal Appeal Act 1968	130	

Criminal Attempts Act 1981	191, 192
Criminal Damage Act 1971	156, 160, 161, 183, 190, 191
Criminal Justice Act 1925	167
Criminal Justice Act 1972	26
Criminal Justice Act 1987	192
Criminal Justice Act 1988	180
Criminal Justice Act 1991	117
Criminal Justice Act 1993	47
Criminal Justice (Amendment) Act 1993	116, 119
Criminal Justice and Public Order Act 1994	105, 106, 107, 110, 198, 233
Criminal Justice (Miscellaneous Provisions) Act 1933	125
Criminal Law Act 1967	106, 126, 157, 169
Criminal Law Act 1977	157, 191, 192
Criminal Procedure (Insanity and Unfitness to Plead) Act 1991	163
Crown Proceedings Act 1947	208
Dangerous Drugs Act 1965	47
Dangerous Drugs Act 1967	131
Data Protection Act 1984	109–10
Defamation Act 1952	246, 251, 254
Defective Premises Act 1972	228–9
Diplomatic Privileges Act 1864	208
Divorce Reform Act 1969	398, 400, 406
Domestic Violence and Matrimonial Proceedings Act 1976	46, 414
Domestic Proceedings and Magistrates' Courts Act 1978	415
Education Act 1944	417
Employment Act 1980	348, 367
Employment Act 1982	367
Employment Act 1988	367
Employment Act 1989	367
Employment Protection (Consolidation) Act 1978	136, 348, 351–5, 357, 358, 365–72, 373, 375, 384
Equal Pay Act 1970	19, 150, 348, 358–60, 363, 383
Estate Agents Act 1979	34, 341
European Communities Act 1972	21, 139
European Communities (Amendment) Act 1986	140
European Communities (Amendment) Act 1993	140
Extradition Act 1989	110
Factories Act 1961	49, 375, 377
Fair Trading Act 1973	309, 341–2
Family Law Reform Act 1969	282
Family Law Reform Act 1987	393
Fatal Accidents Act 1976	230
Financial Dealings Act 1971	356
Food Safety Act 1990	326–7
Guardianship of Infants Act 1925	413
Habeas Corpus Acts 1679 and 1816	110
Health and Safety at Work Act 1974	34, 323, 348, 375–8, 383
Health and Social Services Adjudications Act 1983	135
Hire Purchase Act 1936	333
Hire Purchase Act 1955	333
Homicide Act 1957	156, 164, 176, 178
Industrial Training Act 1964	136
Infants' Relief Act 1874	285
Interception of Communications Act 1985	151
Interpretation Act 1978	45, 48, 114

Judicature Acts 1873–5	17, 37, 52, 75, 91
Judicial Pensions Act 1959	66
Juries Act 1974	126
Law Commissions Act 1965	50, 51
Law of Property (Miscellaneous Provisions) Act 1989	271
Law Reform (Contributory Negligence) Act 1945	223–4, 381
Law Reform (Frustrated Contracts) Act 1943	300
Law Reform (Husband and Wife) Act 1962	209
Law Reform (Miscellaneous Provisions) Act 1970	391
Legal Aid Act 1972	78
Legal Aid Act 1974	78
Legal Aid Act 1982	78
Legal Aid Act 1988	78, 80, 254
Legal Aid and Advice Act 1949	78
Legitimacy Act 1976	393
Libel Act 1845 (Amended 1845)	248, 251–2
Licensing Act 1964	381
Limitation Act 1980	207
Local Government Act 1972	243
Magistrates' Courts Act 1952	170
Magistrates' Courts Act 1980	105, 114, 157
Marriage Act 1949	393, 394
Marriage Act 1983	395
Marriage Act 1994	394, 395
Marriage (Prohibited Degrees of Relationship) Act 1986	393
Married Women's Property Act 1882	19
Matrimonial and Family Proceedings Act 1984	390, 405–7
Matrimonial Causes Act 1857	398
Matrimonial Causes Act 1973	390, 393, 394, 396–7, 399–401, 403, 404–8, 414
Mental Health Act 1959	135
Mental Health Act 1983	136, 286, 397
Minors' Contracts Act 1987	281, 284, 285, 286
Misrepresentation Act 1967	291, 309
National Insurance Act 1946	135
Occupiers' Liability Act 1957	227–8
Occupiers' Liability Act 1984	33, 43, 227–8
Offences Against the Person Act 1861	14, 45, 48, 160, 168, 181, 182, 183, 237
Offensive Weapons Act 1959	260
Offices, Shops and Railway Premises Act 1963	375, 377
Official Secrets Acts 1920	105, 122, 125
Official Secrets Act 1989	105, 122, 125
Parliament Act 1911	32
Parliament Act 1949	32
Partnership Act 1890	21
Police and Criminal Evidence Act 1984	50, 105, 107, 108, 109, 110, 157
Post Office Act 1964	208
Powers of the Criminal Courts Act 1973	197
Prevention of Terrorism (Temporary Provisions) Act 1994	105, 108
Property Misdescriptions Act 1991	341, 342
Prosecution of Offenders Act 1985	112
Public Health Act 1936	240, 241
Public Order Act 1986	233
Public Trustee Act 1906	19
Race Relations Act 1976	348, 357, 360, 363, 365, 383

Rehabilitation of Offenders Act 1974	196
Representation of the People Act 1918	19
Resale of Prices Act 1976	341
Restrictive Practices Act 1976	341
Road Traffic Act 1988	158, 288
Sale and Supply of Goods Act 1994	51, 309, 310, 315, 318–19, 320, 321, 322, 329
Sale of Goods Act 1893	309
Sale of Goods Act 1979	45, 184, 188, 267, 274, 275, 278, 279, 281, 284, 286, 302, 309, 312, 315–22, 323, 329, 334
Sex Discrimination Act 1975	19, 27, 348, 357, 360–3, 383
Sexual Offences Act 1967	26
Sexual Offences Act 1993	163
Solicitors Act 1974	53
Statute of Frauds 1677	271
Statute of Westminster 1275	44
Statutory Instruments Act 1946	36
Street Offences Act 1959	48
Suicide Act 1961	178
Sunday Trading Act 1994	372
Supply of Goods and Services Act 1982	279, 309, 315, 329–31, 337
Supply of Goods (Implied Terms) Act 1973	278, 309
Supreme Court Act 1981	65, 66, 96
Theatres Act 1968	246–7
Theft Act 1968	115, 156, 162, 184–90
Theft Act 1978	184, 187, 188
Timeshare Act 1992	341
Torts (Interference with Goods) Act 1977	234–5
Trade Descriptions Act 1968	309, 313
Trade Descriptions Act 1972	309, 323, 337–41
Trade Union Act 1984	209
Trade Union and Labour Relations Act 1974	209, 348, 384
Trade Union and Labour Relations (Consolidation) Act 1992	21
Trade Union Reform and Employment Rights Act 1993	136, 348, 350, 351, 354, 367, 372, 373, 375, 383, 384
Transport (London) Act 1969	68
Tribunals of Inquiry (Evidence) Act 1921	137
Unfair Contract Terms Act 1977	34, 276, 278–80, 309, 313, 321, 331
Wages Act 1986	136, 348, 372, 384
Weights and Measures Act 1963 (Amended 1979)	341

TABLE OF CASES

A v DPP (1992) Crim LR 34	162	
A (A Juvenile) v R [1978] Crim LR 689	190	
AD Re [1993] Fam Law 43	413	
Abse v Smith [1986] QB 536; [1986] 2 WLR 322; [1986] 1 All ER 350	55, 92	
Adam v Ward [1971] AC 309	249	
Adams v Lindsell (1818) 1 B & Ald 681	263	
Addie (R) & Sons (Collieries) Ltd v Dumbreck [1929] All ER Rep 1	43, 227	
Aero Zipp Fasteners v Y.K.K. Fasteners [1978] 1 CMLR 88	150	
Afzal v Ford Motors (1994) <i>The Independent</i> 16 June	90	
Alcock v Chief Constable of South Yorkshire Police [1992] 1 AC	215, 310	
Alexander v North Eastern Rly Co (1865) 6 B & S 340	248	
Allsop (Kenneth) v Church of England Newspaper [1972] 2 All ER 26	245	
Anderton v Ryan [1985] AC 560; [1985] 1 All ER 138	43, 192	
Andrews v DPP [1937] AC 576	176, 179, 180	
Anns v Merton London Borough Council [1977] 2 All ER 492	213, 214, 216, 218	
Appleson v Littlewood Ltd [1939] 1 All ER 464	270	
Arcos Ltd v Ronaasen & Son [1933] AC 470	317	
Argyll v Argyll [1967] Ch 302	392	
Armoury v Delamirie (1722) 1 Stra 505	235	
Ashbury Railway Carriage and Iron Co v Riche (1875) LR 7 HL 653	21, 286	
Ashington Piggeries Ltd v Christopher Hill Ltd [1972] AC 441	317	
Atlas Express Ltd v Kafco [1989] QB 833; [1989] 1 All ER 641	294	
Attorney General v Associated Newspapers Ltd (1994) <i>The Independent</i> 9 February	128	
Attorney General v Fulham Corporation [1921] 1 Ch 440	36	
Attorney General v PYA Quarries Ltd [1957] 2 QB 169; 1 All ER 894	240	
Attorney General for Northern Ireland v Gallagher [1963] AC 349	168	
Attorney General's Reference (No 1 of 1975) [1975] QB 773	170	
Attorney General's Reference (No 6 of 1980) [1981] QB 715; [1981] 2 All ER 1057	26, 27, 181, 182	
Attorney General's Reference (No 1 of 1988) [1989] AC 971	47	
Attorney General's Reference (No 2 of 1992) [1994] QB 91; [1993] 4 All ER 683	166	
Attwood v Lamont [1920] 3 KB 571	296–8, 382	
Attwood v Small (1838) 6 Cl & Fin 232; [1835–42] All ER Rep 258	291	
Avery v Bowden (1855) 5 E & B 714	299	
Avon Finance v Bridger [1985] 2 All ER 281	295, 296	
B v M (Child Support Revocation Order) [1994] 1 FLR 342	408	
B & S v Leathley [1979] Crim LR 314	189	
Bailey v Tolliday (1982) 4 FLR 542	407	
Baker v Willoughby [1969] 3 All ER 1528	223, 224	
Balchin v Buckle (1982) 126 Sol Jo 412	97	
Baldry v Marshall [1925] 1 KB 260	276	

Balfour v Balfour [1919] 2 KB 571	270	
Balfour v Barty-King [1957] 1 QB 496	381	
Barclays Bank plc v O'Brien [1992] 3 WLR 593; [1992] 4 All ER 983	295–6	
Barnett v Chelsea and Kensington Management Committee [1969] 1 QB 428	225	
Bartlett v Sidney Marcus [1952] All ER 253	319	
Barton v Armstrong [1976] AC 104; [1975] 2 All ER 465	293	
Bayliss & Barton v Home Office & Governor of HM Prison Franklands (1992)	237	
Beale v Taylor [1967] 3 All ER 253	317	
Beard v London General Omnibus Company [1900] 2 QB 530	379	
Benning v Wong [1969] 43 ALJR 467	244	
Bernstein v Pamson Motors (Golders Green) Ltd [1987] 2 All ER 220	319	
Bernstein v Skyviews [1973] QB 479	231	
Beswick v Beswick [1968] AC 58; [1967] 2 All ER 1197	287, 288, 303	
Bigg v Boyd Gibbins Ltd [1971] 2 All ER 183	262	
Bird v Holbrook (1828) 4 Bing 628	227	
Bird v Jones (1845) 7 QB 742	238	
Birmingham County Council v H [1994] 1 All ER 12	413	
Bissett v Wilkinson [1927] AC 177	291	
Blake v Barnard (1840) 173 ER 485	181	
Bliss v Hall [1838] 4 Bing NC 183	241, 242	
Blyth v Birmingham Waterworks Co Ltd (1865) 25 LJ Ex 212	212	
Bohon-Mitchell v Council for Legal Education [1978] IRLR 325	364	
Bolam v Friern Hospital Management Committee [1957] 2 All ER 118	219–20	
Bolton v Madden (1873) LR 9 QB 55	267	
Bolton v Mahadeva [1972] 2 All ER 1322; [1972] 1 WLR 1009	298	
Bolton v Stone [1951] AC 850; [1951] 1 All ER 1078	242	
Bone v Seal [1975] 1 WLR 797	241	
Bourhill v Young [1943] AC 92	213, 214	
Brace v Calder [1895] 2 QB 253	302	
Bradford Corp'n v Pickles [1895] AC 587, [1895] All ER 984	205	
Brickell v Brickell [1974] Fam 31; [1973] 3 All ER 508	401	
Brinkibon Ltd v Stahag Stahl GmbH [1983] 2 AC 34; [1982] 1 All ER 293	264	
British Crane Hire Corporation Ltd v Ipswich Plant Hire Ltd [1974] 1 All ER 1059	274, 276	
British Home Stores v Burchell [1978] IRLR 379	369	
British Railways Board v Herrington [1972] 1 All ER 749	43, 227	
Broadway Approvals Ltd v Oldhams Press Ltd (No 2) [1965] 1 WLR 805	247	
Bromley London Borough Council v GLC [1982] All ER 153	67–8	
Brookes v Retail Credit Cards Ltd (DC) (1986) <i>The Times</i> 19 October	333	
Broome v Perkins (1987) 85 Crim App R 361	165	
Brown v Stockton-on-Tees Borough Council [1988] 2 WLR 935	371	
Bryant v Foot (1868) 3 QB 497	44	
Burrell v Harmer [1967] Crim LR 169	181	
Butler Machine Tool Co v Ex-Cell-O Corporation [1979] 1 All ER 965	266, 280	
C v Solihull Metropolitan Borough Council [1993] 1 FLR	290, 418	
C (a minor) v DPP (1994) <i>The Times</i> 30 March	163	
C (a minor) v Eisenhower [1984] QB 331	182	
Cambridge Water Co v Eastern Counties Leather plc [1994] 2 WLR 53	244	
Campbell v Spottiswoode (1863) 8 LT 201	251	
Cantor Fitzgerald (UK) Ltd v Wallace [1992] IRLR 215	383	
Caparo Industries plc v Dickman [1990] 2 AC 605	217–18	
Carlill v Carbolic Smoke Ball Co Ltd [1893] All ER Rep 127; 1 QB 256	259, 263, 312	
Castle v St Augustine's Links [1922] 38 TRL 615	242	
Cehave NV v Bremer Handelsgesellschaft mbH, the Hansa Nord [1975] 3 WLR 447; [1975] 3 All ER 739	275	

Central London Property Trust v High Trees House Ltd [1947] KB 130; [1956] 1 All ER 256 269	17, 268,
Century Insurance Co v Northern Ireland Road Transport Board [1942] AC 509	379
Chadwick v British Railways Board [1967] 1 WLR 912	206, 213–14
Chapleton v Barry UDC [1940] 1 All ER 356	276
Chappell & Co Ltd v Nestle Co Ltd [1960] AC 87; [1959] 2 All ER 701	265, 267
Charter v Sullivan [1957] 2 QB 117	302
Cheese v Thomas [1994] 1 All ER 35	296
Chess (Oscar) Ltd v Williams [1957] 1 All ER 325	273
Chesterfield Corporation v Arthur Robinson (Transport) Ltd [1955] 106 LJ 61	240
Christie v Davey [1893] 1 Ch 316, 62 LJ Ch 439	205, 241
Christie v Leachinsky [1947] 1 All ER 567	107
Clay Cross Quarry Services Ltd v Fletcher [1979] ICR 1	359
Clayton v Vigers [1990] IRLR 177	371
Clea Shipping Corp v Bulk Oil International Ltd, the Alaskan Trader (no 2) [1984] 1 All ER 129	299
Cleary v Cleary [1974] 1 WLR 73; [1974] 1 All ER 498	399
Cohen v Roche [1927] 1 KB 169	303
Coleman v Coleman [1973] Fam 10; [1972] 3 All ER 886	405
Combe v Combe [1951] 1 All ER 767	270
Condon v Basi [1985] 2 All ER 923	205
Condon v Condon [1978] RTR 483	224
Condor v The Baron Knights Ltd [1966] 1 WLR 87	299
Cooper v Letang [1964] 2 All ER 929	236
Corbett v Corbett [1970] 2 WLR 1306	392
Corpe v Overton (1883) 10 Bing 252	284
Cossey v UK [1991] 2 FLR 492 ECHR	392
Costa v ENEL (Case 6/64) [1964] CMLR 425	149
Couturier v Hastie (1856) 5 HL Cas 673; [1843–60] All ER Rep 280	292
Cox v Riley (1986) 83 Cr App R 291	190
Cresswell v BOC Ltd [1980] 1 WLR 1566; [1980] 3 All ER 443	48
Crown Supplies (PSA) v Dawkins [1991] [1993] ICR 517; [1993] IRLR 284, affirming [1991] ICR 583; [1991] ICR 327	365
CT (A Minor) (Wardship: Representation) [1992] 2 FCR 80	415
Cundy v Lindsay [1878] 3 App Cas 459; [1874–80] All ER Rep 1149	293
Cunningham v Reading Football Club Ltd (1991) <i>The Independent</i> 20 March	228, 229
Cutler v United Dairies (London) Ltd [1933] 2 KB 297; 149 LT 436	206
Cutter v Powell [1795] 6 TR 320; 101 ER 57	298, 355
D v D (1979) 10 Fam Law 53	397
D & C Builders Ltd v Rees [1965] 3 All ER 837	17, 269
D-E v A-G (1845) 1 Rob Eccl 279	396
Daniels and Daniels v R. White & Sons Ltd and Tarbard [1938] 4 All ER 258	4
Darlington Borough Council v Wilshier Northern Ltd (1994) <i>The Times</i> 4 July	288
Davis v Johnson [1979] AC 264; [1978] 1 All ER 1132	46
Davis Contractors Ltd v Fareham UDC [1956] 2 All ER 145	300
De Francesco v Barnum (1890) 45 ChD 430	284
Defrenne v Sabena (Case 149/77) [1978] 3 CMLR 312	147, 148
Del Monte Foods v Mundon [1980] ICR 694	370
Denco Ltd v Johnson [1991] IRLR 63; [1992] 1 All ER 463	369
Derbyshire County Council v Times Newspapers Ltd [1991] 3 All ER 65	249
Derry v Peek (1889) 14 App Cas 337; [1886–90] All ER Rep 1	291
Dick Bentley Productions Ltd v Harold Smith Motors [1965] 2 All ER 65	273
Dickinson v Dodds (1876) 2 Ch D 463	265
Donoghue (or M'Alister) v Stevenson [1932] AC 562	98, 211–12, 213, 216, 218, 228, 230, 323
DPP v Beard [1920] AC 479	168
DPP v Camplin [1978] AC 705	177

DPP v Little [1991] 141 NLJ 965	180	
DPP v Majewski [1977] AC 443	168	
DPP v Morgan [1976] AC 182	167	
DPP v Newbury [1977] AC 500	179	
DPP v Smith [1961] AC 290	175	
DPP v Stonehouse [1978] AC 55	192	
DPP for Northern Ireland v Lynch [1975] AC 653	43, 166	
DPP for Northern Ireland v Maxwell [1978] 3 All ER 1140	171	
Dryden v Greater Glasgow Health Board [1992] IRLR 469 EAT	376	
Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd [1915] AC 847; [1914–15] All ER Rep 333		265, 287
Durham v Durham (1885) 10 PD 80	396	
Duxbury v Duxbury [1987] 1 FLR 7; [1991] 3 WLR 639	407	
E, Re [1993] 1 FLR 386	413	
Earl of Oxford's Case (1615) 1 Rep Ch 1	16	
Eaton Ltd v Nuthall [1977] 3 All ER 1131; IRLR 71	358	
Eddy v Niman (1981) 73 Crim App R 237	185	
Edgington v Fitzmaurice (1885) 29 Ch D 459; [1881–5] All ER Rep 59		291
Edwards v Ddin [1976] 3 All ER 705	188	
Edwards v R [1973] AC 648	178	
Elliott v C [1983] 2 All ER 1005	161	
Ellis v Brighton Co-operative Society Ltd [1976] IRLR 419	372	
Enderby v Frenchay Health Authority [1993] IRLR 591 ECJ	359	
Entores Ltd v Miles Far East Corporation [1955] 2 QB 327; [1955] 2 All ER 495		3, 264
Errington v Errington and Woods [1952] 1 KB 290; [1952] 1 All ER 149		263, 264, 265
Fagan v Metropolitan Police Commissioner [1969] 1 QB 439	162, 181	
Felthouse v Bindley (1863) 1 New Rep 401; 7 LT 835	263	
Financings Ltd v Stimson [1962] 3 All ER 386	265	
Fisher v Bell [1961] 3 All ER 731	16, 260, 312	
Fitch v Dewes [1921] 2 AC 158	296, 382	
Foakes v Beer [1884] 9 App Cas 605; [1881–5] All ER Rep 106	268	
Foster v British Gas plc (No C–188/89) [1991] 1 QB 405; [1991] 2 All ER 705		149
Fothergill v Monarch Airlines Ltd [1980] QB 23; [1979] 3 All ER 445	46	
Foulds v Willoughby (1841) 8 M & W 540	234	
Fowler v Lanning [1959] 1 All ER 290	236	
Francovich v Italian Republic (Joined cases C-6/90 and 9/90) [1992] IRLR 84 ECJ		149
Froom v Butcher [1976] QB 286	44	
Fuller v Fuller [1973] 1 WLR 730; [1973] 2 All ER 650	400, 401	
Gates v Wirral Borough Council [1981] <i>Equal Opportunities Commission</i>		361
Gee v Metropolitan Ry (1873) LR 8 QB 161	227	
Gibson v Manchester City Council [1979] 1 All ER 972	262, 303	
Gilford Motor Co v Horne [1933] Ch 935	20	
Gill & Duffus SA v Berger & Co Inc [1984] 1 All ER 438	317	
Gillick v West Norfolk and Wisbech Area Health Authority [1986] AC 112	412, 413	
Gillingham Borough Council v Medaway (Chatham) Dock Co Ltd [1992] 3 All ER 923		240
Gojkovic v Gojkovic [1992] 1 All ER 267; [1992] Fam 40; [1991] 3 WLR 621	405, 406	
Grant v Australian Knitting Mills [1936] AC 85	316, 318, 320	
Green v Chelsea Waterways Co [1894] 70 LT 547	244	
Greenock Corpn v Caledonian Railway Co [1917] All ER Rep 426	207	
Griffiths v Peter Conway Ltd [1939] 1 All ER 685	320–1	
Grigg v Dayley Eggs Ltd [1979] EAT 426	368	
Grundy (Teddington) Ltd v Willis [1976] ICR 323 CA	372	
H (A minor) Re [1993] 1 FLR 440	414	
Hackney, London Borough of v Measureworth Ltd & Newman [1981] Crim LR 503		338, 340
Hadley v Baxendale [1854] 9 Exch 341	301, 323, 336	

Haley v London Electricity Board [1965] AC 778 HL	219	
Halford v Brookes [1991] 3 All ER 559 CA	237	
Hall v Brooklands Auto-Racing Club [1933] 1 KB 509	206	
Hall (HMIT) v Lorimer [1994] IRLR 171	352	
Hambrook v Stokes Bros [1925] 1 KB 141	213, 214	
Harlington & Leinster Enterprises Ltd v Christopher Hull Fine Art Ltd [1990] 1 All ER 737	317	
Harper v National Coal Board [1980] IRLR 261	372	
Harrison v Michelin Tyre Company [1985] 1 All ER 918	379	
Hartley v Ponsonby (1857) 7 E & B 872	267	
Hartt v Newspapers Publishing plc (1989) <i>The Independent</i> 8 December	246	
Harvey v Facey [1893] AC 552	262	
Hay v Lothian Regional Council (1982) <i>Equal Opportunities Commission</i>	360	
Haynes v Harwood [1935] 1 KB 146; [1934] All ER Rep 103	206, 224	
Hayward v Cammell Laird Shipbuilders Ltd [1985] ICR 71	359	
Hedley Byrne & Co Ltd v Heller & Partners Ltd [1963] 2 All ER 575	62, 213, 216, 217, 218, 250, 252, 291	
Hemmings v Stoke Pages Golf Club [1920] 1 KB 720	232	
Herne Bay Steamboat Co v Hutton [1903] 2 KB 683	300	
Heydon's Case (1584) 3 Co Rep 7a	46, 48	
Hill v Baxter [1958] 1 QB 277; [1958] 1 All ER 42	165	
Hilton v Thomas Burton (Rodes) Ltd [1961] 1 WLR 705	379	
Hinz v Berry [1970] 2 QB 40	213	
Hirani v Hirani [1982] FLR 232	396	
Hitchcock v Post Office [1980] ICR 100	352	
Hochster v De la Tour [1853] 2 E & B 678	299	
Hoenig v Isaacs [1952] 1 All ER 15	298, 355	
Hollier v Rambler Motors (AMC) Ltd [1972] 2 QB 71	277	
Holling v Yorkshire Traction Co Ltd [1948] 2 All ER 662	240	
Hollins v Fowler (1875) LR 7 HL 757	234	
Hollywood Silver Fox Farm Ltd v Emmett [1936] 1 All ER 825	205, 241	
Holmes v Home Office [1984] IRLR 299	362	
Holmes v Mather (1875) LR 10 Exch 261, 44 LJ Ex 176	206	
Holwell Securities v Hughes [1974] 1 All ER 161	264	
Home Office v Dorset Yacht Co Ltd [1970] 2 All ER 294	212–13, 214, 228, 229	
Hopes v Hopes [1949] P 227; [1948] 2 All ER 920	400	
Horrocks v Lowe [1974] AC 135	249	
Horton v Horton [1947] 2 All ER 871	396	
Hosie v Arbroath Football Club Ltd [1978] SLT 122	229	
Hough v London Express [1940] 2 KB 507	246	
Household Fire and Carriage Accident Insurance Co v Grant (1879) 4 ExD 216; 48 LJQB 577	263	
Huddersfield Police Authority v Watson [1947] 2 All ER 193	44	
Hughes v Lord Advocate [1963] AC 837	226	
Hughes v Metropolitan Rail Company (1877) 2 App Cas 439; 46 LJQB 583	268, 269	
Hulton & Co v Jones [1910] AC 20; 101 LT 330	245	
Humphreys & Glasgow Ltd v Broom and Holt [1989] EAT	354	
Hutton v Warren (1836) 1 M & W 466; [1835–42] All ER Rep 151	274	
Hyam v DPP [1975] AC 55	41, 174, 175	
Hyde v Hyde (1866) LR 1 P&D 130	392, 393	
Hyde v Wrench (1840) 3 Beav, 4 Jur 1106	263, 303	
IBL Ltd v Coussens [1990] 2 All ER 133	235	
Ingram v Little [1961] 1 QB 31; [1960] 3 All ER 332	293	
Innes v Wylie [1844] 1 C & K 257	236	
Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd [1989] QB 433	279	
Invicta Plastics v Clare [1976] Crim LR 131	191	

Jacobs v LCC [1950] AC 361	42	
James & Sons v Smee [1955] QB 78	381	
James McNaughton Group Ltd v Hicks Anderson & Co [1990] 2 QB 113		218
Jennings v Rundall (1799) 8 Term Rep 335	286	
Jones v Jones [1975] 2 WLR 606; [1975] 2 All ER 12	407	
Jones v Vernons Pools [1938] 2 All ER 626	270	
Joyce v Sengupta [1992] CA 136 S.J. (LB) 274	253, 254	
Junior Books v Veitchi Co Ltd [1983] 1 AC 520	216–17, 218	
Karsales (Harrow) Ltd v Wallis [1956] 2 All ER 866	277	
Kaur v Singh [1972] 1 WLR 105; [1972] 1 All ER 292	396	
Keays v Murdoch Magazines (UK) Ltd [1991] 1 WLR 1184	248	
Keith, Rainey v Greater Glasgow Health Board [1987] ICA 129	362	
Kelson v Imperial Tobacco Company of Great Britain & Ireland Ltd [1957] 2 All ER 1007		231
Kimber v William Millet Ltd [1947] 1 All ER 361	330	
King v Great Britain China Centre [1991] IRLR 513	365	
Kirk v Gregory (1876) 45 LJ Ex 186	234	
Kleinwort Benson Ltd v Malaysia Mining Corporation Bhd [1988] 1 All ER 785		271
Knüller Publishing and Promotions Ltd v DPP [1973] AC 435	43	
Knupffer v London Express Newspaper Ltd [1944] 2 All ER 555	245	
Krell v Henry [1903] 2 KB 740	299–300	
Kruhlak v Kruhlak [1958] 2 QB 32; [1958] 1 All ER 154	48, 49	
Kyte v Kyte [1988] Fam 145; [1987] 3 WLR 1114	407	
Lamb v Camden London Borough Council [1981] 1 QB 625	229	
Lambeth London Borough Council v Commission for Racial Equality (1990) <i>The Independent</i> 4 April	364	
Lampleigh v Braithwait (1615) Hob 105, 1 Brownl 7	267	
Lane v Holloway [1968] 1 QB 379	245	
Latimer v AEC Ltd [1953] AC 643	219, 380	
Law v Llewellyn [1906] 1 KB 487	208	
Law Stores Ltd v Oliphant [1978] IRLR 251	369	
Lawrence v Commissioner of Police [1972] AC 626	184	
Laws v London Chronicle (Indicator Newspapers) Ltd [1959] 1 WLR 693		369
Lawton v BOC Transhield Ltd [1987] 2 All ER 608	250	
Leaf v International Galleries [1950] 2 KB 86; [1950] 1 All ER 693		17, 292
Lee v Bude and Torrington Railway (1871) LR 6 CP 576	30	
Leeman v Montague [1936] 2 All ER 1677	241	
Leigh v Gladstone [1909] 26 TLR 139	207	
Leisbosch Dredger v Edison SS [1933] AC 449	225	
L'Estrange v F Graucob Ltd [1934] 2 KB 394	276	
Leverton v Clwyd County Council [1989] IRLR 28	359	
Lewis v Averay [1972] 1 QB 198; [1971] 3 All ER 907	293	
Lewis v Chief Constable of South Wales [1991] 1 All ER 206		107
Limpus v London General Omnibus Co Ltd (1862) 1 H & C 526		378, 380
Lindsay v Dunlop [1930] IRLR 93	368	
Lister v Thom & Sons Ltd (1975) Unreported	370	
Livingstone-Stallard v Livingstone-Stallard [1974] Fam 47; [1974] 2 All ER 766		399
Lloyd v Grace Smith & Co [1912] All ER Rep 51	220	
Lloyds Bank Ltd v Bundy [1975] QB 326; [1974] 3 All ER 757	295	
Lloyds Bank plc v Waterhouse [1991] Tr. L.R. 161; [1993] 2 FLR 97		294
Lochgelly Iron & Coal Co Ltd v McMullan [1934] AC 1 149	212	
Logdon v DPP [1976] Crim LR 121	181	
London & Northern Bank Re, ex parte Jones [1900] 1 Ch 20	263	
London Artists Ltd v Littler [1969] 2 All ER 193	250	
London Tramways v London County Council [1898] AC 375	42	

Lowery v Walker [1920] AC 10 HL	232	
M v Home Office [1991] 4 All ER 97	102	
M & S Drapers v Reynolds [1956] 3 All ER 814; [1957] 1 WLR 9		382
McArdle, <i>Re</i> [1951] Ch 669; [1951] 1 All ER 905	267	
McCarthy's Ltd v Smith [1979] ICR 285; [1980] IRLR 210		149–50, 359
McCrea v Cullen [1988] IRLR 63	371	
McCutcheon v David MacBrayne Ltd [1964] 1 All ER 430		276
McGeown v N.I. Housing Executive [1994] 3 WLR 187	228	
McGowan v Scott [1923] 143 LT 217	227	
MacKechnie v UMB Building Supplies (Southern) Ltd [1991] IRLR 283		360
McKenzie v McKenzie [1971] 3 WLR 472	80, 90	
McLoughlin v O'Brien [1982] 2 All ER 298	36, 214, 215, 216, 218	
Malcolm v Broadhurst [1970] 3 All ER 508	226	
Malone v Laskey [1907] 2 KB 141	243	
Malone v United Kingdom [1984] EHRR 14	151	
Mandla & Mandla v Lee & Park Grove Private School Ltd [1983] 2 AC 548		364, 365
Marleasing SA v La Comercial Internacional de Alimentacion SA (1990) ECR I 4135		149
Marshall v Southampton and South West Hampshire Area Health Authority (Case 152/84) [1986] 1 CMLR 688; [1986] 2 All ER 584	148, 359	
Mason v Birmingham [1949] 2 KB 545	316	
Mason v Mason (1980) 11 Fam Law 143	400	
Meering v Grahame White Aviation Co Ltd [1920] 122 LT 44		238–9
Mehta v Mehta [1945] 2 All ER 690	396	
Meilicke v ADV/ORGFA Meyer (1992) <i>The Times</i> 20 October		143
Mercantile Union Guarantee Corporation v Ball [1937] 3 All ER 1		284
Mercer v Denne [1905] 2 Ch 538	44	
Merritt v Merritt [1970] 2 All ER 760; [1970] 1 WLR 1211		270
MPC v Caldwell [1982] AC 341	160, 169, 179, 180, 191	
MPC v Charles [1977] AC 177	187	
Metropolitan District Asylum Board v Hill [1811] 6 App Cas 193		207
MFI Warehouses v Natrass [1973] 1 WLR 307	339	
Midwood v Mayor of Manchester [1905] 2 KB 597	242	
Miliangos v George Frank Textiles Ltd [1975] QB 487		43
Miller v Jackson [1977] QB 966	241	
Mitchell (George) (Chesterhall) Ltd v Finney Locke Seeds Ltd [1983] 2 AC 803; [1983] 2 All ER 737		
	276, 277, 279	
Moberly v Alsop [1992] QBD C.O.D. 190	107	
Monson v Tussauds [1891–4] All ER Rep 1051	246, 247	
Moorcock, <i>The</i> (1889) 14 PD 64	274, 330	
Morgan Crucible Co v Hill Samuel & Co Ltd [1990] Ch 259		218
Morris v Murray and another [1991] 2 QB 6	206	
Morris (Herbert) Ltd v Saxelby [1916] AC 688; All ER Rep 305		382
Morrish v Henlys (Folkestone) Ltd [1973] IRLR 6	268	
Muirhead v Industrial Tank Specialists Ltd [1985] 3 All ER 705		217
Murphy v Brentwood [1990] AC 398 DC	213, 216, 218	
Musgrove v Pandellis [1919] 120 LT 601	243	
Nash v Inman [1908] 2 KB 1	284	
Nash v Sheen (1953) <i>The Times</i> 13 March	237	
National Coal Board v Evans (J.E.) & Co Ltd [1951] 2 All ER 310		235
National Coal Board v Gamble [1959] 1 QB 11; [1958] 3 All ER 203		171
National Westminster Bank v Morgan [1985] AC 686; [1985] 1 All ER 821		295, 296, 297
New Windsor Corporation v Mellor [1975] Ch 380; [1975] 3 All ER 44		45
Newell & Taylor v Hicks [1984] Crim LR 241	339	
Nichols v Marsland [1876] All ER Rep 40	244	

Noble v David Gold & Sons (Holdings) Ltd [1980] IRLR 252 CA	361	
Nordenfelt v Maxim Nordenfelt Guns and Ammunition Co [1894] AC 535; [1891–4] All ER Rep 1		298
Norfolk Constabulary v Seekings & Gould [1986] Crim LR 167	189	
Norman Bennett [1974] 3 All ER 351	338	
North Ocean Shipping Co Ltd v Hyundai Construction Co Ltd, The Atlantic Baron [1979] QB 705; [1978] 3 All ER 1170	294	
North Riding Garages Ltd v Butterwick [1967] 2 QB 56	366	
North Western Utilities v London Guarantee & Accident Company [1936] AC 108		243
O (A Minor) (Medical Treatment), <i>Re</i> [1993] 2 FLR 149	415	
O'Connell v Jackson [1975] 3 All ER 129	223	
O'Dowd v Secretary of State for Northern Ireland [1982] NI 210	197	
Office Angels Ltd v Rainer-Thomas and another [1991] IRLR 124	383	
Ojutiku & Oburani v Manpower Services Commission [1980] IRLR 156	364	
Olley v Marlborough Court Ltd [1949] 1 All ER 127	276	
O'Neill v O'Neill [1975] 1 WLR 1118; [1975] 3 All ER 289	399	
Overseas Tankship (UK) Ltd v Morts Dock & Engineering Co Ltd, The Wagon Mound [1961] AC 388, [1961] 1 All ER 404	3, 132, 225, 388	
Owgo v Taylor [1987] 1 All ER 668	221	
Oxford v Moss (1978) 68 Cr. App Rep 183	185	
Page One Records Ltd v Britton and others (trading as 'The Troggs') [1967] 3 All ER 822		303
<i>Panayiotou v Sony Music Entertainment (UK) Ltd</i> (1994) <i>The Independent</i> 24 June		298
Pao On v Lau Yiu Long [1980] AC 614; [1979] 3 All ER 65	267, 294	
Paris v Stepney Borough Council [1951] 1 All ER 42	219	
Park, <i>Re</i> [1954] P 112; [1953] 2 All ER 1411	396	
Partridge v Crittenden [1968] 2 All ER 421	262, 312	
Peabody Donation Fund Governors v Sir Lindsay Parkinson [1985] AC 210		217
Peake v Automatic Products Ltd [1978] ITR; 2 WLR 751	360	
Pengelly v Bell Punch Co Ltd [1964] 1 WLR 1055	49	
Pepper (Inspector of Taxes) v Hart [1992] 3 WLR 1032; [1993] 1 All ER 42 HL		46–7
Peters v Fleming (1840) 6 M & W 42	281	
Pharmaceutical Society of Great Britain v Boots Cash Chemist (Southern) Ltd [1953] 1 QB 401; [1953] 1 All ER 456	262, 312	
Phillips v Brooks Ltd [1919] 2 KB 243	293	
Photo Production Ltd v Securicor Transport Ltd [1980] AC 827; [1980] 1 All ER 556		277
Pickin v British Railways Board [1974] AC 765	30	
Pickstone v Freemans plc [1988] 2 All ER 803	150, 359	
Pinnel's case (1602) 5 Co Rep 117a	16, 268, 300	
Polemis and Furness Withy & Co, <i>Re</i> [1921] 3 KB 560	225, 226	
Posner v Scott-Lewis [1986] 3 All ER 51	303	
Powell v Kempton Park Racecourse Co [1899] AC 143	49	
Priest v Last [1903] 2 KB 148	318	
Pursell v Horn (1832) 8 A & E 602	237	
R v Adams [1957] Crim LR 365	173	
R v Adomako [1994] 3 WLR 288	161, 179, 180	
R v Ahluwalia (1993) 96 Cr App R 133	177	
R v Alexander (1913) 9 Crim App Rep 81	177	
R v Allen (1872) LR ICCR 367	48, 49	
R v Ashman (1858) 1 F & F 88	175	
R v Aston [1991] Crim LR 701	171	
R v Bedder [1954] 2 All ER 801	177	
R v Bevelectric Ltd (1992) <i>The Independent</i> 22 September		339
R v Blaue [1975] 3 All ER 446	173–4	
R v Bolton Justices [1990] Crim L.R. 848	109	
R v Boyle and Boyle (1987) 84 Cr App R 270	192	

R v Brown [1985] Crim L.R. 212	188	
R v Brown [1993] 2 WLR 556	181	
R v Burgess [1991] 2 QB 660	165, 170	
R v Byrne [1960] 2 QB 396	164	
R v Byrne [1968] 3 CCC 179	181	
R v Camplin [1978] AC 705	177–8	
R v Charlson [1955] 1 All ER 859	165	
R v Church [1966] 1 QB 59	162, 179	
R v Clarence (1888) 22 QBD 23	181	
R v Clarke [1972] 1 All ER 219	164	
R v Clouden [1987] Crim LR 56	188	
R v Codere (1916) 12 Cr App R 21	163–4	
R v Collis-Smith [1971] Crim LR 716	187	
R v Conway [1989] QB 290	167	
R v Coulbourn (1988) 87 Cr App R 309	162	
R v Criminal Injuries Compensation Board, Ex parte Johnson (1994) <i>The Independent</i> 20 July		197
R v Criminal Injuries Compensation Board, Ex parte Parsons 25 Nov. 1982 Unreported		197
R v Cunningham [1957] 2 QB 396; [1957] 2 All ER 412	160, 161, 182	
R v Cunningham [1982] AC 566	43	
R v Dalby [1982] 1 WLR 425	179	
R v Denton [1982] 1 All ER 65	190	
R v Deputy Governor of Parkhurst Prison ex parte Hague (1991) <i>The Independent</i> 4 September		238
R v Ditta [1983] Crim LR 42	167	
R v Donovan [1934] 2 KB 498	181	
R v Doughty (1986) 83 Cr App R 319	177	
R v Dudley and Stephens (1884) 14 QBD 273	167	
R v Dytham [1979] QB 722	158	
R v Eccles Justices (1989) Crim App R 324	117	
R v Feeley [1973] QB 530	186	
R v Ghosh [1982] QB 1053	186	
R v Gittens [1984] QB 698	165	
R v Gomez [1993] 1 All ER 1	184	
R v Goodfellow (1986) 83 Crim App R 23	178, 179	
R v Gorrie (1919) 83 JP 136	162	
R v Gotts [1992] 2 AC 412; [1992] 1 All ER 832	166	
R v Governor of Brixton Prison ex parte Osman [1991] 1 All ER 108; [1992] 1 All ER 122; 1 All ER 579		110
R v Gross (1913) 23 Cox CC 455	178	
R v Hall (1985) 81 Crim App R 160	190	
R v Hallam (1994) <i>The Independent</i> 13 June	184	
R v Hancock and Shankland [1986] AC 655	160, 174, 175	
R v Hardie [1984] 3 All ER 848	168	
R v Hennessy [1989] 1 WLR 287	164, 165	
R v Holloway. See R v Prentice		
R v Howe and another [1987] AC 417	43, 166	
R v Inhabitants of Sedgley (1831) 2 B & Ad 35	49	
R v Instan [1893] 1 QB 450	158	
R v Jaggard and Dickinson [1981] QB 527	169	
R v Jones (1986) 83 Cr App R 375	181	
R v Jordan (1956) 40 Cr App R 152	159, 173	
R v Judge of the City of London Court [1892] 1 QB 273	48	
R v King [1987] QB 547	187	
R v Kingston [1994] 3 All ER 353	168	
R v Kohn (1979) 69 Crim App R 395	185	

R v Kong Cheuk Kwan (1985) 82 Crim App R 18	179
R v Lamb [1967] 2 QB 981	179
R v Latimer (1886) 17 QBD 359	162
R v Lawrence [1982] AC 510	161, 179
R v Lesbini [1914] 3 KB 1116	177
R v Lloyd [1985] QB 829	186
R v M'Naghten (1843) [1843–60] All ER Rep 229	163
R v Malcherek [1981] 2 All ER 422	173
R v Martin [1989] 1 All ER 652	167
R v Mason [1980] 3 All ER 777	125
R v Meade and Belt (1823) 168 ER 1006	181
R v Miller [1983] 2 AC 161	158
R v Mohan [1976] QB 1	159
R v Moloney [1985] AC 905	41, 159, 160, 174, 175
R v Morris [1984] AC 320	184, 185
R v Nedrick [1986] 3 All ER 1	160, 174, 175
R v Newell (1980) 71 Crim App R 331	178
R v O'Grady [1987] QB 995	169
R v P & O European Ferries (Dover) Ltd (1991) 93 Cr App R 72; [1991] Crim LR 695	20
R v Park (1988) 87 Cr App R 164	189
R v Pembliton (1876) LR 2 CCR 119	162
R v Pittwood (1902) 19 TLR 37	158
R v Ponting [1985] Crim LR 318	120
R v Prentice (and R v Sulman, R v Holloway) [1994] QB 302	161, 180
R v Quick [1973] QB 910	165
R v R (Rape: marital exemption) [1992] 1 AC 599; [1991] 4 All ER 481	391
R v Reid (1990) 1 Cr App R 213	161
R v Roberts (1971) 56 Crim App R 95	182
R v Roberts (1992) <i>The Independent</i> 22 October	171
R v Robinson [1977] Crim LR 173 CA	186, 188
R v Rook [1993] 2 All ER 955	171
R v Savage and Parmenter [1991] 4 All ER 698	182, 183
R v Secretary of State for Employment, Ex parte Equal Opportunities Commission (1994) <i>Croners' Employment Digest</i> , 24 March	351
R v Seymour [1983] 2 AC 493	161, 179, 180
R v Sharp [1987] QB 857	166
R v Sheffield Crown Court ex parte Brownlow [1980] 2 WLR 892	125, 126
R v Shivpuri [1987] AC 1	43, 192
R v Silverman (1987) 86 Crim App R 213	187
R v Skipp [1975] Crim LR 114	185
R v Small (1988) 86 Cr App R 170	186
R v Smith (1915) 11 Cr App Rep 81	177
R v Smith [1959] 2 QB 35	159, 173
R v Stone and Dobinson [1977] QB 354	158, 180
R v Stones [1989] 1 WLR 156	189
R v Sullivan [1984] AC 156	166
R v Sulman. See R v Prentice	
R v Swan Hunter Shipbuilders Ltd v Telemeter Installations Ltd [1981] IRLR 403	375
R v Tandy [1989] 1 All ER 267	165
R v Taylor [1950] 2 KB 368	43
R v Thornton [1992] 1 All ER 306; [1992] Crim LR 54	177
R v Tolson (1889) 23 QBD 168	167
R v Turner (No 2) [1971] 1 WLR 901	185
R v Warwickshire County Council, ex parte Johnson [1993] AC 583	47

R v Whitely (1991) 93 Cr App R 25	190	
R v Williams (Gladstone) [1984] Crim LR 163; [1987] 3 All ER 411		168, 169
R v Wilson [1984] AC 242	183	
R v Windle [1952] 2 QB 826	164	
R v Woodman [1974] QB 754	185	
Raffles v Wichelhaus (1864) 2 H & C 906; 33 LJ Ex 160	293	
Rainey v Greater Glasgow Health Board [1987] ICA 129	362	
Rainham Chemical Works v Belvedere Fish Guano Co [1921] 2 AC 465		243
Ramsgate Victoria Hotel Co v Montefiore (1866) LR 1 Ex 109	265	
Rantzen v Mirror Group Newspapers (1993) <i>The Independent</i> 31 March		248
Ratcliffe v Evans [1892] 2 QB 524	253	
Read v J Lyons & Co Ltd [1947] 2 All ER 471	219, 243	
Ready Mixed Concrete (South East) Ltd v Minister of Pensions and National Insurance [1968] 2 QB 497; [1968] All ER 433	352	
Rees v United Kingdom (C-2/1985/88/135)	151, 392	
Reilly v Merseyside Regional Health Authority (1994) <i>The Independent</i> 29 April		213
Richards v Richards [1972] 3 All ER 695	400	
Richards (Charles) Ltd v Oppenheim [1950] 1 All ER 420	330	
Richards v Lothian [1913] All ER Rep 71	244	
Robb v Green [1895] 2 QB 315	382	
Robinson v Davison (1871) LR 6 Exch 269	299	
Robinson v Graves [1935] 1 KB 579	310	
Robinson v Kilvert (1889) 41 Ch D 88	242	
Rogers v Parish (Scarborough) Ltd [1987] QB 933	319	
Rondel v Worsley [1967] AC 191; [1967] 3 All ER 993	62, 223	
Roscorla v Thomas [1842] 3 QB 234	266	
Rose v Miles [1815] 4 M & S 101	240	
Rose v Plenty [1976] ICR 430	379	
Rose & Frank Co v J R Crompton & Bros Ltd [1925] AC 445; [1924] All ER Rep 254		270
Ross v Caunters [1980] Ch 297	216, 218	
Routledge v McKay [1954] 1 All ER 855	273	
Rowland v Divall [1923] 2 KB 500; All ER Rep 270	316	
Roy v Kensington & Chelsea & Westminster Family Practitioner Committee [1992] 1 All ER 705		353
Russell v Wilson (1989) <i>The Guardian</i> 25 May	97	
Ryan v Mutual Tontine Association [1893] 1 Ch 116	303	
Rylands v Fletcher (1868) LR 1 Ex 265; LR 3 HL 330	242, 243–4, 382	
S v S (otherwise C) [1956] P 1; [1955] 2 WLR 246	396	
Saif Ali v Sydney Mitchell & Co [1980] AC 198	62, 221, 223	
St Helen's Smelting Co v Tipping (1865) 11 HLC 642	241	
Salomon v A Salomon & Co Ltd [1897] AC 22; 66 LJ Ch 35	20	
Sandwell Metropolitan Borough Council v Bujok [1990] 2 All ER 385		241, 243
Santos v Santos [1972] Fam 247; [1972] 2 All ER 246 CA	401	
Saunders v Anglia Building Society [1971] AC 1004; [1970] 3 All ER 961		293, 294
Schroeder Music Publishing Co v Macaulay [1974] 3 All ER 616	280	
Scott v London & St Katherine Docks Co [1861] All ER Rep 246		227, 380
Scott v Shepherd (1773) 2 Wm Bl 892	224	
Secretary of State for Employment v ASLEF [1972] 2 QB 455	350	
Shaw v DPP [1962] AC 220	26, 43, 156	
Sherratt v Gerald's The American Jewellers Ltd [1970] LGR 256	338	
Shield v E. Coombes (Holdings) Ltd [1978] IRLR 263	358	
Shine v General Corporation Ltd [1988] 1 All ER 911	319	
Shirlaw v Southern Foundries (1926) Ltd [1936] 2 All ER 113		274
Sibree v Tripp (1846) 15 M & W 23	268	
Sidaway v Bethlem Royal Hospital Governors [1986] 1 All ER 643		220

Simms v Leigh Rugby Football Club [1969] 2 All ER 923	205	
Simpkins v Pays [1955] 3 All ER 10	270	
Singh v Rowntree-Mackintosh Ltd [1979] ICR 554; IRLR 176	364	
Sirros v Moore [1975] QB 118	68	
Smith v Hughes [1960] 2 All ER 859	48	
Smith v Land & House Property Corporation (1884) 28 Ch D 7	187, 291	
Smith v Leech Braine & Co [1962] 3 All ER 1159	226	
Smith v Stages and another [1989] 1 All ER 833	380	
Smith v Superintendent of Woking Police (1983) 76 Crim App R 234	181	
South Glamorgan County Council v W and B [1993] 1 FLR 574	416	
Spartan Steel Alloys Ltd v Martin & Co Ltd [1972] QB 337	215–16	
Spencer v Paragon Wallpapers Ltd [1977] ICR 307	370	
Spencer Jones v Timmens Freeman [1974] IRLR 325	351	
Spriggs v Sotherby Parke Bernet & Co [1986] 1 Lloyd's Rep 487	276, 277	
Spring v Guardian Royal Assurance [1993] IRLR 122; (1994) <i>The Independent</i> 12 July	218, 250, 252	
Stanley v Powell [1891] All ER Rep 314	207	
Staveley Iron & Chemical Co v Jones Ltd [1956] 1 All ER 403	378	
Steinberg v Scala (Leeds) Ltd [1923] 2 Ch 452	284	
Stevenson v McLean (1880) 5 QBD 346; 49 LJQB 701	263	
Stilk v Myrick (1809) 2 Camp 317	267	
Strathclyde Regional Council v Porcelli [1986] IRLR 134	362	
Stuart v Bell [1891] 2 QB 341	250	
Stubbings v Webb [1992] 1 All ER 322	47, 237	
Sturges v Bridgman [1879] 1 Ch D 852; 41 LT 219	241	
Sunair Holidays Ltd v Dodd [1970] 1 WLR 1037	339	
Sunday Times v United Kingdom (1979) 2 EHRR 245	151	
Sutcliffe v Pressdam [1990] 1 All ER 269	247	
Sweet v Parsley [1969] 1 All ER 347	47, 120	
Szechter v Szechter [1971] 2 WLR 170	396	
Tarry v Ashton [1876] 1 QBD 314	381	
Taylor v Aldair Ltd [1978] IRLR 82	370	
Taylor v Caldwell (1863) 3 B & S 826; [1861–73] All ER Rep 24	299, 300	
Telnikoff v Matusevitch [1991] 4 All ER 817	250–1, 299	
Tesco Supermarkets Ltd v Natrass [1972] AC 153	340, 381	
Thabo Meli v R [1954] 1 All ER 373	161	
Thomas v Thomas (1842) 2 QB 851	267	
Thompson (WL) Ltd v Robinson Gunmakers Ltd [1955] 1 All ER 154	302	
Thornton v Mitchell [1940] 1 All ER 339	170	
Thurlow v Thurlow [1975] 2 All ER 979	400	
Ticehurst & Thomson v British Telecommunications plc [1992] IRLR 219	350	
Tinsley v Milligam [1993] 2 All ER 65, affirming [1992] 2 All ER 391 CA	18, 29	
Tiverton Estates v Wearwell [1975] Ch 146	43	
Tolley v J.S. Fry & Sons Ltd [1931] All ER Rep 131	245	
Tool Metal Manufacturing Co Ltd v Tungsten Electric Co Ltd [1955] 2 All ER 65; [1955] 1 WLR 761	269	
Tulk v Moxhay (1848) 2 Ph 774	288	
Turberville v Savage (1669) 1 Mod Rep 3	236	
Tweddle v Atkinson (1861) 1 B & S 393; [1861–73] All ER Rep 369	265, 287	
Twine v Bean's Express [1946] 175 LT 131	379, 380	
Uddin v Associated Portland Cement Manufacturers Ltd [1965] 2 All ER 213	381	
United Dominions Trust Ltd v Western [1975] 3 All ER 1017	294	
Universe Tankships of Monrovia v International Transport Workers Federation [1982] AC 366; [1982] 2 All ER 67	294	
Valier v Valier (1925) 133 LT 830	396	

Van Duyn v The Home Office (Case 41/74) [1974] ECR 731; [1975] 3 All ER 190	148
Van Gend en Loos v Nederlandse Administratie der Belastingen [1963] CMLR 105	147
Vaughan v Taff Vale Railway Co (1860) JHN 679	207
Victoria Laundry (Windsor) Ltd v Newman Industries Ltd [1949] 2 KB 528; [1949] 1 All ER 997	301
Wachtel v Wachtel [1973] 2 WLR 366; [1973] 1 All ER 829	406
Wagon Mound, The. See Overseas Tankship (UK) Ltd v Morts Dock and Engineering Co Ltd, The Wagon Mound	
Wall v Silver Wings Surface Arrangements Ltd 18 Nov. 1981 Unreported	38
Ward v James [1966] 1 QB 273	96
Ward v Tesco Stores [1976] 1 WLR 810 CA	380–1
Warner Brothers Pictures Inc v Nelson [1937] 1 KB 209; [1935] 3 All ER 160	303
Warren v Wylie and Wylie [1994] IRLR 316	351, 357, 367
Watling & Co Ltd v Richardson [1978] IRLR 255	371
Watson v Buckley, Osborne, Garrett & Co Ltd [1940] 1 All ER 174	330
Watt v Longsdon [1930] 1 KB 130	249–50
Webb v EMO Air Cargo (UK) Ltd [1993] IRLR 27 HL; C-32/93 ECJ	149, 361, 362
Weldon v Home Office [1991] 3 WLR 340; 3 All ER 733	238
West v West [1978] Fam 1	407
Western Excavating (ECC) Ltd v Sharp [1978] IRLR 27	373
Wheat v Lacon [1966] AC 552	227
White and Carter (Councils) Ltd v Macgregor [1962] AC 413; [1961] 3 All ER 1178	299, 302
Whitehouse v Jordan [1981] 1 All ER 267	220
Whiteley v Chappell (1868) LR 4 QB 147	48, 49
Whiting v Whiting [1988] IWL 565; [1988] 2 All ER 275	407
Wileman v Minilec Engineering Ltd [1988] IRLR 144	363
Williams v Roffey Bros & Nicholls (Contractors) Ltd [1990] 1 All ER 512	267
Wilson v Pringle [1986] 2 All ER 440	236
Wilson v Best Travel [1993] 1 All ER 353	38
Wings v Ellis [1984] 3 All ER 577	339
Winn v Bull (1877) 7 Ch C 29	271
Winyard v Tatler Publishing Co Ltd (1991) <i>The Independent</i> 16 August	245
With v O'Flanagan [1936] Ch 575; [1936] 1 All ER 727	290
Wood v The Law Society (1993) <i>The Times</i> July 30	62
Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 All ER 571	289
Woodhead v Chief Constable of West Yorkshire Police [1989] EAT 285/89	361
Wren v Weild (1869) 38 LJQB 327	253
Wright v Lodge (1992) <i>The Independent</i> 2 September	223
Wright v Ramscott (1667) 1 Wms Sound 84	234
Yachuk v Oliver Blais Co Ltd [1949] AC 386	224
Young and Woods v West [1980] IRLR 201 CA	352
Young v Bristol Aeroplane Co [1944] KB 718	43
Yousoupoff v MGM Pictures [1934] 50 TLR 581	246
Yugotours v Wadsley [1988] Crim LR 623	339

PREFACE

This innovatory law book aims to encourage student-centred involvement and also to inspire a keen interest in the learning of Law at A- and AS-levels. The coverage of the law of England and Wales is sufficient for all General Certificate of Education syllabuses, and may also be of interest to students studying certain BTEC courses.

This text makes a departure from the traditional law text, insofar as it makes use of various integrated student activities aimed to reinforce learning of legal skills and to increase powers of critical analysis. The activities not only include practice in writing essays and solving problem questions, but also provide case study and workshop discussions designed to focus students' ideas on particular issues and to give students the opportunity to discuss legal problems and matters concerning the legal system, thereby increasing their critical and analytical powers in these areas. Because A-level examiners are always impressed by evidence of wider reading, students are also encouraged to undertake various research assignments in order to broaden their knowledge and perception of the law and the legal environment, and to develop an enquiring attitude towards the subject.

Care has been taken by the authors in designing student research programmes, being aware that many students in further education colleges and schools are unlikely to have the facilities of a law library where reference to law reports can be made. Where students have been asked to find specific cases or other legal resource material, this information is known to be available in the majority of up-to-date law text books usually held in college or school libraries or in public libraries.

We are indebted to the publishing team at Macmillan Press for their guidance and enthusiastic encouragement at all times. To the best of our belief the law stated here is correct up to November 1994. Names mentioned in the case studies are fictitious and resemblance to any person or private organisation is purely coincidental.

Brenda Mothersole and Ann Ridley, 1994

ACKNOWLEDGEMENTS

The authors and publishers wish to thank the following for permission to use copyright material:

The Associated Examining Board, The Northern Examinations and Assessment Board, incorporating Northern Examining Association and the Joint Matriculation Board; University of London Examinations And Assessment Council; and the University of Oxford Delegacy of Local Examinations for A-Level questions from past examination papers;

BCA Music Direct for their application form;

Butterworths for 'Wilson v Best Travel Ltd.' from *All England Law Reports [1993] 1 All ER*, pp 353–8;

The Controller of Her Majesty's Stationery Office for Crown copyright material;

The Illustrated London News for 'Carbolic Smoke Ball' advertisement;

Marks & Spencer plc for their 'Infant and Toddlers Snowsuits' recall advertisement;

Metropolitan Police Service for material from 'The Metropolitan Police Annual Review 92–93';

Newspapers Publishing PLC for material from various editions of *The Independent*;

Office of the Legal Services Ombudsman for material from 'News from the Legal Services Ombudsman';

W.H. Smith PLC for cartoon 'Does this look familiar?' from their staff newspaper;

Thomson Tour Operations Ltd for their 'Fair Trading Charter';

Times Newspapers Ltd for 'The doctors' dilemma' by Janet Daley, *The Times*, 22.9.92. Copyright © Janet Daley/Times Newspapers Ltd 1992; and Times Law Report, 'Widow fails to prove undue influence and loses home', *The Times*, 22.9.92. Copyright © Times Newspapers Ltd 1985;

Every effort has been made to trace all the copyright holders but if any have been inadvertently overlooked the publishers will be pleased to make the necessary arrangement at the first opportunity.