

**ALIX ADAMS**

# Law for Business Students

NINTH EDITION



# LAW FOR BUSINESS STUDENTS

## PEARSON

At Pearson, we have a simple mission: to help people make more of their lives through learning.

We combine innovative learning technology with trusted content and educational expertise to provide engaging and effective learning experiences that serve people wherever and whenever they are learning.

From classroom to boardroom, our curriculum materials, digital learning tools and testing programmes help to educate millions of people worldwide – more than any other private enterprise.

Every day our work helps learning flourish, and wherever learning flourishes, so do people.

To learn more, please visit us at [www.pearson.com/uk](http://www.pearson.com/uk)

**ALIX ADAMS**

# **Law for Business Students**

NINTH EDITION

**PEARSON**

Harlow, England • London • New York • Boston • San Francisco • Toronto • Sydney • Auckland • Singapore • Hong Kong  
Tokyo • Seoul • Taipei • New Delhi • Cape Town • São Paulo • Mexico City • Madrid • Amsterdam • Munich • Paris • Milan

PEARSON EDUCATION LIMITED  
Edinburgh Gate  
Harlow CM20 2JE  
United Kingdom  
Tel: +44 (0)1279 623623  
Web: www.pearson.com/uk

First published under the Pitman Publishing imprint in Great Britain in 1996 (print)  
Second edition published 2000 (print)  
Third edition published 2003 (print)  
Fourth edition published 2006 (print)  
Fifth edition published 2008 (print)  
Sixth edition published 2010 (print)  
Seventh edition published 2012 (print)  
Eighth edition published 2014 (print and electronic)

**Ninth edition published 2016 (print and electronic)**

© Pearson Education Limited 1996, 2000, 2003, 2006, 2008, 2010, 2012 (print)  
© Pearson Education Limited 2014, 2016 (print and electronic)

The right of Alix Adams to be identified as author of this work has been asserted by her in accordance with the Copyright, Designs and Patents Act 1988.

The print publication is protected by copyright. Prior to any prohibited reproduction, storage in a retrieval system, distribution or transmission in any form or by any means, electronic, mechanical, recording or otherwise, permission should be obtained from the publisher or, where applicable, a licence permitting restricted copying in the United Kingdom should be obtained from the Copyright Licensing Agency Ltd, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

The ePublication is protected by copyright and must not be copied, reproduced, transferred, distributed, leased, licensed or publicly performed or used in any way except as specifically permitted in writing by the publishers, as allowed under the terms and conditions under which it was purchased, or as strictly permitted by applicable copyright law. Any unauthorised distribution or use of this text may be a direct infringement of the author's and the publishers' rights and those responsible may be liable in law accordingly.

Contains public sector information licensed under the Open Government Licence (OGL) v3.0.  
[www.nationalarchives.gov.uk/doc/open-government-licence](http://www.nationalarchives.gov.uk/doc/open-government-licence).

Pearson Education is not responsible for the content of third-party internet sites.

ISBN: 978-1-292-08893-8 (print)  
978-1-29208897-6 (PDF)  
978-1-29214518-1 (ePub)

**British Library Cataloguing-in-Publication Data**

A catalogue record for the print edition is available from the British Library

**Library of Congress Cataloguing-in-Publication Data**

A catalog record for the print edition is available from the Library of Congress

10 9 8 7 6 5 4 3 2 1  
16 15 14 13 12

Front cover image: Getty Images

Print edition typeset in 10/13pt ITC Giovanni Std by Lumina Datamatics  
Printed in Slovakia by Neografia

NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

For Cherry, with much love and gratitude for all her support

This page intentionally left blank

# Brief contents

<i>Contents</i>	<i>ix</i>
<i>Publisher's acknowledgements</i>	<i>xviii</i>
<i>Preface</i>	<i>xix</i>
<i>Table of cases</i>	<i>xx</i>
<i>Table of statutes</i>	<i>xxxii</i>
<i>Table of statutory instruments</i>	<i>xxxvii</i>
<i>Table of European and International legislation</i>	<i>xxxix</i>
<b>Part 1: Introduction: getting started</b>	<b>1</b>
1 Study skills	3
2 The nature of law	17
3 How the law is made	27
4 Resolving legal disputes	53
<b>Part 2: Law of contract, agency and sale of goods</b>	<b>73</b>
5 The law of contract: offer and acceptance	75
6 The law of contract: consideration, intention and privity	99
7 The terms of the contract at common law	121
8 Statutory terms in contracts for sale of goods and services	139
9 Defects in the contract: misrepresentation, mistake, duress and undue influence	169
10 More defects: illegality and incapacity	199
11 Discharge of the contract and remedies for breach	219
12 The law of agency	253
<b>Part 3: The law of tort</b>	<b>273</b>
13 Tort liability for defective goods	275
14 Tort liability for defective services	295
15 Tort liability for premises	339



<b>Part 4: Elements of employment law</b>	<b>375</b>
16 Rights at work: the contract of employment and health and safety at work	377
17 Rights at work: protection against discrimination	401
18 Rights at work: protection against dismissal and redundancy	439
<b>Part 5: Introduction to company law</b>	<b>461</b>
19 Business organisation	463
20 Forming a registered company	487
21 Running the company: raising and maintaining capital	501
22 Daily management of the company: functions of directors, secretary and auditors	515
23 Company meetings and shareholder participation	539
<b>Part 6: General principles of intellectual property law</b>	<b>553</b>
24 Statutory intellectual property protection: copyright, designs, patents and trade marks	555
25 Common law protection of intellectual property: passing off, malicious falsehood and breach of confidence	577
Appendix 1: Additional resources	594
Appendix 2: Worth thinking about? and quiz solutions	598
Index	613

# Contents

<i>Publisher's acknowledgements</i>	<i>xviii</i>
<i>Preface</i>	<i>xix</i>
<i>Table of cases</i>	<i>xx</i>
<i>Table of statutes</i>	<i>xxxii</i>
<i>Table of statutory instruments</i>	<i>xxxvii</i>
<i>Table of European and International legislation</i>	<i>xxxix</i>

## Part 1: Introduction: getting started 1

### 1 Study skills 3

Introduction	3
Starting to study	4
Good study habits	5
Writing law assignments	8
Revision and examination technique	12
Conclusion	15

### 2 The nature of law 17

Introduction	17
What is law?	18
The characteristics of English law	18
Why do we need law?	20
The differences between criminal and civil law	21
Changing the law	22
Essential legal terms	23
<i>Chapter summary</i>	<i>25</i>
<i>Quiz 1</i>	<i>25</i>

### 3 How the law is made 27

Introduction	27
European law	28
Parliament	32

## CONTENTS

The courts	35
The Human Rights Act 1998 (HRA 1998)	43
<i>Chapter summary</i>	50
<i>Quiz 2</i>	51
<i>Take a closer look</i>	51
<i>Web activity</i>	51
<i>Assignment 1</i>	51
<b>4 Resolving legal disputes</b>	<b>53</b>
Introduction	53
The court system	54
Bringing a case in the civil courts	59
The Woolf reforms 1999	59
Settlement out of court	59
Payment into court and offers to settle	60
Civil litigation procedures	60
The trial of the case	63
Executing the judgment	63
Alternative dispute resolution (ADR)	64
The tribunal system	67
<i>Chapter summary</i>	70
<i>Quiz 3</i>	71
<i>Web activity</i>	71
<i>Assignment 2</i>	71
<b>Part 2: Law of contract, agency and sale of goods</b>	<b>73</b>
<b>5 The law of contract: offer and acceptance</b>	<b>75</b>
Introduction	75
The essentials of a binding contract	76
The offer	77
The acceptance	86
<i>Chapter summary</i>	94
<i>Quiz 4</i>	95
<i>Take a closer look</i>	95
<i>Web activity</i>	96
<i>Assignment 3</i>	96

<b>6</b>	<b>The law of contract: consideration, intention and privity</b>	<b>99</b>
	Introduction	99
	Consideration	100
	Intention to create legal relations	109
	Privity of contract	112
	<i>Chapter summary</i>	116
	<i>Quiz 5</i>	117
	<i>Take a closer look</i>	117
	<i>Web activity</i>	117
	<i>Assignment 4</i>	118
<b>7</b>	<b>The terms of the contract at common law</b>	<b>121</b>
	Introduction	121
	Express and implied terms	122
	The relative importance of contractual terms	125
	Limitation and exclusion of liability	130
	<i>Chapter summary</i>	135
	<i>Quiz 6</i>	135
	<i>Take a closer look</i>	136
	<i>Web activity</i>	136
	<i>Assignment 5</i>	136
<b>8</b>	<b>Statutory terms in contracts for sale of goods and services</b>	<b>139</b>
	Introduction	139
	Part 1: Commercial sales contracts	140
	The terms implied by the Sale of Goods Act 1979	141
	Other key statutes which regulate contracts involving goods	149
	Part 2: Consumer sales	155
	An overview of consumer sales protection before the CRA 2015	155
	The Consumer Rights Act 2015	158
	<i>Chapter summary</i>	165
	<i>Quiz 7</i>	166
	<i>Take a closer look</i>	166
	<i>Web activity</i>	167
	<i>Assignment 6</i>	167
<b>9</b>	<b>Defects in the contract: misrepresentation, mistake, duress and undue influence</b>	<b>169</b>
	Introduction	169
	Misrepresentation	170
	Mistake	179

Duress and undue influence	188
<i>Chapter summary</i>	194
<i>Quiz 8</i>	195
<i>Take a closer look</i>	195
<i>Web activity</i>	196
<i>Assignment 7</i>	196
<b>10 More defects: illegality and incapacity</b>	<b>199</b>
Introduction	199
Illegality	200
Contractual incapacity	211
<i>Chapter summary</i>	215
<i>Quiz 9</i>	216
<i>Take a closer look</i>	216
<i>Web activity</i>	217
<i>Assignment 8</i>	217
<b>11 Discharge of the contract and remedies for breach</b>	<b>219</b>
Introduction	219
Discharge of contracts	220
Remedies for breach of contract	235
<i>Chapter summary</i>	248
<i>Quiz 10</i>	249
<i>Take a closer look</i>	249
<i>Web activity</i>	249
<i>Assignment 9</i>	250
<b>12 The law of agency</b>	<b>253</b>
Introduction	253
The creation of agency	254
The rights and duties of the agent	261
The rights and duties of the principal	264
Termination of agency	265
Some common types of specialist agents	267
<i>Chapter summary</i>	269
<i>Quiz 11</i>	270
<i>Take a closer look</i>	270
<i>Web activity</i>	271
<i>Assignment 10</i>	271

<b>Part 3: The law of tort</b>	<b>273</b>
<b>13 Tort liability for defective goods</b>	<b>275</b>
Introduction	275
Negligence liability	276
The Consumer Protection Act 1987 (Part I)	283
<i>Chapter summary</i>	292
<i>Quiz 12</i>	292
<i>Take a closer look</i>	293
<i>Web activity</i>	293
<i>Assignment 11</i>	293
<b>14 Tort liability for defective services</b>	<b>295</b>
Introduction	295
Part 1: problematic duty situations	296
Part 2: breach of duty	321
Proving consequent damage	327
<i>Chapter summary</i>	335
<i>Quiz 13</i>	336
<i>Take a closer look</i>	336
<i>Web activity</i>	337
<i>Assignment 12</i>	337
<b>15 Tort liability for premises</b>	<b>339</b>
Introduction	339
The occupier's liability to people on the premises	340
Duties of an occupier to people outside the premises	349
Defences in tort	360
Vicarious liability	364
<i>Chapter summary</i>	370
<i>Quiz 14</i>	371
<i>Take a closer look</i>	371
<i>Web activity</i>	372
<i>Assignment 13</i>	372

<b>Part 4: Elements of employment law</b>	<b>375</b>
<b>16 Rights at work: the contract of employment and health and safety at work</b>	<b>377</b>
Introduction	377
The employment contract: a contract of service	378
The law of tort: employers' civil liability for industrial injuries	387
Criminal law regulation of safety in the workplace	393
<i>Chapter summary</i>	396
<i>Quiz 15</i>	397
<i>Take a closer look</i>	397
<i>Web activity</i>	398
<i>Assignment 14</i>	398
<b>17 Rights at work: protection against discrimination</b>	<b>401</b>
Introduction	401
The Equality Act 2010: the core provisions	402
The operation of the Equality Act 2010	404
Age	405
Disability	407
Gender re-assignment	411
Marriage and civil partnership	412
Pregnancy and maternity	413
Race	414
Religion or belief	418
Sex	422
Sexual orientation	430
Enforcing anti-discrimination legislation	432
The promotion of equality	432
The Equality and Human Rights Commission	434
<i>Chapter summary</i>	435
<i>Quiz 16</i>	436
<i>Take a closer look</i>	436
<i>Web activity</i>	436
<i>Assignment 15</i>	437
<b>18 Rights at work: protection against dismissal and redundancy</b>	<b>439</b>
Introduction	439
Wrongful dismissal	440
Unfair dismissal	441

Redundancy	450
Transfer of undertakings	452
Claiming at the employment tribunal	455
<i>Chapter summary</i>	458
<i>Quiz 17</i>	459
<i>Take a closer look</i>	459
<i>Web activity</i>	459
<i>Assignment 16</i>	459
<b>Part 5: Introduction to company law</b>	<b>461</b>
<b>19 Business organisation</b>	<b>463</b>
Introduction	463
Legal personality, incorporation and limited liability	464
The sole trader	465
The partnership	466
The registered company	470
The impact of the Human Rights Act 1998 (HRA 1998) on business organisations	480
Conclusion	482
<i>Chapter summary</i>	483
<i>Quiz 18</i>	483
<i>Take a closer look</i>	484
<i>Web activity</i>	484
<i>Assignment 17</i>	484
<b>20 Forming a registered company</b>	<b>487</b>
Introduction	487
Promoting the company	488
Forming the company	489
Buying a company 'off the shelf'	497
<i>Chapter summary</i>	498
<i>Quiz 19</i>	498
<i>Take a closer look</i>	499
<i>Web activity</i>	499
<i>Assignment 18</i>	499



<b>21</b>	<b>Running the company: raising and maintaining capital</b>	<b>501</b>
	Introduction	501
	Share capital	502
	Loan capital	507
	<i>Chapter summary</i>	511
	<i>Quiz 20</i>	512
	<i>Web activity</i>	512
	<i>Assignment 19</i>	512
<b>22</b>	<b>Daily management of the company: functions of directors, secretary and auditors</b>	<b>515</b>
	Introduction	515
	The directors	516
	The company secretary	530
	The auditors of the company	532
	Insider dealing	533
	<i>Chapter summary</i>	535
	<i>Quiz 21</i>	536
	<i>Take a closer look</i>	536
	<i>Web activity</i>	537
	<i>Assignment 20</i>	537
<b>23</b>	<b>Company meetings and shareholder participation</b>	<b>539</b>
	Introduction	539
	General meetings	540
	Protecting the rights of minority shareholders	545
	<i>Chapter summary</i>	550
	<i>Quiz 22</i>	551
	<i>Web activity</i>	551
	<i>Assignment 21</i>	551
<b>Part 6:</b>	<b>General principles of intellectual property law</b>	<b>553</b>
<b>24</b>	<b>Statutory intellectual property protection: copyright, designs, patents and trade marks</b>	<b>555</b>
	Introduction	555
	Statutory regulation of intellectual property	556
	The impact of EC law and international treaties on intellectual property rights	572

<i>Chapter summary</i>	574
<i>Quiz 23</i>	574
<i>Take a closer look</i>	575
<i>Web activity</i>	575
<i>Assignment 22</i>	575
<b>25 Common law protection of intellectual property: passing off, malicious falsehood and breach of confidence</b>	<b>577</b>
Introduction	577
Passing off	578
Malicious falsehood	582
Breach of confidence and protection of privacy	584
Remedies for passing off, malicious falsehood and breach of confidence	590
<i>Chapter summary</i>	591
<i>Quiz 24</i>	592
<i>Take a closer look</i>	592
<i>Web activity</i>	592
<i>Assignment 23</i>	593
Appendix 1: Additional resources	594
Appendix 2: Worth thinking about? and quiz solutions	598
Index	613

# Publisher's acknowledgements

## Photographs

The publisher would like to thank the following for their kind permission to reproduce their photographs:

**Brand X Pictures:** 16; **Digital Vision:** 312, 356, 392, 414, 472, 522, xlii; **Getty Images:** 76, 100, 122, 150, 290, 390, 474; **Ingram:** 2, 26, 74, 180, 200, 232, 252, 270, 292, 510, 544, 558, 560, 582; **John Foxx Images:** 452, 496

All other images © Pearson Education

# Preface

Over 30 years of teaching law on a variety of further and higher education courses from GCSE to post-graduate level taught me much about the difficulties experienced by students in grasping legal concepts. It can be particularly hard for students following an intensive course of which law forms only one part. Hopefully, this text will meet their needs. I have tried to make it accessible, without over-simplification of the subject matter.

I have aimed to express the law, as far as possible, in accessible terms for the lay person and with a light touch, in the hope that it may not only instruct its readers, but also entertain them a little as well and maybe encourage them to pursue further study of the law. It is a subject that I love and would like to encourage others to love it at least a little.

Many thanks to all at Pearson who have helped me in the creation of this edition, especially Owen Knight, Vicky Tubb and Carole Drummond. I greatly value their support and practical assistance.



*Photo: Alix Adams*

Last, but definitely not least, many thanks to my partner Cherry Potts. As ever, her emotional support and encouragement have been crucial to the editing process. She has also given me lots of patient practical assistance and the technical support crucial to a somewhat Luddite author.

# Table of cases

- A (a child) v Ministry of Defence [2004] EWCA Civ 641, [2005] QB 183, CA, *affirming* [2003] EWHC 849 (QB) 368
- A and Others v National Blood Authority [2001] 3 All ER 289 284, 285–6, 290, 293
- A v B, *sub nom* Garry Flitcroft v Mirror Group Newspapers Ltd [2002] 2 All ER 545 49, 586, 588, 590
- AB v Tameside & Glossop Health Authority (1997) 8 Med LR 91 310
- Abbey National PLC and Others v Office of Fair Trading [2009] EWCA Civ 116 163
- Abouzaid v Mothercare (UK) Ltd [2000] 1 All ER (D) 2436, CA 288
- Adams v Lindsell (1818) 1 B & Ald 681 91
- Addie (Robert) & Sons (Collieries) Ltd v Dumbreck [1929] AC 358, HL 599
- Addis v Gramophone Ltd [1909] AC 488, HL 238, 239
- Adler v George [1964] 1 All ER 628 37
- Aerial Advertising v Batchelors Peas [1938] 2 All ER 788 240
- Albert v Motor Insurers Bureau [1971] 2 All ER 1345, HL 109
- Alcock v Wright [1991] 4 All ER 907, HL 311, 314, 337
- Allcard v Skinner (1887) 36 Ch D 145 193
- Alliance Bank v Broome (1864) 2 Drew & Sm 289 102
- Allin v City & Hackney Health Authority (1996) 7 Med LR 167 310
- Amalgamated Investment & Property Co Ltd v John Walker & Sons [1977] 1 WLR 164 227
- Anderton v Ryan [1985] 2 All ER 355 599
- Andreae v Selfridge [1938] Ch 11 352
- Andrews v Singer [1934] All ER 479 133
- Anglia TV v Reed [1971] 3 All ER 690 238
- Anglo Overseas Transport Ltd v Titan Industrial Corporation [1959] 2 Lloyd's Rep 152 262, 270
- Appleby v Myers (1867) LR 2 CP 651 229, 231
- Archer (Lady) v Williams [2003] EWHC 1670 (QB) 588
- Arcos v Ronaasen [1933] AC 470 143
- Arensen v Casson Beckman Rutley & Co. [1977] AC 747 263, 270
- Armhouse Lee Ltd v Chappell (1996) *The Times*, 7 August, CA 201
- Armstrong v Jackson [1917] 2 KB 822 264
- Ashbury Railway Carriage Co. v Riche (1875) LR 7 HL 653, HL 492
- Associated Japanese Bank (International) v Credit du Nord [1989] 1 WLR 255 181
- Associated Newspaper Holdings v Insert Media Ltd [1991] 3 All ER 535 579
- Associated Tyre Specialists v Waterhouse [1976] IRLR 386 386
- Aswan Engineering Establishment Co. Ltd v Lupdine [1987] 1 All ER 135, CA 146, 166
- Ate My Heart Inc v Mind Candy Ltd [2011] EWHC 2741 (Ch) 570
- Atkin v Enfield Hospital Management Committee [1975] IRLR 217 445
- Atlas Express v Kafco Importers & Distributors [1989] 1 All ER 641 189
- Attorney General v Guardian Newspapers (No. 2) [1990] AC 109, HL 585, 586
- Attwood v Small (1838) 6 Cl & F 232 175
- Atwal v Rochester [2010] EWHC 2338 (TCC) 225, 231
- Austin v Commissioner of Police of the Metropolis [2009] UKHL 5 47
- Avery v Bowden (1855) 5 E & B 714 235
- Avon Finance v Bridger [1985] 2 All ER 281, CA 190
- Azimut-Benetti Spa (Benetti Division) v Healey [2010] EWHC 2234 (Comm), [2011] 1 Lloyd's Rep 243
- Azmi v Kirklees Metropolitan Borough Council (2007) *The Times*, 17 April, [2007] ICR 1154, EAT 419, 436
- Badger v Ministry of Defence [2006] 3 All ER 173 363–4
- Bairstow Eves London Central Ltd v Smith [2004] EWHC 263 (QB) 163
- Baker v National Air Traffic Services Ltd (2009) ET/2203501/2007 405

- Balfour v Balfour [1919] 2 KB 571, CA 109
- Barber v Guardian Royal Exchange Assurance Group C-262/88 [1991] 1 QB 344, [1990] ICR 616, ECJ 427
- Barber v Somerset County Council [2004] UKHL 13, HL 390
- Barclays Bank v O'Brien [1993] 4 All ER 417, HL 191–2
- Barker v Corus UK Ltd; Murray v British Shipbuilders (Hydrodynamics) Ltd; Patterson v Smiths Dock Ltd [2006] 3 All ER 785, HL 330
- Barnett v Chelsea & Kensington Hospital Management Committee [1969] 1 QB 420 327
- Barnett v Packer [1940] 3 All ER 575 278
- Barrett v Deere (1828) Moo & M 200, HL 257
- Barrett v Enfield Borough Council [1999] 3 WLR 318, 320
- Barton v Armstrong [1975] 2 All ER 465, PC 188
- Batcheller v Tunbridge Wells Gas Company (1901) 84 LT 765 358
- Batisha v Say [1977] IRRLIB 109 423
- Baxter v Barnes [2015] EWHC 54 166
- Bayley v Manchester, Sheffield and Lincolnshire Railway (1873) LR 8 CP 148 366
- Beale v Taylor [1967] 3 All ER 253, CA 143
- Beard v London Omnibus Co. [1900] 2 QB 530 366
- Bell Houses Ltd v City Wall Properties Ltd [1966] 2 WLR 1323, CA 492
- Bell v Lever Bros 1932 AC 161 180
- Benveniste v University of Southampton [1989] ICR 617 428
- Berlei (UK) v Bali Brassiere Co. [1969] 2 All ER 812 568, 575
- Bernstein v Pamson [1987] 2 All ER 220 160
- Beswick v Beswick [1968] AC 58 245–6
- Bettini v Gye (1875–76) LR 1 QBD 183 126
- Bigg v Boyd Gibbons [1971] 1 WLR 913, CA 82
- Bissett v Wilkinson [1927] AC 58 171
- Blackburn and Another v Chief Constable of West Midlands Police [2008] EWCA Civ 1208 428
- Blackpool & Fylde Aero Club v Blackpool Council [1990] 3 All ER 25, CA 83, 95
- Bloom v American Swiss Watch Co [1915] App D 100 83
- Bogle and Others v McDonalds Restaurants Ltd [2002] EWHC 490 (QB) 287
- Bolam v Friern Hospital Management Committee [1957] 1 WLR 582, CA 324, 325
- Bolitho v City and Hackney Area Health authority [1997] 4 All ER 771 325
- Bolton v Mahadeva [1972] 2 All ER 1322 222
- Bolton v Stone [1951] AC 850 322
- Boychuk v Symons Holdings [1977] IRLR 395 445
- BP Exploration Co (Libya) Ltd v Hunt (No 2) [1983] 2 AC 352, [1982] 1 All ER 925, HL 230
- Brace v Calder [1895] 2 QB 253 243–4
- Bracebridge Engineering v Darby [1990] IRLR 3 386
- Bradbury v Morgan (1862) 1 H & C 249 84
- Branco v Cobarro [1947] 2 All ER 101, CA 87
- BRC Engineering Ltd v Schelff [1921] 2 Ch 563 209
- Brinkibon Ltd v Stahag Stahl und Stahlwarenhandels GmbH [1983] 2 AC 34, [1982] 1 All ER 293, HL, affirming [1980] 2 Lloyd's rep 556, CA 90
- Bristol Conservatories Ltd v Conservatories Custom Built Ltd [1989] RPC 579
- British Celanese v Hunt [1969] 1 WLR 959, CA 349
- British Railways Board v Herrington [1972] 2 WLR 537, HL 346
- Brogden v Metropolitan Railway Co. (1877) 2 App Cas 666, HL 88–9
- Brown v Cotterill (1934) 51 LTR 21 278
- Bunker v Charles Brand [1969] 2 QB 480 341
- Bushell v Faith [1970] 2 WLR 272, HL 528
- Butler Machine Tools v Ex-cell-o Ltd [1979] 1 All ER 965 87
- Byrne v Van Tienhoven (1880) 5 CPD 344 92
- C (a Debtor), Re (1994) 11 May, unreported 107
- Cambridge Water Co v Eastern Counties Leather [1994] 2 AC 264, [1994] 1 All ER 53, HL 359
- Campbell v Mirror Group Newspapers Ltd [2004] 2 All ER 995, HL 584, 586, 588, 590
- Canadian Imperial Bank of Commerce v Beck (2010) UKEAT/0141/10/RN, [2010] All ER (D) 102 (Sep) 406
- Caparo Industries plc v Dickman [1990] 1 All ER 568, HL 296, 303, 304, 533, 537
- Capital and Counties Bank plc v Hampshire Fire Brigade [1997] QB 1004, CA 317
- Capper Pass v Lawton [1977] IRLR 366 425
- Car & Universal Finance Co. Ltd v Caldwell [1964] 1 All ER 290 182
- Carlill v Carboloc Smoke Ball Co. Ltd [1893] 1 QB 256, CA 82, 95
- Cartwright v Cartwright (1853) 3 De G M 982 202
- Cehave NV v Bremer Handelsgesellschaft (*The Hansa Nord*) [1975] 3 All ER 739, CA 127, 130
- Central London Property Trust v High Trees House [1947] KB 130 42, 108
- Century Insurance v Northern Irish Road Transport Board [1949] AC 406, HL 366
- Chadwick v British Rail [1967] 1 WLR 912 309

## TABLE OF CASES

- Chandok & Another v Turkey [2014] UKEAT/0190141912 415, 416
- Chapelton v Barry UDC [1940] 1 All ER 456, CA 131
- Chappell v Nestlé & Co. Ltd [1959] 3 WLR 701, HL 103
- Chaproniere v Mason (1905) 21 TLR 633 145
- Chaudhry v Prabhaker [1988] 1 WLR 29, CA 255, 263
- Chief Constable of Hertfordshire Police v Van Colle; Smith v Chief Constable of Sussex [2008] UKHL 50, [2008] 3 All ER 977, HL 318–9
- Chipchase v British Titan Products [1956] 1 QB 545 392
- City Equitable & Fire Insurance Co. Ltd, Re [1925] Ch 307 521, 524
- Clay v Crump [1963] 3 All ER 687 305
- Clea Shipping Corp'n v Bulk Oil International [1984] 1 All ER 129 234
- Cleveland Petroleum v Dartstone Ltd [1969] 1 All ER 201, CA 210
- Clyde & Co v Van Winkelhof [2011] ECHC 668 (QB); [2011] All ER (D) 270 (Mar) 65
- Cohen v Roche [1927] 1 KB 169 245
- Coleman v Attridge Law (Case C-303/06) [2008] All ER (EC) 1105, [2008] 3 CMLR 777, ECJ 409
- Collins v Associated Greyhound Race Courses Ltd [1930] 1 Ch 1 261
- Collins v Godefroy (1831) B & Ad 950 103
- Colour Quest Ltd v Total Downstream UK plc [2009] EWHC 540 (Comm); [2009] All ER (D) 311 (Mar), Comml Ct 359
- Colour Quest Ltd v Total Downstream UK plc [2009] EWHC 823 (Comm), [2009] All ER (D) 152 (Apr), Comml ct 359
- Combe v Combe [1951] 2 KB 215, CA 108
- Commission for Racial Equality v Dutton [1989] IRLR 8, CA 415
- Community Dental Centres Ltd v Sultan-Darmon (2010) UKEAT/0532/09/da, [2010] IRLR 1024 379
- Community Integrated Care Ltd v De Smith (2008) UKEATs/0015/08/MT, EAT 444
- Condor v The Barron Knights [1966] WLR 87 224
- Confetti Records (a firm) v Warner Music UK Ltd (trading as East West Records) [2003] EWHC 1274 (Ch), [2003] All ER (d) 61 (Jun), Ch d 89
- Co-operative Insurance Society v Argyll Stores (Holdings) Ltd [1998] AC 1, [1997] 3 All ER 297, HL 246
- Corby Group Litigation v Corby Borough Council [2009] EWHC 2109 (TCC) 357
- Corr v IBC Vehicles Ltd [2008] UKHL 13, [2008] 2 All ER 943 332
- Cosmetic Warriors Ltd and Lush Ltd v Amazon.co.uk Ltd and Amazon EU Sarl [2014] EWHC 181 (Ch) 570
- Couturier v Hastie (1856) 5 HLC 673, HL 180–1
- Coventry and Others v Lawrence [2015] UKSC 50 351–2
- Cox v Ministry of Justice [2014] EWCA Civ 132 365
- Cox v Post Office (1997) (unreported) *The Daily Telegraph*, 5 November 408
- Craig, Re [1971] Ch 95 191
- Cream Holdings Ltd v Davenport [2011] EWCA Civ 1287; [2011] All ER (D) 59 (Nov) 494
- Credit Lyonnais v Burch [1997] IRLR 167, [1997] 1 All ER 144, CA 192, 196
- Crowhurst v Amersham Burial Board (1878) 4 Ex D 5, [1874–80] All ER Rep 89, Ex D 358
- Cundy v Lindsay (1878) 3 App Cas 459, HL 183, 186
- Cunningham v Reading Football Club Ltd (1991) 157 LG Rev 481, [1992] PIQR P 141 342
- Currie v Misa (1875) LR 10 Ex 153 100
- Curtis v Chemical Cleaning and Dyeing Co, Ltd [1951] 1 All ER 631, CA 133
- Cutter v Powell (1795) 6 Term Rep 320 220, 222, 231
- D & C Builders v Rees [1965] 3 All ER 837, CA 108
- D v East Berkshire Community Health NHS Trust and Others [2005] UKHL 23; [2005] 2 All ER 443 320
- Dalkia Utilities Services Plc v Caltech International Ltd [2006] EWHC 63 (Comm) 232
- Dalton v Burtons Gold Medal Biscuit Co. Ltd [1974] IRLR 45 384
- Dany Lions Ltd v Bristol Cars Ltd [2014] EWHC 817 (QB) 78
- Davey v Harrow Corporation [1957] 1 QB 60, CA 350
- Davis Contractors v Fareham UDC [1956] 2 All ER 145, HL 226, 227, 249
- Davison v Kent Meters [1975] IRLR 145 443
- De Beers Products Ltd v International General Electrics [1975] 1 WLR 972 583
- De Francesco v Barnum (1890) 45 Ch D 430 212
- Dennis v Ministry of Defence [2003] EWHC 793 (QB) 353, 360
- Devon Primary Care Trust v Readman [2013] EWCA Civ 1110 CA, 451
- Dickinson v Dodds (1876) 2 Ch D 463, CA 85
- Dimmock v Hallett (1866) 2 Ch App 21 173
- Director General of Fair trading v First National Bank [2001] 1 All ER 97, HL 162–3, 166
- Dollman v Hillman [1941] 1 All ER 355 357
- Donoghue v Stevenson [1932] AC 562, HL 277, 279, 280, 293, 295, 305

- Dooley v Cammell Laird & Co [1951] 2 Lloyd's Rep 271 308
- Douglas and Another v Hello! Ltd [2001] 2 All ER 289, CA 587, 589, 590
- Douglas and Another v Hello! Ltd [2005] 4 All ER 128, CA 587
- Douglas and Another v Hello! Ltd (No. 3) [2007] 2 WLR 920, [2007] 4 All ER 545 587, 592
- Doyle v Olby (Ironmongers) [1969] 2 QB 158 176
- DSD and NBV v Commissioner of Police for the Metropolis [2014], EWHC 2493 (QB) 46, 51, 319
- Dulieu v White & Sons [1901] 2 KB 669, [1900–3] All ER Rep 353, KBD 306
- Dunlop Pneumatic Tyre Co. v New Garage & Motor Co Ltd [1915] AC 79, HL 242, 243
- Dunlop Rubber co. Ltd v Selfridge [1915] AC 847, HL 100, 113
- Dunn v Institute of Cemetery and Crematorium Management (2011) UKEAT/0531/10/DA, [2012] All ER (D) 173 (Feb), EAT 412
- Dyer v London Ambulance NHS Trust [2014] UKEAT/0500/13 410
- Eastham v Newcastle United Football Club [1964] EC 413, [1963] 3 All ER 139, AUS HC 206, 216
- Eastwood and Another v Magnox plc; McCabe v Cornwall County Council [2004] UKHL 35; [2004] 3 All ER 991 239
- Edgington v Fitzmaurice (1885) 29 ChD 459 171
- Edwards v Chesterfield Royal Hospital NHS Foundation Trust [2011] UKSC 58, [2012] 2 AC 22 239
- Electrolux v Hudson [1977] FSR 312 565, 575
- Eley v Positive Life Assurance Co. (1876) 1 ExD 88 494
- English v Sanderson Blinds Ltd [2008] EWCA Civ 1421 431
- Entores Ltd v Miles Far east Corporation [1955] 2 All ER 493, CA 89, 95
- Errington v Errington & Woods [1952] 1 All ER 149, CA 86
- Erven Warnink BV v Townend & Sons (Hull) Ltd [1979] AC 731 579
- Esso Petroleum Co Ltd v Harper's Garage (Stourport) Ltd [1968] AC 269, [1967] 1 All ER 699, HL, *varying* [1966] 2 QB 514, CA, *affirming* [1965] 2 All ER 933, QBD 210
- Esso Petroleum v Mardon [1976] 2 All ER 5, CA 172, 196
- Etam plc v Rowan [1996] IRLR 75, EAT 423
- European Commission v UK (c-300/95) [1997] ECR I-2649, ECJ 284
- Evans v Triplex Safety Glass Co Ltd [1936] 1 All ER 283 280
- Everet v Williams (1725) cited in [1899] 1 QB 826 200
- Eweida and Others v United Kingdom (Applications 48420/10, 59842/10, 51671/10 and 36516/10) [2013] ECHR 48420/10, [2013] All ER (D) 69 (Jan) 420, 421, 436
- Eweida v British Airways [2010] EWCA Civ 80 420
- Faccenda Chicken Ltd v Fowler [1986] 1 All ER 617, CA 206, 588
- Fairchild v Glenhaven Funeral Services [2002] 3 All ER 305, HL 329, 330, 331, 337
- Farley v Skinner (No. 2) [2001] 4 All ER 801, HL 241
- Farr v Hoveringham Gravels Ltd [1972] IRLR 104 447, 459
- Fawcett v Smethurst (1914) 84 LKB 473 212
- Feldaroll Foundry Plc v Hermes Leasing London Ltd [2004] EWCA Civ 747 156
- Felthouse v Bindley (1862) 11 CB (NS) 869 93
- Fenty v Topshop/Topman Ltd [2015] EWCA Civ 3 579, 592
- Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd [1942] UKHL 4 225, 229
- Fisher v Bell [1960] 3 WLR 919, QBD 80
- Fitch v Dewes [1921] 2 Ch 159, HL 206
- Flack v Baldry [1988] 1 WLR 214 37
- Flitcroft (Garry) v Mirror Group Newspapers Ltd [2002] 2 All ER 545 *see A v B*, sub nom Garry Flitcroft v Mirror Group Newspapers Ltd [2002] 2 All ER 545
- Foley v Classique Coaches [1934] All ER 88, CA 79
- Ford Motor Co. Ltd and Iveco Fiat Spa's Design Application [1993] RPC 167 562
- Forster & Sons Ltd v Suggett (1918) 35 TLR 87 205
- Foss v Harbottle (1843) 2 Hare 461 545–6, 550
- Freeman & Lockyer v Buckhurst Park Properties (Mangal) Ltd [1964] 2 QB 480 520
- Froom v Butcher [1976] QB 286, [1975] 3 All ER 520, CA 363
- Fuller v Stephanie Bowman Ltd [1977] IRLR 87 451
- Gallie v Lee (Saunders v Anglia Building Society) [1970] 3 All ER 961, HL 187–8
- Gamerco SA v ICM/Fair Warning (Agency) Ltd [1995] 1 WLR 1226 224, 230
- Games Retail Ltd v Laws [2014] UKEAT/0188/14 445
- GB v Home Office [2015] QBD 31 (March) 369
- Gedding v Marsh [1920] 1 KB 668 145



## TABLE OF CASES

- George Mitchell Ltd v Finney Lock Seeds Ltd [1983] 2 All ER 737, HL 153
- Gibson v Manchester City Council [1979] 1 All ER 972, HL 81
- Gill v Sas Ground Services UK Ltd (2009) eat/2705021/09 446
- Gillingham Borough Council v Medway (Chatham) Dock Co Ltd [1993] QB 343, [1992] 3 WLR 449, QBD 351
- Glasbrook Bros v Glamorgan County Council [1925] AC 270, HL 104
- Glasgow Corporation v Taylor [1922] AC 44, HL 343
- Godley v Perry [1960] 1 WLR 9 147
- Goldson v Goldman [1915] 1 Ch 292, CA 210–1
- Goldworthy v Brickell [1987] 1 All ER 853, CA 191
- Gordon v Sellico [1986] 278 EG 53 171
- Gorfin v Distressed Gentlefolks' Aid Association [1973] IRLR 290 447, 459
- Grainger plc v Nicholson [2010] 2 All ER 253, [2010] ICR 360 419
- Granada Group Ltd v Ford Motor Co Ltd [1972] FSR 103, [1973] RPC 49, Ch D 580
- Grant v Australian Knitting Mills [1936] AC 85, PC 278
- Gravil v Carroll and Redruth Rugby Club [2008] EWCA (Civ) 689, [2008] IRLR 829, CA 367
- Great Northern Railway v Swaffield (1874) LR Exch 132 259
- Great Peace Shipping v Tsavliris (International) Ltd [2002] 4 All ER 689 180
- Greater Manchester Police Authority v Power [2010] All ER (d) 173 (Oct) 419
- Green v Cade Bros [1978] 1 Lloyd's Rep 602 153
- Gregg v Scott [2005] UKHL 2, [2005] 4 All ER 812 331
- Gryf-Lowczowski v Hinchinbrooke Healthcare NHS Trust [2006] ICR 425 226, 247
- Guinness plc v Saunders [1990] 2 AC 663 525, 537
- Guthing v Lynn (1831) 2 B&AD 231 78
- Hadley v Baxendale (1854) 9 Exch 341 236, 248
- Hale v Jennings Bros [1938] 1 All ER 579, CA 358
- Halsey v Esso Petroleum [1961] 1 WLR 683 349
- Hambrook v Stokes [1925] 1 KB 141, CA 310
- Harlingdon & Leinster Enterprises Ltd v Christopher Hull Fine Art Ltd [1990] 1 All ER 737, CA 143–4
- Hartley v Ponsonby (1857) 7 EL BL 872 104
- Hartog v Colin & Shields [1939] 3 All ER 566 186
- Harvey v Facey [1893] AC 552 81
- Hashman v Milton Park (Dorset) Ltd (t/a Orchard Park) (2011) ET/3105555/2009 419
- Hatton v Sutherland [2002] 2 All ER 1 390
- Hayes v James & Charles Dodd [1990] 2 All ER 815, CA 241
- Haynes v Harwood [1935] 1 KB 147, CA 362
- Hayward v Cammell Laird Shipbuilders [1988] 1 All ER 503, HL 426
- Hedley Byrne v Heller [1963] AC 465, [1963] 2 All ER 575, HL 176, 301, 302, 303, 305, 310, 337, 474, 475
- Herman v Charlesworth [1925] 2 KB 123 202
- Herne Bay Steam Boat Co. v Hutton [1903] 2 KB 683 226
- Herschthal (or Herschthal) v Stewart & Ardern Ltd [1939] 4 All ER 123, KBD 278
- Heywood v Wellers [1976] QB 446 240
- Hickman v Romney Marsh Sheep Breeders Association [1915] 1 Ch 881 493
- Hilder v Associated Portland Cement [1961] 1 WLR 1434 322
- Hill v Chief Constable of West Yorkshire [1988] 2 All ER 238, HL 319
- Hillas v Arcos (1932) 147 LT 503, HL 78
- Hirst v United Kingdom (No 2) (Application no 74025/01) (2005) 42 EHRR 849, [2005] All ER (d) 59 (Oct) 45
- Hochster v de la Tour (1853) 2 E & B 678 232
- Hodges (Gt) & Sons v Hackbridge Residential Hotel [1939] 4 All ER 307 261
- Hoening v Isaacs [1952] 2 All ER 176 222
- Hogg v Cramphorn Ltd [1967] Ch 254 522
- Holis Metal Industries v Gmb [2008] ICR 464, [2007] All ER (d) 304 (Dec), EAT 453
- Hollywood Silver Fox Farm v Emmett [1936] 2 KB 468 352
- Holwell Securities v Hughes [1974] 1 All ER 161, CA 92
- Home Counties Dairies v Skilton skilton [1970] 1 All ER 1227 208, 211, 216
- Home Office v Dorset Yacht Co. Ltd [1970] AC 1004, HL 316
- Home Office v Holmes [1984] 3 All ER 549 423
- Hong Kong Fir Shipping Co. Ltd v Kawasaki Kisen Kaisha [1962] 2 WLR 474, CA 127
- Hood v West End Motor Car Packing [1917] 2 KB 38 173
- Hotson v East Berkshire Health Authority [1987] 2 All ER 909 331
- Household Insurance v Grant (1879) 4 Ex D 216, CA 91
- Howard Marine & Dredging Co. Ltd v Ogden & Sons Ltd [1978] QB 574, CA 176
- Howdon v Capital Copiers [1998] IRLR 586 408

- HrH Prince of Wales see Prince of Wales (HrH)
- Hudson v Ridge Manufacturing Co. Ltd [1957] 2 QB 348 388, 398
- Hufford v Samsung Electronics (UK) Ltd [2014] All ER (D) 60 289
- Hufton v Somerset County Council [2011] EWCA Civ 789; [2011] All ER (D) 72 (Jul) 345
- Hughes v Lord Advocate [1963] AC 837, HL 332
- Humble v Hunter [1848] 12 QB 310 261
- Hunter v Canary Wharf [1997] 2 All ER 426 372 355, 371
- Hurst & Others v Hone & Others [2010] EWHC 1159 (QB), [2010] All ER (D) 256 (May) 174
- Hussain and Livingstone v Lancaster City Council [1999] 2 WLR 1142, CA 355, 360
- Hutton v Warren (1836) 1 M & W 406 Exch 125
- Hyde v Wrench (1840) 3 Beav 334 84
- ICI v Shatwell [1964] AC 656, HL 362
- IDC v Cooley [1972] 1 WLR 443 522, 524, 537
- Ide v ATB Sales Ltd [2008] EWCA Civ 424 288
- Immingham Storage v Clear Plc [2011] EWCA Civ 89; (2011) 135 Con LR 224 87, 88, 90, 95
- Ingram v Little [1960] 3 WLR 504 184, 185
- Inland Revenue Commissioners v Fry [2001] STC 1715, [2002] 06 LS Gaz R 30, Ch D 89
- Inslay v Accent Catering [2014] ET/3200687/2014 445
- Interfoto Picture Library Ltd v Stiletto Productions [1988] 1 All ER 348, CA 132, 136
- Interlego AG's Trademark Application *Re* [1998] RPC 69, Ch D 568
- Isabella Ship Owners v Shagang Shipping Co. Ltd (*The Aquafait*) [2012] 2 Lloyd's Rep 61 234
- Ile of Wight Tourist Board v Coombes [1976] IRLR 413 387
- Jackson v Horizon Holidays Ltd [1975] 3 All ER 92, CA 114, 117
- James McNaughten Paper Group Ltd v Hicks Anderson & Co. [1991] 2 QB 113, CA 304
- Jarvis v Swans Tours [1973] 3 WLR 954, CA 240, 249
- JD v Mather [2012] EWHC 3063 (QB), [2012] All ER (D) 77 (Nov) 331
- Jeancharm v Barnet Football Club [2003] EWCA Civ 58, CA 243
- Johnson v Unisys [2001] 2 All ER 801, HL 239
- Johnston and Others v NEI International and other Conjoined Claims [2007] UKHL 39, [2007] 4 All ER 1047, HL 307, 308
- Jolley v London Borough of Sutton [2000] 1 WLR 1082, HL 333
- Jon Beauforte (London) Ltd, *Re* [1953] 1 All ER 660 495
- Jones v Daniel [1894] 2 Ch 332 87
- Jones v Lipman [1962] 1 WLR 832 473, 484
- Jones v Tower Boot Co. Ltd [1997] IRLR 168, CA 417–8
- Jones v Vernons Pools [1938] 2 All ER 626 111
- Junior Books Ltd v Veitchi Co Ltd [1983] 1 AC 520 282, 293
- K, *Re*; *Re m plc* [2005] EWCA Civ 619, [2005] All ER (D) 23 (Mar), (2005) *The Times*, 15 March, CA 484
- Kaltoft v Billund (Case C–354/13) [2014], ECJ 408
- Kearley v Thompson (1890) 24 QBD 742 203
- Kearney v Eric Waller [1966] 1 QB 29 341
- Keir v Leeman (1809) 6 QB 308 201
- Kelly and Another v GE Healthcare [2009] EWHC 181 (Pat), [2010] Bus LR D28 565
- Kendall v Lillico [1968] 3 WLR 110, HL 131
- Kent v Griffiths and Others (No. 3) [2001] QB 36, CA 317
- Keown v Coventry Healthcare NHS Trust [2006] EWCA Civ 39, [2006] 1 WLR 953, CA 347
- Khorasandjian v Bush [1993] QB 727 355
- Killen v Horseworld Ltd [2012] EWHC 363 (QB) 526
- King's Norton Metal Co. v Edridge, Merrett & Co. (1897) 14 TLR 98 183
- Kiriri Cotton Co. Ltd v Dewani [1960] AC 192 203
- Kleinwort Benson v Malaysia Mining Corporation Bhd [1989] 1 All ER 785, CA 112
- Knapp v The Railway Executive [1949] 2 All ER 508 392
- Knowles v Liverpool CC [1993] 1 WLR 1428 388
- Knowsley Metropolitan Borough Council v Willmore [2011] UKSC 10, [2011] 2 WLR 523 331
- Kohli v Lit and Others [2009] EWHC 2893 (Ch), [2010] 1 BCLC 548
- Kolmar Group AG v Traxpo Enterprises PVT Ltd Ltd [2010] EWHC 113 (Comm) 190
- Koufos v Czarnikow Ltd (*The Heron II*) [1969] 1 AC 350, HL 236–7, 249
- Krell v Henry [1903] 2 KB 740 226
- Latimer v AEC [1953] AC 643 323
- Lawrence v Lexcourt Holdings Ltd [1978] 2 All ER 810 172
- Lawrence v Pembrokeshire County Council [2007] EWCA Civ 446, [2007] 1 WLR 2991, CA 320
- Leakey v The National Trust [1980] QB 485, CA 354

## TABLE OF CASES

- Leeman v Montague [1936] 2 All ER 1677 352  
 Leslie v Sheill [1914] 3 KB 607 213  
 L'Estrange v Graucob [1934] 2 KB 394 132  
 Lewis v Averay [1971] 3 WLR 603, CA 185  
 Lewis v Six Counties [2005] EWCA Civ 1805; (2006) *The Times*, 20 January, CA 342  
 Lisk v Shield Guardian Co. Ltd (2011) ET/3300873/11 419  
 Lister v Hesley Hall [2001] 2 All ER 769, HL 367, 371  
 Litster v Thom & Sons Ltd [1975] IRLR 47 443  
 Littlewoods Organisation v Harris [1978] 1 All ER 1026, CA 209, 216  
 Liverpool City Council v Irwin 1977 AC 739 123  
 Lombard North Central plc v Butterworth [1987] QB 527, CA 128, 136  
 Lucasfilm v Ainsworth [2011] UKSC 39; [2012] 1 AC 208 556  
 Luxmoore May v Messenger May Bakers 1 WLR 1009, CA 325  
 Lyons & Co. v Gulliver [1914] 1 Ch 631 357  
  
 Macarthy v Smith [1981] QB 180, [1980] 3 WLR 929, [1981] 1 All ER 111, [1980] ICR 672 427  
 Maga v Trustees of the Birmingham Archdiocese [2010] EWCA Civ 256 367  
 Majrowski v Guy's and St Thomas' NHS Trust [2006] UKHL 34, [2007] 1 All ER 224, HL 368  
 Malik v Bank of Credit & Commerce International [1998] AC 20, HL 238–9, 386  
 Malone v Laskey [1907] 2 KB 141 355  
 Maloney v Lambeth Council (1966) 198 EG 895 344  
 Maloney v Torfaen CBC [2005] EWCA Civ 1762, CA 341, 347  
 Managers (Holborn) Ltd v Hohne [1977] IRLR 230 451  
 Mandla v Dowell Lee [1983] IRLR 209, HL 415, 417  
 Marc Rich & Co. AG v Bishop Rock Marine (*The Nicholas H*) [1996] AC 211; [1995] 3 All ER 307 279  
 Maritime National Fish Ltd v Ocean Trawlers Ltd [1935] AC 524 228  
 Marks & Spencer plc v One in a Million Ltd [1998] FSR 265 582  
 Martin v Parkham Foods (2006) (unreported), EAT 432, 442  
 Mathieson v Noble [1972] IRLR 76 446  
 Mattocks v Mann [1993] RTR 13 334  
 Max Mosley see Mosley (Max) v News Group Newspapers Ltd [2008] EWHC 1777 (QB), (2008) *The Times* 28 July 2008  
 McArdle, Re [1951] Ch 669, CA 101, 117  
  
 McCarthy v Chief Constable of South Yorkshire (1996) (unreported) 312  
 McCutcheon v David McBryne Ltd [1964] 1 All ER 430 132  
 McGhee v National Coal Board [1973] 1 WLR 1, [1972] 3 All ER 1008 329  
 McKenna v British Aluminium Ltd [2002] Env LR 30 360  
 McKew v Holland & Cubitts Ltd [1969] 3 All ER 1621, HL 333  
 McKinnon Industries v Walker [1951] WN 401 353  
 McLoughlin v O'Brien [1982] 2 WLR 982, HL 311  
 McMillan & Co. v Cooper (1923) 40 TLR 186 556  
 McRae v Commonwealth Disposals Commissions (1951) 84 CLR 377 181  
 McWilliams v Arrol [1962] 1 WLR 295 328  
 Merret v Bubb [2001] ILR 232/2001 321  
 Merritt v Merritt [1970] 2 All ER 760, CA 109  
 Metropolitan Water Board v Dick Kerr & Co. [1918] AC 119, HL, *affirming* [1917] 2 KB 1, CA 226, 228  
 Michael & Ors v Chief Constable of South Wales Police & Anor [2015] UKSC 2 319  
*Mihalis Angelos, The* [1970] 3 WLR 601, CA 129  
 Miller v Karlinski (1945) 62 TLR 85 202  
 Milner and Milner v Carnival plc (t/a Cunard) [2010] EWCA Civ 389, [2010] 3 All ER 701, CA 235, 241, 244, 249  
 Mint v Good Good [1950] 2 All ER 1159 356  
 Minter v Wellingborough Foundries (1981) *The Times* 202 445  
 Mohamud v WM Morrison Supermarkets [2014] EWCA Civ 116 366  
 Mondial Shipping and Chartering BV v Astarte Shipping Ltd [1995] CLC 1011 90  
 Monk v Harrington Ltd and Others [2008] EWHC 1879 (QB); [2009] PIQR P52 308, 309  
*Moorcock, The* (1889) 14 PD 64, CA 123  
 Moore v C & A Modes [1981] IRLR 71 444  
 Morgan Crucible Co. plc v Hill Samuel Bank [1991] Ch 295 305  
 Morgan v Manser [1947] 2 All ER 266 225  
 Morris v Saxelby [1916] 1 AC 688, HL 206  
 Morrish v Henlys (Folkestone) Ltd [1973] 2 All ER 137 384  
 Mosley (Max) v News Group Newspapers Ltd [2008] EWHC 1777 (QB), (2008) *The Times* 28 July 2008 584, 585  
 Moy v Stoop (1909) 25 TLR 262 352  
 Moyhing v Barts and London NHS Trust [2006] IRLR 860 423  
 Muirhead v Industrial Tank Specialties Ltd [1986] QB 507 282

- Murphy v Bradford Metropolitan Council (1991) *The Times* 11 February 342
- Murphy v Brentwood Council [1990] 3 WLR 414, HL 297, 299, 300
- Murray v Big Pictures UK Ltd [2008] EWCA Civ 446, [2008] 3 WLR 1360, CA 589
- NAD Electronics v NAD Computer Systems [1997] FSR 380, Ch D 581, 592
- Nash v Inman [1908] 2 KB 1 212
- National Telephone Co v Baker [1893] 2 Ch 186, 57 JP 373 358
- Nettleship v Weston [1971] 3 All ER 581, CA 324
- Network Rail Infrastructure Ltd v Conarken Group Ltd; Network Rail Infrastructure Ltd v Farrell Transport Ltd [2011] EWCA Civ 644, CA, *affirming* [2010] EWHC 1852 (TCC); [2010] TCC 132, Tech & Constr Ct 293
- Newcastle International Airport Ltd v Eversheds LLP [2012] EWHC 2648 (Ch), [2012] All ER (D) 20 (Oct) 258, 520
- Newman v Alarm Co. Ltd [1976] IRLR 45 445
- Noble v David Gold & Sons (Holdings) Ltd [1980] IRLR 252 425
- Nordenfelt v Maxim Nordenfelt Guns & Ammunition Co. Ltd [1894] AC 535 209
- North Glamorgan NHS Trust v Walters [2002] EWCA Civ 1792 313
- North Yorkshire County Council v Ratcliffe [1995] ICR 833, HL 428
- Northumberland & Durham District Banking Co., ex parte Bigge (1858) 28 LJ Ch 50 175
- Nottingham Patent Brick & Tile Co. Ltd v Butler (1886) 16 QBD 788 172
- Numatic Ltd v Qualtex [2010] EWHC 1237 (Ch) 578, 580
- O'Brian v Associated Fire Alarms [1969] 1 All ER 93 451
- Office of Fair Trading v Abbey National plc and Others [2009] UKSC 6, [2010] 1 AC 696 163
- Office of Fair Trading v Ashbourne Management Services Ltd and Others [2011] EWHC 1237; [2011] CTLC 237 157
- Office of Fair Trading v Foxtons [2009] EWCA Civ 288, [2009] 3 All ER 697 157
- Ogwo v Taylor [1987] AC 431, HL 371
- Olley v Marlborough Court Hotel [1949] 1 All ER 127, CA 131
- Omnibill (Pty) Ltd v Egpsxxx Ltd and Another [2014] EWHC 3762 (IPEC) 474
- O'Neill v Symm & Co. Ltd [1998] ICR 481, [1998] IRLR 232, EAT 408, 436
- Opel GmbH and Renault SA v Mitras Automotive [2008] EWHC 3205 (QB), [2008] CILL 2561 105, 188, 189
- OPO v MLA [2014] EWCA Civ 1277 280–1
- Orchard v Lee [2009] EWCA Civ 295; (2009) *The Times*, 14 April 324
- Osman v Ferguson [1993] 4 All ER 344, CA 318
- Osman v UK [1999] 1 FLR 193 318, 319, 320
- Othman (abu Quatada) v United Kingdom application 8139/09 (2012) 49
- Ottoman Bank v Chakarian [1930] AC 277, PC 383
- Overseas Medical Supplies v Orient [1999] 1 All ER (Comm) 981 154
- Overseas Tankship & Engineering (UK) v Mort Dock & Engineering Co (*The Wagon Mound*) (No 1) [1961] AC 388, [1961] 1 All ER 404, PC 42, 332, 337
- Owen v Professional Golf Association (2000) (unreported) 418
- Page One Records v Britton [1968] 1 WLR 157 247
- Page v Smith [1995] 2 All ER 736, HL 306, 307, 334
- Palmer v Tees Health Authority [1999] Lloyd's Rep Med 351, CA 312–3
- Panesaar v Nestlé [1980] IRLR 64 417
- Panorama Developments v Fidelis Furnishing Fabrics Ltd [1971] 3 WLR 440, CA 531, 537
- Pao On v Lau Yiu Long [1980] AC 614, [1979] 3 All ER 65, PC 188–9
- Paris v Stepney Council [1951] AC 367 322
- Parker v Clark 1960 1 WLR 286, CA 110
- Parkinson v College of Ambulance [1925] 2 KB 1 202
- Parks-Cramer Co. v Thornton Ltd [1966] RPC 407, CA 563, 575
- Parsons v McLoughlin [1981] IRLR 65 445
- Partridge v Crittenden [1968] 2 All ER 421 81
- Patel v Ali [1984] Ch 283 246
- Patel v Mirza [2014] EWCA Civ 1047, [2014] All ER (D) 279 (Jul) 204
- Pearce v Brooks (1866) LR 1 Exch 213 201
- Pennington v Surrey County Council and Surry Fire & Rescue Services [2006] EWCA Civ 1493, CA 389
- Pepper v Hart (1993, HL) 36, 38
- Pereira Fernandes (J) sa v Mehta [2006] 2 All ER 891 90
- Perry v Harris [2008] EWCA Civ 907 324, 327
- Perry v Sidney Phillips & Son [1982] 1 WLR 1297, CA 240–1
- Peters v Fleming (1840) 6 M & W 42 211

## TABLE OF CASES

- Pharmaceutical Society (GB) v Boots Cash Chemists (Southern) Ltd [1953] 1 All ER 482, CA 80
- Phillips Electronics NV v Remington Consumer Products [1998] RPC 283 568
- Phillips v Brooks [1919] 2 KB 243 184, 185
- Phillips v William Whitley [1938] 1 All ER 566 324
- Phipps v Rochester Corporation [1955] 1 QB 450 343
- Phones 4u Ltd v Phone4u.co.uk Internet Ltd [2006] EWCA Civ 244, CA 569
- Phonogram v Lane [1982] QB 939, CA 488, 499
- Photo Production Ltd v Securicor Transport Ltd [1980] 2 WLR 283, HL 134
- Pickstone v Freemans plc [1988] 2 All ER 803 426
- Pierce v Doncaster Metropolitan Borough Council [2007] EWHC 2968 (QB), *reversed in part* [2008] EWCA Civ 1416, [2009] 1 FLR 1189, CA 320
- Pilkington v Wood [1953] 2 All ER 810 244
- Pimlico Plumbers v Smith [2014] All ER (D) 88 (Dec) 380
- Pink Floyd Music v EMI Records [2010] EWCA Civ 1429, [2011] 1 WLR 770 123
- Pinnel's case (1602) 5 Co Rep 117 105–6, 107, 116
- Piper v JRI (Manufacturing) Ltd [2006] EWCA Civ 1344 288
- Planché v Colburn (1831) 8 Bing 14 221
- Polemis & Furness, Withy & Co, *Re* [1921] 3 KB 560, [1921] All ER Rep 40, CA 332
- Polkey v A.E. Dayton Services Ltd [1987] 3 All ER 974 448
- Porcelli v Strathclyde Regional Council [1986] IRLR 134 424
- Poussard v Spiers & Bond (1876) 1 QBD 410 126
- Powell v Lee (1908) 99 LT 284 88
- Power v Greater Manchester Police Authority *see Greater Manchester Police Authority v Power*
- Power v Panasonic (UK) Ltd [2003] IRLR 151, [2002] All ER (D) 297 (Nov) 408
- Pride & Partners v Institute for Animal Health and Others [2009] EWHC 1617 (QB), [2009] NPC 56 297
- Prince of Wales (HRH) v Associated Newspapers Ltd [2007] 2 All ER 139 556, 585
- Proactive Sports Management Ltd v Wayne Rooney and Others [2010] EWHC 1807 (QB) 207–8
- Proform Sports Management Ltd v Pro-Active Sports Management Ltd [2007] 1 All ER 542 213
- PSG Franchising Ltd v Lydia Darby Ltd [2012] EWHC 3707 (QB) 208
- PSM International v Whitehouse & Willenhall Ltd [1992] FSR 489 585
- Quinn v CC Automotive Group (t/a Carcraft) [2010] EWCA Civ 1412; [2011] 2 All ER (Comm) 258–9, 264, 270
- R (On the application of Begum) v Headteacher and Governors of Denbigh High School [2006] 2 All ER 487, HL 48, 51
- R (on the application of F and another) v Secretary of State for the Home Department [2010] 2 WLR 992 46
- R (on the application of Laporte) v Chief Constable of Gloucestershire Constabulary [2007] 2 All ER 529, HL 47
- R (On the application of Moos and Another) v Commissioner of Police for the Metropolis [2011] EWHC 957 (Admin); [2011] All ER (D) 146 (Apr) 48
- R (on the application of Pearson) v Secretary of State for the Home Department and Martinez; Hirst v Attorney-General [2001] EWHC 239 (Admin) 44
- R & B Customs Brokers Co Ltd v United Dominions Trust [1988] 1 WLR 321, CA 156
- R v Registrar of Companies, *ex parte* Attorney-General [1991] 2 QB 197 490, 499
- Racing UK Ltd v Doncaster Racecourse Ltd and Doncaster Borough Council [2005] EWCA Civ 999 257
- Radmacher v Granatino [2010] 3 WLR 1367, SC 203
- Raffles v Wichelhaus (1864) 2 H&C 906 182
- Rainbow Estates Ltd v Tokenhold [1998] 3 WLR 980 245
- Rainey v Greater Glasgow Health Board [1987] AC 224, HL 428, 436
- Ramsay v Love [2015] EWHC 65 (Ch 256
- Ramsgate Hotel Co. v Montefiore (1866) LR 1 Exch 109 84–5
- Ratcliff v Harper Adams Agricultural College [1999] 1 WLR 670, A 348, 363, 371
- Ratcliffe v Evans [1892] 2 QB 524 583
- Rayfield v Hands [1958] 1 Ch 333, [1958] 2 All ER 194 493, 499
- RDF Media Group plc v Alan Clements [2007] EWHC 2892 (QB), [2008] IRLR 207 387, 398
- Read v Lyons & Co Ltd [1947] AC 156, [1946] 2 All ER 471 358
- Ready Mixed Concrete v Ministry of Pensions and National Insurance [1968] 2 WLR 627 365
- Real and Personal Advance v Palemphin (1893) 9 TLR 569 256
- Reardon Smith Line v Hansen-Tangel [1976] 1 WLR 989, HL 129, 130

- Redfearn v Serco Ltd (t/a West Yorkshire Transport Service) [2006] EWCA Civ 659, [2006] All ER (D) 366 (May), CA 416
- Redgrave v Hurd (1881) 20 Ch D 1 175
- Reeves v Commissioner of Police for the Metropolis [2000] 1 AC 360, [1999] 3 WLR 363, HL 334, 364
- Regazzoni v Sethia [1957] 3 All ER 286, HL 201, 216
- Regus v Epcot Solutions Ltd [2008] EWCA Civ 361, CA 155
- Reid v PRP Architects [2006] EWCA Civ 1119, [2007] ICR 78, CA 392, 398
- Rickards v Lothian [1913] AC 263, [1911–13] All ER Rep 71, PC 358
- Ritche v Atkinson (1808) 10 East 95 221
- Ritchie (J & H) Ltd v Lloyd Ltd [2007] 2 All ER 353, [2007] 1 WLR 670, HL, reversing [2005] CSIH 3, IH 148, 166
- Robinson v Kilvert (1889) 41 Ch D 88, 58 LJ Ch 392, CA 353
- Rogers v Parish [1987] QB 933 160
- Roles v Nathan [1963] 1 WLR 1117 324, 344
- Rose & Frank Co. v J. R. Crompton & Bros [1925] AC 845, HL 111
- Rowland v Divall [1923] 2 KB 500, CA 142
- Royal Bank of Scotland v Etridge (No. 2) [2001] 4 All ER 449, HL 193
- Royal College of Nursing v DHSS [1981] AC 800, HL 38–9, 51
- Roycot Trust Ltd v Rogerson [1991] 2 QB 297 176
- Ruxley Electronics & Construction Ltd v Forsyth [1995] 3 All ER 268 238
- Ryan v Mutual Tontine Association [1893] 1 Ch 116 245
- Rylands v Fletcher (1868) LR 3 HL 330, [1861–73] All ER Rep 1, HL 358, 359
- Sachs v Miklos [1948] 1 All ER 67 259, 270
- Sagar v H. Ridehalgh & Son Ltd [1930] All ER 288, CA 382
- Salomon v Salomon & Co. Ltd [1897] AC 22, HL 473, 484
- Sandhar v Department of Transport [2004] EWCA Civ 1440, [2005] PIQR 13 296
- Saunders v UK (1997) 23 EHRR 313 481
- Sayers v Harlow Urban District Council [1958] 1 WLR 623, CA 363
- Schuler AG v Wickman Machine Tool Sales [1974] AC 235, HL 128
- Sedleigh-Denfield v O'Callaghan [1940] AC 880, HL 354
- Selectmove, Re [1995] 1 WLR 474, CA 105, 107
- Selsdon v Clarkson Wright [2012] UKSC 16, [2012] 3 All ER 1301 407
- Shanklin Pier Ltd v Detel Products Ltd [1954] 2 KB 854 114
- Shepherd v Jerrom [1987] QB 301 225
- Shergold v Fieldway Medical Centre [2006] ICR 304, EAT 459
- Shields v Coomes (Holdings) Ltd 1 All ER 456 425
- Shogun Finance Ltd v Hudson [2002] 4 All ER 572, ca, affirming [2003] UKHL 62, [2004] 1 All ER 215, HL 185, 186, 196
- Sienkiewicz (Administratrix of the estate of Enid Costello deceased) v Greif (UK) Ltd 331
- Simpkins v Pays [1955] 3 All ER 10, CA 110, 111, 117
- Smith and Grady v UK [1999] IRLR 734 430
- Smith v Baker [1891] AC 325, HL 361
- Smith v Eric S. Bush [1989] 2 WLR 790, HL 152, 302, 305
- Smith v Hughes (1871) LR 6 QB 597 172
- Smith v Hughes [1960] 1 WLR 830 37
- Smith v Land & House Property Corp (1884) 28 Ch D 7 171
- Smith v Leech Brain & Co. Ltd [1962] 2 WLR 148 334
- Smith v Littlewoods Organisation [1987] 1 All ER 710, HL 315
- Smithton Ltd v Naggar and others [2014] EWCA Civ 939 519
- Soden v British Commonwealth Holdings plc [1997] 4 All ER 383 494, 499
- Spartan Steel Alloys v Martin [1972] 3 WLR 502, CA 297, 298
- Spearmint Rhino Ventures UK Ltd v Revenue and Customs Commissioners [2007] STC 1252 254–5
- Spencer-Franks v Kellogg Brown & Root Ltd [2008] UKHL 46, [2008] ICR 863, HL 393, 398
- Spring v Guardian Assurance [1994] 3 All ER 129, HL 302
- St Albans City & District Council v International Computers Ltd [1996] 4 All ER 481, CA 153–4, 278
- St Helen's Smelting co. v Tipping (1865) 11 HLC 642, HL 350
- St John of God (Care Services) Ltd v Brooks [1992] ICR 715, EAT 447, 459
- Stansbie v Troman [1948] 1 All ER 599, CA 316
- Stennet v Hancock [1939] 2 All ER 578 277, 278, 279
- Stephens v Avery [1988] 2 All ER 477 584
- Stevenson v McLean (1880) 5 KBD 346 84
- Stewart v Casey (Casey's Patent), Re [1892] 1 Ch 104, CA 102
- Stilk v Myrick (1809) 2 Camp 317 104, 105

## TABLE OF CASES

- Stocks v Wilson [1913] 2 KB 235 213
- Stocznia Gdanska SA v Latvian Shipping Co. (No. 3) [2002] EWCA Civ 889, [2002] 2 Lloyd's Rep 436 233
- Stone and Rolls (in liquidation) v Moore Stephens (a firm) [2009] UKHL 39, [2009] 4 All ER 431, HL 473
- Stone v Taffe [1974] 1 WLR 1575, CA 363
- Stovin v Wise [1996] 3 All ER 801 314
- Stringfellow Restaurants Ltd v Quashie [2013] IRLR 99 380
- Sturges v Bridgeman (1879) 11 Ch D 852 350, 356
- Sumpter v Hedges [1898] 1 QB 673 222
- Sussex Partnership NHS Foundation Trust v Norris (2012) UKEAT/0031/12/SM 408
- Sutton v Syston Football Club Ltd [2011] EWCA Civ 1182, [2011] All ER (D) 182 (Oct) 326, 328
- Sweet v Parsley [1969] 1 All ER 347, HL 39, 51
- Sylvester v Chapman (1935) 79 SJ 77 362
- T v Surrey County Council [1994] 4 All ER 577 301, 305
- Taittinger SA v Allbev Ltd [1993] FSR 641, CA 581
- Tarling v Wisdom Toothbrushes [1997] *IDS Brief* 597, September 410
- Taylor v Alidair [1978] IRLR 82 443
- Taylor v Caldwell (1863) 3 B&S 826 223
- Taylor v Novo (UK) Ltd [2013] EWCA Civ 194, [2013] All ER (D) 167 (Mar) 313
- Taylorson v Shieldness Products Produce [1994] PIQR P329, CA 312
- Teggart v Teletech UK Ltd 2012 NIT 00704/11 445
- Tesco Stores Ltd and Antoerh v Pollard [2006] EWCA Civ 287
- Tetley v Chitty [1986] 1 All ER 663 355
- Thomas Sanderson Blinds Ltd v English [2008] EWCA Civ 1421, (2009) *The Times*, 5 January, 2009 431
- Thomas v Eight Members Club and Killip (2007) et/2202603/2007 406
- Thomas v Thomas [1842] 2 QB 85 103
- Thompson v Smiths Ship Repairers Ltd [1984] 2 WLR 522 325
- Thomson v Alloa Motor Co [1983] IRLR 403 444
- Thorney Park Golf Ltd (t/a Laleham Golf Club) v Myers Catering Ltd [2015] EWCA Civ 1 124, 136
- Thornton v Shoe Lane Parking [1971] 2 WLR 585, CA 131, 134
- Tillery Valley Foods v Channel Four Television [2004] EWHC 1075 (Ch) 588
- Tinsley v Miligan [1993] 3 All ER 65, HL 203
- Tomlinson v Congleton Borough Council [2003] UKHL 47, [2004] 1 AC 46, HL, *reversing* [2002] EWCA Civ 309, [2004] 1 AC 46, [2003] 3 All ER 1122, CA 342, 348
- Tool Metal Manufacturing Co. Ltd v Tungsten Ltd Ltd [1955] 2 All ER 657 108
- Towers v Premier Waste Management Ltd [2011] EWCA Civ 923 [2012] IRLR 73 524, 525
- Trac Time Control Ltd v Moss Plastic Parts Ltd and Others [2005] All ER (D) 06 (Jan) 144
- Transco plc v Stockport Corporation I [2003] UKHL 61, [2004] 2 AC 1, HL, *affirming* [2001] EWCA Civ 212, CA 358, 359
- Transfield Shipping Inc v Mercator Shipping Inc [2008] UKHL 48, [2008] 4 All ER 159, HL 237
- Trebor Bassett Holidays and Cadbury UK Partnership v ADT Fire & Security [2012] EWCA Civ 1158; [2012] All ER (D) 153 (Aug) 149
- Tribe v Tribe [1995] EWCA Civ 20 204
- Trustees of Portsmouth Youth Activities Committee v Poppleton [2008] EWCA Civ 646, [2009] PIQR P1, CA 345
- Tsakiroglou & Co. v Noble Thorl GmbH [1961] 2 WLR 633, HL 226
- Tullet Prebon Group v Ghaleb El Hajjali [2008] EWHC 1924 (QB), [2008] IRLR 760 243
- Tweddle v Atkinson (1861) 1 B & S 393, [1861–73] All ER Rep 369, Ct of QB 112
- UK Atomic Energy Authority v Claydon [1974] IRLR 6 383
- Vahey v Kenyon [2013] EWCA Civ 658, [2013] All ER (D) 152 (Jun) 173–4
- Valencia v Lupar 2012] EWCA Civ 396 467
- Valilas v Janusaj [2014] EWCA Civ 436 128, 136
- Venables v News Group Newspapers [2001] 1 All ER 908 481
- Victoria Laundry v Newman Industries Ltd Ltd [1949] 1 All ER 997, CA 236
- Vitol Sa v Norelf [1996] 3 All ER 193, HL 233
- Vivendi SA & Centenary Holdings III Ltd v Richards and Bloch [2013] EWHC 3006 519
- W v Edgell [1990] Ch 359 589
- Walker v Northumberland County Council [1995] 1 All ER 737 390
- Walmesley v UDEC [1972] IRLR 80 383
- Warner Bros v Nelson [1936] 3 All ER 160 247
- Warner v Armfield Retail & Leisure Ltd [2014] UK EAT 224–5

- Warren v Henlys Garage Ltd [1948] 2 All ER 935 366
- Watford Electronics v Sanderson [2001] EWCA Civ 317, [2001] 1 All ER (Comm) 696, [2001] BLR 143, [2002] FSR 19, (2001) 3 TCLR 14, [2001] Masons CLR 57 154, 166
- Watson and Others v Croft Promo-Sport Ltd [2009] EWCA Civ 16, [2009] EG 86 351, 352
- Watt v Hertfordshire County Council [1954] 1 WLR 835 327
- Webb v EMO Cargo (No. 2) [1995] IRLR 645 413
- Webster & Others v Liddington & Others [2014] EWCA Civ 560, CA 174
- Wells v Cooper [1958] 2 All ER 527, CA 324, 327
- West Bromwich Albion Football Club Ltd v El-Safty [2007] EWCA Civ 1299 300
- Wheat v Lacon [1966] 2 WLR 581, HL 341
- Wheeler v Saunders Ca [1996] Ch 19, [1995] 2 All ER 697 350
- White & Carter (Councils) Ltd v McGregor 2 WLR 17, HL 233
- White Hudson & Co. Ltd v Asian Organisation Ltd [1964] 1 WLR 1466, PC 578
- White v Bluett (1853) 23 LJ Ex 36 102
- White v Chief Constable of South Yorkshire [1999] 1 All ER 1, HL 308
- White v Jones [1995] 1 All ER 691, HL 299, 300, 303
- White v London Transport Executive [1971] 2 QB 721 386
- White v Mellin [1895] AC 154 583
- Whitlow v Alkanet Construction [1987] IRLR 321 445
- Whittington v Seal-Hayne (1900) 82 Lt 49 178
- Wieland v Cyril Lord Carpets [1969] 3 All ER 1006 333
- William Sindall plc v Cambridgeshire County Council [1993] EWCA Civ 14, [1994] 1 WLR 1016 177, 196
- Williams and Another v Natural Life Health Foods Ltd and Mistlin [1998] 2 All ER 577, HL 474, 484
- Williams v Bayley (1866) LR 1 HL 200, HL 190
- Williams v Roffey Bros [1990] 1 All ER 512, CA 105, 107, 117
- Williams v Settle [1960] 1 WLR 1072 558, 575
- Wilsher v Essex Area Health Authority [1988] 2 WLR 557, HL, *reversing* [1987] QB 730, [1986] 3 All ER 801, CA 324, 328, 329
- Wilson and Another v Burnett [2007] EWCA Civ 1170, [2007] All ER (d) 372 (Oct), CA 110–1
- Wilson v Haden [2013] All ER (D) 145 (Mar) 323
- Wilson v Rickett Cockerell Ltd [1954] 1 QB 598 145
- Wilts United Dairies Ltd v Thomas Robinson & Sons Ltd [1958] RPC 94 583
- Wiluszynski v London Borough of Tower Hamlets [1988] IRLR 259, CA 384
- With v O’Flanagan [1936] Ch 575, CA 173
- Withers v Perry Chain Ltd [1961] 1 WLR 1314 323
- Wood v Scarth (1858) 1 F&F 293 187
- Woodland v Essex County Council [2013] UKSC 66, [2013] All ER (D) 252 (Oct) 368, 369
- X v Bedfordshire County Council [1995] 3 WLR 152, HL 320
- X v Mid Sussex Citizens Advice Bureau UKSC 59, [2013] 1 All ER 1038 404
- Yapp (John) v Foreign & Colonial Office [2014] EWCA Civ 1512 391
- Young v Bristol Aeroplane Company [1944] 2 All ER 293 41
- Z and A v UK (2002) 34 EHRR 3 320



# Table of statutes

Abortion Act 1967	s 41(2) 496	s 182(5) 525
s 1(1) 38	s 51 488	s 183 525
Administration of Justice Act 1969	s 53 490	s 188 518
58	s 58 490	s 189 527
Arbitration Act (AA) 1996 65	s 59 490	s 190 526
	s 66 490	ss 197–214 527
Business Names Act 1985	s 82 490	s 217 527
s 4 470	s 83 490	s 239 546
	s 86 489	s 251 518
Children Act 1989 54	s 87 489	s 252 526
Civil Aviation Act 1993	Pt 7 (ss 89–111) 497	s 260(1) 546
s 76 364	s 90 497	Chapter 11 (ss 260–264) 546,
Companies (Audit Investigations and Community Enterprise) Act 2004	s 91 497	549, 551
s 499 533	s 94 497	s 261 546
Companies Act 1985 467, 480, 487, 520, 540	s 154 516	s 262 546
s 3A 493, 507	s 157 516	s 263 506, 546
s 317 524	s 162 516	s 270 530
s 431 548	s 163 516	s 270(3) 471
s 432 548	s 167(5) 528	s 273 530
s 459 546	s 168 528, 543	s 281 543
s 994 549, 551	s 169 528	s 288(2) 543
Companies Act 1989 471, 493	s 170(1) 523	s 291 543
s 35 496	s 170(4) 523	s 292 543
Companies Act 2006 27, 470–1, 473, 480, 487, 498, 501, 521, 522–5, 534, 539	s 170(5) 518	s 301 543
s 8 489	s 171 523	s 303 541
ss 9–13 489	s 172 523, 527	s 306 541
ss 14–16 491	s 172(1) 523, 527	s 307 540, 541
s 17 491	s 173 523	s 308 542
s 19 491	s 173(1) 523	s 310 542
s 21 494	s 174 523	s 311 542
s 28 492	s 174(2) 524	s 318 542
s 31(1) 493	s 175 523, 524, 525	s 336 540
s 31(2) 493	s 175(1) 526	s 338 544
s 32 491	s 175(2) 526	s 477 532
s 33 493	s 176 523, 524	s 485(2) 532
s 39 496	s 176(1)–(5) 524	s 487 472
s 40 496	s 177 523, 524, 525	s 487(2) 532
	s 177(1) 524–5	s 488 532
	s 178 525	s 489(2) 532
	s 180(1) 525	s 490 532
	s 182 524, 525	s 510 543
	s 182(1) 525	s 515 543

s 518 541	s 5 290, 291	Contracts (Rights of Third Parties)
s 542 502	Pt II 291	Act 1999 99, 100, 102, 116, 118
s 553 504	s 46 285	s 1 114
s 580 492, 504	Consumer Rights Act 2015 (CRA)	s 2 114–15
s 582 504	125, 134, 140, 157, 158–64,	s 5 115
s 610 504	165–6, 175, 345	s 6 115
s 656 541	Part 1 158–62	s 7 115
Pt 18, Ch 4 504	Part 2 162–4	s 7(2) 151
s 658 505	Part 3 164	Copyright, Designs and Patents
s 684 503	s 2 158	Act 1988 (CDPA 1988) 575
s 690 504, 505	s 9 159	Pt II 557, 559
s 691 504	s 10 159	Pt III 560
s 692 504	s 11 159	s 1 556
s 693 504	s 12 159	s 2 556
s 769 505	s 13 159	s 3 556
s 776 505–6	s 14 159	s 4 556
s 855 531	s 15 159	ss 9–11 557–8
s 856 531	s 16 159	ss 12–15 557
s 857 531	s 17 159	ss 17–21 558
s 858 531	s 20 160	ss 22–26 559
s 994 546, 547–8	s 22 159	ss 29–40 559
s 995 549	s 23 159, 160	s 85 558
s 996 547	s 24 159	s 96 559
s 1202 470	s 34 160	s 107 559
Companies (Audit, Investigations	s 35 160, 161	s 144 559
and Community Enterprise) Act	s 36 160, 161	ss 154–158 557
2004	s 37 160	s 163 557
ss 21–24 549	s 41 160, 161	s 213(2) 560
Company Directors Disqualification	s 43 161	s 213(4) 560
Act 1986 (CDDA 1986) 529,	s 44 161	s 213(6) 560
535	s 45 161	ss 215–220 561
Compensation Act 2006 326–7	s 46 161	s 222 561
s 1 326, 344	s 49 161, 162	s 226 561
s 3 330–1	s 50 161, 162	s 227 561
s 3(5) 330	s 51 161, 162	s 229 561
Competition Act 1998 200	s 52 161, 162	s 237 561
Constitutional Reform Act (CRA)	s 55 162	s 238 561
2005	s 56 162	s 240 561
s 23 57	s 57 162	s 243 561
Consumer Arbitration Act 1988	s 61 162	Corporate Manslaughter and
65	s 62 162	Corporate Homicide Act 2007
Consumer Credit Act 1974 34,	s 64 163	(CMCH 2007)
76	s 65 163–4	s 1 476
Consumer Protection Act 1987	s 66 163	s 1(2) 476
(CPA 1987) 21, 54, 275, 291	s 67 164	s 2 476
Pt I 283–91	s 68 163	Countryside and Rights of Way Act
s 1 284, 285–6	s 83 267	2000 346
s 2 285, 286	Sch 2 163	Courts and Legal Services Act
s 2(1) 285	Sch 3 164	(CLSA) 1990 55, 63
s 3 286, 288	Consumers, Estate Agents and	Criminal Justice Act 1993
s 4 288, 291	Redress Act 2007 267	Pt IV 534

## TABLE OF STATUTES

Damages (Asbestos-related Conditions) (Scotland) Act 2009 308	Enterprise and Regulatory Reform Act 2013 (E&RRA 2013) 391, 416, 434, 441, 449, 455, 456	s 61 427 s 64(2) 427 s 65 424–6
Defective Premises Act 1972 (DPA) s 1(1) 299	Environmental Protection Act 1990 357	s 66 422, 424 s 67 424
De-Regulation Act 2015 457	Equality Act 2010 27, 401, 402–7	s 67(1) 427
Disability Discrimination Act 1995 (DDA 1995) 407	s 1 403, 433, 434	s 69 427
Emergency Powers Act 1939 34	s 4 402	s 71 427
Emergency Powers Act 1984 34	s 5 405	s 73 428
Employer's Liability (Defective Equipment) Act 1969 388	s 6(1) 407	s 74 429
Employment Relations Act 1999 452, 456	s 7 411	s 75(1)–(6) 429
s 12 449	s 8 412	s 75(9) 429
s 14 449	s 9 414, 415, 416	s 77 429
s 29 456	s 9(1) 414	s 77(3) 429
Sch 5 449	s 9(2) 414	s 78 429, 430
Employment Rights Act 1996 (ERA 1996) 27, 68, 396, 441, 454, 458	s 9(4) 414	s 109 404, 417–18
s 1 380–1	s 10 418–19	s 109(3) 404
s 86 440	s 10(1) 418	s 109(4) 431
s 98 443, 452	s 11 422	s 110 404
s 98(4) 448	s 12 430	s 132 429
s 99 449	s 13 402, 405, 408, 411, 413–14, 417, 419–21, 422–3, 431	s 138(4) 429
s 100 449	s 13(2) 406, 407	s 138(5) 429
s 102 449	s 13(3) 409	s 144(1) 65
s 103 449	s 13(5) 417	s 149 432–3, 435
s 103A 449	s 14 402	s 149(1) 433
s 104 449	s 15 409	s 153 433
s 105 449	s 16 411	s 159 433, 435
s 105A 449	s 18 413	Sch 1 407
s 108 416	s 18(2) 413	para 9 408
s 108(4) 449	s 18(4) 414	Sch 9 403
s 113 456	s 18(5) 413	para 1 406, 409, 417, 423
s 114 456	s 18(6) 413	para 1(3) 412, 413
s 117 456	s 19 403, 405, 411, 413–14, 419–21, 423–9, 431	para 2 421
s 119 456	s 19(1)(b) 417	para 3 421, 431
s 120A 456	s 19(2) 407	Sch 19 433
s 123 456	s 19(2)(d) 403, 417	Equal Pay Act 1970 (EPA 1970) 424, 427
s 136 450	s 19(3) 409	Estate Agents Act 1979 267
s 138(1) 451	s 20 410	European Communities Act 1972 493
s 138(2) 451	s 21 410	s 2 29, 34
s 139 450	s 23 403, 405, 409	s 9(1) 495–6
s 209 442	s 23(3) 431	Factories Act 1802 393, 395
s 227 452	s 24 403	Factories Act 1961 391, 395
s 230(1) 379	s 26 403–4, 407, 424, 431	Factors Act 1889
s 230(2) 379	s 26(2) 424	s 1 268
s 230(3) 379	s 27 404, 407	Financial Services and Markets Act 2000 471, 504
	s 40 407, 424, 431	Firearms Act 1968 37
	s 44 470	Food Safety Act 1990 21
	s 45 470	
	s 60 410–11	

Gaming Act 1845 200	Limited Partnerships Act 1907 469	s 55 567
Gender Recognition Act 2004 412		s 60 566
Growth and Infrastructure Act 2013 378	Marine Insurance Act 1906 173	ss 109–113 567
Health and Safety (Offences) Act 2008 395	Mental Capacity Act 2005 (MCA) s 2 266–7	Patents Act 2004 (PA 2004) s 1 564
Health and Safety at Work etc. Act 1974 54, 477	s 9 266	s 10 565
s 2 393–4	s 11 266	Pensions Act 1995 ss 62–66 427
s 3 394	Minimum Wage Act 1998 385	Pharmacy and Poisons Act 1933 80
s 7 394	Minors' Contracts Act 1987 s 1 214	Powers of Attorney Act 1971 s 4 266
s 21 395	s 2 213	Proceeds of Crime Act 2002 s 41(1) 474
s 23 395	s 3 213	Protection from Harassment Act 1997 368
s 24 395	Misrepresentation Act 1967 s 2 178	Public Interest Disclosure Act 1998 449
s 47 391	s 2(1) 176, 177, 179, 194	
s 47(2) 391	s 2(2) 177, 179, 194	
Housing Act 1985 355	s 2(3) 177	
Human Rights Act 1998 (HRA) 18, 28, 43–9, 320–1, 359–60, 364, 430, 434, 480–1, 483, 577, 584, 589	s 3 175	
s 2 44, 49	Occupiers' Liability Act 1957 (OLA) 1957) 35, 340, 341–6, 346, 348, 370	Race Relations Act 1976 (RRA) 1976) 414
s 3 44–5, 49	s 1(3) 341	s 1(1)(a) 416
s 4 44	s 2(1) 345	Registered Designs Act 1949 (RDA) 1949) 560
s 6 44, 49	s 2(2) 342	s 1 561
s 8 45, 46	s 2(3)(a) 343	s 2 562
Insolvency Act 1986 107, 478, 530	s 2(3)(b) 344	s 7 562
s 124A 549	s 2(4) 344	s 8 562
s 213 475	s 2(6) 341	s 10 563
s 214 524, 526	Occupiers' Liability Act 1984 (OLA) 1984) 340, 342, 346, 370	s 11A 563
Intellectual Property Act 2014 566, 567, 573	s 1(3) 347	s 34 563
Interpretation Act 1978 36	s 1(4) 347	s 35 563
Joint Stock Act 1844 603	s 2(9) 348	Sch 1 563
Law of Property (Miscellaneous Provisions) Act 1989 76	Offices, Shops and Railway Premises Act 1963 395	Representation of the People Act 1983 44
Law Reform (Contributory Negligence) Act 1945 244, 363	Official Secrets Act 1920 37	Restriction of Offensive Weapons Act 1959 s 1(1) 37, 80
Law Reform (Frustrated Contracts) Act 1943 222, 248	Parliament Act 1911 33	
s 1(2) 229, 230	Parliament Act 1949 33	Sale and Supply of Goods Act 1994 125, 139
s 1(3) 230, 231	Partnership Act 1890 27, 466, 467	Sale of Goods Act 1893 139
Limitation Act 1980 s 11A 290	Patents Act 1977 (PA 1977) 573 s 1–4 563	Sale of Goods Act 1979 158
Limited Liability Act 1855 603	s 2 563	Sale of Goods Act 1979 (SGA) 125, 128, 139, 140, 155–8, 165
Limited Liability Partnerships Act 2000 469	s 13 565	s 2(1) 141
	ss 14–19 565–6	s 3 211, 212, 214
	s 30 566	s 8 79
	s 39 564	s 12 141, 142
	s 40 565	s 13 141, 142, 143, 144, 147, 291
	s 46 567	
	s 48 567	

## TABLE OF STATUTES

- s 14 141, 145, 147, 291  
s 14(2) 141, 144–5  
s 14(2A) 144  
s 14(2B) 144  
s 14(2C) 145  
s 14(3) 141, 144, 146  
s 15 141, 147, 291  
s 20 160  
s 23 159  
s 24 159  
s 31 160  
s 35 147–8  
s 35(6) 148  
s 50 238  
s 57 85  
Sex Discrimination Act 1975 (SDA 1975) 411, 413, 422, 427  
s 3 412  
Small Business, Enterprise and Employment Act 2015 (SBEAA 2015)  
s 16 491  
s 80 507  
s 87 517  
s 89 518  
s 92 531  
s 150 457  
s 152 385  
s 153 386  
s 178 429  
Sch 3 507  
Social Action, Responsibility and Heroism Act 2015  
s 2 326  
s 3 326  
Statute of Frauds 1677 77  
Street Offences Act 1959 37  
Supply of Goods (Implied Terms) Act 1973 (SGIT) 141, 165  
ss 8–11 150–1  
Supply of Goods and Services Act 1982 (SOGAT) 141, 149–50, 165, 291  
Trade Descriptions Act 1968 54  
Trade Marks Act 1938 567  
Trade Marks Act 1994 491, 572, 581  
s 1 567  
s 3 568  
s 4 569  
s 5 568  
s 10 569  
s 29 571  
s 32 569  
s 37 569  
s 38 569  
s 40 569  
Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A 1992)  
s 152 449  
s 238A 449  
Tribunals, Courts and Enforcement Act 2007 67  
Unfair Contract Terms Act 1977 (UCTA) 134, 139, 140, 151–5, 158, 162, 165, 175, 345  
s 1(3) 151  
s 2(1) 303  
s 2(2) 151, 303  
s 3 151  
s 6 151, 152, 156  
s 6(4) 152  
s 7 151, 152, 156  
s 11 152  
s 11(1) 152  
s 11(3) 152  
s 12 156  
Sch 2 152  
Wild Birds Act 1954 80

# Table of statutory instruments

- Civil Procedure Rules (CPR) , SI 1998/3120, 59, 60, 61
- Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014, 452–453, 455
- Commercial Agents (Council Directive) Regulations 2008, 2008/1277, 265
- Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013, 527
- Companies (Single Member Private Limited Companies) Regulations 1992, SI 1992/1699, 471
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, 161
- Consumer Protection Act 1987 (Product Liability) (Modification) Order 2000, SI 2000/2771, 286
- Consumer Protection (Amendment) Regulations 2014, 81
- Consumer Protection from Unfair Trading Regulations 2008, 2008/1277, 81
- Copyright and Related Rights Regulations 1996, SI 1996/2967, 559
- Copyright and Related Rights Regulations 2003, SI 2003/2498, 560
- Copyright and Rights in Database Regulations 1997, SI 1997/3032, 573
- Electronic Commerce (EC Directive) Regulations 2002, SI 2002/2013  
reg 11, 90
- Employment Equality (Age) Regulations 2006, SI 2006/1031, 405, 406
- Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660, 418
- Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011, SI 2011/1069, 406
- Employment Equality (Sexual Orientation) Regulations 2003, SI 2003/1661, 430
- Equal Pay (Amendment) Regulations 1983, SI 1983/1794, 424
- Legislative Reform (Limited Partnerships) Order 2009, SI 2009/1940, 469
- Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, 267
- Management of Health and Safety at Work Regulations 1992, SI 1992/2051, 395
- Management of Health and Safety at Work Regulations 1999, SI 1999/3242, 394
- Partnership (Unrestricted Size) No. 17 Regulations 2001, SI 2001/2422, 467
- Provision and Use of Work Equipment Regulations 1998, SI 1998/2306  
reg 3(2), 392  
reg 5(1), 392
- Registered Designs (Amendment) Rules 2001, SI 2001/3950, 561
- Registered Designs (Fees) Amendment Rules 2001, SI 2001/3951, 561

## TABLE OF STATUTORY INSTRUMENTS

Sale and Supply of Goods to Consumers Regulations 2002, SI 2002/3045, *156*  
Sex Discrimination (Gender Reassignment) Regulations 1999, SI 1999/1102, *411*

Transfer of Undertakings (Protection of Employment) Regulations 1981, SI 1981/1794 (TUPE 1981),  
*452*

Transfer of Undertakings (Protection of Employment) Regulations 2006, SI 2006/246 (TUPE 2006),  
*452, 454, 455, 458*

Unfair Dismissal (Variation of the Limit of Compensatory Award) Order 2013, SI 2013/1949, *456*

Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012,  
SI 2012/989, *442*

Unfair Terms in Consumer Contracts Regulations 1994, SI 1994/3159 (UTCCR), *139, 158, 162, 164*

Working Time Regulations 1998, SI 1998/1833, *382*

# Table of European and International legislation

## European Community legislation

### Treaties

- European Atomic Energy Treaty, 28
- European Coal and Steel Treaty, 28
- Patent Cooperation Treaty, 573
- Single European Act 1987, 30
- Treaty of Amsterdam 1997, 31, 32
- Treaty of Lisbon 2009, 31
- Treaty of Nice, 31
  - Art 203, 29
- Treaty of Rome 1957
  - Art 119 (Now Art 141), 31
- Treaty on European Union (Maastricht Treaty) 1992, 28, 30, 31

### Protocols

- Madrid Protocol on International Registration of Trade Marks 1995, 573

### Directives

- Directive 75/117/EC (Equal Pay Directive), 424
- Directive 77/91/EC (Acquired Rights Directive), 452
- Directive 85/374/EC (Product Liability Directive), 283
- Directive 89/667/EEC (First Company Law Directive), 495
- Directive 91/13/EC (???), 156
- Directive 91/85/EC (Pregnant Workers Directive), 413
- Directive 93/104/EC (Working Time Directive), 382
- Directive 98/71/EC (Designs Directive), 561
- Directive 99/34/EC (Product Liability Directive), 286
- Directive 2000/31/EC (E-Commerce Directive), 90
- Directive 2000/78/EC (Equal Treatment in Employment and Occupation Directive), 418, 430
- Directive 2001/29/EC (Copyright Directive), 560
- Directive 2002/73/EC (Equal Treatment Amendment Directive), 405
- Directive 2006/54/EC (Equal Treatment Directive), 413
- Directive 2008/52/EC (Mediation Directive), 67
- Directive 2011/83/EU (Consumer Rights Directive), 157



## TABLE OF EUROPEAN AND INTERNATIONAL LEGISLATION

### **Regulations**

Cross-Border Mediation (EU Directive) Regulations 2011, 67

### **International Conventions**

Berne Convention for the Protection of Literary and Artistic Works 1886, 573

European Convention on Human Rights and Fundamental Freedoms 1950 (ECHR), 27, 421

Art 2, 43, 47, 318

Art 3, 320

Art 5, 43, 46, 47, 48

Art 5(1), 47

Art 6, 43, 318, 481

Art 8, 44, 47, 320, 321, 360, 412, 430, 481, 589

Art 9, 43, 44, 48, 420

Art 10, 43, 44, 47, 481, 589

Art 11, 43, 47

Art 12, 412

Art 13, 430

Art 14, 412

Protocol 1

Art 1, 360, 480–481

Art 2, 44, 48

European Patent Convention 1973, 573

Interlaken Declaration 2011, 49

Universal Copyright Convention, 573

This page intentionally left blank



# **PART 1**

Introduction: getting started



## CHAPTER 1

# Study skills

## Introduction

This chapter, which aims to help you to acquire the skills essential to the successful study of law, is divided into four sections:

- 1 starting to study;
- 2 good study habits;
- 3 writing law assignments;
- 4 revision and examination technique.



## Starting to study

### Get rid of your misconceptions

Many of you will be studying law for the first time and as one component of a course. You may be feeling nervous about it because it feels remote or difficult and even perhaps boring. In practice (and particularly if you follow the advice in this chapter), you will probably find law much more interesting than you thought when you began your studies. Contrary to common belief, the study of law is not primarily concerned with ancient, dry and precise regulations that you have to learn by heart. Most of your studies are involved with quite modern cases, that have come to court just because the law was not precise and consequently gave rise to the dispute. This book looks at how the law applies to real-life situations, which will help you to recall the legal principles on which it is based. Effective communication of your *understanding* of those principles is the main requirement for examination success.

Remembering all the cases by name and being able to quote extracts from statutes word for word is icing on the cake – impressive, but not essential.

### Law is relevant to you

Remember that the law responds and develops as required by the society within which it operates. For example, until 1935 the driving test was not compulsory because road safety had not assumed the importance it enjoys today. At that time there was much less motorised traffic moving more slowly than today and consequently many fewer accidents. The law affects you personally every day of your life. For example, it determines your eligibility for a student loan, your rights to treatment under the National Health Service and your entitlements and responsibilities as a consumer, business owner, employer or employee.

### Widen your horizons

Your studies will be more rewarding if you do not consider law as something to be thought about only when you are in class or reading a relevant text. The effects of many areas of the law are widely reported and discussed in the media. Such reports can help you to see how the law works (or does not work), as well as reminding you of what you have studied. Stay in touch with the news, try to look at a quality daily paper and look out for relevant TV and radio programmes. (Some suggestions for resources appear in Appendix 1.) The internet is an excellent research tool. (Try visiting the websites suggested by the web activity references at the end of Chapters 3–25.)

## Make connections

The more you study, the easier it gets. Studying law is rather like doing a large jigsaw without the help of a picture – progress is initially slow while the framework is established, but patience is rewarded. Once the picture begins to reveal itself you can see more easily how the different pieces fit together and then the task gets easier and quicker.

Try not to think of each topic as a separate entity to be ‘done’ and neatly filed away in the memory. Exploit the links with other related topics; this aids both recollection and understanding. Exam and assignment questions may involve a problem, raising issues about a number of different topics; the ability to see connections is vital to an effective response. To help you do this, frequent cross-references appear in the text. Pondering on the questions in the ‘Worth thinking about?’ boxes in this work, and maybe discussing these with your classmates, will help with the process.

## Read and practice, applying your knowledge

Somebody (not a lawyer) once told the author that law is a very ‘paper-based subject’. This made it sound a bit like origami, but nevertheless did contain some truth. Reading thoroughly and widely is essential; practising the written skills required by the examinations is also crucial.

Hopefully you will find this book accessible, but if you are new to the study of law it would take magical powers to understand it all fully at a first reading. Be prepared to go back and re-read a section that you do not understand. (The chapter summaries may help you to grasp the main points of each chapter.) Often it is best to try to get a general picture on the first reading of a topic that you find hard, pressing on even if you do not understand it. You will still get something from it, and on each subsequent reading it will become clearer.

Get all the writing practice that you can. Homework provides safe space to make mistakes; and it is much better to make them then rather than in the exam. Try the quizzes and assignments in this book. Prepare written answers to tutorial questions and be prepared to participate when attending them. This is much more valuable (and more fun) than listening mutely to other people’s answers.



## Good study habits

### Create a structure for learning

Success in your studies depends more on being well organised than having a flair for the subject. Settling yourself into a reasonably structured regime is very helpful but isn’t necessarily all that easy when you are starting something new, maybe away from home for the first time and excited by all the attractions on offer in this new phase of



your life. Possibly all this newness is a bit daunting and you are feeling a bit anxious or homesick. Either way, some structure will help.

## Taking care of yourself

This is your first priority. Remember that your brain is part of your body! This very obvious statement still needs reinforcement for many students who ignore their need for proper food and sleep and relaxation. It is easy to let these apparently simple requirements slip under the pressure of a new and taxing academic course, pursuit of a social life, and the part-time job that most students will find necessary. Many of you, particularly mature students, may have caring responsibilities that may have to take priority.

However, try to eat a balanced diet and get a reasonable amount of sleep. Be prepared to acknowledge that you may from time to time need some extra support. If you are ill, or having any other problems that hinder your studies, tell your lecturers or personal tutor what is going on, as they are often able to help. Counselling services may also be available at your university or college that can be very helpful.

## Time management

It is important that you set aside a sensible amount of time each week for your private study, as this is a crucial supplement to the tuition that you receive. It is not realistic to expect your lecturers to provide you with more than 5 per cent of what you need. The other 95 per cent is up to you. Attending a lecture is the first step towards understanding a topic, but you must personally reinforce this initial learning in your own time by reading and preparing for and participating in tutorials. It's what you do for yourself that really counts.

Make yourself a study timetable with realistic goals. Short bursts spread across the week may be more appropriate than aiming to study in lengthy blocks, particularly in the early stages of your course.

Be punctual for lectures and tutorials to ensure that you get the most benefit from them and do not distract the other students or lecturer by your late entrance.

Keep your diary up to date and double check dates for assignment submissions. You really don't want to find your assignment refused for late submission or discover that the exam you have come for one afternoon has already taken place that morning.

## Note-taking

Your lecture notes are an essential lifeline. It is probably best not to make them 'in rough'. Your good intentions to write them up later may not be fulfilled. Use a loose-leaf folder and write on one side of the paper only. That enables you to add notes later on when you read the textbook. Do not take unnecessary notes. If your tutor provides lecture outlines, you may not need to write many extra lecture notes.

You will probably want to take some notes from your reading. Use your own words with plenty of side headings. Note the sources of any extra notes you take, you may need to cite them later in an assignment.

If you copy something, be sure to use quotation marks and indicate the source. This will ensure that you do not later represent this great thought as your own in an assignment, as you could be penalised for plagiarism (see below).

## Reading

The library is your second home. It is very important that you always read the relevant section of the textbook, as soon as possible after each lecture, as well as any cases or other materials recommended by your tutor. At first you may find this heavy going, but if you persevere it does get easier. Do not worry about understanding every word. If you get bogged down at the beginning of the course do not struggle endlessly with the early topics. Keep up with the reading relevant to your lectures and light will eventually dawn.

While you need to read your chosen texts thoroughly, it is always useful to consult others (see Appendix 1). Make good use of the index or contents section of additional texts to find the bits you need. Do not be afraid to skim. Use the search facility when reading PDF documents online. This can be a real help in isolating the bits you want in a law report, for example.

So far this section has been a counsel of perfection. There may be times when you find a particular study topic very tough, either because it is not exciting you, or is complex, or worst of all both. Possibly your life is not going smoothly in other ways. That is the time to retire to the basic materials and try to get a grip on them. It is better to keep up basically than fall behind because you are temporarily finding it difficult to see the wood from the trees.

## Checking your learning

It is a good idea to check that you have understood what you have been reading about.

This book also helps you to check your progress in four ways.

- 1 *Chapter summary*: the bullet points should act like triggers and bring to mind more information from the chapter when you read them
- 2 *Key terms*: check that you have grasped the meanings of these. Try writing them down using your own words.
- 3 *Quizzes*: these provide a simple way to check that you have grasped some of the important basic issues covered by the chapter.
- 4 *Join a study group*: getting together informally with a group of fellow students to discuss your work can be both fun and helpful. Having to voice issues is a very good way of finding out how well or otherwise you understand them. In the event of a dispute, having to provide a reasoned answer is also an excellent academic exercise and good preparation for tutorials. The group can provide valuable mutual support near the exams too. Doing stuff together is also a good way of making friends.



# Writing law assignments

## General advice

Before we examine the specific techniques for writing law assignments it is useful to check that you are aware of what an assignment at degree or diploma level requires.

### 1 Style

Remember that you are not writing a personal account. Avoid saying 'I think' or 'I believe', however passionately you feel about your argument. Get used to using the third person instead and say something like 'it may be thought/argued that . . .'

### 2 Evidence

Back up your arguments: indicate your sources by referring to the relevant case reference, statute section, book title and page, date of newspaper article or website address. Make sure that you develop your arguments rather than just giving a string of case or other source names. You must show how the evidence you cite supports your argument.

Always use primary sources as far as possible. This means the first publication of the document. For instance, if you cite a case you should footnote the actual law report reference, not the page in the textbook where you first found it. Footnotes are a neat way to show your references and they do not usually form part of your word limit. It is best to keep to a bare reference. While you may come across texts that seem to have more footnote than content, don't be tempted into using this device as a subterfuge to exceed the word limit. It is unlikely to fool your tutors.

### 3 Avoid plagiarism

In simple terms, plagiarism means passing off someone else's work as your own. An obvious example is copying a chunk of text without using quote marks, but altering some words in that text while leaving the sentence structure the same may also be plagiarism.

Plagiarism is easily avoided by clearly marking any direct quotes with inverted commas. Otherwise anything you write should be in your own words, however difficult it is to find them. In the early stages of a new course of study it may be tempting to mirror someone else's text too closely but, with practice, your confidence in yourself will grow as you acquire a better grasp of new concepts and get better at self-expression.

So far we have been considering what might be called careless plagiarism, though even this may lead to your work being downgraded. Sadly a minority of students set out to profit from intentional plagiarism. This is a form of cheating and carries heavy penalties including permanent exclusion in the most serious cases. Don't fool yourself into thinking you will get away with it. Apart from the fact that your tutors will notice blatant copying from sources they have recommended, all manner of plagiarism detection techniques are now being used which can spot much more subtle tricks.

## 4 Submission requirements

Your student handbook will spell out the submission requirements for your course work. It is crucial that you make sure that you know and understand them, as failure to comply may jeopardise your success in your course. Each institution has its own very specific requirements. The devil is in the detail, so make sure that you know when, where and in what form and format your institution wants you to deliver your assignment. Promptness is crucial, miss the deadline and your work may be rejected, or only accepted if you are able to produce a really good reason with proof for the delay. Excuses are not reasons. Give yourself enough time to avoid last-minute disasters such as a computer failure or a non-running bus, causing you a fatal delay. Although we live in an electronic age, you may still be required to deliver hard copy rather than emailing it in. A minimum font size may also be stipulated. A special cover sheet may be required. Check all the details before you submit.

## Writing technique for law assignments

Your written assignments may take two forms:

- 1 *Problem or 'situation-based' assignments.* These involve a scenario to which you are expected to apply principles of law and draw reasoned conclusions.
- 2 *Discursive assignments:* essays and reports.

Very different types of answers are demanded by these two methods of testing your knowledge and abilities. However, we first need to examine the requirements which both types of work have in common at degree or diploma level.

### Problem questions

A good answer to such a question will require the following:

- a clear explanation of the relevant points of law;
- an analysis of the given facts in the light of the relevant law, indicating likely outcome.

Sometimes the facts will be deliberately vague to encourage you to indicate that a decision could go either way. It is crucial that you give reasons to support your arguments. It is not good enough to write at length about the general legal principles raised by the problem, and follow that with an assertion that X or Y will win. Giving clearly analysed reasons why you are making such an assertion is what earns you marks. Here are some tips to help you.

- 1 *Read the problem thoroughly and think about what is involved.* This is crucial to spotting the relevant legal areas and to your grasp of the relationship of the parties and their names. Underline the 'triggers', the points of fact in the scenario which indicate the points of law to be applied. Refer to your books and notes to make sure that you understand these points of law.