BUSINESS LAW

EIGHTH EDITION

EWAN MACINTYRE

ALWAYS LEARNING

PEARSON

Business Law

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**

Business Law

Eighth edition

Ewan MacIntyre

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
Essex
CM20 2JE
United Kingdom

Tel: +44 (0)1279 623623
Web: www.pearson.com/uk

First published 2001 (print)
Second edition 2005 (print)
Third edition 2007 (print)
Fourth edition 2008 (print)
Fifth edition 2010 (print)
Sixth edition 2012 (print
Seventh edition published 2014 (print and electronic)
Eighth edition published 2016 (print and electronic)

ISBN: 978-1-292-11997-7 (print)
978-1-292-13339-3 (PDF)
978-1-292-13338-6 (eText)

British Library Cataloguing-in-Publication Data
A catalogue record for the print edition is available from the British Library

Library of Congress Cataloging-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
20 19 18 17 16

Front cover image © Getty Images

Print edition typeset in 9/12 pts Charter ITC Std by Lumina Datamatics, Inc.
Printed in Slovakia by Neografia

NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

Brief contents

	Preface	*xi*
	Table of cases	*xiii*
	Table of statutes	*xxx*
	Table of statutory instruments	*xliv*
	Table of European legislation	*xlviii*
	Study skills	*xlix*
1	The legal system	1
2	The courts and legal personnel	39
3	Formation of contracts – offer and acceptance	65
4	Other requirements of a contract – intention to create legal relations · consideration · formalities · capacity	88
5	Contractual terms	114
6	Misrepresentation · mistake · duress and undue influence · illegality	141
7	Discharge of liability · remedies for breach of contract	172
8	Terms implied by statute	206
9	Sale of goods – the passing of ownership	245
10	Sale of goods – duties of the parties · remedies · international sales	272
11	Agency	296
12	The law of torts 1	322
13	The law of torts 2	354
14	Credit transactions	375
15	Partnership	411
16	The nature of a company and formation of a company	445
17	The management of a company	473
18	Shareholders · resolutions · maintenance of capital · minority protection · debentures	510
19	Winding up of companies · limited liability partnerships · benefits of trading as a company, partnership or limited liability partnership	549
20	Employment 1 – duties of employer and employee · dismissal · redundancy	579
21	Employment 2 – discrimination · health and safety · rights of employees	621
22	Regulation of business by the imposition of criminal liability	658
23	Business property	685
	Appendix: Answers to Test your understanding questions	705
	Bibliography	731
	Index	733

This page intentionally left blank

Detailed contents

Preface xi
Table of cases xiii
Table of statutes xxx
Table of statutory instruments xliv
Table of European legislation xlviii

Study skills xlix

1 The legal system 1

Introduction 1
1.1 Features of the English legal system 1
1.2 Classification of English law 4
1.3 Sources of English law 8
1.4 European Union law 21
1.5 The European Convention on Human Rights 28
Key points 34
Summary questions 37
Multiple choice questions 37
Task 1 38

2 The courts and legal personnel 39

Introduction 39
2.1 The civil courts 39
2.2 The criminal courts 44
2.3 Procedure in the civil courts 48
2.4 Alternative dispute resolution 52
2.5 The legal profession 55
2.6 The judiciary 58
2.7 Juries 60
2.8 Law reform 61
2.9 Law reporting 61
Key points 62
Summary questions 63
Multiple choice questions 63
Task 2 64

3 Formation of contracts – offer and acceptance 65

Introduction 65
3.1 Offer 65
3.2 Acceptance 69
3.3 Certainty 74
3.4 Offer and acceptance when dealing with machines 77
3.5 Acceptance of an offer of a unilateral contract 78
3.6 Termination of offers 79
3.7 Battle of the forms 82
Key points 83
Summary questions 84
Multiple choice questions 85
Task 3 87

4 Other requirements of a contract – intention to create legal relations · consideration · formalities · capacity 88

Introduction 88
4.1 Intention to create legal relations 88
4.2 Consideration 92
4.3 Formalities 106
4.4 Capacity 107
Key points 109
Summary questions 110
Multiple choice questions 111
Task 4 113

5 Contractual terms 114

Introduction 114
5.1 Nature of contractual terms 114
5.2 Express terms distinguished from representations 114
5.3 Implied terms 119
5.4 Types of terms 123
5.5 Exclusion clauses 126
5.6 The Unfair Contract Terms Act 1977 130
5.7 Part 2 of the Consumer Rights Act 2015 134
Key points 137
Summary questions 138
Multiple choice questions 139
Task 5 140

6 Misrepresentation · mistake · duress and undue influence · illegality 141

Introduction 141
6.1 Misrepresentation 141
6.2 Mistake 152
6.3 Duress and undue influence 159
6.4 Illegal and void contracts 164
Key points 167
Summary questions 169
Multiple choice questions 170
Task 6 171

7 Discharge of liability · remedies for breach of contract 172

Introduction 172
7.1 Discharge of liability 172
7.2 Remedies for breach of contract 188
Key points 201
Summary questions 202
Multiple choice questions 203
Task 7 205

8 Terms implied by statute 206

Introduction 206
8.1 The Sale of Goods Act 1979 207
8.2 The terms implied into non-consumer contracts by the Sale of Goods Act 1979 209
8.3 Implied terms in non-consumer contracts other than sales of goods 224
8.4 The status of the statutory implied terms 228
8.5 Exclusion of the statutory implied terms 229
8.6 The terms implied by the Consumer Rights Act 2015 230
Key points 239
Summary questions 241
Multiple choice questions 243
Task 8 244

9 Sale of goods – the passing of ownership 245

Introduction 245
9.1 The passing of the property and the risk 245
9.2 Reservation of title clauses 256
9.3 Sale by a person who is not the owner 260
Key points 266
Summary questions 268
Multiple choice questions 269
Task 9 271

10 Sale of goods – duties of the parties · remedies · international sales 272

Introduction 272
10.1 Duties of the seller 272
10.2 Duties of the buyer 277
10.3 Remedies of the seller 278
10.4 Remedies of the buyer 281
10.5 Auction sales 286
10.6 International sales 287
Key points 292
Summary questions 293
Multiple choice questions 294
Task 10 295

11 Agency 296

Introduction 296
11.1 The concept of agency 296
11.2 Creation of agency 297
11.3 Liability on contracts made by agents 303
11.4 Duties of the agent 306
11.5 The rights of the agent 311
11.6 Termination of agency 312
Key points 316
Summary questions 317
Multiple choice questions 319
Task 11 320

12 The law of torts 1 322

Introduction 322
12.1 Nature of tortious liability 322
12.2 Negligence 323
12.3 Negligent misstatement 342
12.4 The Consumer Protection Act 1987 Part I 343
12.5 The Occupiers' Liability Acts 1957 and 1984 346
12.6 Time limits 349
Key points 350
Summary questions 351
Multiple choice questions 352
Task 12 353

13 The law of torts 2 354

Introduction 354
13.1 Private nuisance 354
13.2 Public nuisance 357
13.3 Strict liability (the rule in *Rylands* v *Fletcher*) 358
13.4 Trespass to land 360

13.5 Trespass to the person 360
13.6 Trespass to goods 361
13.7 Defamation 362
13.8 Vicarious liability 365
13.9 The tort of breach of statutory duty 369
13.10 Economic torts 369
13.11 Passing-off 370
Key points 371
Summary questions 372
Multiple choice questions 373
Task 13 374

14 Credit transactions 375

Introduction 375
14.1 The Consumer Credit Acts 1974 and 2006 375
14.2 Types of credit transactions 402
14.3 Interest on trade debts 406
Key points 407
Summary questions 408
Multiple choice questions 409
Task 14 410

15 Partnership 411

Introduction 411
15.1 The nature of partnership 411
15.2 The definition of a partnership 412
15.3 Specific indications as to whether or not a partnership exists 415
15.4 The partnership agreement 417
15.5 Partners' relationship with each other 424
15.6 Partnership property 425
15.7 Partners' fiduciary duties to each other 426
15.8 Partners' relationship with outsiders 429
15.9 Dissolution and winding up 436
15.10 Limited partners 440
Key points 441
Summary questions 442
Multiple choice questions 443
Task 15 444

16 The nature of a company and formation of a company 445

Introduction 445
16.1 The Companies Act 2006 445
16.2 The nature of a company 446
16.3 The corporate veil 451
16.4 Classification of companies 454
16.5 Formation of registered companies 459
16.6 The constitution of a company 462
16.7 Off-the-shelf companies 464
16.8 Contracts made before the company is formed 465
16.9 The company name 466
16.10 The Registrar of Companies 469
Key points 469
Summary questions 471
Multiple choice questions 471
Task 16 472

17 The management of a company 473

Introduction 473
17.1 Directors 473
17.2 The company secretary 493
17.3 The auditor 495
17.4 Company registers 500
17.5 The annual return 502
17.6 Accounts and accounting records 503
Key points 505
Summary questions 506
Multiple choice questions 507
Task 17 509

18 Shareholders · resolutions · maintenance of capital · minority protection · debentures 510

Introduction 510
18.1 Shareholders 510
18.2 The nature of shares 511
18.3 Becoming a shareholder of a company with a share capital 513
18.4 Company resolutions and meetings 516
18.5 The legal effect of the constitution 524
18.6 Maintenance of capital 526
18.7 Insider dealing 530
18.8 Protection of minority shareholders 531
18.9 Loan capital 540
Key points 544
Summary questions 546
Multiple choice questions 547
Task 18 548

19 Winding up of companies · limited liability partnerships · benefits of trading as a company, partnership or limited liability partnership 549

Introduction 549
19.1 Winding up of companies 549
19.2 Limited liability partnerships 561

19.3 Choice of legal status 568
Key points 573
Summary questions 575
Multiple choice questions 576
Task 19 578

20 Employment 1 – duties of employer and employee · dismissal · redundancy 579

Introduction 579
20.1 Employees contrasted with independent contractors 581
20.2 The terms of the contract of employment 584
20.3 Termination of employment 594
20.4 Unfair dismissal 598
20.5 Redundancy 612
Key points 616
Summary questions 618
Multiple choice questions 619
Task 20 620

21 Employment 2 – discrimination · health and safety · rights of employees 621

Introduction 621
21.1 Overview of the Equality Act 2010 622
21.2 The protected characteristics 622
21.3 Types of personal characteristic discrimination 624
21.4 Equality of terms 627
21.5 Public sector equality duty 632
21.6 Positive action 632
21.7 Discrimination against persons with criminal records 633
21.8 Discrimination against part-time workers 633
21.9 Discrimination against fixed-term workers 635
21.10 The Agency Workers Regulations 2010 635
21.11 Health and safety 636
21.12 Maternity and paternity rights 641
21.13 Adoption leave and pay 644
21.14 Flexible working for parents and carers 644
21.15 The national minimum wage 645
21.16 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) 646
21.17 The Working Time Regulations 1998 646
21.18 Authorised deductions from wages 648
21.19 Time off work 650
21.20 Procedure for bringing a claim before an employment tribunal 651
Key points 652
Summary questions 654
Multiple choice questions 655
Task 21 657

22 Regulation of business by the imposition of criminal liability 658

Introduction 658
22.1 The nature of a crime 658
22.2 The Consumer Protection from Unfair Trading Regulations 2008 660
22.3 The Business Protection from Misleading Marketing Regulations 2008 669
22.4 Product safety 671
22.5 The Computer Misuse Act 1990 672
22.6 Enforcement of consumer law 674
22.7 Competition law 675
22.8 The Bribery Act 2010 679
Key points 681
Summary questions 682
Multiple choice questions 683
Task 22 684

23 Business property 685

Introduction 685
23.1 Legal concepts of property 685
23.2 Copyright 687
23.3 Patents 693
23.4 Trade marks 696
23.5 The Data Protection Act 1998 698
Key points 702
Summary questions 703
Multiple choice questions 704
Task 23 704

Appendix: Answers to Test your understanding questions 705
Bibliography 731
Index 733

Preface

Changes in the law

This edition considers in detail **the Consumer Rights Act 2015**, which has finally come into force. The bulk of the new material, some 10,000 words, is set out in Chapters 5 and 8, considering the CRA's implied terms and its rules on exclusion of liability. However, the CRA has made smaller changes to several other chapters. The **Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013** are also considered in detail, as they have replaced the Distance Selling Regulations 2000 and the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008.

New cases are included throughout the text. The most important of these, in the order in which they appear in the text, are:

North Eastern Properties v *Coleman* [2010] 3 All ER 528
Lloyd v *Browning* [2013] EWCA Civ 1637
Salt v *Stratstone Specialist Ltd* [2015] EWCA Civ 745
El Makdessi v *Cavendish Square Holdings BV* [2013] EWCA Civ 1539
Cavendish Square Holdings BV v *Talal El Makdessi/ ParkingEye Ltd* v *Beavis* [2015] UKSC 67
Simpole v *Chee* [2013] EWHC 444(Ch)
Blankley v *CMMCUH NHS Trust* [2015] EWCA Civ18
FHR European Ventures Ltd v *Cedar Capital Partners LCC* [2015] 1 AC 250
Warren v *DrukkeriJ Flach B.V.* [2014] EWCA Civ 993
Michael v *Chief Constable of South Wales* [2015] UKSC 2
Les Laboratoires Servier v *Apotex Inc* [2014] 3 WLR 1257
McCracken v *Smith, the MIB and Bell* [2015] EWCA Civ 380
Coventry v *Lawrence* [2014] UKSC 13
Lawrence v *Fen Tigers Ltd (No 2)* [2014] UKSC 46
Environment Agency v *Churngold Recycling Ltd* [2014] EWCA Civ 909
Mohamud v *Morrison Supermarkets plc* [2014] EWCA Civ 116
Wood v *Capital Bridging Finance Ltd* [2015] EWCA Civ 451
Durkin v *DSG Retail Ltd* [2014] UKSC 21
Plevin v *Paragon Personal Finance Ltd* [2014] 1 WLR 4222
Thompson v *The Renwick Group plc* [2014] EWCA Civ 635
Jessemey v *Rowstock Ltd* [2014] EWCA Civ 185
Yapp v *Foreign and Commonwealth Office* [2014] EWCA Civ 1512

The aim of this book

This book aims to provide a comprehensive treatment of business law in a way which is both interesting and easily understood. The text covers most areas which could be classified as business law in an academically rigorous way. More specifically this text aims to be:

- **Comprehensive** in its scope, covering not only the more traditional business law subjects, but also the English Legal System, Employment, Consumer Credit, Intellectual Property, Trade Descriptions, Misleading Price Indications, Competition Law and Product Safety.
- **Holistic** in its approach. In every chapter there are numerous cross-references to other sections of the text, demonstrating the inter-relationship between the various subject areas.
- **Thorough** in its treatment of the law. Despite the easily readable style of the text, difficult issues are dealt with thoroughly even in areas where the law is highly technical.
- **Easy to read.** The style of the text is straightforward and accessible. The policy behind the law is explained, making comprehension of the law much easier.
- **Well structured**. In every chapter the text frequently reminds the reader of the main issues involved and the context of the particular subject being considered.
- **Up to date** in its treatment of the law. The text reflects the changes made by recent cases, and legislation and above all by EU law. The accompanying websites will deal with changes to the law and keep the text as up to date as possible.

Who should use this book?

This book is intended to be suitable for a wide variety of students who study Business Law; for example:

- **Undergraduates** who study one or more law modules as part of their accountancy, business studies or business-related degrees.
- Students on **professional courses,** such as ACCA, CIMA, ILEX, ICAEW, IComA and ICSA.
- **HNC/D students**.
- **Postgraduate students** who need a thorough grounding in business law.

Distinctive features

Clear structure

The book is very clearly structured. The text in each chapter is broken up with several sets of 'Test your understanding' questions. These are designed to keep the reader firmly focused on the main issues with which the text deals. 'Key Points' at the end of each chapter have the same aim. The text is detailed, but the reader is frequently reminded of the context and structure of the material.

Study skills section

The study skills section is designed to give students a clear explanation of the skills they should apply when answering legal questions. The technique of answering a problem-style question is considered in some detail. I very much hope that this section will inspire readers and allow them to see that legal assessments do not require rote learning and reproduction of facts, but do invite evaluation, analysis and application of conflicting principles.

Multiple choice and summary questions

Each chapter ends with a selection of multiple choice and summary questions. These questions are designed to be intellectually demanding and to give the reader the chance to apply the law contained in the preceding chapter to problem situations. The answers to the questions can be found in the Instructor's Manual, which is available to lecturers.

Selected further readings

At the end of the book there is a short bibliography, suggesting further reading for those who want to know more about a particular subject area.

Table of cases

Cases that have received detailed treatment in case summary boxes are indicated in **bold** in the case name and in the appropriate page number

A *v* UK (2009) 49 EHRR 29 34
Aas *v* Benham [1891] 2 Ch 244; (1891) 65 LT 25, CA 428
Abdulla *v* Birmingham City Council [2012] UKSC 47; [2013] 1 All ER 649 580, 632
Abouzaid *v* **Mothercare (UK) Ltd** [2000] EWCA Civ 348; [2000] All ER (D) 2436, CA **345**, 346
Adams *v* **Cape Industries plc** [1990] Ch 433; [1990] 2 WLR 657; [1991] 1 All ER 929, CA 451, **453**
Adams *v* **Lindsell** (1818) 1 B & Ald 681; [1818] 106 ER 260 l, li, **70–71**
Addis *v* Gramophone Co Ltd [1909] AC 488 597, 598
Adler *v* George [1964] 2 QB 7; [1964] 2 WLR 542; [1964] 1 All ER 628 12, 61, 129
Agriculturist Cattle Insurance Co, Baird's Case (1870) LR 5 Ch App 725; [1861–73] All ER Rep 1766 569
Air Studios (Lyndhurst) Ltd *v* Lombard North Central Plc [2012] EWHC 3162 (QB); [2013] 1 Lloyd's Rep 63 280
Albert *v* **Motor Insurers' Bureau** [1971] 3 WLR 291; [1971] 2 All ER 1345; [1972] RTR 230, HL 91 **91**
Alcan Extrusions *v* **Yates** [1996] IRLR 327, EAT 594, **601**
Alcock *v* **Chief Constable of South Yorkshire Police** [1991] 3 WLR 1057; [1991] 4 All ER 907 **327**
Aldridge *v* Johnson (1857) 7 El & Bl 885; (1857) 26 LJQB 296 208
Al-Khawaja and Tahery *v* United Kingdom (2009) 49 EHRR 1 33, 34
Allcard *v* Skinner (1887) 36 ChD 145; [1887] 56 LJ Ch 1052 162
Allen *v* **Gulf Oil Refining Ltd** [1981] 2 WLR 188; [1981] 1 All ER 353; (1981) 125 SJ 101, HL **357**
Aluminium Industrie Vaasen BV *v* **Romalpa Aluminium Ltd** [1976] 1 WLR 676; [1976] 2 All ER 552, CA **258**
Anangel Atlas Compania Naviera SA *v* Ishikawajima Harima Heavy Industries Co Ltd [1990] 1 Lloyd's Rep 167 308
Annacott Holdings Ltd, Re [2012] EWCA Civ 998 539
Andrews Bros Ltd *v* **Singer & Co. Ltd** [1934] 1 KB 17, 103 LJKB 90; [1933] All ER Rep 479, 150 LT 172, 50 TLR 33, CA **130**
Andrews *v* **Hopkinson** [1957] 1 QB 229; [1956] 3 WLR 732; [1956] 3 All ER 422 118, **404**
Anglia Television Ltd *v* **Reed** [1972] 1 QB 60; [1971] 3 WLR 528; [1971] 3 All ER 690 **193–194**
Antaios Compania Neviera SA, The *v* Salen Rederierna AB [1985] AC 191; [1984] 3 All ER 229; [1984] 3 WLR 592 125, 192–193
Anton Pillar KG *v* **Manufacturing Processes Ltd** [1976] Ch 55; [1976] 1 All ER 779, CA **198–199**
Appleby *v* Myers (1867) LR 2 CP 651 182
Appleson *v* Littlewood (H) Ltd [1939] 1 All ER 464; (1939) 83 SJ 236, CA 110
Arbuckle *v* Taylor (1815) 3 Dow 160; [1815] 3 ER 1023, HL 434
Archer *v* Stone (1898) 78 LT 34 304
Arcos Ltd *v* **Ronaasen (EA) & Son** [1933] AC 470; [1933] All ER Rep 646, HL 172 **213–214**
Armagas Ltd *v* Mundogas SA, The Ocean Frost [1986] AC 717; [1986] 2 All ER 385; [1986] 2 WLR 1063 299
Armour *v* Thyssen Edelstahlwerke AG [1990] 3 All ER 481; [1990] 3 WLR 810, HL 257, 259
Armstrong *v* Jackson [1917] 2 KB 822; [1916–17] All ER Rep 1117 307
Asfar & Co Ltd *v* **Blundell** [1896] 1 QB 123; [1896] 65 LJ QB 138, CA **249**
Ashbury Railway Carriage and Iron Co. Ltd *v* Riche (1875) LR 7 HL 653; [1874–80] All ER Rep 2219, HL 484
Ashford *v* Thornton (1818) 1 B & A 405 2
Ashington Piggeries Ltd *v* **Christopher Hill Ltd** [1972] AC 441; [1971] 2 WLR 1051; [1971] 1 All ER 847, HL **220**
Atlas Express Ltd *v* **Kafco (Importers and Distributors) Ltd** [1989] QB 833; [1989] 3 WLR 389; [1989] 1 All ER 641 **160**

Attorney-General *v* **Blake (Jonathan Cape Ltd)** [2001] 1 AC 268 (HL); [2000] 3 WLR 625; [2000] 4 All ER 385, HL **200**
Attorney General *v* PYA Quarries Ltd (No.1) [1957] 2 QB 169; [1957] 2 WLR 770; [1957] 1 All ER 894 357
Attorney-General for Hong Kong *v* Reid [1994] 1 AC 324; [1994] 1 All ER 1; [1993] 3 WLR 1143, PC 310
Attorney General of Belize *v* Belize Telecom Ltd [2009] UKPC 11; [2009] 1 WLR 1988; [2009] Bus LR 1316; [2009] 2 All ER 1127; 26 BHRC 578 120
Attorney-General's Reference (No. 1 of 1991) [1992] 3 WLR 432; [1992] 3 All ER 897 673
Attwood *v* **Lamont** [1920] 3 KB 571 **167**
Attwood *v* Small (1838) 6 Cl & Fin 232; [1835–42] All ER Rep 258 144
Automatic Self-Cleansing Filter Syndicate Co Ltd *v* **Cuninghame** [1906] 2 Ch 34; (1906) 94 LT 651 **482–483**
Avery *v* **Bowden** (1856) 5 E & B 714; (1856) 119 ER 1119 **183**
Azevedo *v* IMCOPA - Importacao [2013] EWCA Civ 364 68

Badger *v* Ministry of Defence [2005] EWHC 2941 (QB); [2006] 3 All ER 173 340
Baker *v* Jones [1954] 1 WLR 1005; [1954] 2 All ER 553; (1954) 98 SJ 473 90, 165
Balfour *v* Balfour [1919] 2 KB 571; (1919) 121 LT 346, CA 91
Bamford *v* **Bamford** [1970] Ch 212; [1969] 2 WLR 1107; [1969] 1 All ER 969, CA **493**
Bank of Scotland *v* Qutb [2012] EWCA Civ 1661; [2013] CP Rep 14 305
Bannerman *v* **White** (1861) 10 CB NS 844; (1861) 142 ER 685 **116**
Barber *v* Somerset County Council; Hatton *v* Sutherland [2002] EWCA Civ 76; [2004] WLR 1089 328
Barnett *v* Chelsea Hospital [1969] 1 QB 428; [1968] 2 WLR 422; [1969] 1 All ER 428 334
Barry *v* Davies (T/A Heathcote-Ball & Co) [2000] 1 WLR 1962; [2001] 1 All ER 944, CA 72
Bartlett *v* **Sidney Marcus Ltd** [1965] 1 WLR 1013; [1965] 2 All ER 753; (1965) 109 SJ 451, CA **215**
Bassano *v* Toft [2014] EWHC 377 385
Beattie *v* E and F Beattie Ltd [1938] 3 All ER 214; [1938] P 99 525
Bell *v* **Lever Bros** [1932] AC 161; [1931] All ER Rep 1, HL **153**–154, 158
Bence Graphics International Ltd *v* **Fasson UK Ltd** [1998] QB 87; [1997] 1 All ER 979; [1997] 3 WLR 205, CA **282–283**
Bentley *v* **Craven** (1853) 18 Beav 75 426, **427**
Benton *v* **Campbell, Parker & Co Ltd** [1925] 2 KB 410 **287**
Bertram Armstrong and Co *v* Godfrey (1830) 1 Kn 381 306
Beswick *v* **Beswick** [1968] AC 58; [1967] 3 WLR 932; [1967] 2 All ER 1197, HL l, **96**
Bettini *v* **Gye** (1876) 1 QB 183 **123**
Biffa Waste Services Ltd *v* Maschinenfabrik Ernst Hese GmbH [2008] EWCA Civ 1257; [2009] QB 725; [2009] 3 WLR 324 369
Birkenhead Co-operative Society *v* Roberts [1970] 1 WLR 1497; [1970] 3 All ER 391; (1970) 114 SJ 703 668
Birmingham City Council *v* Abdulla *See* Abdulla *v* Birmingham City Council
Bishop *v* Goldstein [2014] EWCA Civ 10 437
Bisset *v* **Wilkinson** [1927] AC 177, PC **141–142**
Blackpool & Fylde Aero Club Ltd *v* **Blackpool Borough Council** [1990] 1 WLR 1194; [1990] 3 All ER 25; [1990] 88 LGR 864 **74**
Blankley *v* CMMCUH NHS Trust [2015] EWCA Civ 18 305
Bloomsbury International Ltd *v* Sea Fish Industry Authority [2011] UKSC 25; [2011] 1 WLR 1546 12
Blyth *v* Fladgate [1891] 1 Ch 337 434, 568
Boardman *v* **Phipps** [1967] 2 AC 46; [1966] 3 WLR 1099; [1966] 3 All ER 721, HL **308**, 428
Bocardo SA *v* Star Energy UK Onshore Ltd [2010] UKSC 35; [2011] 1 AC 380; [2010] 3 WLR 654; [2010] 3 All ER 975 360
Bolam *v* **Friern Hospital Management Committee** [1957] 1 WLR 582; [1957] 2 All ER 118 **227**, 331
Bolitho *v* City & Hackney Health Authority [1998] AC 232; [1997] 3 WLR 1151; [1997] 4 All ER 771, HL 227, 331
Bolkiah *v* KPMG (a firm) [1999] 2 AC 222; [1999] 1 All ER 517; [1999] 2 WLR 215 309
Bolton *v* **Mahadeva** [1972] 1 WLR 1009; [1972] 2 All ER 132, CA **174**
Bolton *v* **Stone** [1951] AC 850; [1951] 1 All ER 1078; [1951] 1 TLR 179, HL **332**, 333
Bolton Partners *v* **Lambert** (1889) 41 ChD 295; (1889) 60 LT 587, CA **302**
Bond Worth, Re [1980] Ch 228; [1979] 3 WLR 629; [1979] 3 All ER 919 257
Borden (UK) Ltd *v* **Scottish Timber Products Ltd** [1981] Ch 25; [1979] 3 WLR 672; [1979] 3 All ER 961, CA **259**
Borland's Trustees *v* Steel Brothers & Co Ltd [1901] 1 Ch 279 511
Boston Deep Sea Fishing and Ice Co *v* Ansell (1888) 39 ChD 339; [1886–90] All ER Rep 6 589
Bourne, Re [1906] 2 Ch 427 437

Bournemouth University Higher Education Corp *v* **Buckland** [2010] EWCA Civ 121; [2011] QB 323; [2010] 3 WLR 1664; [2010] 4 All ER 186; [2010] IRLR 445 **602**, 603
Bowes *v* **Shand** (1877) 2 App Cas 455, HL **274**
BP Exploration Ltd *v* Hunt (No 2) [1983] 2 AC 352; [1982] 1 All ER 925; [1982] 2 WLR 253 182
Brace *v* **Calder** [1895] 2 QB 253; [1895–99] All ER Rep 1196, CA **193**
Bradbury *v* Morgan (1862) 1 H & C 249 82
Bradford *v* **Robinson Rentals** [1967] 1 All ER 267; [1967] 1 WLR 337; (1967) 111 SJ 33 **640**
Bramhill *v* **Edwards** [2004] EWCA Civ 403; [2004] 2 Lloyd's Rep 653; [2004] All ER (D) 42 (Apr), CA **217–218**
Branwhite *v* Worcester Works Finance Ltd [1969] 1 AC 552; [1968] 3 WLR 760; [1968] 3 All ER 104 157
Brasserie du Pêcheur SA *v* Germany [1996] ECR 1–1029; [1996] QB 404; [1996] 2 WLR 506; [1996] All ER (EC) 301 25, 706
Braymist Ltd *v* Wise Finance Co Ltd [2002] EWCA Civ 127; [2002] Ch 273; [2002] 3 WLR 322; [2002] 2 All ER 333, CA 465
Brennan *v* Bolt Burden [2004] EWCA Civ 1017; [2005] QB 303; [2004] 3 WLR 1321 142
Brinkibon Ltd *v* Stahag Stahl und Stahlwarenhandelsgesellschaft mbH [1983] 2 AC 34; [1982] 2 WLR 264; [1982] 1 All ER 293, HL 69, 77, 78
British Celanese *v* AH Hunt (Capacitors) Ltd [1969] 1 WLR 959; [1969] 2 All ER 1252 329
British Coal Corporation *v* Smith [1996] 3 All ER 97; (1996) 140 SJ LB 134; [1996] IRLR 404, HL 628
British Crane Hire Corporation Ltd *v* Ipswich Plant Hire Ltd [1975] QB 303; [1974] 2 WLR 856; [1974] 1 All ER 1054 122, 128
British Fermentation Products Ltd *v* Compair Reavell Ltd [1999] BLR 352; [1999] 2 All ER (Comm) 389, 66 Con LR 1 132
British Railways Board *v* Herrington [1972] AC 877; [1972] 2 WLR 537; [1972] 1 All ER 749, HL 348
British Railways Board *v* Pickin [1974] AC 765; [1974] 2 WLR 208; [1974] 1 All ER 609 8
Brogden *v* Metropolitan Railway (1877) 2 AC 666, HL 85
Brooks *v* **Ladbroke Lucky Seven Entertainment** (1977) WL 442118 **633**
Broome *v* Cassell & Co Ltd [1972] AC 1027; [1972] 1 All ER 801; [1972] 2 WLR 645; 116 SJ 199 20
Brown *v* Raphael [1958] Ch 636; [1958] 2 WLR 647; [1958] 2 All ER 79, CA 170
Brumder *v* Motornet Service and Repairs Ltd [2013] EWCA Civ 195; [2013] 1 WLR 2783; [2013] 3 All ER 412 448
BSS Group Plc *v* Makers (UK) Ltd [2011] EWCA Civ 809 221
Buchler and another *v* Talbot and another [2004] UKHL 9; [2004] 2 WLR 582; [2004] 1 All ER 1289, HL 542
Buckland *v* Bournemouth University Higher Education Corp *See* Bournemouth University Higher Education Corp *v* Buckland
Bunge & Co Ltd *v* **Tradax England Ltd** [1975] 2 Lloyd's Rep 235 **289**
Burton *v* Winters [1993] 1 WLR 1077; [1993] 3 All ER 631, CA 357
Bushell *v* **Faith** [1970] AC 1099; [1970] 2 WLR 272; [1970] 1 All ER 53, HL **475–476**, 483, 532
Butler Machine Tool Co Ltd *v* **Ex-Cell-O Corporation Ltd** [1979] 1 WLR 401; [1979] 1 All ER 965; (1977) 121 SJ 406, CA **83**
Byrne & Co *v* **Van Tienhoven & Co** (1880) 5 CPD 344 **80**
Byrne *v* **Reid** (1902) 87 LTR 507, CA **425**

C & P Haulage *v* Middleton [1983] 3 All ER 94; [1983] 1 WLR 1461; (1983) 127 SJ 730 193
CCSU *v* Minister for the Civil Service, *See* Council of Civil Service Unions *v* Minister for the Civil Service (GCHQ Case)
CIBC Mortgages plc *v* Pitt [1994] AC 200; [1993] 3 WLR 802; [1993] 4 All ER 433, HL 162
CTN Cash and Carry Ltd *v* **Gallagher Ltd** [1994] 4 All ER 714, CA **161**
Cable and Wireless plc *v* Muscat [2006] EWCA Civ 220; [2006] ICR 975; [2006] IRLR 354 583
Cablevision Ltd *v* Feetum [2005] EWCA Civ 1601; [2006] Ch 585; [2006] 3 WLR 427; [2006] 2 BCLC 102 566
Cadbury Schweppes Ltd *v* Pub Squash Co Ltd [1981] 1 WLR 193; [1981] 1 All ER 213; (1980) 125 SJ 96, PC 419
Cairns *v* Modi [2012] EWCA Civ 1382; [2013] 1WLR 1015 339, 364
Cambridge Water Co Ltd *v* **Eastern Counties Leather plc** [1994] 2 AC 264; [1994] 2 WLR 53; [1994] 1 All ER 53 **356**, 359
Caparo Industries plc *v* **Dickman** [1990] 2 AC 605; [1990] 2 WLR 358; [1990] 1 All ER 568, HL 325, 343, 453, **498**
Capper Pass Ltd *v* **Lawton** [1997] QB 852; [1977] 2 WLR 26; [1977] 2 All ER 11; [1977] ICR 83, HL **629**

Capps *v* Miller [1989] 2 All ER 333; [1989] 1 WLR 839; (1989) 133 SJ 1134 340
Car and Universal Finance Co Ltd *v* Caldwell [1965] 1 QB 525; [1964] 1 All ER 290; [1964] 2 WLR 600 146, 148, 263, 265
Carlill *v* The Carbolic Smoke Ball Company [1893] 1 QB 256, CA lii, liii, *7*, 17, 18, **67**, 68, 78, 81, 92, 111
Carlos Federspiel & Co SA *v* Charles Twigg & Co Ltd [1957] 1 Lloyd's Rep 240 251
Carmarthenshire CC *v* Lewis [1955] AC 549; [1955] 2 WLR 517; [1955] 1 All ER 565, HL 335
Carmichael *v* National Power Plc [1999] 1 WLR 2042; [1999] 4 All ER 897 **582**
Caterpillar Ltd *v* Holt [2013] EWCA Civ 1232 280
Cavendish Square Holdings BV *v* Beavis [2015] UKSC 67 **194–195**
Catholic Child Welfare Society *v* Various Claimants and the Institute of the Brothers of the Christian Schools *See* Various Claimants *v* Institute of the Brothers of the Christian Schools
Cavenagh *v* William Evans Ltd [2012] EWCA Civ 697; [2013] 1 WLR 238; [2012] 5 Costs LR 835; [2012] ICR 1231 310
Central London Property Trust Ltd *v* High Trees House Ltd [1947] KB 130; [1956] 1 All ER 256; [1947] LJR 77 **103**, 104, 105
Century Insurance Co *v* Northern Ireland Road Traffic Board [1942] AC 509, HL **366**
Chandler *v* Cape plc [2012] 1 WLR 3111 453, 454
Chapelton *v* Barry UDC [1940] 1 KB 532, CA **127–128**, 138
Chaplin *v* Hicks [1911] 2 KB 786, CA **191**–192
Chaplin *v* Leslie Frewin (Publishers) Ltd [1966] Ch 71; [1966] 2 WLR 40; [1965] 3 All ER 764, CA 108
Chappell & Co Ltd *v* The Nestlé Co Ltd [1960] AC 87; [1959] 3 WLR 168; [1959] 2 All ER 701, HL **94**
Charge Card Services Ltd, Re [1989] Ch 497; [1989] 8 TR LR 86 406
Charles Rickards *v* Oppenheim [1950] 1 KB 616; [1950] 1 All ER 420; (1950) 94 SJ 161, CA 176, **274**
Chartbrook Ltd *v* Persimmon Homes Ltd [2009] UKHL 38; [2009] 1 AC 1101; [2009] 3 WLR 267; [2009] 4 All ER 677 125
Chaudry *v* Prabhakar [1988] 3 All ER 718; (1988) 138 New LJ 172, CA **306–307**, 343
Chester *v* Afshar [2004] UKHL 41; [2005] 1 AC 134; [2004] 4 All ER 587; [2004] 3 WLR 927 **334–335**
Chindove *v* William Morrisons Supermarket plc UKEAT/0201/13/BA 602
Christie *v* Davey [1893] 1 Ch 316 **355**
Claimants appearing on the Register of the Corby Group Litigation *v* Corby Borough Council [2008] EWCA Civ 463; [2009] QB 335; [2009] 4 All ER 44 358
Claridge *v* Daler Rowney Ltd [2008] ICR 1267; [2008] IRLR 672; [2008] All ER (D) 435 (Jul); UKEAT/0188/08, EAT 608
Clarke *v* Dickson (1858) EB & E 148 148
Clea Shipping Corp *v* Bulk Oil International Ltd (The Alaskan Trader) [1984] 1 All ER 129; [1983] 2 Lloyd's Rep 645 184
Clegg *v* Andersson [2003] EWCA Civ 320; [2003] 1 All ER (Comm); [2003] 2 Lloyd's Rep 32, CA 218, **284–285**
Clements *v* London and North Western Railway Company [1894] 2 QB 482, CA **108**
Clough Mill Ltd *v* Geoffrey Martin [1985] 1 WLR 111; [1984] 3 All ER 982; (1984) 128 SJ 850, CA **256–257**
Colley *v* Overseas Exporters Ltd [1921] 3 KB 302 **280**
Collier *v* Sunday Referee Publishing Ltd [1940] 2 KB 647 590
Collier *v* Wright [2007] EWCA Civ 1329; [2008] 1 WLR 643 104
Collins *v* Godefroy (1813) 1 B & Ad 950 **98**, 101
Collins Stewart Ltd *v* Financial Times Ltd [2005] EWHC 262; (QB); [2006] STC 100; [2005] All ER (D) 393 (Feb) 448
Commissioners of Customs and Excise *v* Barclays Bank plc [2006] UKHL 28; [2006] 4 All ER 256; [2006] 2 All ER (Comm) 831; [2006] 3 WLR 1, HL 323, 325, **329–330**, 343
Condor *v* The Barron Knights Ltd [1966] 1 WLR 87; (1966) 110 SJ 71 **178**
Const *v* Harris (1824) 37 ER 1191 422
Conway *v* George Wimpey & Co Ltd [1951] 2 KB 266; [1951] 1 All ER 363, CA 367
Cooper *v* Phibbs (1867) LR 2 HL 149 153
Co-operative Group (CWS) Ltd *v* Deborah Pritchard [2011] EWCA Civ 329 361
Coroin Ltd, Re [2012] EWHC 2343 (Ch) 473
Corr *v* IBC Vehicles Ltd [2008] UKHL 13; [2008] 1 AC 884; [2008] 2 WLR 499; [2008] 2 All ER 943 326, 335
Costa *v* ENEL [1964] ECR 585; [1964] CMLR 425 28
Coughlan (JJ) Ltd *v* Ruparelia and others [2003] EWCA Civ 1057; [2003] 37 LS Gaz R 34; (2003) The Times, 26 August, CA **430–432**, 435
Council of Civil Service Unions *v* Minister for the Civil Service (GCHQ Case) 1985] AC 374; [1985] 1 WLR 1174; [1984] 3 All ER 935; (1984) 128 SJ 837 59

Coventry *v* Lawrence [2015] UKSC 50 355, 357
Coward *v* **MIB** [1963] 1 QB 359; [1962] 2 WLR 663; [1962] 1 All ER 531, CA **91**
Cox *v* **Coulson** [1916] 2 KB 177, CA **415–416**
Cozens *v* Brutus [1975] AC 854; [1972] 3 WLR 521; [1972] 2 All ER 1297 *7*
Craddock Brothers *v* Hunt [1923] 2 Ch 136; [1923] All ER Rep 394, CA 199
Craven-Ellis *v* **Canons Ltd** [1936] 2 KB 403; [1936] 2 All ER 1066, CA **481**
Credit Lyonnaise Bank Netherland NV *v* Export Credits Guarantee Department [2000] 1 AC 486; [1999] 2 WLR 540; [1999] 1 All ER 929, HL 368
Criterion Properties plc *v* Stratford UK Properties LLC [2004] UKHL 28; [2004] 1 WLR 1846; [2006] 1 BCLC 729 299, 483
Crocs Europe BV *v* Anderson (t/a Spectrum Agencies [2012] EWCA Civ 1400; [2013] 1 Lloyd's Rep 1 309
Croft *v* **Day** (1843) 7 Beav 84 **419**
Cundy *v* **Lindsay** (1878) 3 App Cas 459, HL **155**, 156, 157
Currie *v* Misa (1875) LR 10 Exch 153; 44 LJ Ex 94; 23 WR 450, Ex Ch 92
Curtis *v* **Chemical Cleaning and Dyeing Co** [1951] 1 KB 805; [1951] 1 All ER 631; [1951] 1 TLR 452, CA **127**
Cusack *v* Harrow LBC [2013] UKSC 40; [2013] 1 WLR 2022; [2013] 4 All ER 97 14
Cutter *v* **Powell** (1756) 6 TR 320 **173**, 174

D *v* UK (1997) 24 EHRR 423, ECtHR 31
D & C Builders *v* **Rees** [1966] 2 QB 617; [1966] 2 WLR 288; [1965] 3 All ER 837, CA 103, **104**, 105
D & H Bunny Ltd *v* Atkins [1961] VLR 31 433
Dacas *v* **Brook Street Bureau (UK) Ltd** [2004] EWCA Civ 217, IRLR 190, CA **583**
Dalgleish *v* Lothian and Borders Police Board 1992 SLT 721 590
Darby *v* Law Society of England and Wales (2008) 152 (37) SJLB 29; [2008] All ER (D) 129 (Aug), UKEAT/2008/0447/07, EAT 594
Daulia Ltd *v* Four Millbank Nominees [1978] Ch 231; [1978] 2 WLR 621; [1978] 2 All ER 557 80
Daventry DC *v* Daventry and District Housing Ltd [2011] EWCA Civ 1153; [2012] 1 WLR 1333; [2012] 2 All ER (Comm) 142 199
Davis *v* **Davis** [1894] 1 Ch 393 **415**, 416
Davis Contractors Ltd *v* **Fareham UDC** [1955] 1 QB 302; [1956] 3 WLR 37; [1956] 2 All ER 145, HL **179**, 202, 203
Davison *v* Kent Meters Ltd [1975] IRLR 145 604
Daw *v* **Intel Corp (UK) Ltd**, sub nom Intel Corp (UK) Ltd *v* Daw [2007] EWCA Civ 70; [2007] 2 All ER 126, CA **328–329**
Dennant and Skinner *v* **Collom** [1948] 2 KB 164; [1948] 2 All ER 29; [1948] LJR 1567 **286**
Derbyshire *v* St Helens Metropolitan Borough Council [2007] UKHL 16; [2007] 3 All ER 81; [2007] ICR 841, HL 626
Derry *v* Peek (1889) 14 App Cas 337, HL 145, 151
Devonald *v* Rosser & Sons [1906] 2 KB 728 590
Dick Bentley Productions Ltd *v* **Harold Smith Motors Ltd** [1965] 2 All ER 65; [1965] 1 WLR 623, 109 SJ 329, CA **116**
Dickinson *v* **Dodds** (1876) 2 Ch D 463, CA **79–80**, 81
Dimond *v* Lovell [2002] 1 AC 384; [2000] 2 All ER 897, HL 376, 377, 380, 386
Director General of Fair Trading *v* First National Bank plc [2001] UKHL 52; [2002] 1 AC 481; [2001] 2 All ER (Comm) 1000; [2002] 1 All ER 97 134
Director of Public Prosecution *v* Bignell [1988] 1 Cr App R 1; (1997) 161 JP 541, DC 673
Director of Public Prosecution *v* **Lennon** [2006] EWHC 1201 (Admin); 170 JP 532; 170 JPN 934; [2006] All ER (D) 147 (May), DC **674**
Dobson *v* Thames Water Utilities [2009] EWCA Civ 28; [2009] 3 All ER 319, CA 356
Don King Productions Inc *v* **Warren** [2000] Ch 291; [1999] 3 WLR 276; [1999] 2 All ER 218, CA **426**, 428
Donoghue *v* **Stevenson** [1932] AC 562; (1932) 20 MLR 1; (1932) 86 LQR 454; (1932) 103 SJ 143, HL **324**
Donovan *v* Invicta Airways Ltd [1970] 1 Lloyd's Rep 486; [1969] 2 Lloyd's Rep 413, CA 587
Doughty *v* Turner Manufacturing Co [1964] 1 QB 518; [1964] 2 WLR 240; [1964] 1 All ER 98, CA 339
Doyle *v* **Olby** [1969] 2 QB 158; [1969] 2 WLR 673; [1969] 2 All ER 119, CA **149**
Drummond *v* Van Ingen (1887) 12 App Cas 284 223
Dryden *v* **Greater Glasgow Health Board** [1992] IRLR 469 **591–592**
Dubai Aluminium Co Ltd *v* **Salaam** [2002] 3 WLR 1913;[2002] UKHL 48; [2003] 2 AC 366; [2003] 1 All ER 97, HL 368, 434, 435
Dunlop Pneumatic Tyre Co Ltd *v* **Selfridge & Co Ltd** [1915] AC 847, HL **95**
Duomatic Ltd, Re [1969] 2 Ch 365; [1969] 2 WLR 114; [1969] 1 All ER 161 516
Durant *v* The Financial Services Authority [2003] EWCA Civ 1746; [2004] FSR 28 699

Durkin *v* DSG Retail Ltd [2014] UKSC 21 390
Dyster *v* **Randall** [1926] Ch 932 **304**

Earl of Oxford's Case (1615) 1 Rep Ch 1 5
Eastern Distributors Ltd *v* **Goldring** [1957] 2 QB 600; [1957] 3 WLR 237; [1957] 2 All ER 525, CA **262**
Eaton Ltd *v* Nuttall [1977] 1 WLR 549; [1977] 3 All ER 1131; [1977] IRLR 71 629
Ebrahimi *v* **Westbourne Galleries** [1972] 2 WLR 1289; [1972] 2 All ER 492, HL **539–540**, 551, 569
Ecay *v* **Godfrey** (1947) 80 Lloyd's Rep 286 **116**
Eco 3 Capital Ltc *v* Ludsin Overseas Ltd *See* Ludsin Overseas Ltd *v* Eco3 Capital Ltd
Edgington *v* Fitzmaurice (1885) 29 Ch D 476 142
Egan *v* Motor Services (Bath) Ltd [2007] EWCA Civ 1002; [2008] 1 WLR 1589; [2008] 1 All ER 1156 219
Egg Stores (Stamford Hill) Ltd *v* Leibovici [1977] ICR 260; [1976] IRLR 576 596
Ehrari *v* Curry [2006] EWHC 1319 (QB); [2007] All ER (D) 258 (Feb) 340, 604
Enderby *v* Frenchay Health Authority [1994] 1 All ER 495; [1993] IRLR 591; [1994] 1 CEC 3, ECJ 631
Energy Weald Basin Ltd *v* Bocardo SA [2010] UKSC35; [2011] 1 AC 380; [2010] 3 WLR 654; [2010] 3 All ER 975 360
Enichem Anic SpA *v* Ampelos Shipping Co Ltd, The Delfini [1990] 1 Lloyd's Rep 252; (1989) The Times, 11 August 288
Entores Ltd *v* **Miles Far East Corporation** [1955] 2 QB 327; [1955] 3 WLR 48; [1955] 2 All ER 493, CA **69**, 77
Environment Agency *v* Churngold Recycling Ltd [2014] EWCA Civ 909 361
Enviroco Ltd *v* Farstad Supply [2011] UKSC 16; [2011] 1 WLR 921; [2011] 3 All ER 451 13, 511
Equal Opportunities Commission *v* Secretary of State for Employment [1995] 1 AC 1; [1994] 2 WLR 409; [1994] 1 All ER 110 28
Erlanger *v* New Sombrero Phosphate Co (1878) 3 App Cas 1218 148
Errington *v* **Errington & Woods** [1952] 1 KB 290; [1952] 1 All ER 149; [1972] 1 TLR 231, CA **80**
Esso Petroleum Co Ltd *v* **Commissioners of Customs and Excise** [1976] 1 WLR 1; [1976] 1 All ER 117 **89**, 142
Esso Petroleum Co Ltd *v* Harper's Garage (Stourport) Ltd [1968] AC 269; [1967] 2 WLR 281; [1967] 1 All ER 699 166
Esso Petroleum Co Ltd *v* **Mardon** [1976] QB 801; (1976) 2 Build LR 82, CA **118**
Evans & Son (Portsmouth) Ltd *v* **Andrea Merzario Ltd** [1976] 1 WLR 1078; [1976] 2 All ER 930; (1976) 120 SJ 734, CA **129**
Everett *v* Williams (1725) noted in [1899] 1 QB 826 164
Ewing *v* **Buttercup Margarine Co Ltd** [1917] 2 Ch 1, CA **467–468**

Fairchild *v* Glenhaven Funeral Services Ltd and others [2002] UKHL 22; [2003] 1 AC 32 336, 347
Falcke *v* **Gray** (1859) ER 4 Drew 651 *5*, **196–197**
Famatina Development Corporation Ltd, Re [1914] 2 Ch 271 590
Farley *v* **Skinner** [2001] UKHL 49; [2002] 2 AC 732; [2001] 3 WLR 899; [2001] 4 All ER 801, HL **192**
Farquharson Bros and Co *v* King (C) & Co [1902] AC 325 262
Farstad Supply A/S *See* Enviroco Ltd *v* Farstad Supply
Felthouse *v* **Bindley** (1862) 11 CBNS 869 **69**–70
Fercometal SARL *v* MSC Mediterranean Shipping Co SA, The Simona [1989] AC 788; [1988] 2 All ER 742; [1988] 3 WLR 200, HL 183
Ferguson *v* **John Dawson & Partners (Contractors) Ltd** [1976] 1 WLR 346; [1976] 3 All ER 817; (1976) 120 SJ 603, CA **583–584**
FHR European Ventures Ltd *v* Cedar Capital Partners LCC [2015] 1 AC 250 309
Fibrosa Spolka Akcyjna *v* Fairbairn Lawson Combe Barbour Ltd [1943] AC 32 179
Financings Ltd *v* Baldock [1963] 2 QB 104; [1963] 2 WLR 359; [1963] 1 All ER 443, CA 400
First Energy (UK) Ltd *v* Hungarian International Bank Ltd [1993] 2 Lloyd's Rep 194; [1993] BCLC 1409; [1993] BCC 533, CA 299
Firsteel Products Ltd *v* Anaco Ltd (1994) The Times, 21 November 448
Fisher *v* **Bell** [1961] 1 QB 394; [1960] 3 WLR 919; [1960] 3 All ER 731 **68**
Fisher *v* Brooker [2009] UKHL 41; [2009] 1 WLR 1764; [2009] 4 All ER 789 200
Fitch *v* **Dewes** [1921] 2 AC 158, HL **166**
Fletcher *v* **Krell** (1873) 42 LJ QB 55 **143**
Foakes *v* **Beer** (1884) 9 App Cas 605, HL 100, **102**, 103, 104, 176
Folkes *v* King [1923] 1 KB 282 261
Fomento (Sterling Area) Ltd *v* Selsdon Fountain Pen Co Ltd [1958] 1 All ER 11; [1958] 1 WLR 45; [1958] RPC 8 497–498
Foss *v* Harbottle (1843) 2 Hare 461 532, 536, 544, 546, 548, 566, 724
Foster *v* Mackinnon (1869) LR 4 CP 704 159
Francovich and Bonifaci *v* **Republic of Italy** [1991] ECR I-5357; [1993] 2 CMLR 66; [1992] IRLR 84; [1995] ICR 722, ECJ **25**, 706

Fraser *v* HLMAD Ltd [2006] EWCA Civ 738; [2007] 1 All ER 383; [2006] ICR 1395; [2006] IRLR 687 598
Freeman & Lockyer (a firm) *v* **Buckhurst Park Properties (Mangal) Ltd** [1964] 2 QB 480; [1964] 2 WLR 618; [1964] 1 All ER 630, CA 297, **480**, 483
French *v* Chief Constable of Sussex Police [2006] EWCA Civ 312; [2006] All ER (D) 407 (Mar) 327
Frost *v* **Knight** (1872) LR 7 Exch 111 **183**

GE Capital Bank Ltd *v* Stephen Rushton [2005] EWCA Civ 1556; [2006] 3 All ER 865; [2006] 1 WLR 899, CA 265
Gardiner *v* Newport County Council Borough [1974] IRLR 262 605
Garner *v* Murray [1904] 1 Ch 57 439
Geddling *v* Marsh [1920] 1 KB 668 215
Gilford Motor Co Ltd *v* Horne [1933] Ch 935, CA 451, 452
Gisda Cyf *v* Barratt [2010] UKSC 41; [2010] 4 All ER 851; [2010] IRLR 1073 600
Glasbrook Bros *v* **Glamorgan County Council** [1925] AC 270, HL **98**, 101
Godley *v* **Perry** [1960] 1 All ER 36; [1960] 1 WLR 9 **224**, 242, 713
Golden Ocean Group Ltd *v* Salgaocar Mining Industries Pvt Ltd [2012] 3 All ER 842 107
Goldsoll *v* **Goldman** [1915] 1 Ch 292, CA **166–167**
Grainger and Son *v* Gough [1896] AC 325 67
Granada Group Ltd *v* Ford Motor Co Ltd [1972] FSR 103 371
Grant *v* **Australian Knitting Mills Ltd** [1936] AC 85, PC **219–220**, 221
Gray *v* Thames Trains Ltd [2009] UKHL 33; [2009] 1 AC 1339; [2009] 3 WLR 167; [2009] 4 All ER 81 341
Great Northern Railway Company *v* **Witham** (1873) LR 9 CP 16 **73**
Great Peace Shipping Ltd *v* **Tsavliris Salvage International Ltd** [2002] EWCA Civ 1407; [2002] 4 All ER 689; [2002] 3 WLR 1617; [2002] 2 All ER (Comm) 999, CA 152, **154**, 158, 177
Green *v* **Bannister** [2003] EWCA Civ 1819; [2003] All ER (D) 279 (Dec) CA **340**
Greer *v* Downs Supply Co [1927] 2 KB 28 304
Gregg *v* **Scott** [2005] UKHL 2; [2005] 2 AC 176; [2005] 4 All ER 812; [2005] 2 WLR 268 18, 192, **336–337**
Griffiths *v* Peter Conway Ltd [1939] 1 All ER 685, CA 220
Grimes (John) Partnership Ltd *v* Gubbins [2013] EWCA Civ 37; [2013] BLR 126 190
Guidezone Ltd, Re [2000] 2 BCLC 321, Ch D 538

Hadley *v* Baxendale (1854) 9 Exch 341 188 189, 191, 194, 196, 201, 280, 282, 305, 317, 320, 323, 400, 597, 711
Halbot *v* Lens [1901] 1 Ch 344 305
Haley *v* London Electricity Board [1965] AC 778; [1964] 3 WLR 479; [1965] 3 All ER 185, HL 351
Hall *v* Lorimer [1994] 1 WLR 209; [1994] 1 All ER 250; [1994] IRLR 171, CA 582
Halpern *v* Halpern (No 2) [2007] EWCA Civ 291; [2007] 3 All ER 478; [2007] 3 WLR 849 160
Hands *v* Simpson, Fawcett & Co Ltd (1928) 44 TLR 295 170
Hare *v* Schurek [1993] CCLR 47; 137 SJ 129, CA 381
Harlingdon & Leinster Enterprises Ltd *v* **Christopher Hull Fine Art Ltd** [1991] 1 QB 564; [1990] 3 WLR 13; [1990] 1 All ER 737 **213**
Harris *v* **Nickerson** (1873) LR 8 QB 286 **72**
Harrison *v* Black Horse Ltd [2011] EWCA Civ 1128; [2012] ECC 7; [2012] Lloyd's Rep IR 521 397
Harrisons & Crossfield Ltd *v* LNW Railway Company [1917] KBD 755 303
Hartley *v* Ponsonby (1857) 7 E & B 872 99–100, 101
Hartog *v* **Colin & Shields** [1939] 3 All ER 566 **158**
Harvela Investments Ltd *v* Royal Trust Co of Canada Ltd [1986] AC 207, HL73
Harvey *v* **Plymouth City Council** [2010] EWCA Civ 860; [2010] NPC 89 **347**
Hatton *v* Sutherland *See* Barber *v* Somerset County Council
Hawley *v* Luminar Leisure Ltd [2006] EWCA Civ 18; [2006] Lloyd's Rep IR 307; [2006] IRLR 817 365
Haynes *v* Harwood [1935] 1 KB 146, CA 341
Hayward *v* **Cammell Laird Shipbuilders Ltd** [1988] AC 894; [1988] 2 WLR 1134; [1988] 2 All ER 257, HL **630**
Healy *v* **Howlett and Sons** [1917] 1 KB 337 **252**, 254
Hedley Byrne & Co Ltd *v* **Heller and Partners Ltd** [1963] 3 WLR 101; [1963] 2 All ER 575, HL 330, **342–343**
Heilbut, Symons & Co *v* Buckleton [1913] AC 30 117
Helby *v* Mathews [1895] AC 471 209
Hely-Hutchinson *v* **Brayhead Ltd** [1968] 1 QB 549; [1967] 3 WLR 1408; [1967] 3 All ER 98, CA **297**, 298
Henderson *v* Merret Syndicates Ltd [1995] 2 AC 145; [1994] 3 WLR 761; [1994] 3 All ER 506 323
Henthorn *v* Fraser [1892] 2 Ch 27, CA 71
Herne Bay Steamboat Co *v* **Hutton** [1903] 2 KB 683, CA **178–179**, 203
Heydon's Case (1584) 3 Co Rep 7a 12
Hickman *v* **Kent or Romney Marsh Sheep-Breeder's Association** [1915] 1 Ch 881 **524–525**
High Table Ltd *v* **Horst** [1997] IRLR 513; (1997) 94(28) LSG 25; 141 SJ LB 161, CA **613**

Highway Foods Ltd, Re [1995] BCLC 209; [1995] BCC 271 265
HIH Casualty & General Insurance Ltd *v* Chase Manhattan Bank [2003] UKHL 6; [2003] 1 All ER (Comm) 349; [2003] 2 Lloyd's Rep 61 122
Hill *v* Fearis [1905] 1 Ch 466 438
Hilton *v* **Thomas Burton (Rhodes) Ltd** [1961] 1 WLR 705; [1961] 1 All ER 74 **366**
Hivac Ltd *v* Park Royal Scientific Instruments Co [1946] 1 All ER 350, CA 587
Hochster *v* **De La Tour** (1853) 2 E & B 678 **182–183**, 184
Hodson *v* Hodson [2009] EWCA Civ 1042; [2010] PNLR 8 413, 436
Hoenig *v* **Isaacs** [1952] 2 All ER 176; [1952] 12 TLR 1360, CA **174**
Hogar Estates Ltd *v* **Shebron Holdings Ltd** (1980) 101 DLR (3d) 509 **427**
Hollier *v* Rambler Motors Ltd [1972] 2 QB 71; [1972] 2 WLR 401; (1971) 116 SJ 158 128
Holwell Securities *v* Hughes [1974] 1 WLR 155; [1974] 1 All ER 161; (1973) 117 SJ 912, CA l, li, lii, 71
Hong Kong Fir Shipping Co Ltd *v* **Kawasaki Kisen Kaisha Ltd** [1962] 2 QB 26; [1962] 2 WLR 474; [1962] 1 All ER 474, CA **123–124**
Hopkins *v* Tanqueray (1854) 15 CB 130 117
Horton *v* Sadler [2006] UKHL 27; (2006) [2007] 1 AC 307; [2006] 2 WLR 1346; [2006] 3 All ER 1177 15, 350
Hotel Cipriani Srl *v* Cipriani (Grosvenor Street) Ltd [2010] EWCA Civ 110 697
Hotson *v* East Berkshire Health Authority [1987] AC 750; [1987] 3 WLR 232; [1987] 2 All ER 909, HL 336
Household Fire Insurance Co *v* Grant (1879) 4 Ex D 216, CA 70
Howard *v* Pickford Tool Co [1951] 1 KB 417 183
HSBC Bank *v* Madden *See* Post Office *v* Foley
Hubbard *v* Vosper [1972] 2 QB 84; [1972] 2 WLR 389; [1972] 1 All ER 1023, CA 691
Hudson *v* **Ridge Manufacturing Co Ltd** [1957] 2 QB 348; [1957] 2 WLR 948; [1957] 2 All ER 229 **641**
Hughes *v* **Lord Advocate** [1963] AC 837; [1963] 2 WLR 779; [1963] 1 All ER 705, HL **338–339**
Hughes *v* Metropolitan Railway (1877) 2 App Cas 439, HL 103, 104
Hunter *v* Canary Wharf Ltd [1997] AC 655; [1997] 2WLR 684; [1997] 2 All ER 426, HL 354, 356
Hutton *v* Warren (1836) 1 M & W 466 122, 123
Hyde *v* **Wrench** (1840) 3 Beav 334 **71**, 81
Hyde Park Residence Ltd *v* Secretary of State for the Environment, Transport and the Regions (2000) P & CR 419; [2000] 1 PLR 85; (2000) The Times, 14 March, CA 10
ICI *v* Commission (Dyestuffs) [1972] ECR 619 676
ICI Ltd *v* Shatwell [1965] AC 656; [1964] 3 WLR 329; [1964] 2 All ER 999 341, 641
Iceland Frozen Foods *v* Jones [1983] ICR 17; [1982] IRLR 439; (1982) 79 LS Gaz 1257 607
Ide *v* ATB Sales Ltd [2008] EWCA Civ 424; CA 344
Iesini *v* Westrip Holdings Ltd [2009] EWHC 2526 (Ch); [2010] BCC 420 535
Igbo *v* Johnson, Matthey Chemicals Ltd [1986] IRLR 215; [1986] ICR 505; (1986) 130 SJ 524 596
Imageview Management Ltd *v* **Jack** [2009] EWCA Civ 63; [2009] 2 All ER 666; [2009] 1 Lloyd's Rep 436 **307–308**
Inco Europe Ltd *v* First Choice Distribution [2000] 1 WLR 561; [2000] 2 All ER 109 13, 626
India *v* India Steamship Co Ltd (The Indian Endurance and The Indian Grace) (No.2) [1998] AC 878; [1997] 3 WLR 818; [1997] 4 All ER 380; [1998] 1 Lloyd's Rep 1 105
Infopaq International A/S *v* Danske Dagblades Forening (C-5/08) [2012] Bus LR 102; [2009] ECR I-6569; [2010] FSR 20 687
Ingram *v* Little [1961] 1 QB 31; [1960] 3 WLR 504; [1960] 3 All ER 332 156
Inland Revenue Commissioners *v* Hinchy [1960] AC 748; [1960] 2 WLR 448; [1960] 1 All ER 505 11
Intel Corp (UK) Ltd *v* Daw *See* Daw *v* Intel Corp (UK) Ltd
International Sports Co Ltd *v* Thomson [1980] IRLR 340 604
Investors Compensation Scheme Ltd *v* West Bromwich Building Society [1998] 1 WLR 896; [1998] 1 All ER 98; [1998] 1 BCLC 493 120, 125
Iqbal *v* London Transport Executive [1973] KIR 329; (1973) The Times, 7 June 366
Ireland *v* UK (1978) 2 EHRR 25, ECtHR 31
Irvine *v* **Irvine** [2006] EWHC 1875 (Ch); [2006] All ER (D) 329 (Jul) **538–539**, 569
It's a Wrap (UK) Ltd *v* Gula [2006] EWCA Civ 544; [2006] 2 BCLC 634; [2006] 21 LS Gaz R 24, CA 529

J & H Ritchie Ltd *v* Lloyd Ltd [2007] UKHL 9; [2007] 2 All ER 353; [2007] 1 All ER (Comm) 987; [2007] 1 WLR 670 285
JEB Fasteners Ltd *v* Marks, Bloom & Co [1983] 1 All ER 583; [1982] Com LR 226 498
Jackson *v* Horizon Holidays Ltd [1975] 1 WLR 1468; [1975] 3 All ER 92; (1975) 119 SJ 759, CA 95
Jackson *v* **The Union Marine Insurance Co. Ltd** (1874) LR 10 CP 125 **180–181**
James *v* Eastleigh Borough Council [1990] 2 AC 751; [1990] 3 WLR 55; [1990] 2 All ER 607, HL 624

James *v* London Borough of Greenwich [2008] EWCA Civ 35; [2008] ICR 545, CA 583
Janata Bank *v* Ahmed [1981] IRLR 457, CA 588
Jarvis *v* Swan Tours Ltd [1973] 1 QB 233; [1972] 3 WLR 954; [1973]1 All ER 71, CA 192
Jessemey *v* Rowstock Ltd [2014] EWCA Civ 185 626
Jet2.com Ltd *v* Blackpool Airport Ltd [2012] EWCA Civ 417; [2012] 2 All ER (Comm) 1053 76
Jewson Ltd *v* **Kelly** [2003] EWCA Civ 1030; [2004] 1 Lloyd's Rep 505; [2003] All ER (D) 470 (Jul) 218, **220–221**
John McCann & Co *v* Pow [1975] 1 All ER 129; [1974] 1 WLR 1643, CA 307
John Taylors *v* **Masons and Wilsons** [2001] EWCA Civ 2106; All ER (D) 381 (Nov), CA **428**
Johnson Underwood Ltd *v* Montgomery [2001] EWCA Civ 318 582
Johnston *v* NEI International Combustion Ltd; Rothwell *v* Chemical and Insulating Co Ltd; Topping *v* Benchtown Ltd (formerly Jones Bros Preston Ltd), sub nom Grieves *v* FT Everard & Sons Ltd [2007] UKHL 39; [2007] 4 All ER 1047; [2007] 3 WLR 876, HL 326
Jones *v* Gallagher [2004] EWCA Civ 10; [2004] WL 62087, CA 285, 286
Jones *v* Link Financial Ltd [2012] EWHC 2402 (QB); [2013] 1 WLR 693; [2013] 1 All ER (Comm) 572 376
Jones *v* Lipman [1962] 1 All ER 442; [1962] 1 WLR 832; 106 SJ 531, Ch D 451, 452
Jones *v* **Padavatton** [1969] 1 WLR 328; [1969] All ER 616; (1969) 112 SJ 95, CA **90–91**
Joyce *v* O'Brien [2013] EWCA Civ 546; [2013] Lloyd's Rep IR 523 341

KC *v* MGN Ltd [2013] EWCA Civ 3 364
Kanchenjunga, The [1990] 1 Lloyd's Rep 391 184
Kay *v* **ITW Ltd** [1967] 3 WLR 695; [1967] 3 All ER 22; (1967) 111 SJ 351, CA **366**
Kay and others *v* Lambeth London Borough Council [2006] UKHL 10; [2006] 2 AC 465; [2006] 4 All ER 128; [2006] 2 WLR 570 20, 29
Keeley *v* Fosroc International Ltd [2006] EWCA Civ 1277; [2006] IRLR 961 592
Keighley Maxted & Co *v* **Durant** [1901] AC 240, HL **301**
Keith Spicer Ltd *v* **Mansell** [1970] 1 All ER 462; [1970] 1 WLR 333; (1969) 114 SJ 30, CA **413**
Kelner *v* **Baxter** (1866) LR 2 CP 174 **302**, 465
Kelly *v* GE Healthcare Ltd [2009] EWHC 181 (Pat) 694
Kendall (Henry) & Sons *v* William Lillico & Sons Ltd [1969] 2 AC 31; [1968] 3 WLR 110; [1968] 2 All ER 444 122, 128
Khan *v* **Mia** [2000] 1 WLR 2123; [2001] 1 All ER 20; [2001] 1 All ER (Comm) 282, HL **413**
Kings Norton Metal Co Ltd *v* **Edridge, Merrett & Co Ltd** (1897) 14 TLR 98, CA **156**
Kingston Cotton Mill Co (No 2), Re [1896] 2 Ch 279, CA 497
Kleinwort Benson Ltd *v* **Malaysia Mining Corporation Bhd** [1988] 1 WLR 379; [1988] 1 All ER 714; (1988) 132 SJ 497, CA **89–90**
Knight Frank LLP *v* Du Haney [2011] EWCA Civ 404 305
Koufos *v* **Czarnikow (C) Ltd, The Heron 11** [1967] 1 AC 350; [1967] 3 WLR 1491; [1967] 3 All ER 686, HL **189**
Krell *v* **Henry** [1903] 2 KB 740, CA **178**, 202
Kulkarni *v* Manor Credit (Davenham) Ltd [2010] EWCA Civ 69; [2010] A ll ER (D) 120 (Feb) 247
Kwei Tek Chao *v* British Traders and Shippers Ltd [1954] 2 QB 459; [1954] 2 WLR 365; [1954] 1 All ER 779 292

Lambert *v* **Co-op Insurance Society Ltd** [1975] 2 Lloyd's Rep 485, CA **143–144**
Lampleigh *v* **Brathwaite** (1615) Hob 105 *2*, **93**
Latimer *v* AEC Ltd [1953] AC 643; [1953] 3 WLR 259; [1953] 2 All ER 449 641
Lauritzen (J) AS *v* **Wijsmuller BV (The Super Servant Two)** [1990] 1 Lloyd's Rep 1, CA **180**
Law *v* **Law** [1905] 1 Ch 140 **427**
Lawrence *v* Fen Tigers Ltd (No 2) [2014] UKSC 46 356
Leach *v* Office of Communications [2012] EWCA Civ 959; [2012] ICR 1269; [2012] IRLR 839 606
Leaf *v* **International Galleries** [1950] 2 KB 86; [1950] 1 All ER 693, CA **147**
Lee Ting Sang *v* Chung Chi-Keung [1990] 2 AC 374; [1990] 2 WLR 1173; [1990] IRLR 236, PC; [1990] 1 RLR 236 581, 582
Leeman *v* **Montagu** [1936] 2 All ER 1677 **355**
Lemmon *v* Webb [1895] AC 1, CA 356
L'Estrange *v* **F Graucob Ltd** [1934] 2 KB 394, CA **126**, 127, 138, 229
Les Laboratoires Servier *v* Apotex Inc [2014] 3 WLR 1257 341
Leverton *v* Clwyd County Council [1989] 2 WLR 47; [1989] 1 All ER 78; [1989] ICR 33, HL 628
Levey *v* **Goldberg** [1922] 1 KB 688 **176**
Levez *v* Jennings (TH) (Harlow Pools) Ltd (No.2) [1999] IRLR 764; [1999] All ER (EC) 1; [1999] 2 CMLR 363 632
Levy *v* Walker (1879) 10 ChD 436 419
Lewis *v* **Averay** [1973] 1 WLR 510; [1973] 2 All ER 229, CA **148**, 152, 155, 156, 157, 263

Lister *v* Hesley Hall [2001] UKHL 22; [2001] 1 AC 215; [2001] 1 WLR 1311; [2001] 2 All ER 769, HL 367, 368
Liverpool City Council *v* Irwin [1977] AC 239; (1976) 238 EG 879; (1984) 13 HLR 38, HL **121**
Lloyd *v* Brassey [1969] 2 QB 98; [1969] 2 WLR 310; [1969] 1 All ER 382 612
Lloyd *v* Browning [2013] EWCA Civ 1637 133
Lloyd *v* Grace, Smith & Co [1912] AC 716; [1911–13] All ER Rep 51, HL 368
Loch *v* John Blackwood Ltd [1924] AC 783, PC 539, 551
Loftus-Brigham and another *v* Ealing London Borough Council [2003] EWCA Civ 1490; (2004) 20 Const LJ 82 356
Lombard North Central Plc *v* Automobile World (UK) Ltd [2010] EWCA Civ 20; [2010] All ER (D) 166 (Jan) 193
Lombard North Central *v* Butterworth [1987] QB 527; [1987] 2 WLR 7; [1987] 1 All ER 267, CA 401
London Borough Council of Lewisham *v* Malcolm [2008] UKHL 43; [2008] 1 AC 1399; [2008] 4 All ER 525, HL 625
London Transport Executive *v* Clarke [1981] IRLR 166; [1981] ICR 355; (1981) 125 SJ 306, CA 597, **603–604**
Long *v* Lloyd [1958] 1 WLR 753; [1958] 2 All ER 402; (1958) 102 SJ 488, CA **147**
Lonsdale *v* Howard & Hallam Ltd [2007] UKHL 32; [2007] 4 All ER 1; [2007] 1 WLR 2055, HL 314
Ludsin Overseas Ltd *v* Eco3 Capital Ltd [2013] EWCA Civ 413 145
Lumley *v* Wagner (1852) 1 De GM & G 604 21 LJ Ch 898; [1843–60] All ER Rep 368 LC **197**
Luxor (Eastbourne) Ltd *v* Cooper [1941] AC 108; [1941] 1 All ER 33, HL 80, **311**, 312, 320

MAGA *v* Birmingham Roman Catholic Archdiocese Trustees [2010] EWCA Civ 256; [2010] 1 WLR 1441 368
MFI Warehouses Ltd *v* Nattrass [1973] 1 WLR 307; [1973] 1 All ER 752 667
McArdle, Re [1951] Ch 669; [1951] 1 All ER 90; (1951) 95 SJ 651, CA **92–93**, 667
Macarthys Ltd *v* Smith [1981] QB 180; [1980] 3 WLR 929; [1981] 1 All ER 111; [1980] ICR 672, ECJ 628
Macaura *v* Northern Assurance Ltd [1925] AC 619, HL **447–448**, 449
McCann *v* UK (1995) 21 EHRR 97, ECtHR 33
McCracken *v* Smith [2015] EWCA Civ 380 342
McCutcheon *v* David MacBrayne Ltd [1964] 1 All ER 430; [1964] 1 WLR 125; [1964] 1 Lloyd's Rep 16 129
McDougall *v* Aeromarine of Emsworth Ltd [1958] 3 All ER 431; [1958] 1 WLR 1126; [1958] 2 Lloyd's Rep 343 **274**
McFarlane *v* EE Caledonia Ltd [1994] 2 All ER 1; [1994] 1 Lloyd's Rep 16, CA 327
McFarlane and another *v* Tayside Health Board [2000] 2 AC 59; [1999] 3 WLR 1301; [1999] 4 All ER 961, HL 334
McGhee *v* National Coal Board [1973] 1 WLR 1; [1972] 3 All ER 1008, HL **336**
Mackie *v* European Assurance Society (1869) 21 LT 102 157
McKillen *v* Misland (Cyprus) Investments Ltd *See* Coroin Ltd, Re
McMonagle *v* Westminster City Council [1990] 2 AC 716; [1990] 2 WLR 823; [1990] 1 All ER 993 12
MacWilliams *v* Sir William Arrol & Co Ltd [1962] 1 All ER 623; [1962] 1 WLR 295; (1962) 106 SJ 218, HL **640**
Maggs *v* Marsh [2006] EWCA Civ 1058; [2006] All ER (D) 95 (Jul), CA 125
Maidment *v* Attwood *See* Annacott Holdings Ltd, Re
Malik *v* BCCI SA [1997] 3 WLR 95; [1997] 3 All ER 1; [1997] IRLR 462, HL 598
Manbre Sacharine Co Ltd *v* Corn Products Co Ltd [1919] 1 KB 198 **291**
Manchester Liners Ltd *v* Rea Ltd [1922] 2 AC 74, HL 220
Mandla *v* Dowell Lee [1983] 2 AC 548; [1983] 2 WLR 620; [1983] 1 All ER 1062; [1983] ICR 385, HL **623**
Mann *v* D'Arcy and Others [1968] 2 All ER 172; [1968] 1 WLR 893 413
Mannai Investments Co Ltd *v* Eagle Star Life Assurance Co Ltd [1997] 2 WLR 945 125
Maple Flock Co Ltd *v* Universal Furniture Products (Wembley) Ltd [1934] 1 KB 148, CA **276**
Mareva Compania Naviera SA *v* International Bulk Carriers SA [1975] 2 Lloyd's Rep 509; (1975) 119 SJ 660 198
Maritime National Fish Ltd *v* Ocean Trawlers Ltd [1935] AC 524, PC **180**, 203
Market Investigations *v* Minister of Social Security [1969] 2 QB 173; [1969] 2 WLR 1; [1968] 3 All ER 732 581
Marriott *v* Oxford and District Co-operative Society,Ltd [1970] 1 QB 186; [1969] 3 WLR 984; [1969] 3 All ER 1126 593
Marsh *v* Joseph [1897] 1 Ch 213 302
Martin Baker Aircraft Co Ltd *v* Canadian Flight Equipment Ltd [1995] 2 QB 556 312
Mash & Murrell Ltd *v* Joseph I Emanuel Ltd [1961] 1 All ER 485; [1962] 1 WLR 16; (1962) 105 SJ 1007, CA **290**

Massey *v* **Crown Life Insurance Co** [1978] 1 WLR 676; [1978] 2 All ER 576; [1978] ICR 590, CA **584**
Mathews *v* **Kent and Medway Towns Fire Authority** [2006] UKHL 8; [2006] 2 All ER 171; [2006] ICR 365; [2006] IRLR 367 **634–635**
Mathieson *v* Noble & Sons Ltd [1972] IRLR 76 606
Maunsell *v* Olins [1975] AC 373 13
May and Butcher *v* R [1934] 2 KB 17n, HL 85
Mercantile Credit Co *v* **Garrod** [1962] 3 All ER 1103 **430**, 568
Mersey Docks & Harbour Board *v* Coggins and Griffiths (Liverpool) Ltd [1947] AC 1; [1945] KB 301; [1946] 2 All ER 345, HL 365
Metropolitan Asylums Board (Managers) *v* Kingham & Sons (1890) 6 TLR 217, QBD 302
Michael *v* Chief Constable of South Wales [2015] UKSC 2 326
Microbeads *v* Vinhurst Road Markings [1975] 1 WLR 218; [1975] 1 All ER 529 212
Midland Bank Trust Co Ltd *v* Green [1980] Ch 590; [1981] AC 513; [1979] 3 WLR 167; [1979] 3 All ER 28, HL 111
Miles *v* **Clarke** [1953] 1 WLR 537; [1953] 1 All ER 779; (1953) 97 SJ 209 **426**
Miller *v* **Karlinski** (1945) 62 TLR 85, CA **164**
Modelboard Ltd *v* Outer Box Ltd [1993] BCLC 623 259
Mohamud *v* Morrison Supermarkets plc [2014] EWCA Civ 116 367
Monson *v* Tussauds Ltd [1894] 1 QB 671; [1891–4] All ER Rep 1051, CA 362
Moorcock, The (1889) 14 PD 64, CA **120**, 139
Moore & Co Ltd and Landauer & Co Ltd, Re [1921] 2 KB 519, CA 172, **214**
Morris *v* **Murray** [1991] 2 QB 6; [1991] 2 WLR 195; [1990] 3 All ER 801, CA **340–341**
Moss *v* **Elphick** [1910] 1 KB 846, CA **420**
Motor Depot Ltd *v* Kingston upon Hull City Council [2012] EWHC 3257 (Admin) 392 383, 662
Motor Oil Hellas (Corinth) Refineries SA *v* Shipping Corp of India (The Kanchenjunga)
See Kanchenjunga, The
Mountford *v* **Scott** [1975] 2 WLR 114; [1975] 1 All ER 198; (1975) 118 SJ 755, CA 82, **197**
Munro (Robert A) & Co *v* Meyer [1930] 2 KB 312 276
Murray *v* Foyle Meats [1999] 3 WLR 356; [1999] 3 WLR 769; [1999] IRLR 562, HL 613

Nash *v* Inman [1908] 2 KB 1, CA 108
National Carriers Ltd *v* Panalpina (Northern) Ltd [1981] AC 675; [1981] 1 All ER 161; [1981] 2 WLR 45, HL 181
National Employers Mutual General Insurance Association Ltd *v* Jones [1990] AC 24; [1988] 2 WLR 952 265
Nettleship *v* Weston [1971] 2 QB 691; [1971] 3 WLR 370; (1971) 115 SJ 624, CA 227 331
New Zealand Shipping Co Ltd *v* **Satterthwaite (AM) & Co** [1974] AC 154; [1974] 2 WLR 865; [1974] 1 All ER 1015, PC **99**
Newtons of Wembley Ltd *v* Williams [1965] 1 QB 560; [1964] 2 WLR 888; [1964] 3 All ER 532, CA 263, 264, 265
Niblett Ltd *v* Confectioners' Materials Co Ltd [1921] 3 KB 387, CA 211
Nichol *v* Godts [1854] 10 Exch 191 213
Nickoll and Knight *v* **Ashton, Eldridge & Co** [1901] 2 KB 126, CA **179**
Nicolene Ltd *v* **Simmonds** [1953] 1 QB 543; [1953] 2 WLR 717; [1953] 1 All ER 822, CA **75–76**, 92
Nisshin Shipping Co Ltd *v* Cleaves & Co Ltd [2003] EWHC 2602 (Comm); [2004] 1 All ER (Comm) 481; [2004] 1 Lloyd's Rep 38 **75–76**, 96
Nordenfelt *v* **The Maxim Nordenfelt Guns and Ammunition Company Limited** [1894] AC 535, HL **165**
North Eastern Properties *v* Coleman [2010] 3 All ER 528 118
North Ocean Shipping Co Ltd *v* **Hyundai Construction Co Ltd,** The Atlantic Baron [1979] QB 705; [1979] 3 WLR 419; [1978] 3 All ER 1170 **159–160**
North *v* Dumfries and Galloway Council [2013] UKSC 45; [2013] 4 All ER 413; 2013 SLT 769 628
North Eastern Properties *v* Coleman [2010] 3 All ER 528 118
Nottingham Patent Brick and Tile Co *v* **Butler** (1886) 16 QBD 778, CA **144**
Nottingham University *v* Fishel [2000] ICR 1462; [2000] IRLR 471; (2000) The Times, 31 March 587

Occidental Worldwide Investment Corporation *v* Skibs A/S Avanti (The Sibeon and The Sibotre) [1976] 1 Lloyd's Rep 293 159
Office of Fair Trading *v* Lloyds TSB Bank Plc [2006] EWCA Civ 268; [2006] 2 All ER 821, CA 390, 392
Olgeirsson *v* Kitching [1986] 1 All ER 746; [1986] 1 WLR 304; (1986) 130 SJ 110 668
Olley *v* **Marlborough Court Hotel Ltd** [1949] 1 KB 532; [1949] 1 All ER 127; [1949] LJR 360, CA **128**, 138, 139
O'Neill *v* Phillips [1999] 1 WLR 1092; [1999] 2 All ER 961; [1999] 2 BCLC 1 537, 538, 569

Online Catering Ltd *v* Acton [2010] EWCA Civ 58; [2011] QB 204; [2010] 3 WLR 928; [2010] 3 All ER 869 403
Oropesa, The [1943] 1 All ER 211; [1943] P 32, CA **335**
Oscar Chess Ltd *v* **Williams** [1957] 1 WLR 370; [1957] 1 All ER 325; (1957) 101 SJ 186, CA **115**
Overseas Tankship (UK) *v* **Mort Dock & Engineering Co (The Wagon Mound) (No. 1)** [1961] AC 388; [1961] 2 WLR 126; [1961] 1 All ER 404, PC 16, 333, **338**, 359

Pacific Motor Auctions Pty Ltd *v* **Motor Credits (Hire Finance) Ltd** [1965] AC 867; [1965] 2 WLR 881; [1965] 2 All ER 105, PC **264**
Page *v* Smith [1995] UKHL 7, HL; [1996] AC 155; [1995] 2 All ER 736; [1995] 2 WLR 644 326
Page One Records Ltd *v* **Britton** [1968] 1 WLR 157; [1967] 3 All ER 822; (1968) 111 SJ 944 **198**
Panorama Developments (Guildford) Ltd *v* **Fidelis Furnishing Fabrics Ltd** [1971] 2 QB 711; [1971] 3 WLR 440; [1971] 3 All ER 16, CA **494**
Pao On *v* Lau Yiu Long [1980] AC 614; [1979] 3 WLR 435; [1979] 3 All ER 63, PC 93
Paris *v* **Stepney Borough Council** [1951] AC 367; [1951] 1 All ER 42; [1971] 1 TLR 25, HL **332**, 640
Parker *v* Clark [1960] 1 WLR 286; [1960] 1 All ER 93; (1960) 104 SJ 251 88
Parkinson *v* College of Ambulance Ltd [1925] 2 KB 1 164
Partridge *v* **Crittenden** [1968] 1 WLR 1204; [1968] 2 All ER 421; (1968) 112 SJ 582 lii, 47, **66–67**
Pathirana *v* Pathirana [1967] 1 AC 233; [1966] 3 WLR 666; (1966) 110 SJ 547, PC 427
Peachdart Ltd, Re [1984] Ch 131; [1983] 3 WLR 878; [1983] 3 All ER 204 **259**
Pearce *v* Brooks (1866) LR I Ex 213 164
Pearson *v* Rose and Young Ltd [1951] 1 KB 275; [1951] 2 All ER 1027 261
Pedley *v* Inland Waterways Association Ltd [1977] 1 All ER 209 476
Pender *v* **Lushington** (1877) 6 ChD 70 **525**, 536
Pepper *v* **Webb** [1969] 1 WLR 514; [1969] 2 All ER 216; (1969) 113 SJ 186 **587–588**, 595, 705
Pepper (Inspector of Taxes) *v* **Hart** [1992] AC 593; [1992] 3 WLR 1032; [1993] 1 All ER 42, HL **14**, 35, 43
Peter Cassidy Seed Co Ltd *v* **Osuustukk-Auppa Ltd** [1957] 1 WLR 273; [1957] 1 All ER 484; (1957) 101 SJ 149 **181**
Petrodel Resources Ltd *v* Prest [2013] UKSC 34; [2013] 2 AC 415; [2013] 3 WLR 1; [2013] 4 All ER 673 16, 451, 453
Pfeiffer GmbH *v* Arbuthnot Factors [1988] 1 WLR 150; [1987] BCLC 522 259
Pharmaceutical Society of Great Britain *v* **Boots Cash Chemists (Southern) Ltd** [1953] 1 QB 401; [1953] 2 WLR 427; (1953) 97 SJ 149, CA **68–69**
Phillips *v* **Brooks** [1919] 2 KB 243 **156**
Photolibrary Group Ltd *v* **Burda Senator Verlag Gmbh** [2008] EWHC 1343; [2008] 2 All ER (Comm) 881; [2008] All ER (D) 219 (Jun), QB **129**
Pickfords Ltd *v* **Celestica Ltd** [2003] EWCA Civ 1741; [2003] All ER (D) 265 (Nov), CA **71–72**, 79
Pickstone and others *v* Freemans plc [1988] 3 WLR 265; [1988] 2 All ER 803; [1988] IRLR 357, HL 628
Pinnel's Case (1602) 5 Co Rep 117a *2*, 102, 106, 708
Pinnock Bros *v* **Lewis & Peat Ltd** [1923] 1 KB 690 **191**
Pitreavie Golf Club *v* **Penman** 1934 SLT 247 **415**
Planché *v* Colburn (1831) 5 C & P 58 175, 199
Plevin *v* **Paragon Personal Finance Ltd** [2014] 1 WLR 4222 **396–397**
Poland *v* John Parr and Sons [1927] 1 KB 236, CA **365**
Polemis & Furness, Withy & Co, Re [1921] 3 KB 560; [1921] All ER Rep 40 16, 338
Polkey *v* A E Dauton (or Dayton) Services Ltd [1988] AC 344; [1987] 3 All ER 974, HL 609
Pollard *v* Tesco Stores Ltd & Another, *See* Tesco Stores Ltd & Another *v* Pollard
Pooley *v* Driver (1876) 5 ChD 458 412
Portbase Clothing Ltd, Re, Mond *v* Taylor [1993] Ch 388; [1993] 3 WLR 14; [1993] 3 All ER 829 541
Post Office *v* Foley; HSBC Bank *v* Madden [2000] 1 All ER 550 608
Poussard *v* **Spiers** (1876) 1 QB 410 **123**
Powell *v* Kempton Racecourse Company [1899] AC 143 14
Practice Statement [1966] 1 WLR 1234 15
Pratt *v* **Strick** (1932) 17 TC 459 **416**
Prest *v* Petrodel Resources Ltd *See* Petrodel Resources Ltd *v* Prest
Printing and Numerical Registering Co *v* Samson (1875) LR 19 Eq 462 126
Progress Bulk Carriers Ltd *v* Tube City IMS LLC [2012] EWHC 273 (Comm); [2012] 2 All ER (Comm) 855; [2012] 1 Lloyd's Rep 501; [2012] All ER (D) 122 161
Public Relations Consultants Association Ltd *v* Newspaper Licensing Agency Ltd [2013] UKSC 18; [2013] 2 All ER 852 690

Pyrene & Co Ltd *v* Scindia Steam Navigation Co Ltd [1954] 2 QB 402; [1954] 2 WLR 1005; [1954] 2 All ER 158 289

R *v* A [2001] 2 AC 45; [2001] UKHL 25; [2001] 2 WLR 1546; [2001] 3 All ER 1, HL 15
R *v* Allen (1872) LR 1 CCR 376 12
R *v* Attorney General for England and Wales [2003] UKPC 22, 147 SJ LB 354; [2003] EMLR 24, PC 161, 200
R *v* Bow Street Magistrates and Allison, ex parte US Government [2000] 2 AC 216; [1999] 3 WLR 620; [1999] 4 All ER 1, HL 673
R *v* Bristol Magistrates' Court *See* R (on the application of Junttan Oy) *v* Bristol Magistrates Court
R *v* Duncan [1944] 1 KB 713 *2*
R *v* Gold [1988] AC 1063; [1988] 2 WLR 984; [1988] 2 All ER 186, HL 672
R *v* Horncastle [2009] UKSC 14; [2010] 2 AC 373; [2010] 2 WLR 47; [2010] 2 All ER 359 33, 34
R *v* Inhabitants of Sedgeley (1831) 2 B & Ad 65 14
R *v* **Latimer** (1866) 17 QBD 359; (1874) LR 2 CCR 119 **659**
R *v* Magro [2010] EWCA Crim 1575; [2011] QB 398; [2010] 3 WLR 1694; [2011] 2 All ER 935 16
R *v* **Pembliton** (1874) 17 QBD 359; (1874) LR 2 CCR 119 **659**
R *v* Registrar of Companies, ex-parte Attorney General [1991] BCLC 476, DC 460
R *v* Scottish and Southern Energy Plc [2012] EWCA Crim 539 660
R *v* Secretary of State for Transport, ex parte Factortame (No. 2) [1991] 1 AC 603; [1990] 3 WLR 818; [1991] 1 All ER 70 28
R *v* Thompson [2010] EWCA Crim 1623; [2011] 1 WLR 200; [2011] 2 All ER 83; [2010] All ER (D) (Sep) 60
R (on the application of Junttan Oy) *v* Bristol Magistrates Court sub nom: Junttan Oy *v* Bristol Magistrates Court [2003] UKHL 55; [2004] 2 All ER 555; [2004] Eu LR 134; [2003] ICR 1475 636
Raffles *v* **Wichelhaus** (1864) 2 H & C 906 **155**
Rainey *v* Greater Glasgow Health Board [1987] AC 224; [1986] 3 WLR 1017; [1987] 1 All ER 65 631
Rainy Sky SA *v* Kookmin Bank [2011] UKSC 50; [2011] 1 WLR 2900; [2012] 1 All ER 1137 125
Ramsgate Victoria Hotel Co *v* Montefiore (1866 LR 1 Exch 109, 4 H & C 164; 35 LJ Ex 90 82
Ratcliffe *v* North Yorkshire County Council [1995] 3 All ER 597; [1995] ICR 833; [1995] IRLR 439, HL 631
Rayfield *v* **Hands** [1960] Ch 1; [1958] 2 WLR 851; [1958] 2 All ER 194 **525**
Read *v* J Lyons & Co [1947] AC 146; [1946] 2 All ER 471; [1947] LJR 39, HL 359
Ready Mixed Concrete (South East) Ltd *v* MPNI [1968] 2 QB 497; [1968] 2 WLR 775; [1968] 1 All ER 433 581
Reardon Smith Line *v* Hansen Tangen [1976] 1 WLRn989; [1976] 3 All ER 570; (1976) 120 SJ 719 212, 214
Reckitt & Colman Products Ltd *v* Borden Inc [1990] 1 WLR 491; [1990] 1 All ER 873 370
Reddaway *v* Banham [1896] AC 199 371
Redgrave *v* Hurd (1881) 20 ChD 1 144
Rees *v* Darlington Memorial Hospital NHS Trust [2003] UKHL 52; [2004] 1 AC 309; [2003] 3 WLR 1091; [2003] 4 All ER 987, HL 334
Regal (Hastings) Ltd *v* **Gulliver** [1967] 2 AC 134n; [1942] 1 All ER 378, HL 428, **507**
Revenue and Customs Commissioners *v* Pal [2006] EWHC 2016 (Ch); [2006] SWTI 2074; [2006] All ER (D) 480 (Jul) 434
Rhodes *v* Fielder, Jones and Harrison (1919) 89 LJ KB 15 311
Richmond Gate Property Co Ltd, Re [1965] 1 WLR 335; [1964] 3 All ER 936 **311**, 312, 481
Richmond London Borough Council *v* Pinn and Wheeler Ltd (1989) 133 SJ 389; [1989] Crim LR 510; [1989] RTR 354 448
Rigby *v* Ferodo Ltd [1988] ICR 29; [1987] IRLR 516 594
Ritchie *v* **Atkinson** (1808) 10 East 295 **173**
Ritchie Ltd *v* Lloyd Ltd *See* J&H Ritchie Ltd *v* Lloyd Ltd
Robertson *v* Securicor Transport Ltd [1972] IRLR 70 600
Robinson *v* Flitwick Frames Ltd [1975] IRLR 261 588
Robinson *v* Kilvert (1889) 41 Ch D 88, CA 355
Robinson *v* PE Jones [2011] EWCA Civ 9; [2011] 3 WLR 815 323, 330
Roe *v* **Minister of Health** [1954] 2 QB 66; [1954] 2 WLR 915; [1954] 2 All ER 131, CA **331**
Roscorla *v* Thomas (1842) 3 QB 324 93
Rose *v* Plenty [1976] 1 WLR 141; [1976] 1 All ER 97; (1976) 119 SJ 592, CA 366, 367
Rose and Frank Co *v* **Crompton Bros** [1925] AC 445, HL **89**, 90
Rossetti Marketing Ltd *v* Diamond Sofa Co Ltd [2012] EWCA Civ 1021; [2013] 1 All ER (Comm) 308; [2011] WLR (D) 287 308, 314
Rothwell *v* Chemical and Insulating Co Ltd *See* Johnston *v* NEI International Combustion Ltd; Rothwell *v* Chemical and Insulating Co Ltd
Routledge *v* McKay [1954] 1 All ER 855; [1954] 1 WLR 615; 98 SJ 247, CA 117
Rowland *v* **Divall** [1923] 2 KB 500, CA 199, **210**, 211, 212, 236, 260, 361, 712

Rowlands *v* Hodson *See* Hodson *v* Hodson
Royal Bank of Scotland plc *v* Etridge (No.2) and other appeals, Barclays Bank plc *v* Coleman, Bank of Scotland *v* Bennett, Kenyon-Brown *v* Desmond Banks & Co (a firm) [2001] UKHL 44; [2002] 2 AC 773; [2001] 4 All ER 449; [2001] 2 All ER (Comm) 1061; [2001] 3 WLR 1021 162–**163**
Royscot Trust Ltd *v* **Rogerson** [1991] 2 QB 297; [1991] 3 WLR 57; [1991] 3 All ER 294, CA 145, **149–150**
RTS Flexible Systems Ltd *v* Molkerei Muller GmbH [2010] UKSC 14; [2010] 1 WLR 753; [2010] 3 All ER 1 75
Russell *v* Northern Bank Development Corporation Ltd [1992] 3 All ER 161; [1992] 1 WLR 588, HL 526
Ruttle Plant Hire *v* Secretary of State for the Environment, Food and Rural Affairs [2009] EWCA Civ 97; [2009] BLR 301, CA 407
Ruxley Electronics and Construction Ltd *v* **Forsyth** [1996] AC 344; [1995] 3 WLR 118; [1995] 3 All ER 268; [1995] EGCS 11, HL **191**
Rylands *v* **Fletcher** (1866) LR 1 Ex 265, HL; (1866) LR 3 HL 330, 356, **358**, 359, 360, 362, 369, 371, 373, 374

S (Children) (Care Order: Implementation of Care Plan), Re [2002] UKHL 10; [2002] 2 AC 291; [2002] 2 WLR 720 15
Safeway Stores plc *v* **Burrell** [1997] IRLR 200; [1997] ICR 523 **613–614**
Sagar *v* Ridehalgh & Son Ltd [1931] Ch 310 591
Said *v* **Butt** [1920] 3 KB 497 **303–304**
Salomon *v* **Salomon and Co Ltd** [1897] AC 22, HL **447**, 448, 451, 453, 532
Salt *v* Stratstone Specialist Ltd [2015] EWCA Civ 745 147, 148, 150
Sandhu *v* Gill [2005] EWCA Civ 1297; [2006] Ch 456; [2006] 2 All ER 22; [2006] 2 WLR 8 439
Saunders *v* **Anglia Building Society** [1970] AC 1004; [1970] 3 WLR 1078; [1970] 3 All ER 961, HL **158**
Saywell *v* **Pope** (1979) 53 TC 40 **414**, 417, 420
Scammell and Nephew Ltd *v* **Ouston** [1941] AC 251, HL **74**, 76
Schawel *v* **Reade** [1913] 2 IR 81, HL **116**, 117
Schroeder Music Publishing Co Ltd *v* **MacAuley** [1974] 1 WLR 1308; [1974] 3 All ER 616; (1974) 118 SJ 734, HL **166**
Scott *v* **Coulson** [1903] 2 Ch 439 **152**, 199
Scott *v* Gregg *See* Gregg *v* Scott
Secretary of State for Business, Enterprise and Regulatory Reform *v* Neufeld [2009] EWCA Civ 280; [2009] 3 All ER 790 448, 582
Secretary of State for Employment *v* ASLEF [1972] 2 QB 455; [1972] 2 WLR 1370; [1972] 2 All ER 949 592
Secretary of State for the Home Department *v* AF (No.3) [2009] UKHL 28; [2009] 3 WLR 74; [2009] 3 All ER 643 34
Seldon *v* Clarkson Wright & Jakes [2012] UKSC 16; [2012] 3 All ER 1301 622
Selectmove, Re [1995] 1 WLR 474; [1995] 2 All ER 534, CA 100, 103
Shadwell *v* **Shadwell** (1860) 9 CB (NS) 159 **98–99**, 101
Shell (UK) *v* Lostock Garages [1976] 1 WLR 1187; [1976] 1 All ER 481; (1976) 120 SJ 523 120
Shepherd *v* Jerrom [1987] QB 301; [1986] 3 WLR 801; [1986] 3 All ER 589; [1986] ICR 802 596
Shields *v* Coombes (E) (Holdings) Ltd [1978] 1 WLR 1408; [1979] 1 All ER 456; [1978] ICR 1159, CA 629
Shipton Anderson & Co *v* Weil Bros [1912] 1 KB 574 **275**
Shirlaw *v* Southern Foundries [1939] 2 All ER 113, CA 119
Shogun Finance Ltd *v* **Hudson** [2003] UKHL 62; [2004] 1 AC 919; [2003] 3 WLR 1371; [2004] 1 All ER 215 43, **156–157**, 304
Siemens Building Technologies FE Ltd *v* Supershield Ltd [2010] EWCA Civ 7; [2010] 1 Lloyd's Rep 349 193
Simons *v* Patchett (1857) 7 E & B 568, 26 LJ QB 195 305
Simpole *v* Chee [2013] EWHC 444 303
Sinclair *v* **Neighbour** [1967] 2 QB 279; [19657] 2 WLR 1; [1966] 3 All ER 988, CA **596**
Siu Yin Kwan *v* Eastern Insurance Co [1994] 2 AC 199; [1994] 2 WLR 370; [1994] 1 All ER 213 304
Sky Petroleum *v* VIP Petroleum [1974] 1 WLR 576; [1974] 1 All ER 954; (1973) 118 SJ 311 197
Slater *v* Fleming Ltd [1997] AC 471; [1996] 3 WLR 190; [1996] 3 All ER 398, HL 221
Smith *v* **Eric S Bush** [1990] 1 AC 831; [1989] 2 WLR 790; [1989] 2 All ER 514, HL **131**
Smith *v* **Hughes** (1871) LR 6 QB 597; 40 LJQB 221 143, **158**
Smith *v* **Hughes** [1960] 1 WLR 830; [1960] 2 All ER 859; (1960) 104 SJ 606 **13**
Smith *v* **Land and House Property Corporation** (1884) 28 ChD 7, CA 118, **142**, 146
Smith *v* Leech Brain [1962] 2 QB 405; [1962] 2 WLR 148; [1961] 3 All ER 1159 339
Smith New Court Securities Ltd *v* Scrimgeour Vickers (Asset Management) Ltd [1997] AC 254; [1996] 3 WLR 1052; [1996] 4 All ER 769 149
Smithton Ltd *v* Hobart Capital Markets Ltd [2014] EWCA Civ 939 473–474

Societe Generale *v* Geys [2011] EWCA Civ 307, [2011] All ER (D) 350 (Mar) 600
Solle *v* Butcher [1950] 1 KB 671; [1949] 2 All ER 1107; [1950] 66 TLR (Pt 1) 448, CA 154
Soulsbury *v* **Soulsbury** [2007] EWCA Civ 969; [2008] 2 WLR 834; [2007] All ER (D) 132 (Oct) **80–81**
South Australia Asset Management Corp *v* York Montague Ltd [1997] AC 191; [1996] 3 WLR 87; [1996] 3 All ER 365 150
South East Windscreens Ltd *v* Jamshidi and Poor [2005] EWHC 3322 (QB); [2005] All ER (D) 317 (Dec) 155
Southern Cross Healthcare Co Ltd *v* Perkins [2010] EWCA Civ 1442; [2011] ICR 285; [2011] IRLR 247 585
Spartan Steel and Alloys Ltd *v* Martin & Co (Contractors)Ltd [1973] QB 27; [1972] 3 WLR 502; [1972] 3 All ER 557, CA 329
Spectrum Plus Ltd, Re [2005] UKHL 41; [2006] 2 WLR 1346 18, 541, 542
Spencer *v* **Harding** (1870) LR 5 CP 561 **73**
Spencer-Franks *v* Kellogg Brown and Root Ltd [2008] UKHL 46; [2009] 1 All ER 269; [2008] ICR 863; HL 639
Spice Girls Ltd *v* Aprilia World Service BV (2000) The Times, 5 April; [2000] EMLR 478 142, 143
Spiro *v* **Lintern** [1973] 1 WLR 1002; [1973] 3 All ER 319; (1973) 117 SJ 584, CA **299–300**
Spring *v* **Guardian Assurance plc** [1995] 2 AC 296; [1994] 3 WLR 354; [1994] 3 All ER 129, HL 343, **591**
Springer *v* Great Western Railway [1921] 1 KB 257 300
Stadium Capital Holdings *v* St Marylebone Properties Co [2010] EWCA Civ 952; [2010] All ER (D) 83 (Nov) 360
Stainer *v* **Lee** [2010] EWHC 1539 (Ch); [2011] BCC 134 **534–535**
Stannard *v* Gore [2012] EWCA Civ 1248; [2013] 3 WLR 623; [2013] 1 All ER 694 359
Star Energy UK Onshore Ltd *See* Bocardo SA *v* Star Energy UK Onshore Ltd
Stark *v* The Post Office [2000] All ER (D) 276; (2000) The Times, 29 March 638
Startup *v* MacDonald (1843) 6 Man & G 593 175
Stekel *v* Ellice [1973] 1 WLR 191; [1973] 1 All ER 465 414
Stephen *v* Scottish Boatowners Mutual Insurance Association (The Talisman) 98 [1989] 1 Lloyd's Rep 535; 1989 SC (HL) 24; 1989 SLT 283, HL 76
Sterns Ltd *v* **Vickers Ltd** [1922] All ER 126, CA **254**
Stevenson *v* Beverley Bentinck Ltd [1976] 2 All ER 606 265
Stevenson *v* **Rogers** [1999] QB 1028; [1999] 2 WLR 1064; [1999] 1 All ER 613, CA liii, **215**, 219, 265
Stevenson, Jacques & Co *v* **McLean** (1880) 5 QBD 346 **81**
Stevenson, Jordan and Harrison Ltd *v* MacDonald and Evans [1952] 1 TLR 101; [1952] 69 RPC 10, CA 581
Stilk *v* **Myrick** (1809) 2 Camp 317 **99**, 100, 104
Strathearn Gordon Associates Ltd *v* Commissioners of Customs and Excise [1985] VATTR 79 414
Sturges *v* Bridgman (1879) 11 Ch D 852, CA 355
Sudbrook Trading Estate Ltd *v* **Eggleton** [1983] AC 444; [1982] 3 WLR 315; [1982] 3 All ER 1, HL **75**
Sumpter *v* **Hedges** [1898] 1 QB 673, CA **174**
Surrey Trading Standards *v* Scottish and Southern Energy Plc *See* R *v* Scottish and Southern Energy Plc
Sybrom Corporation *v* **Rochem Ltd** [1985] Ch 299; [1983] 3 WLR 713; [1983] 2 All ER 707, CA **589**
Systems Floors *v* Daniel [1981] IRLR 475; [1982] ICR 54 585

Talisman, The, *See* Stephen *v* Scottish Boatowners Mutual Insurance Association (The Talisman)
TRM Copy Centres (UK) Ltd *v* Lanwall Services Ltd [2009] UKHL 35; [2009] 4 All ER 33, HL 377
Tao Herbs & Acapuncture Ltd *v* Jin [2010] UKEAT 1477–09 611
Tarling *v* Baxter [1827] 6 B & C 360 249, 268
Taylor *v* Caldwell (1863) 3 B & S 826 177, 203
Taylor *v* A Novo (UK) Ltd [2013] EWCA Civ 194; [2013] 3 WLR 989 327
Tedstone *v* Bourne Leisure Ltd [2008] EWCA Civ 654; [2008] All ER (D) 74 (May), CA 334
Tekdata Interconnections Ltd *v* **Amphenol Ltd** [2009] EWCA Civ 1209; [2010] 2 All ER (Comm) 302; [2010] 1 Lloyd's Rep 357 83, 125
Tesco Stores Ltd *v* Pollard [2006] EWCA Civ 393; [2006] All ER (D) 186 (Apr), CA 345
Tesco Supermarkets *v* Nattrass [1972] AC 153; [1971] 2 WLR 1166; [1971] 2 All ER 127, HL 450, 668
Thain *v* Anniesland Trade Centre 1997 SLT 102, Sh Ct 218
Thake and another *v* Maurice [1986] QB 644; [1986] 2 WLR 337; [1986] 1 All ER 497 227
Thomas *v* Thomas (1842) 2 QB 851 93
Thomas Edward Brinsmead and Sons, Re [1897] 1 Ch 45, CA **551**
Thompson *v* **London, Midland and Scottish Railway Co** [1930] 1 KB 41, CA **127**, 128, 138
Thompson *v* Metropolitan Police Commissioner [1998] QB 498; [1997] 3 WLR 403; [1997] 2 All ER 762, CA 361
Thompson *v* The Renwick Group plc [2014] EWCA Civ 635 454

Thorne *v* Motor Trade Association [1937] AC 797; [1937] 3 All ER 157, HL 161
Thornton *v* Shoe Lane Parking Ltd [1971] 2 QB 163; [1971] 2 WLR 585; [1971] 1 All ER 686, CA 77, **128**, 138
Tiffin *v* Lester Aldridge LLP EWCA Civ 35; [2012] 1 WLR 1887; [2012] 2 All ER 1113 414, 563
Tool Metal Manufacturing Co *v* Tungsten Electric Company [1955] 1 WLR 761; [1955] 2 All ER 657, HL 104
Tower Cabinet Co Ltd *v* Ingram [1949] 2 KB 397; [1949] 1 All ER 1033; (1949) 93 SJ 404 **433**
Transco plc *v* Stockport Metropolitan Borough Council [2003] UKHL 61; [2003] 3 WLR 1467; [2004] 1 All ER 589 358, 359
Transfield Shipping Inc *v* Mercator Shipping Inc, The Achilleas [2008] UKHL 48; [2009] AC 61; [2008] 4 All ER 159, HL **189–190**
Trebor Bassett Holdings Ltd *v* ADT Fire & Security Plc [2012] EWCA Civ 1158 208
Trego *v* Hunt [1896] AC 7 438
Trimble *v* Goldberg (1906) 95 LTR 163, PC **429**
Trollope *v* NWRHB [1973] 1 WLR 601; [1973] 2 All ER 260; (1973) 117 SJ 355, HL 120
Trueman and Others *v* Loder (1840) 11 Ad & El 589 312
Truk (UK) Ltd *v* Tokmakidis GmbH [2000] 2 All ER (Comm) 594; [2000] 1 Lloyd's Rep 543, QBD (Merc Ct) 285
Tsakiroglou & Co Ltd *v* Noblee Thorl GmbH [1962] AC 93; [1961] 2 WLR 633; [1961] 2 All ER 179, HL **179**, 203
Tuberville *v* Savage (1669) 1 Mod Rep 3; 2 Keb 545 360
Tunstall *v* Steigmann [1962] 2 QB 593; [1962] 2 WLR 1045; [1962] 2 All ER 417, CA **448**
Tweddle *v* Atkinson (1831) 1 B & S 393 l, **95**
Tyrer *v* UK (1978) 2 EHRR 1, ECtHR 31

UCB Home Loans Corp Ltd *v* Soni [2013] EWCA Civ 62 **433–434**
UK Housing Alliance (North West) Ltd *v* Francis [2010] EWCA Civ 117; [2010] 3 All ER 519
Underwood Ltd *v* Burgh Castle Sand and Cement Syndicate [1922] 1 KB 343, CA **247**, 248
United Bank of Kuwait *v* Hammoud [1988] 1 WLR 105; [1988] 3 All ER 418, CA 431
United Brands Co *v* EC Commission [1978] ECR 207; [1978] 1 CMLR 429, ECJ 676
United Dominions Trust Ltd *v* Western [1976] QB 513; [1976] 2 WLR 64; [1975] 3 All ER 1017, CA 158
United Kingdom Atomic Energy Authority *v* Claydon [1976] IRLR 6; [1974] ITR 185; [1974] ICR 128 588
Universal Project Management Services Ltd *v* Fort Gilkicker Ltd [2013] All ER (D) 313 535
Universe Tankships of Monrovia *v* International Transport Workers Federation [1982] 1 AC 366; [1982] 2 WLR 803; [1982] 2 All ER 67, HL **160**
University of London Press Ltd *v* University Tutorial Press Ltd [1916] 2 Ch 601 687
Uren *v* Corporate Leisure (UK) Ltd [2011] EWCA Civ 66 332

Valencia *v* Llupar [2012] EWCA Civ 396 76, 414
Van Gend en Loos *v* Nederlands Administratie der Belastingen [1963] ECR 1; [1963] CMLR 105 24
Various Claimants *v* Institute of the Brothers of the Christian Schools [2012] UKSC 56; [2013] 2 AC 1; [2012] 3 WLR 1319; [2013] 1 All ER 670 365, 369
VFS Financial Services Ltd *v* JF Plant Tyres Ltd [2013] EWHC 346 (QB); [2013] 1 WLR 2987; [2013] 1 Lloyd's Rep 462 266
Viasystems Ltd *v* Thermal Transfer Ltd and Darwell Ltd (2006) Lawtel; [2005] EWCA Civ 1151; [2006] QB 510; [2005] 4 All ER 1181 365
Victoria Laundry *v* Newman Industries [1949] 2 KB 528; [1949] 1 All ER 997; (1949) 93 SJ 371, CA **189**, 191
Vierboom *v* Chapman (1844) 13 M & W 230 173
Vine *v* Waltham Forest London Borough Council [2000] 1 WLR 2383; [2000] 4 All ER 169, CA 361

Wagon Mound *See* Overseas Tankship (UK) *v* Mort Dock & Engineering Co (The Wagon Mound) (No. 1)
Walford *v* Miles [1992] 2 AC 128; [1992] 2 WLR 174; [1992] 1 All ER 453 121
Wallonie ASBL Case [1997] ECR I-7411 25
Walton Harvey Ltd *v* Walker & Homfrays Ltd [1931] 1 Ch 274 **181**
Ward *v* Tesco Stores [1976] 1 WLR 810; [1976] All ER 219; (1976) 120 SJ 555, CA 333, 334
Warner Bros Pictures Inc *v* Nelson [1936] 1 KB 209 **198**
Warren *v* DrukkeriJ Flach BV [2014] EWCA Civ 993 315
Warren *v* Henlys Ltd [1948] 1 All ER 935; 92 SJ 706, KB 367
Warren *v* Mendy [1989] 1 WLR 853; [1989] 3 All ER 103; (1989) 133 SJ 1261 312
Watt *v* Hertfordshire CC [1954] 1 WLR 835; [1954] 2 All ER 268; (1954) 98 SJ 371, CA **332**
Watteau *v* Fenwick [1893] 1 QB 346 **300**, 301, 302, 312, 319
Watts *v* Morrow [1991] 1 WLR 1421; [1991] 4 All ER 97 192

Waugh *v* HB Clifford and Sons Ltd [1982] Ch 374; [1982] 2 WLR 679; [1982] 1 All ER 1095, CA 297, 299
Webster *v* Higgin [1948] 2 All ER 127; (1948) 92 SJ 454 117, 129
Weddall *v* Barchester Healthcare Ltd; Wallbank *v* Wallbank Fox Designs Ltd [2012] EWCA Civ 25 367
Weller *v* Foot and Mouth Research Institute [1966] 1 QB 569; [1965] 3 WLR 11082; [1965] 3 All ER 560 329
Western Excavating (ECC) Ltd *v* Sharp [1978] QB 761; [1978] 2 WLR 344; [1978] 1 All ER 713, CA 601, 602
Wheat *v* Lacon [1966] AC 552; [1966] 2 WLR 581; [1966] 1 All ER 582, HL 347
White *v* Bluett (1853) 23 LJ Ex 36 93
White and Carter (Councils) *v* MacGregor [1962] AC 413; [1962] 2 WLR 713; [1961] 3 All ER 1178, HL **184**, 193
Whitworth Street Estates Ltd *v* Miller [1970] AC 583 125
William Sindell plc *v* Cambridgeshire CC [1994] 3 All ER 932, CA 150
Williams *v* Carwardine (1833) 5 C & P 566 78
Williams *v* Compair Maxam Ltd [1982] ICR 156; [1982] IRLR 83, EAT 605, 614
Williams *v* Range [2004] EWCA Civ 294; [2004] 1 WLR 1858; 148 SJ LB 384 376
Williams *v* Roffey Bros & Nicholls (Contractors) Ltd [1991] 1 QB 1; [1990] 2 WLR 1153; [1990] 1 All ER 512, CA **100**, 101, 103, 104, 111
Willis Management (Isle of Man) Ltd *v* Cable and Wireless plc [2005] EWCA Civ 806; [2005] 2 Lloyd's Rep 597 75, 277
Willow Oak Developments Ltd *v* Silverwood [2006] EWCA Civ 660; [2006] ICR 1552; [2006] IRLR 607; [2006] All ER (D) 351 (May) 607
Wilsher *v* Essex Area Health Authority [1988] AC 1074; [1988] 2 WLR 557; [1988] 1 All ER 871, HL 336
Wilson *v* Burnett [2007] EWCA Civ 1170; [2007] All ER (D) 372 (Oct), CA 91
Wilson *v* First County Trust Ltd [2003] UKHL 40; [2003] 3 WLR 568; [2003] 4 All ER 97; [2003] 2 All ER (Comm) 491, HL 387
Wilson *v* IDR Construction Ltd [1975] IRLR 260 588
With *v* O'Flanagan [1936] Ch 575, CA **143**, 170
Wolman *v* Islington LBC [2007] EWCA Civ 823; [2008] 1 All ER 1259; (2007) 104(32) LSG 24 13
Wood *v* Capital Bridging Finance Ltd [2015] EWCA Civ 451 379
Wood *v* Odessa Waterworks Co (1889) 42 ChD 636
Woodar Investment Developments Ltd *v* Wimpey Construction UK Ltd [1980] 1 WLR 277; [1980] 1 All ER 571; (1980) 124 SJ 184, HL 95
Woolfson *v* Strathclyde RC 1978 SC (HL) 90; 1978 SLT 159 451
Wren *v* Holt [1903] 1 KB 610 **221**

Yam Seng Pte Ltd *v* International Trade Corp Ltd [2013] EWHC 111 (QB); [2013] 1 All ER (Comm) 1321; [2013] 1 Lloyd's Rep 526 121
Yapp *v* Foreign and Commonwealth Office [2014] EWCA Civ 1512 639
Yasuda Ltd *v* Orion Underwriting Ltd [1995] QB 174; [1995] 2 WLR 49; [1995] 3 All ER 211 309
Yenidje Tobacco Co Ltd, Re [1916] 2 Ch 426, CA 532, 551
Yeoman Credit Ltd *v* Waragowski [1961] 1 WLR 1124; [1961] 3 All ER 145, CA 286, **400**, 403
Yonge *v* Toynbee [1910] 1 KB 215, CA **305**
Yorkshire Woolcomber's Association Ltd, Re, Houldsworth *v* Yorkshire Woolcombers' Association Ltd [1903] 2 Ch 284 542
Young *v* Bristol Aeroplane Co Ltd [1944] KB 718 16
Young Legal Associates Ltd *v* Zahid (a firm) [2006] EWCA Civ 613; [2006] 1 WLR 2562; CA **416–417**, 424

Table of statutes

Abortion Act 1967 *9*
Administration of Justice Act 1985 56
Appeals of Murder Act 1819 *2*
Arbitration Act 1950 53
Arbitration Act 1975 53
Arbitration Act 1979 53
Arbitration Act 1996 53
s 1 53
s 9 53
s 33 53
s 33(a) 53
s 33(b) 53
s 34 53
s 40 53
s 65 53
Auction (Bidding Agreements) Act 1969 287

Betting Act 1853 14
Bills of Exchange Act 1882 *9*
Bills of Sale Act 1878 403
Bills of Sale (1878) (Amendment) Act 1882 403
Bribery Act 2010 679–680, 682, 684, 729
s 1 679, 680
s 2 679, 680
s 3 680
s 4 680
s 5 680
s 6 680
s 7 680
British Railways Act 1968 *8*
Business Names Act 1985 418

Carriage of Goods by Sea Act 1992
s 2(1) 288
Civil Evidence Act 1995
s 11 333
Civil Liability (Contribution) Act 1978
s 3 390
Civil Procedure Act 1997 55, 62
Companies Act 1980 458
Companies Act 1985
pt 14 540
s 2 462
s 3A 462, 483
s 14(1) 524
s 35A 484
s 303 476
s 376 476
s 459 538
Companies Act 2006 418, 441, 445–446, 459–465, 482, 546, 555, 556, 561, 720, 722
s 9 460
s 9(1) 460
s 9(2) 460
s 9(4) 460
s 9(5) 460
s 10(2) 460
s 15(2) 461
s 17 462, 464
s 18 463
s 20(1) 463
s 21 475, 526
s 21(1) 463, 517
s 22(1) 463
s 22(2) 463
s 22(3) 463
s 23 463
s 24 463
s 25 463
s 25(1) 464
a 26(1) 463
s 28 457, 484
s 28(1) 462, 463
s 29 464
s 29(1) 464, 524
s 30 464
s 30(1) 524
s 31 483
s 31(1) 462
s 32 464
s 33(1) 524, 525
s 36C(1) 465
s 39(1) 484, 485, 722
s 40 485
s 40(1) 484, 485
s 40(2)(b) 485
s 40(3) 485
s 40(4) 485
s 40(5) 485
s 41 485
s 41(3) 485
s 41(4) 485
s 43 485
s 44 485
s 45 485
s 45(2) 468
s 51(1) 302, 465, 564, 722
s 52 486
ss 53–56 466
ss 54–56 466
s 57 466
s 58 466
s 59 466
s 65 467
s 65(1) 467
s 65(2) 467
s 66(1) 467
s 67 467
s 69(1) 419, 467
s 69(4) 467
s 69(5) 467
s 75 467
s 76(1) 467
s 77 468
s 77(1) 517
s 78 468
s 82 468, 469
s 84 468, 469
s 85 469
s 90(1) 517
s 97 455
s 97(1) 517
s 98 456
s 105(1) 517
s 109 456
s 112 510
s 112(1) 511
s 112(2) 511
s 113 500
s 123(2) 459
s 123(3) 459
s 125 511

s 127 511
s 154(1) 474
s 154(2) 474
s 155(1) 474
s 156 474
s 157 474
s 159 475
s 160 474
s 160(1) 474
s 160(2) 474
s 161 474
s 162(1) 477
s 162(3) 477
s 162(4) 477
s 162(5) 477
s 162(6) 478
s 162(7) 478
s 162(8) 478
s 163(1) 477
s 163(5) 477
s 164 477
s 167(1) 478
s 165 501
s 168 475, 476, 517, 520
s 168(1) 475, 476, 479, 480, 483, 508, 532, 722
s 168(2) 475, 476
s 168(5) 476
s 169 475
s 169(1) 475
s 169(2) 475
s 169(3) 475
s 169(5) 475
s 170(1) 486
s 170(2)(a) 489
s 170(2)(b) 489
s 170(3) 486
s 170(4) 486
s 170(5) 486
ss 171–177 486, 490, 507
s 171 486, 723
s 171(a) 484, 486
s 171(b) 486, 487
s 172 486, 487, 490, 504, 533, 534, 535, 536, 723
s 172(1) 487
s 172(2) 487
s 172(3) 487
s 173 486, 487, 723
s 173(1) 487
s 173(2) 487
s 174 486, 487, 490, 723
s 174(1) 487
s 174(2) 487
s 175 479, 486, 488, 489, 723
s 175(1) 488
s 175(2)–(3) 488
s 175(4)–(6) 488, 534
s 175(5) 488
s 175(6) 488, 536
s 175(7) 488
s 176 486, 489, 723
s 176(1)–(2) 489
s 176(3) 489
s 176(4)–(5) 489
s 177 479, 486, 489, 490, 491, 723
s 177(1) 489
s 177 (2)–(4) 489
s 177(5) 490
s 177(6)(a) 489, 490
s 177(6)(b) 489, 490
s 177(6)(c) 489, 490
s 178(1) 490
s 178(2) 490
s 179 486
s 180(1) 488, 490
s 180(3) 490
s 180(4) 489, 490, 533
s 180(4)(a) 488, 489
s 180(4)(b) 488, 492
s 182 490, 491
s 182(1) 489, 490, 491
s 182(2) 490, 491
s 182(3) 490, 491
s 182(4) 490, 491
s 182(5) 490, 491
s 182(6) 490–491
s 183 491
s 184 490, 491
s 185 490
s 185(4) 491
s 186 491
s 186(1) 505
s 187 491
s 188 491
s 189 491
s 190 491
s 191 492
ss 197–222 492
s 217(1) 481
s 220(1) 481
s 221(1) 481
s 222(1) 481
s 223 492
s 228 501
s 228(1) 482
s 228(3) 482
s 231 459, 491
ss 232–239 492
s 232 492
s 232(1) 492
s 232(2) 492
s 232(3) 492
s 232(4) 492
s 239 492, 493, 533, 534
s 239(3) 488
s 239(4) 488, 492, 536
s 239(6) 492
s 239(7) 493
s 240 478
s 241 478
s 241(2) 478
s 242 478
s 243 478
s 244 478
s 245 478
s 246 478
s 246(1) 478
s 246(2) 478
s 246(3) 478
s 246(4) 478
s 246(7) 478
s 248 479
s 249 479
s 250(1) 473
s 251(1) 473
s 251(2) 473
s 257 486
s 260 486, 533
s 260(1) 532, 533
s 260(2) 533
s 260(3) 533
s 260(4) 533
s 260(5)(a) 533
s 260(5)(b) 533
s 260(5)(c) 533
s 261(1) 533
s 261(2) 533
s 261(3) 533
s 261(4) 533
s 262 533
s 262(2) 535
s 262(3) 533, 535
s 263(2) 533, 535
s 263(2)(a) 533, 535
s 263(2)(b) 533, 535

s 263(2)(c) 533
s 263(3) 534
s 263(3)(a)–(f) 534
s 263(3)(b) 535
s 263(4) 534
s 264 534
s 270 493
s 270(3)(a) 493
s 270(3)(b) 493
s 271 493
s 272 494
s 273 494
s 274 493
s 275(1) 494
s 275(5) 495
s 275(6) 495
s 275(8) 495
s 276(1)(a) 494
s 276(1)(b) 495
s 280 494
s 281(1) 516
s 281(2) 516
s 281(3) 491, 492, 516
s 281(4) 516
s 282(1) 517
s 282(2) 517
s 282(3) 517
s 282(4) 517
s 282(5) 517
s 283(1) 517
s 283(2) 517
s 283(3) 517
s 283(4) 517
s 283(5) 517
s 283(6) 519
s 283(6)(a) 517
s 283(6)(b) 517
s 284 517
s 285 517
s 285(3) 517
s 285A 521
s 286 517
s 287 517
s 288(2) 517
s 288(3) 518
s 288(5) 518
s 289 518
s 290 518
s 291 518
s 291(2) 518
s 291(3) 518
s 291(4) 518
s 292 518, 536, 724
s 292(1) 518
s 292(3) 518
s 292(4) 518
s 292(5) 518
s 292(6) 518
s 293 518
s 294 518
s 295 518
s 296 519
s 296(2) 519
s 296(3) 519
s 296(4) 519
s 297 519
s 298(1) 519
s 299(2) 519
s 300 519
s 301 519
s 302 519
s 303 476, 519, 536
s 303(1) 475, 476
s 303(2) 476, 519
s 303(4) 476, 519
s 303(5) 519
s 303(6) 519
s 304 476, 519
s 305 476, 519
s 306 520
s 307(2) 520
s 307(3) 520
s 308 517
s 312(3) 475
s 314 520, 521, 724
s 314(2) 520
s 314(3) 520
s 314(4) 520
s 315 521
s 315(1) 520
s 316 521
s 317 521
s 318 521
s 319 521
s 320 521
s 321 517
s 321(1) 521
s 321(2) 521
s 322 521
s 322A 521
s 324 522
s 324(1) 522
s 324(2) 522
s 331 522
s 336(1) 522
s 337(1) 522
s 337(2) 522
s 338 522, 537
s 338(1) 522
s 338(2) 522
s 338(3) 522
s 338(4) 522
s 339 522
s 341 522, 724
s 342 523, 724
s 342(1) 522
s 342(2) 522
s 342(4) 522
s 355 523
s 356 523
s 357 501, 523
s 358 501, 523
s 359 524
s 360 524
s 366 521
s 368 521
s 369 521
s 377(2) 520
s 378 521
s 382 459
s 386 503
s 392 503
s 393 503
s 394 503
s 412(1) 481
s 415 503
s 420 505
s 423 505
s 437 505
s 439 505
s 475(1) 495
s 476 495
s 477(1) 495
s 485 495
s 485(1) 495
s 485(2) 495
s 485(3) 495
s 485(4) 495
s 486 495
s 487 495
s 488 495
s 489 496
s 489(1) 496
s 489(2) 496
s 489(3) 496
s 489(4) 496

s 490 496
s 491 496
s 492(1) 497
s 498(2)(b) 498
s 498(3) 498
s 498(5) 498
s 499 497
s 501 497
s 502(1) 497
s 502(2) 497
s 503 497
s 506 497
s 507(1) 498
s 507(2) 498
s 510 496, 517, 520
s 510(1) 496
s 510(2) 496
s 511 496
s 512 496
s 513 496
s 514 496
s 515 496
s 516(1) 496
s 517(1) 496
s 518(2) 496
s 518(10) 496
s 519 497
s 519(1) 496, 497
s 519(2) 497
s 519(3) 497
s 520 497
s 521 497
s 522 497
s 525 497
s 523 497
s 527 500
s 527(1) 500
s 527(2) 500
s 527(4) 500
s 530 500
s 532 499
s 533 499
s 534–536 499
s 534(1) 499
s 534(2) 499
s 534(3) 499
s 535 499
s 536 499
s 536(2) 499
s 536(3) 499
s 536(4) 499
s 536(5) 499
s 537(1) 499
s 538 499
s 540(1) 511
s 542(1) 512
s 542(3) 512
s 549 514
s 550 514
s 551 514
s 551(2) 514
s 551(3) 514
s 551(4) 514
s 551(5) 514
s 551(8) 464
s 552 514
s 554 514
s 555 515
s 558 514, 515
s 561 457, 515
s 562 515
s 562(2) 515
s 562(4) 515
s 564–566 515
s 567 515
s 569 515
s 578 515
s 580 515
s 585 515
s 586 515
s 610(1) 512
s 610(2) 512
s 610(3) 512
s 617 514
s 630 513
s 630(2) 513
s 630(3) 513
s 630(4) 513
s 630(5) 513
s 633 513, 537
s 633(3) 513
s 633(5) 513
s 637 513
s 641(1) 517
s 641(1)(a) 526, 527
s 641(1)(b) 527
s 641(1)(g) 526
s 641(2) 526
s 641(3) 526
s 642(1) 526
s 642(2) 526, 527
s 642(3) 526
s 643(1) 527
s 643(2) 527
s 643(3) 527
s 643(4) 527
s 644(1) 527
s 644(2) 527
s 644(4) 527
s 644(5) 527
s 645 527
s 646 527
s 647 527
s 648 527
s 649 527
s 651 528
s 656 528
s 658 528
s 677 529
s 678 529
s 678(1) 529
s 678(2) 529
s 678(3) 529
s 681 529
s 690 528
s 694 517
s 702 501
s 738 540
s 743 501
s 755 455
s 757–759 455
s 761 455, 515, 516, 549, 552
s 761(2) 515
s 767(1) 455, 515
s 767(3) 455
s 808 501
s 809 501
s 830 530
s 831 530
s 830(2) 530
s 847 529
s 854 494, 502
s 855 502
s 856 502
s 860 543
s 860(1) 541
s 874 257, 714
s 875 501
s 876 501
s 994 533, 537, 538, 540, 548, 550, 566, 575, 724, 725
s 994(1) 577
s 996(1) 537
s 996(2) 537
s 998 537
s 999 537

s 1075 469
s 1077 478
s 1079 478
s 1081 469
s 1136 482, 494, 524
s 1139 460
s 1141(1) 477
s 1157 493
ss 1192–1199 418
ss 1192–1197 418
s 1192 418
s 1193 418
s 1194 418
s 1195 418
s 1197 418
s 1198 418
s 1199 418
ss 1200–1206 418
ss 1200–1208 418
s 1202 419
s 1203 419
s 1204 419
s 1206 419
s 1214 495
sch 4, para 6 519
Company Directors Disqualification Act 1986 505, 561, 567, 722
s 2 477
s 3 477
s 4 477
s 5 477
s 6 477
s 8 477
s 9 478
s 9A 477
s 10 477, 557
s 11 476
Compensation Act 2006
s 1 333, 348, 349
s 1(a)–(b) 333
s 2 333, 348, 349
s 3 338
s 16(3) 338
Competition Act 1998 675
pt 1 677
Ch I 677, 680, 729
Ch II 677, 680, 729
s 2(1) 677
s 2(2) 677
s 2(3) 677
s 9 677
s 18(1) 677
s 18(2) 677
s 18(3) 677
s 19 677
Computer Misuse Act 1990 672–674, 680, 684
s 1 673, 674, 681, 729
s 1(1) 673
s 1(1)(c) 673
s 1(2) 673
s 2 674, 681, 729
s 2(1) 673
s 3 674, 681, 729
s 3(2) 674
s 3(3) 674
s 3(4) 674
s 17(2) 673
s 17(5) 673
s 17(5)(a) 673
s 17(7) 674
s 17(8) 674
Consumer Credit Act 1974 184, 225, 264, 265, 375–402, 403, 405, 408, 409, 410
s 8(1) 376
s 9(1) 376
s 10(2) 380
s 10(3) 380
s 11(3) 380
s 12 380
s 12(a) 380, 384, 385, 389, 405
s 12(b) 380, 384, 387, 389, 390, 406
s 12(c) 380, 381, 384, 389, 390, 391
s 14(1) 391
s 14(1)(a)–(b) 391
s 14(2) 391
s 14(4) 392
s 15 376, 377, 405
s 15(1) 377
s 15(2) 377
s 16 377
s 16A 379
s 16A(1) 377
s 16A(1)(a)–(b) 377–379
s 16B 379, 383
s 17(1) 382
s 17(3)(b) 382
s 19 382
s 19(3) 382
ss 44–46 383
s 45 383
s 46 383
s 47 383
s 48 383
s 49 383
s 49(1) 383
s 49(2) 383
s 50 383
s 51 392
s 51(2) 392
s 51(3) 392
s 55A(1) 384
s 55A(1)(a)–(d) 384
s 55A(2)(a)–(e) 384
s 55B 384
s 55C 384
s 56 384, 392
s 56(1) 384, 389
s 56(1)(a) 384
s 56(1)(b) 385, 389
s 56(1)(c) 385, 389, 392
s 56(2) 300, 388, 389, 390, 392, 394, 404, 407, 719
s 56(3) 389
s 56(4) 385
s 57 385
s 57(1) 385
s 57(2) 385
s 57(3) 385
s 57(4) 385
ss 60–66 393
s 60(1) 385, 387
s 61(1) 385, 387
s 61A 385, 387
s 62 386
s 62(1) 386, 718
s 62(2) 386, 719
s 62(3) 386
s 63 386
s 63(1) 386, 719
s 63(2) 386, 718, 719
s 63(2)(a) 386, 719
s 63(5) 386
s 64 386, 388, 407, 719
s 64(1) 386, 387
s 64(1)(a) 386, 718, 719
s 64(1)(b) 386, 719
s 65(1) 386
s 66A 385, 387
s 67 387
s 68 387
s 69(1) 387
s 69(4) 387
s 69(7) 387
s 70(1) 387
s 70(1)(a) 387

s 70(1)(b) 387
s 70(1)(c) 387
s 70(2) 387
s 70(3) 387
s 70(6) 387
s 71(1) 388
s 71(2) 388
s 71(3) 388
s 72 388
s 72(4) 388
s 72(8) 388
s 72(9) 388
s 73(2) 388
s 73(3) 388
s 73(5) 388
s 75 389, 391, 392, 402
s 75(1) 388, 389, 390, 392, 394, 408, 719
s 75(3) 389
s 75(3)(a)–(b) 389
s 75(4) 390
s 75A 391
s 75A(1)–(6) 391
s 76 401
s 76(1) 394, 398, 399, 400
s 76(2)(a) 394
ss 77–79 395
s 77A 395
s 77B 395
s 80(1) 395, 719
s 80(2) 395
s 81(1) 395, 408
s 81(2) 395
s 85 393
s 85(1) 392
s 85(2) 393
s 85(3) 393
s 86(1) 395
s 86A 395
s 86B 395, 399
s 86C 395
s 86D 395
s 86E 395
s 86F 395
ss 87–89 399, 401
s 87 395, 398, 400
s 87(1) 399
s 87(2) 396
s 88(1) 396
s 88(2) 396
s 89 396
s 90 401
s 90(1) 401
s 90(1)(a)–(c) 401
s 90(2) 401
s 90(5) 401
s 91 401
s 92(1) 401
s 93 396, 399
s 94(1) 398, 408, 719
s 94(3) 398
s 95 400
s 95(1) 398
s 95A 398
s 96(1) 398
s 98 394, 399, 401
s 98(1) 394, 399
s 99 398, 400
s 99(1) 398
s 99(2) 398
s 100 398, 400
s 100(1) 398, 399, 400, 401
s 100(3) 398
s 100(4) 398
s 101 399
s 127(1) 386, 387, 719
s 127(2) 386, 387, 719
s 129 399, 400
s 129A 399
s 130(2) 399
s 131 396
s 132 401
s 133 402
s 133(6) 402
s 135 402
s 136 402
s 140A 396, 397
s 140A(1) 396
s 140A(1)(c) 397
s 140A(2) 396
s 140B 396, 397, 399
s 145(2) 385
s 168 383
s 170(1) 383
s 173(1) 388, 390, 401
s 187A 395
s 187(3)(b) 389
s 189 381
s 189(1) 375, 376, 385, 387
Consumer Credit Act 2006 375, 383, 387, 396
Consumer Protection Act 1987
pt I 324, 343–346, 350, 351, 353, 717
pt III 660
s 1 344
s 1(a)–(c) 344
s 2 344
s 2(3) 344
s 3 344
s 3(2) 345
s 3(2)(a)–(c) 345
s 5 345
s 5(3) 346
Consumer Rights Act 2015 *9*, 119, 124, 127, 130, 131, 134–136, 137, 138, 139, 140, 153, 173, 206, 207, 209, 210, 214, 218, 219, 229, 230–239, 241, 244, 274–275, 285, 293, 344, 345, 349, 353, 390, 400, 403, 404, 405, 669, 709, 713
pt 1 206, 230, 349
pt 2 134, 136, 195, 230
pt 3 237
s 1(1) 206, 230
s 2(2) 206, 230
s 2(3) 206, 230
s 2(4) 230
s 2(8) 230
s 2(9) 236
s 3(1) 230
s 3(2) 230
s 4(2) 246
s 5–8 230
s 9–11 238
ss 9–16 235
ss 9–17 236
s 9 231, 232, 241, 345
s 9(5) 231
s 9(6) 231
s 9(7) 231
s 10 231, 232, 241
s 11 231, 232, 235, 241
s 12 232
s 12(1) 231, 241
s 12(3) 231
s 13–16 238
s 13 231, 232, 241
s 14 231, 232, 241
s 15 231, 232, 241
s 16 231, 232, 241
s 17(1) 231, 232, 236, 241
s 17(2)–(6) 231, 232, 236, 241

s 17(6) 236
s 19 236
s 19(1) 231
s 19(3) 231
s 19(4) 232
s 19(5) 232
s 19(6) 232
s 19(9) 236
s 19(11) 236
s 19(14) 231, 232
s 19(15) 232
s 20–22 232
s 20 231, 232, 233, 241
s 20(1) 232
s 20(2) 232
s 20(4) 232
s 20(5) 232
s 20(6) 232
s 20(7) 233
s 20(7)(b) 235
s 20(8) 233
s 20(10) 233
s 20(11) 233
s 20(12) 233
s 20(13) 233
s 20(14) 233
s 20(15) 233
s 20(16) 233
s 20(17) 233
s 20(19) 233
s 21 233
s 21(1) 285
s 21(4) 233
s 21(6) 233
s 22 231, 232, 235, 236, 241
s 22(2) 233
s 22(3) 233, 236
s 23 231, 232, 233, 241
s 23(2) 233
s 23(2)(a) 234
s 23(3) 234
s 23(4) 234
s 23(5) 234
s 23(6) 234
s 23(7) 234
s 23(8) 234
s 24 231, 232, 234, 241
s 24(1) 234
s 24(2) 234
s 24(5) 234
s 24(6) 234
s 24(7) 234
s 24(8) 234, 236, 238, 275
s 24(9) 234, 239, 275
s 24(10) 234, 236, 239
s 24(11) 234
s 25 275
s 26 276
s 26(3) 276
s 26(4) 276
s 26(5) 276
s 26(6) 276
s 26(7) 276
s 28 274
s 28(2) 274
s 28(3)–(10) 274
s 28(6) 274
s 28(7) 275
s 28(10) 275
s 28(11) 285
s 29(2) 249, 256, 273
s 29(3) 256, 274
s 30 275
s 31 135, 237
s 31(1) 236, 275
s 31(2) 236, 275, 276
s 31(3) 236
s 31(4) 236
s 33(1) 236
s 33(4) 236
ss 34–36 238
ss 34–37 237
s 34 237
s 35 237
s 36 237
s 36(2) 237
s 37 237
s 39 237
s 39(2) 237
s 40 237
s 41 237
s 42 241
s 42(2) 237
s 42(4) 237
s 42(5) 237
s 42(9) 237
s 43 237
s 44 237
s 45 237
s 46(1) 237
s 46(2) 237
s 47 135, 237
s 49–51 238, 481
s 49 136, 238, 239, 241, 306, 341, 348
s 50 238, 239
s 50(1) 238
s 50(2) 238
ss 51–54 238
s 51 238, 239, 241, 311, 312
s 52 238, 239, 241
s 54(5) 238
s 55 238, 239, 241
s 55(1) 238
s 55(2) 238
s 55(3) 238
s 55(4) 238
s 56 238, 239, 241
s 56(1) 238
s 56(3) 238
s 57 135, 136, 238, 341, 348
s 58 238
s 58(1) 238
s 58(2) 238
s 58(3) 238
s 58(4) 238
s 58(5) 238
s 58(7) 236, 239
s 61(1) 134
s 61(4) 134
s 61(4)(a) 134
s 61(4)(b) 134
s 61(5) 134
s 61(7) 134
s 61(8) 134
s 62 135, 138, 230, 231, 709
s 62(1) 134, 136, 230, 341, 348
s 62(2) 134, 136, 341, 348
s 62(3) 134
s 62(4) 134, 138, 709
s 62(5) 134
s 62(5)(a) 134
s 62(5)(b) 134
s 62(6) 135
s 62(7) 135
s 62(8) 135
s 63(1) 135
s 63(6) 135
s 64 135
s 64(1) 135, 138, 709
s 64(2) 135
s 64(3) 135
s 64(4) 135
s 64(5) 135
s 65 135, 136, 230, 349

s 65(1) 127, 135, 138, 229, 341, 348, 710
s 65(2) 135
s 65(3) 135
s 65(4) 135, 136
s 65(5) 136
s 66(3) 136
s 66(4) 349
s 67 136, 138, 710
s 68(1) 136
s 68(2) 136
s 69 136
s 70 136
s 71 136
s 72 136
s 81 679
sch 2,pt 1 135
Contracts (Rights of Third Parties) Act 1999 l, 61, 96, 110, 112, 130, 324, 344, 345, 465, 564, 708
s 1 96, 97, 98, 112
s 1(1)(a) 96, 97
s 1(1)(b) 96, 97
s 1(2) 96, 97
s 1(3) 97
s 1(5) 97
s 1(6) 97
s 2(1) 97
s 2(2) 97
s 2(3) 97
s 2(4) 97
s 2(5) 97
s 2(6) 97
s 3 97
s 4 97
s 5 97
s 5(a) 97
s 5(b) 97
s 6 98
s 6(2) 525–526
s 6(2A) 564
s 7(1) 98
s 7(2) 98
Copyright Act 1956
s 8 94
Copyright, Designs and Patents Act 1988 687–692
s 1(1) 687, 729
s 1(1)(a) 687, 688, 692, 729
s 1(1)(b) 688, 692, 729–730
s 1(1)(c) 688, 692, 730
s 3(1) 687
s 3(2) 688
s 3A(1) 687
s 5A(1) 688
s 5B(1) 688
s 6(1) 688
s 6(1A) 688
s 6(2) 688
s 8(1) 688
s 11(2) 688
s 13A 689
s 16(1) 689
s 16(1)(e) 690
s 16(3)(a) 690
s 23 690
s 28A 690
s 29(1) 690
s 29(1)(c) 690
s 30(1) 691
s 30(2) 691
s 30(3) 691
s 96 692
s 97 692
s 163 689
s 178 689
s 182 690
Corporate Manslaughter and Corporate Homicide Act 2007 450–451
s 1(1) 450, 451
s 1(3) 450
s 1(4)(b) 450
s 1(4)(c) 450
s 2(1) 450
s 2(5) 450
s 8 450
s 8(2) 450
s 8(3) 450
s 9 451
s 10 451
Crime and Disorder Act 1998 46
Criminal Appeal Act 1995
s 2 47
Criminal Justice Act 1993
s 52(1) 530
s 52(a) 530
s 52(b) 530
s 53(1) 530
s 53(2) 531
s 53(3) 531
s 56(1) 530
s 57(1) 530
s 57(2) 530
Criminal Justice Act 2003 33
Criminal Justice and Courts Act 2015 60
s 69 60
s 70 60
s 72 60
s 73 60

Data Protection Act 1984 698
Data Protection Act 1998 687, 698–702, 703, 704, 730
s 1(1) 699
s 7 699, 701
s 10 700, 701
s 11 700, 701
s 12 700, 701
s 13 700
s 14 700
sch 1 700
sch 2 700
sch 3 701
sch 4 701
Defamation Act 1996
ss 2–4 364
Defamation Act 2013
s 1 362
s 1(1) 362
s 1(2) 362
s 2 363
s 2(1) 363
s 3 363
s 4 363
s 5 363
s 6 363
s 7 363
s 8 362
s 9 364
s 10 364
s 11 60, 362
s 12 364
s 13 364
Deregulation and Contracting Out Act 1994 10
Digital Economy Act 2010 691
Disability Discrimination Act 1995 632

Employers' Liability Act 1880 108
Employers' Liability (Compulsory Insurance) Act 1969 590
Employment Act 2002
s 38 586
sch 2, pt 2 726

Employment Act 2008 592, 609
Employment Rights Act 1996 641, 643, 648, 727
s 1 585, 586
s 3 585
s 8 586
s 13(1) 590
s 27(1) 649
s 44 637
s 50 650
s 52 650
s 55(1) 641
s 57A 642
s 64 649
s 80G(1)(b) 644
s 86 595
s 94(1) 598
s 95 600
s 95(1)(c) 601
s 95(2) 603
s 96 603
s 97 599
s 97(2) 600
s 98 604
s 98(1) 607
s 98(4) 607
s 99 606
s 100 606, 637
s 101 606
s 101A 606
s 103 606
s 104 606
s 111 600
s 113 197, 609
s 119 610
s 120(1) 611
s 123(1) 611
s 123(6) 611
s 130 649
s 138 611
s 139(1) 612, 613
s 139(1)(b) 613
s 139(2) 614
s 141 611
s 163(2) 614
s 203 596
s 212(1) 599
s 218 599
s 218(2) 614
s 230(2) 584
Enterprise Act 2002 543, 555, 559, 674, 675, 677–679, 680, 682
pt 1 678
pt 2 678
pt 3 678
pt 4 678
pt 6 678
pt 7 678
pt 8 679
pt 9 679
pt 10 679
pt 11 679
s 188 680, 729
Equal Pay Act 1970 632, 634
Equality Act 2010 622–624, 652, 655, 656
s 4 622
s 5(1)(a) 622
s 5(1)(b) 622
s 5(2) 622
s 6(1) 622
s 7(1) 623
s 8(1) 623
s 9 623
s 9(1) 623
s 9(2) 623
s 9(3) 623
s 10(1) 623
s 10(2) 623
s 11(1) 624
s 12(1) 624
s 13 624
s 13(1) 624, 727
s 13(2) 624
s 13(3) 624
s 13(4) 624
s 13(5) 624
s 13(6) 624
s 14 624
s 15 625
s 15(1) 625
s 15(2) 625
s 16 625
s 18 625
s 19(1) 625, 727
s 19(1)(a) 625
s 19(1)(b) 625
s 19(1)(c) 625
s 19(1)(d) 625
s 20 625
s 23 625
s 24 626
s 26(1) 626, 727
s 26(1)(b) 626
s 27 626
s 27(1) 626, 727
s 27(2) 626
s 39 626
s 40 627
s 41 583
s 60 627
s 64(1) 627
s 65 627
s 65(1) 628
s 65(3) 629
s 65(4) 629
s 65(6) 629
s 66(1) 630, 631
s 66(2) 630
s 69 630
s 69(1)–(2) 630
s 69(3)–(4) 631
s 71 628, 630
s 77 631
s 79(3) 628
s 79(4) 628
s 136 632
s 149(1) 632
s 158 632
sch 1 623
sch 9 622, 627
European Communities Act 1972 21, 28, 35
s 2(2) 11
s 3(1) 20
Factors Act 1889
s 1 261
s 2(1) 261, 262
s 8 263
s 9 264

Fair Trading Act 1973
pt III 674
Family Law Reform Act 1966
s 1 107
Fatal Accidents Act 1976
s 1A 339
Finance Act 1976
s 61 14
Financial Services and Markets Act 2000 343
s 118 531
s 118(2) 531
s 226A 402
Fisheries Act 1981 12

Forgery and Counterfeiting Act 1981 672

Gulf Refining Act 1965 357

Health and Safety at Work etc Act 1974 450, 636–641, 653, 656, 728
s 2(1) 637
s 2(2) 637
s 2(3) 637
s 3 637
s 4 637
s 6 638
s 6(1) 637
s 6(2) 638
s 6(3) 638
s 6(4) 638
s 7 638
s 8 638
s 9 638
s 21 637
s 22 637
s 25 637
s 36 638
s 37 638
Hire Purchase Act 1964 260, 265, 266
pt III 265, 268, 715
s 27 157
s 29(1)(b)(iii) 265
Human Rights Act 1998 15, 20, 28–30, 32, 33, 34, 36, 38, 60, 354, 359, 645
s 2 30
s 2(1) 20, 29
s 3 30
s 3(1) 15, 29
s 4 29
s 6 30
s 6(1) 20, 29, 354
s 6(3) 29
s 7 29
s 10 29
s 13(1) 29
s 19 30

Income Tax Act 1952
s 25(3) 11
Insolvency Act 1986 440, 540, 546, 559, 561, 564
s 74 567
s 89 553
s 95 553
ss 122–124 724
s 122 539, 548, 566, 575, 725
s 122(1) 517, 549
s 123 576
s 123(1) 550
s 123(2) 550
s 124 567
s 124(1) 551
s 124A 567
s 127 552
s 128 552
s 130 552
s 131 552, 554
s 132 552
s 133 553
ss 165–167 554
s 178 554
s 195 550
s 212 557
s 213 557, 567
s 214 487, 557, 567
s 214A 567
s 216 468
s 238 558
s 239 558
s 240 558
s 245 558
s 423 558
Interpretation Act 1978 14, 705

Judicature Act 1873 *5*
Judicature Act 1875 *5*
Judicial Committee Act 1933 43

Land Registration Act 2002 57
Landlord and Tenant Act 1954 448
Late Payment of Commercial Debts (Interest) Act 1998 406
Law of Property (Miscellaneous Provisions) Act 1989
s 1(2) 106
s 1(3) 106
s 2(1) 106
Law Reform (Contributory Negligence) Act 1945 193, 351
s 1 340
Law Reform (Frustrated Contracts) Act 1943 177, 188, 201, 203, 711
s 1(2) 181
s 1(3) 181, 182
s 2(3) 182
Legal Services Act 2007 56–58
pt 1 56
pt 2 57
pt 3 57
pt 5 57
s 1(3) 57
s 12(1) 57
s 12(1)(a) 57
s 12(1)(b) 57
s 12(1)(d) 57
s 12(1)(e) 57
s 12(1)(f) 57
Limitation Act 1980 106, 200, 202, 598
s 2 349
s 4A 363
s 5 200
s 8(1) 200
s 11 350
s 11(5) 350
s 12 350
s 14 350
s 14A 330, 349, 363
s 14B 349
s 32 147
s 32(1)(a) 350
s 32(1)(b) 350
s 33 350
s 36(1) 350
Limited Liability Partnerships Act 2000 561, 721
s 1(5) 561
s 2(1) 562
s 2(1)(a) 562
s 2(1)(b) 562
s 2(1)(c) 562
s 2(2) 562
s 4(1) 562
s 4(2) 562
s 4(3) 562, 565
s 4(4) 563, 564
s 5 564
s 5(1) 564
s 5(2) 564
s 6 564
s 6(1) 564
s 6(2) 564
s 6(3) 564, 566
s 7 565
s 8(1) 563

s 8(2) 563
s 8(3) 563
s 8(4) 563
s 9 562, 566
sch 1, pt 1 562
Limited Partnerships Act 1907 421, 440, 442, 444, 561, 721
Local Government Act 1971
s 221 357
Local Government Act 1972 10

Malicious Damage Act 1861 659
Matrimonial Causes Act 1973 453
Mental Capacity Act 2005 437
Mental Health Act 1983 350
Merchant Shipping Act 1988 28
The Mesothelioma Act 2014 338
Minors Contracts Act 1987
s 2 109
s 3(1) 109
Misrepresentation Act 1967 115, 118, 147, 149
s 1 118, 147
s 2(1) 145–146, 149, 150, 151, 168, 310, 343, 466, 710
s 2(2) 146, 150–151, 168, 710
s 3 132, 591

National Minimum Wage Act 1998 645, 654

Occupier's Liability Act 1957 131, 136, 346–349, 350, 351, 353, 654
s 1(2) 347
s 1(3) 347
s 2(1) 348
s 2(2) 347, 717
s 2(3) 348
s 2(4)(a) 348
s 2(4)(b) 348
Occupier's Liability Act 1984 346–349, 350, 351, 353
s 1(3) 349
s 1(3)(a)–(c) 349
s 1(4) 349, 718
s 1(5) 349
s 1(6) 349
s 1(8) 349
Offences Against the Person Act 1861
s 57 12
Official Secrets Act 1920
s 3 12

Parliament Act 1911 *8*
Parliament Act 1949 *8*
Partnership Act 1890 *2*, *9*, 442, 561, 563
s 1 417
s 1(1) 412, 415, 417, 719, 720
s 1(2) 412, 413
s 2 415
s 2(1) 415
s 2(2) 415
s 2(3) 416
s 5 418, 429, 430, 431, 434, 440, 443, 564
s 7 432, 443
s 9 435
s 10 430, 431, 434, 435, 443, 564
s 11 435
s 13 435
s 14 433
s 14(1) 432, 433, 434
s 14(2) 433
s 15 435
s 16 435
s 17 435
s 18 436
s 19 418, 422
s 20 426
s 20(1) 426, 441, 720
s 21 426, 441, 720
s 24 424, 425, 429, 441, 444, 565, 720
s 24(1) 420, 421, 424
s 24(2) 424
s 24(3) 424
s 24(4) 420, 424
s 24(5) 421, 424
s 24(6) 424
s 24(7) 421, 424, 425
s 24(8) 418, 425
s 24(9) 425
s 25 425, 436, 565
s 26(1) 420
s 27 420
ss 28–30 426, 565
s 28 427
s 29 427, 428, 429
s 29(1) 427
s 30 418, 428, 429
s 32(c) 420
s 33(1) 421
s 34 437
s 35 437
s 35(d) 437
s 36(1) 436
s 36(2) 436
s 36(3) 436
s 38 437
s 39 437
s 42(1) 439
s 44 438
s 44(a) 438, 439, 440
s 44(b) 438, 439
s 45 413
Patents Act 1977 693
s 1(1) 693
s 1(2) 693
s 1(3) 693
s 14(3) 693
s 14(5) 693
s 30(1) 694
s 39(1) 694
s 39(2) 694
s 40 694
s 41 694
s 55 695
s 60(1) 695
s 60(5) 695
s 61(1) 695
Patents Act 2004 693, 694
Pharmacy and Poisons Act 1933
s 18 68
Plant Varieties Act 1997 693
Powers of Criminal Courts (Sentencing) Act 2000
s 35 *7*
Prevention of Terrorism (Temporary Provisions) Act 1989 32
Protection of Birds Act 1954
s 6(1) 66
Provisions of Oxford 1258 *5*
Public Interest Disclosure Act 1998 589
Public Order Act 1936
s 5 *7*
Purchase Tax Act 1963
sch 1 89

Race Relations Act 1976 622, 624, 632
Redundancy Payments Act 1965 612
Rehabilitation of Offenders Act 1974 633

Restriction of Offensive Weapons Act 1959
s 1(1) 13, 68
Road Traffic Act 1988 234
s 149 341

Sale and Supply of Goods Act 1994 9, 216, 284, 285–286
Sale of Goods Act 1893 *9*, 147, 714
Sale of Goods Act 1923 of New South Wales
s 28 264
Sale of Goods Act 1979 *1*, li, liii, *9*, 119, 131, 136, 137, 172, 190, 206, 207–224, 230, 235–236, 239–240, 286, 306, 344, 403, 414, 709, 712
s 2(1) 207, 208
s 3(2) 108
s 3(3) 108
s 6 152, 248, 249, 267
s 7 152, 177, 178, 182, 248, 249, 250, 267, 269
s 8 277
s 8(1) 75, 715
s 8(2) 75, 715
s 8(3) 715
s 9 82, 345
s 10 274
s 10(1) 277
s 10(2) 274, 715
s 11(2) 283
s 11(4) 228, 283
ss 12–15 209, 229, 231, 404, 405
s 12 131, 153
s 12(1) 209, 210–211, 212, 226, 228, 236, 239, 712
s 12(2) 209, 211–212, 226, 236, 239, 712
s 12(2)(a) 211
s 12(2)(b) 211, 212
s 12(3) 210, 212
s 12(4) 212
s 12(5) 212
s 12(5A) 210, 211
ss 13–15 219, 228, 229, 235, 242, 283
s 13 130, 210, 212, 213, 214, 216, 223, 231
s 13(1) 209, 212–214, 222, 226, 239, 243, 713
s 13(2) 213
s 13(3) 213
s 14 210
s 14(2) liii, 209, 214–219, 220, 221, 222, 223, 224, 226, 227, 231, 240, 243, 247, 254, 284, 345, 713
s 14(2A) 216, 218
s 14(2B) 216, 218
s 14(2B)(a) 218
s 14(2B)(c) 219
s 14(2B)(d) 218
s 14(2C) 215, 217, 218
s 14(2C)(a) 215, 218
s 14(2C)(b) 215, 218
s 14(2C)(c) 223
ss 14(2D)–(2F) 225
s 14(3) 126, 209, 218, 219–222, 223, 226, 240, 243, 713
s 15 210, 231
s 15(1) 75, 214, 222
s 15(2) 209, 223–224, 226, 240, 243
s 15(2)(a) 223
s 15(2)(c) 223, 224
s 15A 124, 173, 214 219, 223, 224, 228, 283
ss 16–20 246
ss 16–18 249
s 16 250, 251, 255, 267, 291
s 17 247, 249, 250, 251, 255, 267, 290, 291, 714
s 18 247, 249, 250, 251, 267, 290, 714
s 18, Rules 1–4 247, 251, 263
s 18, Rule 1 249, 251, 263, 267, 278
s 18, Rule 2 247, 248, 249, 251, 267, 714
s 18, Rule 3 248, 249
s 18, Rule 4 248, 249, 256
s 18, Rule 5 248, 251, 256, 267, 714
s 18, Rule 5(1) 251, 255
s 18, Rule 5(2) 251, 255
s 18, Rule 5(3) 252, 253, 255, 269
s 19 253, 256, 257
s 19(1) 256
s 19(2) 288, 289, 290
s 20 254, 267, 290, 714
s 20(2) 273
s 20(3) 254
s 20A 250, 251, 252, 253, 254, 255, 256, 267, 269, 270, 290, 291, 686, 714
s 20A(3) 253
s 20A(4) 253
s 20B 253, 270
s 20B(1)(a) 253
s 20B(1)(b) 253
s 20B(3)(c) 253
s 21 260, 262, 266, 715
s 21(1) 260
s 21(2) 261, 266
s 21(2)(a)–(b) 266
s 22 266
s 23 148, 155, 262, 263, 264, 266, 267, 270, 715
s 24 263, 264, 267, 270, 279, 715
s 25 258, 264, 265, 266, 268, 405, 714, 715
s 25(1) 264
s 25(2) 264
s 26 276
s 27 272
s 28 272, 277, 715
s 29 273
s 29(1) 273
s 29(2) 273, 715
s 29(3) 273
s 29(5) 175, 273
s 30 275
s 30(1) 174, 275, 715
s 30(2) 275, 715
s 30(2A) 283
s 30(3) 275, 715
s 30(5) 275
s 31 276
s 31(1) 275
s 31(2) 275, 276, 715
s 32(1) 273
s 32(2) 273, 289
s 32(3) 288
s 32(4) 273
s 35 235, 283, 284, 286
s 35(1)(a) 235, 283, 284
s 35(1)(b) 235, 283, 284
s 35(2) 283, 284
s 35(4) 235, 283, 284, 285
s 35(5) 235, 284
s 35(6) 284, 285
s 35(7) 285
s 35A 285

s 36 283
s 37 281
s 37(1) 272, 278, 281
s 37(2) 278, 281
s 38 278
s 38(1) 715
s 38(a) 278
s 38(b) 278
s 39(2) 279
s 41(1) 278
s 43 278
s 43(a)–(c) 278
s 46(4) 279
s 47(1) 279
s 47(2) 279
s 48(1) 278, 279
s 48(2) 279
s 49 715
s 49(1) 280
s 49(2) 280
s 50 280, 281
s 50(1) 280
s 50(2) 280
s 50(3) 280, 281, 282, 715
s 51 282, 283
s 51(1) 282
s 51(2) 282, 716
s 51(3) 282, 716
s 52 286
s 53 282
s 53(1) 282
s 53(2) 282
s 53(3) 282, 283, 716
s 54 281, 282
s 57 286
s 57(1) 72, 286
s 57(2) 72, 286
s 57(3) 72, 286
s 57(4) 72, 286
s 57(5) 72, 286
s 57(6) 286
s 59 284
s 61 246, 252, 273
s 61(1) 208
s 61(3) 260
s 61(5) 214, 247
Sale of Goods (Amendment) Act 1994 9, 266
Sale of Goods (Amendment) Act 1995 9
Sex Discrimination Act 1975 24, 622, 624, 626
Statute of Frauds 1677
s 4 106, 107
Street Offences Act 1959
s 1(1) 13
Supply of Goods (Implied Terms) Act 1973 *9*, 119, 131, 136, 137, 153, 206, 207, 229, 230, 240, 390, 404, 709
ss 8–11 225
s 8 131
s 8(1)(a) 224, 225, 226, 228
s 8(1)(b) 224, 226
ss 9–11 131
s 9(1) 224, 226, 243
s 10 225
s 10(2) 224, 226, 243
s 10(3) 224, 226, 243, 713
s 11(1) 224, 226
s 11A 124, 228
ss 12–15 224
Supply of Goods and Services Act 1982 119, 131, 136, 137, 153, 206, 207, 208, 227, 229, 230, 240, 403, 405, 702
pt I 225
pt II 226
ss 2–5 225
s 2(1) 225, 226, 228, 713
s 2(2) 225, 226
s 3 286
s 3(2) 225, 226
s 4 286
s 4(2) 225, 226, 227
s 4(2B)–(2D) 225
s 4(5) 225, 226
s 5(2) 225, 226
s 5A 124, 228
ss 7–10 225
s 7(1) 225, 226
s 7(2) 225, 226
s 8(2) 225, 226, 243
s 9(2) 225, 226, 243, 713
s 9(2B)–(2D) 225
s 9(3) 243
s 9(5) 225, 226, 243
s 10(2) 225, 226
s 10(3) 243
s 10A 124, 228
ss 13–15 227, 238
s 13 131, 226–227, 228, 229, 240, 243, 306, 713
s 13(1) 225, 226, 227
s 14(1) 226, 227–228, 240
s 14(2) 228
s 15 311, 312, 481
s 15(1) 226, 228, 240
s 15(2) 228
Supreme Court Act 1981
s 33 198
s 37(3) 198
s 69 60

Theft Act 1968 *9*, 61, 672
Timeshare Act 1992 184
Torts (Interference with Goods) Act 1977 361
s 2(2) 361
s 3 361
Trade Descriptions Act 1968 660, 663, 668, 670
s 1(1) 668
s 24 668
Trade Marks Act 1938 696
Trade Marks Act 1994 696, 703, 730
s 1(1) 696
s 3 696
s 4 696
s 5 696
s 10 697
Trade Union and Labour Relations (Consolidation) Act 1992 *9*
s 137 607
s 164 649
s 178 586
s 188 615
s 192 649
s 207A(2) 593, 609
s 207A(3) 593, 609
s 270A(2) 609

Unfair Contracts Terms Act 1977 9, 126, 127, 130–134, 136, 137, 138, 140, 229, 240, 242, 243, 284, 287, 348, 353, 406, 591
s 1 349
s 1(1) 130, 131, 135
s 1(1)(a) 130
s 1(1)(b) 131
s 1(1)(c) 131, 348
s 1(3) 130
ss 2–7 130
s 2 132, 229, 230, 499
s 2(1) 98, 127, 130, 131, 135, 137, 229, 240, 341, 348, 584, 709

s 2(2) 98, 130, 131, 137, 229, 230, 240, 341, 348, 709
s 2(3) 135, 348
s 3 131–132, 133
s 3(a) 132, 499
s 3(b) 132
s 3(c) 132
s 6 131, 132, 137, 229
s 6(1) 131
s 6(1A) 131, 229
s 7 131, 132, 229
s 7(1A) 229
s 7(2) 131
s 8 132, 137
s 10 133
s 11(1) 132
s 11(2) 132
s 11(5) 132
s 12(2) 287
s 13 133
s 13(a) 133
s 13(b) 133
s 13(c) 133
s 13(2) 133
sch 2 132–133, 229
Unsolicited Goods and Services Act 1971
s 2 70
s 3 70

Witchcraft Act 1735 *2*

Table of statutory instruments

Agency Workers Regulations 2010, SI 2010/93 583, 635–636, 653
reg 3 635
reg 5 635, 636
reg 6(1) 636
reg 6(2) 636
reg 6(3) 636
reg 7 636
reg 12(1) 636
reg 13(1) 636
reg 16 636
Artist's Resale Rights Regulations 2006, SI 2006/346 692

Business Protection from Misleading Marketing Regulations 2008, SI 2008/1276 660, 681, 684
reg 3 669, 671
reg 3(1) 669
reg 3(2) 669, 670
reg 3(2)–(5) 669–670
reg 3(2) 669–670
reg 3(3)–(5) 670
reg 4 670, 671
reg 5 671
reg 6 669
reg 9 670
reg 11 670
reg 12 670

Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008, SI 2008/1816 184
Civil Procedure Rules 1998, SI 1998/3132 *3*, 48, 55, 62
Commercial Agents (Council Directive) Regulations 1993, SI 1993/3053 10, 25, 312, 313–316, 317, 320
reg 2(1) 309, 313
reg 2(2)(a) 313
reg 2(3) 313
reg 2(4) 313
reg 3(1) 309, 314
reg 3(2) 309
reg 3(2)(a)–(c) 309
reg 4 316
reg 4(2) 316
reg 4(3) 316
reg 5(1) 309
reg 6(1) 316
reg 6(2) 309
reg 14 314
reg 15 314
reg 16 314
reg 17 314
reg 17(2) 314
reg 17(6) 314
reg 17(7) 314
reg 17(8) 314
reg 18 314
reg 19 314
sch 313–314
sch, para 2 313
sch, para 3 313
sch, para 4 314
sch, para 5 314
Companies (Shareholders' Rights) Regulations 2009, SI 2009/1632 522
Company and Business Names Regulations 1981, SI 1981/1685 418, 466
Construction (Working Places) Regulations 1966, SI 1966/94 583
Consumer Contracts (Information, Cancellation and Additional Charge) Regulations 2013, SI 2013/3134 78, 393, 394, 713, 714
pt 1 184
pt 2 186, 188
pt 3 184
reg 8 186
reg 9 186, 231, 238
regs 9–14 188
regs 10–16 187, 238
reg 10 186, 187, 231
reg 11 187
reg 12 187
reg 13 187, 231, 238
reg 14 187
reg 15 187
reg 16 188
reg 17 187
reg 18 188

reg 29 185
reg 30 185
reg 31 186
reg 32 186
reg 34 186
reg 35 186
reg 36 186
reg 37 186
reg 38 186
reg 40 70
reg 41 70
sch 1 186
sch 2 186, 187
sch 3 187
Consumer Credit (Advertisements) Regulations 2010, SI 2010/1012 382
Consumer Credit (Agreements) Regulations 2010, SI 2010/1014 385
Consumer Credit (Disclosure of Information) Regulations 2010, SI 2010/1013 384
Consumer Credit (Early Settlement) Regulations 2004, SI 2004/1483 398
Consumer Credit (Enforcement, Default and Termination) Regulations 1983, SI 1983/1561 396
Consumer Credit (EU Directive) Regulations 2010, SI 2010/1010 384, 385
Consumer Credit (Exempt Agreements) Order 2007, SI 2007/1168
sch 2 379
Consumer Protection (Amendment) Regulations 2014, SI 2014/870 669
Consumer Protection (Distance Selling) Regulations 2000, SI 2000/2337 184
reg 19(7) 666
Consumer Protection from Unfair Trading Regulations 2008, SI 2008/1277 660–669, 670, 681, 682, 683
Pt 1 660
Pt 2 660
Pt 3 660
Pt 4 660
reg 2(1) 660
reg 2(2)–2(6) 661
reg 2(2) 661
reg 2(4) 661
reg 2(5) 661
reg 2(6) 661
reg 3 683
reg 3(1) 660
reg 3(3) 660, 661
reg 3(3)(a) 661, 667, 729
reg 3(3)(b) 661, 667, 729
reg 3(4) 660, 662
reg 5 662, 667, 729
reg 5(1) 662
reg 5(2) 662, 663
reg 5(3) 662, 663
reg 5(3)(a) 663
reg 5(3)(b) 663, 667
reg 5(4) 662, 663
reg 5(4)(b) 662, 663
reg 5(4)(g) 662
reg 5(4)(j) 662
reg 5(5)(e) 663
reg 6 662, 663–664, 667, 729
reg 6(1) 663, 664
reg 6(1)(a)–(d) 663, 664
reg 6(1)(a) 664
reg 6(2) 663, 664
reg 6(2)(a) 664
reg 6(3) 664
reg 6(4) 664
reg 6(4)(d)(i) 664
reg 7 662, 664–665, 667, 729
reg 7(1) 665
reg 7(2) 665
reg 7(2)(a)–(d) 665
reg 8 659, 667, 671, 684, 729
reg 8(1) 667
reg 8(2) 667
regs 9–12 667, 684, 729
reg 9 667, 671, 729
reg 10 663, 667, 671, 729
reg 11 664, 667, 671, 729
reg 12 665, 671, 729
reg 16 668, 684
reg 17 667, 668
reg 17(1) 667
reg 17(1)(a) 668
reg 17(1)(a)(ii)–(iii) 668
reg 17(2) 668
reg 18 668
reg 27A 70, 669
sch 1 662, 665, 681, 684, 729
sch 1, paras 1–9 665, 667
sch 1, paras 10–31 666, 667
sch 1, paras 12–27 667
sch 1, paras 28–31 667
Consumer Rights (Payment Surcharges) Regulations 2012, SI 2012/3110 136, 406
Control of Substances Hazardous to Health Regulations 2002, SI 2002/2677 639
Copyright and Related Rights Regulations 2003, SI 2003/2498 687, 688, 692

Electronic Commerce (EC Directive) Regulations 2002, SI 2002/2013 78, 107
reg 9(1) 107
reg 9(2) 107
reg 9(3) 107
reg 11 78, 107
reg 11(1)(a) 107
reg 11(1)(b) 107
reg 11(2) 107
reg 13 107
reg 15 107
Equal Pay (Amendment) Regulations 1983, SI 1983/17 94, 630
Equality Act 2010 (Equal Pay Audits) Regulations 2014, SI 2014/2559 632

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, SI 2002/2034 636, 653, 728
reg 3(1) 635
reg 3(2) 635
reg 4 635

General Product Safety Regulations 2005, SI 2005/1803 671–672, 680, 681, 684
reg 2 671
reg 5 671, 681
reg 7(1) 672
reg 7(2) 672
reg 7(3) 672
reg 8 671, 672
reg 9 672
reg 13 681
reg 29 672
reg 31 672

Health and Safety (Display Screen Equipment) Regulations 1992, SI 1992/2792 639

Late Payment of Commercial Debts Regulations 2002, SI 2002/1674 406
Limited Liability ptnerships Regulations 2001, SI 2001/1090 562
reg 4 567
reg 4(2) 567
reg 7 564, 565
reg 7(1) 565
reg 7(2) 565
reg 7(3) 565, 566
reg 7(4) 565
reg 7(5) 565
reg 7(6) 565
reg 7(7) 565
reg 7(8) 565
reg 7(9) 565
reg 7(10) 565
reg 8 565

Management of Health and Safety at Work Regulations 1992, SI 1992/2051 642
Management of Health and Safety at Work Regulations 1999, SI 1999/3242 638
Manual Handling Operations Regulations 1992, SI 1992/2793 639
Maternity and Parental Leave Regulations 1999, SI 1999/3312 642

National Minimum Wage Regulations 1998, SI 1998/2574 648

Occupational Pension schemes (Disclosure of Information) Regulations 1986, SI 1986/1046 586

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, SI 2000/1551 636, 653
reg 2 634
reg 2(1) 634
reg 2(2) 634
reg 2(3) 634, 635
reg 2(3)(a) 634
reg 2(3)(a)–(f) 634
reg 2(4) 634
reg 2(4)(a)–(b) 634
reg 2(4)(a)(i) 634
reg 5(1) 633
reg 5(2)(b) 633
reg 6 633
Paternity and Adoption Leave Regulations 2002, SI 2002/2788 643, 644
Payment Services Regulations 2009, SI 2009/209 393
reg 59 393
reg 61 393
reg 62 393
reg 62(1) 393
reg 62(2) 393, 394
reg 62(3) 393, 394
reg 63 393
Personal Protective Equipment at Work Regulations 1992, SI 1992/2966 639
Provision and Use of Work Equipment Regulations 1998, SI 1998/2306 448, 638
reg 5(1) 639

Road Vehicles (Construction and Use) Regulations 1986, SI 1986/1078
reg 8 217

Sale and Supply of Goods to Consumers Regulations 2002, SI 2002/3045
reg 15 236
Stop Now Orders (EC Directive) Regulations 2001, SI 2001/1422 674

Trade Marks Rules 1994, SI 1994/2583 696
Trade Marks Rules 2008, SI 2008/1797 696
Transfer of Undertakings (Protection of Employment) Regulations 1981, SI 1981/1794 599, 607, 646, 652, 656, 728

Transfer of Undertakings (Protection of Employment) Regulations 2006, SI 2006/246
reg 4(1) 646
reg 4(2) 646
reg 4(7) 646

Unfair Terms in Consumer Contracts Regulations 1999, SI 1999/2083 134, 195
reg 5(1) 134
sch 2 134

Working Time Regulations 1998, SI 1998/1833 586, 606, 646–648, 656, 728
Workplace (Health Safety and Welfare) Regulations 1992, SI 1992/3004 638

Table of European legislation

Directives

75/117/EEC (Equal Pay) 627
76/207/EEC (Equal Treatment) 627
77/187/EEC (Acquired Rights Directive) 646
89/104/EEC (European Trade Mark Directive) 696
92/85/EEC (Pregnant Workers Directive) 641
93/104/EEC (Working Time Directive) 646
94/33/EC (Young Workers Directive) 646
94/46/EC (Data Protection Directive) 698
98/23/EC (Part-time Workers) 633
2001/39/EC (Information Society Directive) 687
2005/29/EC (Unfair Trading Directive) 660
2006/2004/EC (Consumer Protection Cooperation) 669
2008/48/EC Consumer Credit Directive 375
2011/77/EU Sound Recordings Copyright 689
2011/83/EC Consumer Rights Directive 230

Regulations

1/2003 (Modernisation Regulation) 676
art 6 677
2006/2004 Consumer Protection Cooperation 669

Treaties

EC Treaty 1992 28, 706
art 10 25
art 81 677, 682, 729
art 82 677, 682, 729
EEC Treaty (Treaty of Rome) 1957 21, 22
art 137 728
European Coal and Steel Treaty 1952 556
Single European Act 1986 21
Treaty of Amsterdam 1997 21
art 11 22
Treaty on European Union (Maastricht Treaty) 1992 21
Treaty on the Functioning of the European Union 24
art 34 24
art 101 675, 676, 679, 380, 681
art 101(1) 675, 677
art 101(1)(a)–(e) 675
art 101(2) 675
art 101(3) 675, 676, 677
art 102 675, 676, 677, 679, 680, 682
art 102(a)–(d) 676
art 153 638
art 157 24, 580, 627, 628, 631
art 234 23
art 258 28
art 259 28
art 263 27
art 264 27
art 267 27, 28, 44
art 258 28
art 259 28
art 267 28
Treaty of Lisbon 2007 21

Conventions

Charter of Fundamental Rights 22
European Convention on the Protection of Human Rights and Fundamental Freedoms 1951 36
art 1 31
art 2 31
art 3 31
art 4 31
art 5 31, 32
art 5(1) 31
art 5(2) 31
art 5(3) 31
art 6 31, 33
art 6(1) 31
art 6(2) 31
art 6(3) 31
art 7 31
art 8 31, 356
art 8(1) 31, 354
art 8(2) 31
art 9 31
art 10 32
art 10(1) 31
art 10(2) 31
art 11 31, 32
art 12 32
art 13 31
art 14 32
art 15 32
art 15(3) 32
art 16 32
art 17 32
art 35 32
First Protocol 32
art 1 32
art 2 32
art 3 32
Thirteenth Protocol 32

Study skills

Get organised from the start

When you start your course, decide how much time you can afford to devote to your study of each subject. Be realistic when doing this. There will be a lot to learn and that is why your time must be managed as effectively as possible. Listen to your lecturers, who will explain what is expected of you. Having made your decision to devote a certain amount of time per week to a particular subject, stick to what you have decided. If it will help, draw up a weekly chart and tick off each period of study when you complete it. You should attend all your lectures and tutorials, and should always read the pages of this book which are recommended by your lecturer. Steady work throughout the year is the key to success.

Take advantage of what your lecturer tells you

Many lecturers set and mark their students' assessments. Even if the assessment is externally set and marked, your lecturer is likely to have experience of past assessments and to know what the examiners are looking for. Take advantage of this. If you are told that something is not in your syllabus, don't waste time on it. If you are told that something is particularly important, make sure you know it well. If you are told to go away and read something up, make sure that you do. And if you are told to read certain pages of this book, make sure that you read them. You may be told to read this book after you have been taught, so as to reinforce learning. Or you may be told to read it beforehand, so that you can apply what you have read in the classroom. Either way, it is essential that you do the reading.

After the lecture/tutorial

As soon as a lecture or tutorial is over, it is tempting to file your notes away until revision time. You probably understood the ground that was covered and therefore assumed that it would easily be remembered later. However, it is an excellent idea to go over what was covered within 24 hours. This need not take too long. You should check that all the points were understood, and if any were not you should clear them up with the help of your notes and this book. Make more notes as you do this. Give these notes a separate heading, something like 'Follow up notes'. These additional notes should always indicate which aspects of the class seemed important. They should also condense your notes, to give you an overview of the material covered.

In many cases your lecturer will be setting your exam or coursework. If a particular area or topic is flagged up as important, it is more likely to be assessed than one which was not. Even if your assessment is externally set, your lecturer is likely to know which areas are the most important, and thus most likely to be tested. Fifteen minutes should be plenty to go over a one-hour class. Each 15 minutes spent doing this is likely to be worth far more time than an extra 15 minutes of revision just before the exam.

Answering questions

What skills are you expected to show?

In 1956, Benjamin Bloom categorised the skills which students are likely to be required to display when being assessed. These skills are shown in Figure 1. Each skill in the pyramid builds upon the one beneath it.

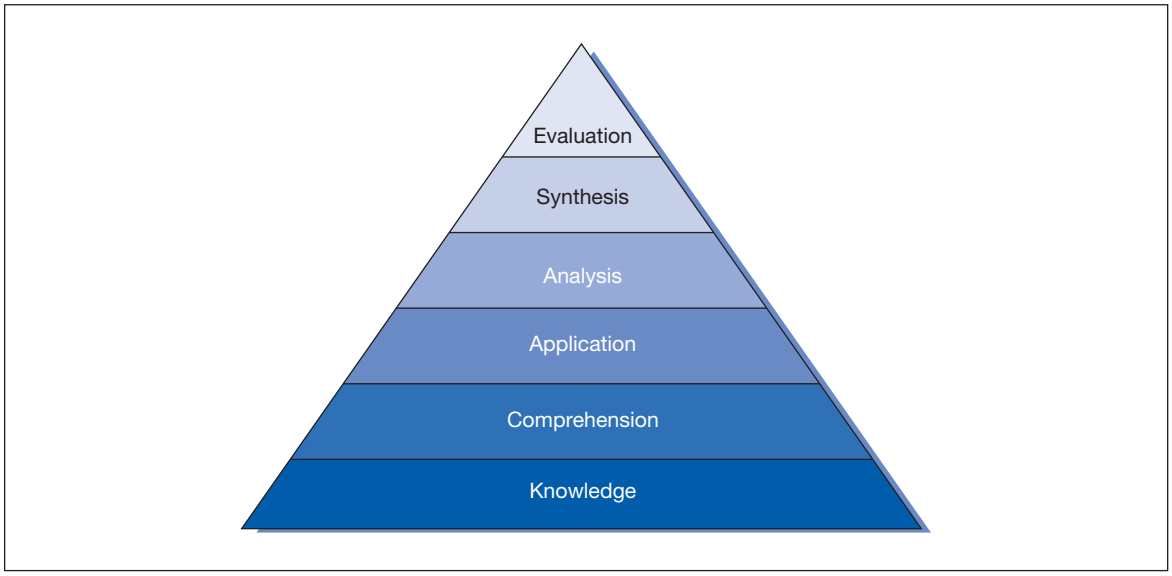

Figure 1 Study skills

Before deciding which skills you might be required to demonstrate, a brief explanation of the skills, in a legal context, needs to be made.

Knowledge, on its own, is not nearly as important as many students think. On the one hand, knowledge is essential because without knowledge none of the other skills are possible. But mere knowledge is unlikely to score highly in a traditional law assessment. Most assessments require comprehension, analysis and application. An exam question **might** require mere knowledge by asking something such as, *'List the terms implied by the Sale of Goods Act 1979'*. But not many assessments are so limited. Far more likely is a question such as, *'Describe the terms implied by the Sale of Goods Act 1979 and analyse the extent to which they adequately protect buyers of goods'*. This is a very different question. It requires knowledge, of course, but it also requires the higher level skills. It is these later skills which gain the higher marks. In 'open-book' exams especially, mere knowledge is likely to be worth very little.

Comprehension cannot be shown without knowledge. Some questions do require just knowledge and comprehension, for example, *'Explain the effect of the Contracts (Rights of Third Parties) Act 1999'*. But you should make sure that this is all the question requires. For example, if the question had said, *'Consider the extent to which the Contracts (Rights of Third Parties) Act 1999 has changed the law relating to privity of contract',* most of the marks would be gained for application, for showing how the Act would have affected the pre-Act cases such as ***Tweddle*** v ***Atkinson*** and ***Beswick*** v ***Beswick***. Knowledge of the Act, and comprehension of it, would be needed in order to achieve this. But if there was no application then the question would not have been answered.

Application of the law is very commonly required by a legal question. There is little point in knowing and understanding the law if you cannot apply it. The typical legal problem question, which sets out some facts and then asks you to advise the parties, always requires application of the law. It is not enough to show that you understand the relevant area of law, although some credit is likely to be given for this, you must then apply the law to advise the parties. These problem questions frequently also allow you to demonstrate analysis, synthesis and evaluation, as we shall see below when we consider how to answer such a question. However, this is not always true. When there is only one relevant case, and where it is obviously applicable, mere application of that case is all that is required.

Analysis of the law occurs when you recognise patterns and hidden meanings. You break the law down into component parts, differentiating and distinguishing ideas. For example, you might explain how one case (***Adams*** v ***Lindsell***, set out at 3.2.1) introduced the postal rule on acceptance of contracts, and how another case (***Holwell Securities Ltd*** v ***Hughes***, set out slightly later at 3.2.1) limited its application. Having

made such an analysis of the law you could apply it to a problem question.

Synthesis is the gathering of knowledge from several areas to generalise, predict and draw conclusions; precisely the skill required to deal with the more complex problem questions!

Evaluation of the law requires you to compare ideas and make choices. It is a useful skill in answering problem questions. For example, in a problem question on offer and acceptance you might need to evaluate the applicability of ***Adams* v *Lindsell*** and ***Holwell Securities Ltd* v *Hughes***. Evaluation is often asked for in essays, for example, *'Consider the extent to which the Consumer Rights Act 2015 has improved the protection given to consumers who buy defective goods and services from traders. Do you consider consumers now to be adequately protected?'* When you evaluate you are giving your own opinion, realising that there are no absolutely right and wrong answers. But it is not pure opinion which is required. You must demonstrate the lower level skills described above in order to give some justification for your opinion. You also evaluate when deciding which legal principles are most applicable and should therefore be applied.

When you look at past assessments, try to work out which skills are required. Then make sure that you demonstrate these skills. Do not introduce the higher level skills if they are not expected of you in a particular question. For example, the very simple question, *'List the terms implied by the Sale of Goods Act 1979',* is looking only for knowledge. No extra marks will be gained for evaluating the effectiveness of the terms. It must be said that such a question would be more suitable to a test than to an exam. But the point is this: see what skills the question requires and make sure that you demonstrate those skills.

Answering problem questions

Almost all law exams have some problem questions, such as the end of chapter questions in this book. These questions require application of the law rather than mere reproduction of legal principles.

You should always make a plan before you answer a problem question. Read the question thoroughly a couple of times, perhaps underlining important words or phrases. Problem questions can be lengthy, but the examiner will have taken this into account and allowed time for thorough reading of the question. So don't panic or read through too hurriedly. Next, see what the question asks you to do. (This is usually spelled out in the first or the last sentence of the question.) Then identify the legal issues which the question raises. Finally, apply the relevant cases to the issues and reach a conclusion.

The following question can be used as an example. It requires knowledge of the law relating to offer and acceptance of contracts. The law in this area is set out at the beginning of Chapter 3, between 3.1 and 3.22, and at the beginning of Chapter 4, between 4.1 and 4.1.1.1. So it might be a good idea to read these pages before you use the example.

> Acme Supastore advertised its 'price promise' heavily in the *Nottown Evening News*. This promise stated that Acme was the cheapest retailer in the city of Nottown and that it would guarantee that this was true. The advertisement stated: 'We are so confident that we are the cheapest in the area that we guarantee that you cannot buy a television anywhere in Nottown cheaper than from us. We also guarantee that if you buy any television from us and give us notice in writing that you could have bought it cheaper at any other retailer within five miles of our Supastore on the same day we will refund double the price difference. Offer to remain open for the month of December. Any claim to be received in writing within 5 days of purchase.' Belinda saw the advertisement and was persuaded by it to buy a television from Acme Supastore for £299. The contract was made on Monday 3 December. On Saturday 8 December, Belinda found that a neighbouring shop was selling an identical model of television for £289 and had been selling at this price for the past six months. Belinda immediately telephoned Acme Supastore to say that she was claiming double the difference in price. She also posted a letter claiming this amount. The letter arrived on Monday 10 December. Acme Supastore are refusing to refund any of the purchase price. Advise Belinda as to whether or not any contract has been made.

The final sentence of the question tells you what you are required to do – advise Belinda as to whether or not a contract has been made. If you have read the relevant extracts from Chapters 3 and 4 you will have seen that the requirements of a contract are an offer, an acceptance, an intention to create legal relations and consideration. So if these are all present a contract will exist. Notice that all the question asks you is whether or not a contract exists. It did not ask what remedies might be available if such a contract did exist and was breached. It might have done this, but it did not. So make sure you answer the question asked.

The first legal issue is whether the advertisement is an offer. So first define an offer as a proposal of a set of terms, with the intention that both parties will be contractually bound if the proposed terms are accepted. Then you apply your legal knowledge in depth. The advertisement might be an invitation to treat. ***Partridge* v *Crittenden*** (considered at 3.1.2) established that most advertisements are not offers. If advertisements were classed as offers problems with multiple acceptances and limited stock of goods would soon arise. The advertisement here, like the one in ***Partridge* v *Crittenden,*** uses the word 'offer'. But this advertisement can be distinguished from the one in ***Partridge* v *Crittenden*** because it shows a much more definite willingness to be bound. Nor would possible multiple acceptances cause a problem here. There would be no need for Acme to hold unlimited stock. If many people accepted, Acme would need only to make multiple price refunds, which would probably be small. So the multiple acceptance issue would not indicate a lack of intention to make an offer.

You then compare the advertisement in the question to the one in ***Carlill's*** case (see also considered at 3.1.2), noting similarities and differences. (Analysis, evaluation and synthesis will be shown in a really good answer.) There is no need to reproduce all the facts of ***Carlill's*** case. You might point out that the advertisement in the question said that it was guaranteeing that what it said was true, and that this is similar to the Smoke Ball Company's advertisement, which said that money had been deposited in the bank to show that they meant what they said. You would explain that whether or not there is an intention to create legal relations is an objective test and that in this commercial context it would be presumed that there was an intention unless there was evidence to suggest otherwise. Again, a comparison could be made with ***Carlill's*** case where, as in the question, the advertisement was made in a commercial context. You might explain that, as in ***Carlill's*** case, the advertisement set out what action was required to accept the offer and that acceptance could be made only by performing the requested act. In both the question and ***Carlill's*** case a valid acceptance could not be made by merely promising to perform the requested act. It is a feature of an offer of a unilateral contract that acceptance can be made only by performing the act requested. Acme's offer, like the one in ***Carlill's*** case, seems to be the offer of unilateral contract.

Next you would consider whether the offer had been accepted within the deadline, noting that the terms of the offer ruled out acceptance by telephone. The letter would have been within the deadline only if the postal rule applied. The rule should be explained and analysed, along with the limitations put upon it by ***Holwell Securities Ltd* v *Hughes***, which is set out at 3.2.1. An analysis of this case would probably lead you to conclude that the postal rule would not apply, particularly as the advertisement in the question said that the acceptance had to be received before the deadline. In ***Holwell Securities Ltd* v *Hughes*** the Court of Appeal refused to apply the postal rule because acceptance had to be made 'by notice in writing' and it was held that this meant that it had to be received to be effective.

Next we would explain that there could have been consideration from both parties. Acme's consideration would have been their promise to give the refund. Belinda's consideration would have been performing the act requested. You might think it a waste of time to mention consideration. It would be a waste of time to consider it at length. But consideration is a requirement of a valid contract and you were asked to advise whether or not a contract existed. If you were absolutely certain that there was no valid acceptance it might be all right to say that there was therefore no need to consider consideration. But whether or not the postal rule would apply is not a matter of certainty. You might be wrong to say that it would not apply. If this was the case, consideration would be a part of the answer. If you reach a conclusion very early on, which makes further investigation of the question unnecessary, you should conduct that further investigation anyway. It is most unlikely that a question has been set where the first line gives the answer and the rest of the question is irrelevant. For example, you might have decided that Acme's advertisement was definitely an invitation to treat. If this were true then there could have been no contract. (Belinda would have made an offer which was not accepted.) So if you did decide that the advertisement was an invitation to treat, by all means say so. But then explain that it might possibly have been an offer and go on to consider the rest of the question.

You should reach a conclusion when answering a problem question. But your conclusion might be that it is uncertain how the cases would apply and that therefore there might or might not be a valid contract. Do not be afraid of such a conclusion. Often it is the only correct answer. If a definite answer to any legal problem could always be found cases would never go to court.

Finally, do not be on Belinda's side just because you have been asked to advise her. Belinda wants an objective view of the law. A lawyer who tells his or her client what they want to hear does the client no favours at all. The client may well take the case to court, lose the case when the judge gives an impartial decision, and then be saddled with huge costs. If the news is bad for Belinda, as it probably is, then tell her so.

Try to practise past problem questions, but make sure that they are from your exam, and that there is no indication that future questions will be different. It can be very helpful to do this with a friend, or maybe a couple of friends, and to make a bit of a game of it. Find some old questions and give yourselves about ten minutes to make a plan of your answer. Then go through the questions together, awarding points for applying relevant cases or for making good points. It is probably best to keep this light-hearted but perhaps gently criticise each other (and yourself!) if you are missing things out.

Finally, it can be an excellent technique to get together with a small group of friends who all set a problem question for each other. First, you have to define the subject you are considering, perhaps formation of a contract. Then go over all the past questions. Then each try and set a similar question, along with a 'marking plan' showing how you would allocate a set number of marks (maybe 20). In the marking plan make sure that you list the skills which should be shown, analysis, application etc. This will get you thinking like the examiner. It is hoped that it will show you that all of the questions have great similarities and that the same things tend to be important in most answers. Lecturers who set a lot of exams know that most questions on a particular topic are looking for the same issues, that the same cases tend to be important, and that it is very difficult to invent wholly original questions. By the time you have set each other questions in this way the real exam questions should look a lot easier.

Using cases and statutes

Whenever you can, you should use cases and legislation as authority for statements of law. In the section above, on answering problem questions, we saw how ***Carlill's*** case might be used. Notice how different that use was from writing ***Carlill's*** case out at great length and then saying that the advertisement in the question is just the same and so ***Carlill's*** case will be applied. To do that not only wastes a lot of words but, worse, it shows little application of the law. You have recognised that the case might apply, but you have not applied it convincingly. To apply the case well you will need to analyse it, and to evaluate arguments and ideas. As we have seen, these are the skills which score the highest marks.

If a question on satisfactory quality within the Sale of Goods Act 1979 concerned a car sold by a taxi driver, you would want to apply ***Stevenson*** v ***Rogers***, which is set out in Chapter 8 at 8.2.4. There would be no point in writing out all of the facts. You might say that ***Stevenson*** v ***Rogers*** established that whenever a business sells anything it does so in the course of a business for the purposes of s.14(2) SGA. Better still, you might say that the taxi driver will have sold the car in the course of a business for the purposes of s.14(2) SGA, because this is essentially the same as the fisherman in ***Stevenson*** **v** ***Rogers*** selling his boat. In each case what was sold was not an item the business was in business to sell, but a business asset which allowed the business to be carried on.

As for sections of statutes, there is usually little point in reproducing them in full if you can briefly state their effect. But they might be worth reproducing in full if you are going to spend a lot of time analysing them. For example, if a large part of a question was concerned with whether or not a car was of satisfactory quality, you might reproduce the statutory definition of satisfactory quality in full, or at least fairly fully. But you would do this only because you would then go on to analyse the various phrases in it, perhaps devoting a brief paragraph to each relevant phrase. Reproducing a statute is particularly likely to be a bad idea if you can take a statute book into the exam with you.

In this study skills section I have concentrated on how to answer legal questions. I hope that this will be useful to you. I also hope that you enjoy the subject and enjoy reading this book. Above all, I hope that you appreciate that the study of law is not a dry matter of learning facts and reproducing them. Some learning is necessary, but the true fascination of the subject lies in the endlessly different ways in which legal principles might apply to any given situation.

Lastly, I wish you good luck with your assessments. But in doing so I remind you of the famous reply of Gary Player, the champion golfer, when he was accused of winning tournaments because he was lucky. He admitted that he was lucky, but said that the more he practised the luckier he seemed to get. So practise your study skills, put in the work and make yourself lucky!

This page intentionally left blank

1

The legal system

Introduction

This chapter considers the following matters:

1.1 Features of the English legal system
1.1.1 Antiquity and continuity
1.1.2 Absence of a legal code
1.1.3 The law-making role of the judges
1.1.4 Importance of procedure
1.1.5 Absence of Roman law
1.1.6 The adversarial system of trial
1.2 Classification of English law
1.2.1 Public law and private law
1.2.2 Common law and equity
1.2.3 Civil law and criminal law
1.2.4 The distinction between law and fact
1.3 Sources of English law
1.3.1 Statutes
1.3.2 Judicial precedent
1.4 European Union law
1.4.1 The institutions of the European Union
1.4.2 Sources of Community law
1.4.3 The European Court of Justice
1.4.4 Supremacy of EU law
1.5 The European Convention on Human Rights
1.5.1 The Human Rights Act 1998
1.5.2 The European Convention on Human Rights
1.5.3 The European Court of Human Rights
1.5.4 The impact of the Human Rights Act

1.1 FEATURES OF THE ENGLISH LEGAL SYSTEM

The English legal system is unlike that of any other European country. An outline knowledge of the features which make the English system so distinct is essential to an understanding of English law and the English legal process.

1.1.1 Antiquity and continuity

English law has evolved, without any major upheaval or interruption, over many hundreds of years. The last successful invasion of England occurred in 1066, when King William and his Normans conquered the country. King William did not impose Norman law on the conquered Anglo-Saxons, but allowed them to keep their own laws. These laws were not uniform throughout the kingdom. Anglo-Saxon law was based on custom and in different parts of the country different customs prevailed.

In the second half of the twelfth century, King Henry II introduced a central administration for the law and began the process of applying one set of legal rules, 'the common law', throughout England. Since that time, English law has evolved piecemeal. For this reason the English legal system retains a number of peculiarities and anomalies which find their origins in mediaeval England.

For the past few hundred years, world history has been a litany of revolution and conquest. The new rulers of a country tended to start afresh with the law. In the Soviet Union the communists introduced Soviet law, in France Napoleon introduced the Napoleonic code, in the United States the founding fathers wrote the American Constitution. But England is one of the very few countries to have survived the last nine hundred years with no lasting revolution from within or foreign conquest from abroad. Some English laws and legal practices have evolved continuously since the time of King Ethelbert, who became King of Kent in the year 580. The Norman