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WILDY'S BOOK NEWS

Volume 20 Issue 11

Published Monthly

Nov/Dec 2015

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To our best knowledge, all particulars are correct at the time of going to press. However, we regret that we cannot accept responsibility for any errors, and wish to advise readers that price and date of publication may be subject to change by the publishers concerned

Cover: The Christmas tree in the undercroft below the chapel in Lincoln's Inn

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This month has included the BIALL Social evening, of which we have pictures in the following pages. This is developing into a very enjoyable annual event.

By the time you receive this copy of the Book News, December Christmas parties will be well under way. Aside from attending the parties, we will be presenting prizes at the King's College Novice Moot competition. We shall also be attending the Inner Temple Book Prize which we help sponsor.

At a loss to know what to buy that lawyer in your life? In the run up to Christmas don't forget that we have many books suitable as gifts, both for the lawyer and non-lawyer. See our ad on pp 36-37.

This year the shop will be closing on Wednesday the 23rd of December at 6pm. It will remain shut the following week while we do our annual stock take and then re-open on Monday the 4th of January.

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BIALL Social Evening





BIALL Professional Development Committee



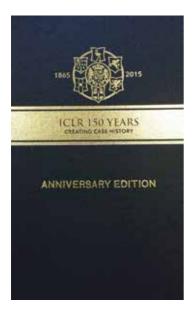


photos by Anneli Sarkanen

WILDY'S PLANNED TRIPS AROUND THE WORLD IN 2016

A chance to meet our representatives at conferences and other venues

- 6-9 January 2016 New York, Brian Hill will be attending the American Association of Law Schools annual meeting
- 15-18 May 2016 Vancouver, BC Steve Ross and Brian Hill will be attending the annual CALL conference
- 9-11 June, Dublin, the Wildy Team will be attending the annual BIALL conference
- 25-28 July, John Pethick and Matthew Regnard will be attending the annual CARALL conference in Jamaica
- 24-26 August, Alden Bowers and Graham Norfolk will be attending the ALLA conference in Melbourne, Australia
- 9-11 September, John Pethick and Abbie Sinkins will be attending the OECS Bar Association Law Conference in St. Lucia
- 18-23 September, Washington DC, John Sinkins and Charlie Alpera will be attending the annual IBA conference



The ICLR Anniversary Edition

THE LAW REPORTS 1865 – 2015 ANNIVERSARY EDITION

ICLR 150 Years – Creating Case History ISBN 9780852893142

Edited (with an introductory essay) by Paul Magrath

Price: £30 available from Wildy's

The Incorporated Council of Law Reporting for England and Wales (ICLR) was founded in 1865, by the Inns of Court and the Law Society, on the recommendation of a committee of lawyers who were fed up at the erratic and disorganised way in which critical precedents were then being recorded.

From the start it has been "making case history" by recording for posterity those cases which have changed or clarified the law, or were for some reasons "peculiarly instructive".

This book, published to mark the ICLR's 150th anniversary, collects together for the first time the top 15 cases published in The Law Reports, as voted for by readers on its website, and discussed by Lord Neuberger of Abbotsbury, President of the Supreme Court, in a speech given at the launch on 6 October 2015

They include such favourites as the one about the Carbolic Smoke Ball, the one about the Snail in the Ginger Beer, and the case that gave rise to the mysterious legal concept of "Wednesbury unreasonableness".

On a more serious note, the cases demonstrate how the relationship of the judiciary and the government has changed over time, with judges now much more likely (as in the so-called "Belmarsh case" of 2004) to defy the attempts of a home secretary to detain foreigner of hostile intent without trial, than they were in World War II, when it was the lone dissenting voice of Lord Atkin who declared "that the judges are no respecters of persons and stand between the subject and any attempted encroachments on his liberty by the executive".

Among the other cases selected by ICLR's readers are key decisions on a company's "veil of incorporation" as a separate legal person, the "golden thread" of the presumption of innocence in criminal law, the creation (by one Denning J) of the doctrine of promissory estoppel, the reversal of the marital rape exemption, the surgical separation of conjoined twins, and the rule permitting resort to Parliamentary papers to resolve statutory ambiguity.

Introducing the cases are a series of essays by ICLR editors and by two external contributors, Guy Holborn, Librarian of Lincoln's Inn and Professor Paul Mitchell, of UCL. In his foreword, Lord Thomas of Cwmgiedd CJ says:

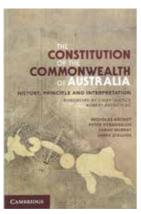
"The cases in this anniversary volume illustrate not only the significant contribution that law reporting of the highest quality has made to the delopment of the common law, but how the common law has incrementally developed over the past 150 years."

MAJOR NEW TITLES THIS MONTH

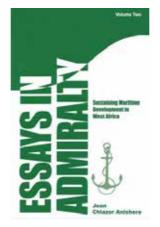
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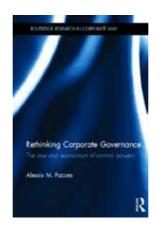
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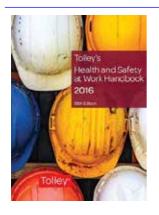


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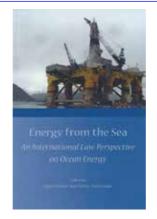


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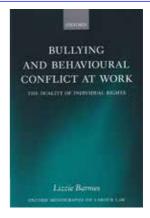
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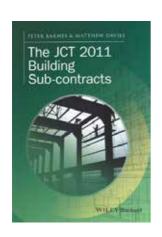
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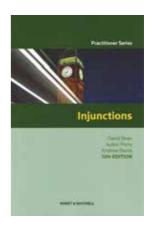
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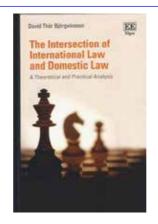


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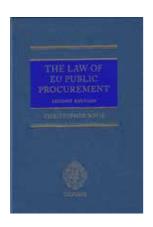
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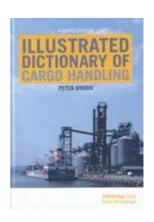
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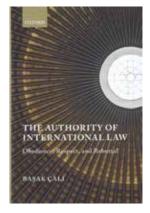
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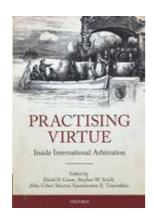
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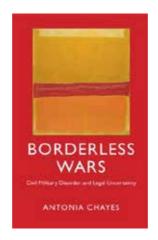
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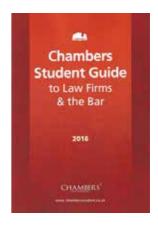
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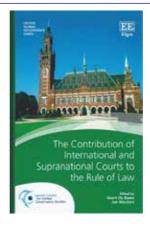


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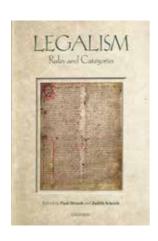
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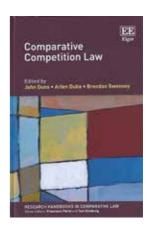
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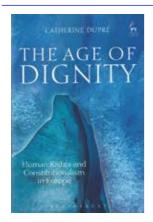


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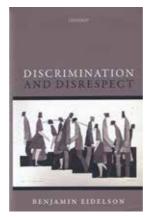


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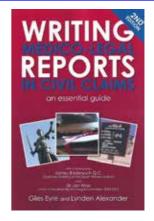
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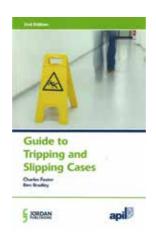
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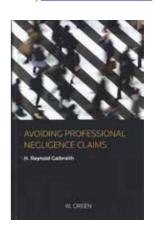
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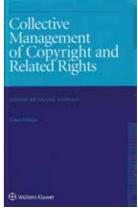
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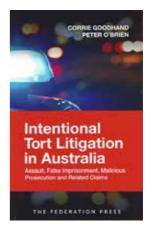
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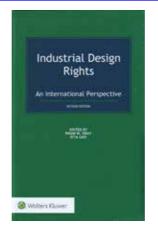


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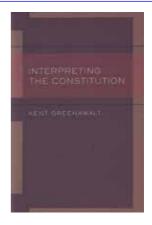
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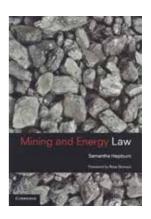
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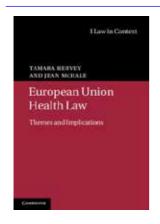


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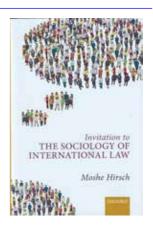
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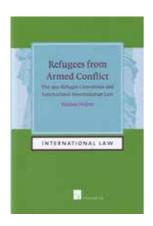
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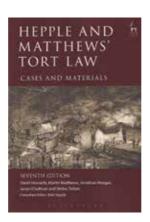
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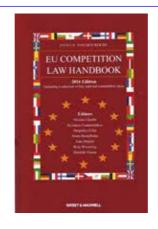


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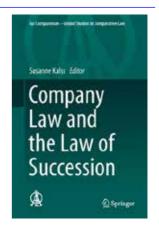
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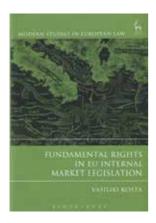
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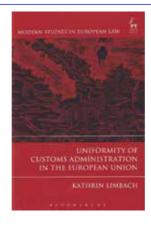
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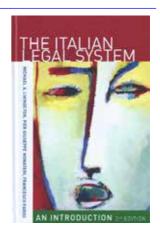


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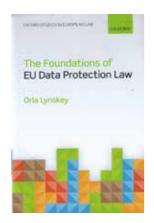




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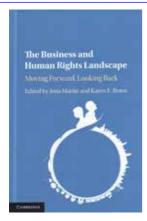


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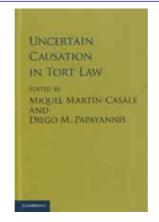


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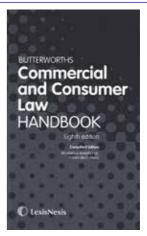
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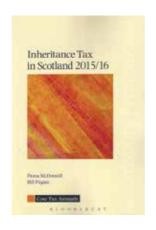
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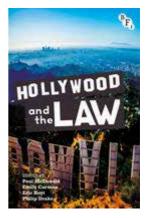
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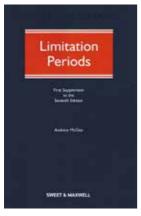


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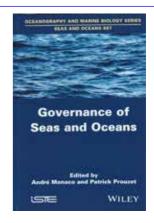
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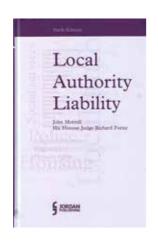
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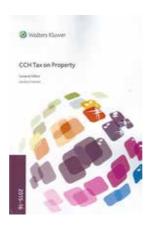
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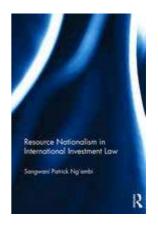
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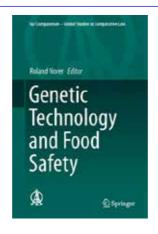


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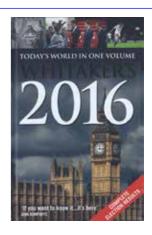
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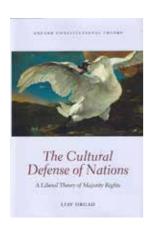
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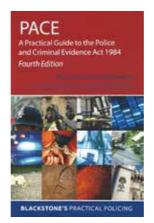
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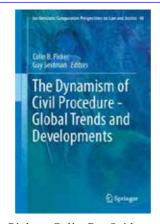


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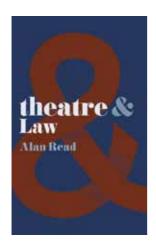
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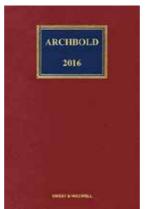
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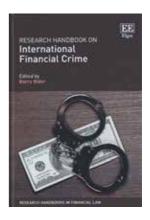
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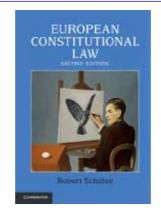


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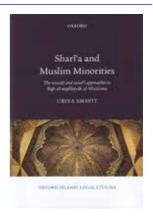
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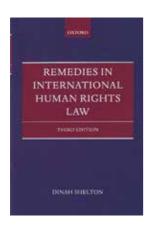
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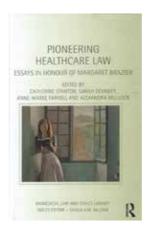
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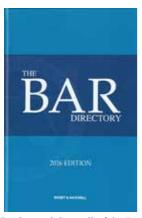


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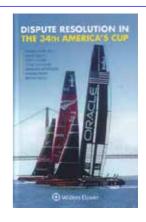
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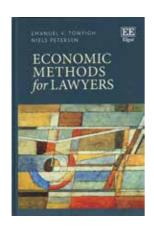
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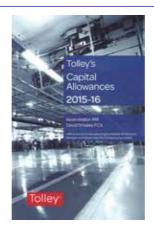


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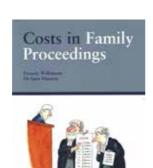
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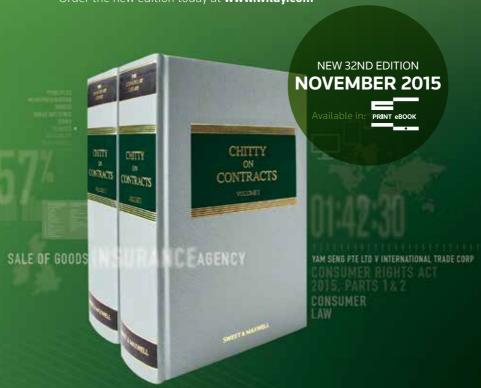


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Should the decline in use of the tablet affect the way that lawyers feel about eBooks? Personally, I don't think it should. The main applications (ProView, LexisNote and Adobe Digital Editions) all work as well on a PC as they do on a tablet and I understand that this is where most lawyers are using them. However, the great advantage that these Apps have is that you can use them on multiple devices. With ProView and LexisNote you can store your eBooks on up to 4 devices so while you may be using your work PC as your primary workplace, you will find all your notes, bookmarks and highlighting will synchronise with your laptop, home PC and tablet.





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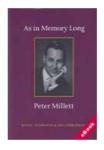
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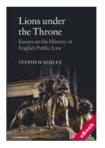
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Seeing as we are nearly at the end of the year I thought I would choose three of my favourite eBooks of the year that might be enjoyed relaxing over the festive period with a nice glass of port and a mince pie.



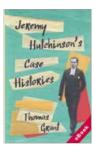
Peter Millett - As In Memory Long

As in Memory Long is a frank and revealing account of the author's life and career, punctuated throughout with his personal insights into the law and its workings through the years. As well as learning the difference between tax avoidance and tax evasion, the reader will also discover how to produce the perfect forgery or provide a company with substantial capital when you have no money, how best to present a fallacious argument, and how to use an umbrella in court.



Stephen Sedley - Lions under the Throne

Francis Bacon wrote in 1625 that judges must be lions, but lions under the throne. From that day to this, the tension within the state between parliamentary, judicial and executive power has remained unresolved. Lions under the Throne is the first systematic account of the origins and development of the great body of public law by which the state, both institutionally and in relation to the individual, is governed.



Thomas Grant - Jeremy Hutchinson's Case Histories

Accessibly and entertainingly written, Case Histories provides a definitive account of Jeremy Hutchinson's life and work. From the sex and spying scandals which contributed to Harold Macmillan's resignation in 1963 and the subsequent fall of the Conservative government, to the fight against literary censorship through his defence of Lady Chatterley's Lover and Fanny Hill, Hutchinson was involved in many of the great trials of the period.

Regards Graham

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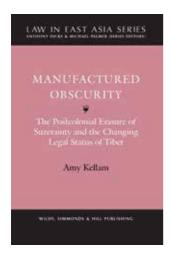
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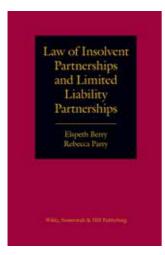
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In 1951 Tibet was incorporated into the People's Republic of China by the Seventeen Point Agreement. Today the legal status of Tibet remains a matter of contention between the PRC and the Tibetan-Government-in-Exile. Both rely upon on legally ambiguous British engineered treaties to make their case. The inconsistent representation of Tibet's status in treaties is not, however, a reflection of the ambiguity of Tibet's status itself; it is a reflection of the ambiguity of such treaties in the context of the positivist-colonial encounter.

Drawing upon British Government archives, this book examines the issue: to what extent, in what ways, and with what effects has the British imperial legacy in the region converged with Chinese formulations of law and governance in Tibet to prejudice understanding of Tibet's legal status. This addresses a significant gap in international legal literature, which seldom discusses Tibet outside of considerations of minority rights within the PRC.

This book argues that an assessment of imperialism and its relationship with nineteenth century international law is essential to explaining the events of 1951, but it is only through a reassessment of the postcolonial that the absence of discussion of Tibet's status in international legal discourse can be explained. The history of Tibet's legal status highlights contradictions embedded within modernity and exposes the mythological foundations of the modern secular state's narrative of progress.

Manufactured Obscurity concludes that the much emphasised clash between Western and East Asian values in the field of international law in truth operates along a much narrower divide than might be presumed. This is best assessed as a reflection of the contradictions inherent to the postcolonial within international law; involving both a pushing away of the imperialistic past and a reaffirmation of its continuity in order that modern commitments to the rule of law retain value.



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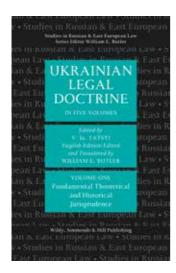
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Elspeth Berry is a non-practising solicitor, member of the Association of Partnership Practitioners and Reader in Law at Nottingham Law School, with over twenty years' experience in researching and publishing in partnership and LLP law and teaching undergraduate and postgraduate students the law of business organisations and other commercial and international subjects. She is the author of Partnership and LLP Law (Wildy, Simmonds & Hill Publishing).

Rebecca Parry is Professor at Nottingham Trent University since 2007, experienced PhD supervisor and visiting lecturer and has been a researcher at a number of European institutions. Her main research interests lie in the area of international and comparative insolvency law. She has interests in related areas of company law, notably directors' duties and director disqualification. Rebecca is the author of a number of titles including Transaction Avoidance in Insolvencies, 2nd edition (Oxford University Press) and Corporate Rescue (Sweet & Maxwell).



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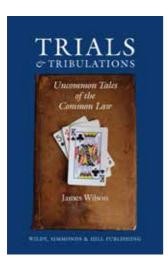
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William E. Butler is The John Edward Fowler Distinguished Professor of Law and International Affairs, Pennsylvania State University; Emeritus Professor of Comparative Law in the University of London (University College London); Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine; Associate, International Academy of Comparative Law.

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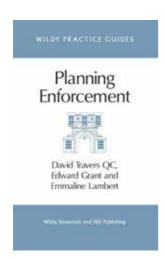
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Why are court cases such a fertile source for writers of fiction and non-fiction alike? For a start, they usually have a beginning, middle and end; and a ready cast of characters playing defined roles. They always have an inherent crisis to be resolved. But they also contain a great deal of human interest: behind the theatrics and etiquette of the courtroom, and the often arcane language and concepts of the law, there are real people seeking answers to real-life problems. The common law is sometimes made by faceless corporations, or rich and powerful individuals seeking to preserve their money or reputation. Just as often, however, it is made by ordinary people who are not seeking fame or wealth, but who are simply trying to right whatever they believed has been wronged.

This book is a collection of 50 stories of notable court cases spanning more than a century. There are great ethical dilemmas – the tragic case of the conjoined twins where one, but not both, could survive, or the football fan Tony Bland who was left in a persistent vegetative state after the Hillsborough Disaster, and whose family faced the tragic choice of ending treatment. There are significant legal cases such as Donoghue v Stevenson and Carlill v Carbolic Smoke Ball Company. There are also great Victorian scandals such as Oscar Wilde's fall from high society, or the wrongful imprisonment of Captain Dreyfus. Then there are more topical cases, such as those involving religion and the law and the 'clash of rights' that sometimes occurs when devout people find their conscience will not allow them to act according to the law.

And then there are cases that can only be described as absurd. The writer Julie Burchill was once sued by someone who was offended by her calling him 'ugly'. In another case, an unfortunate marital dispute required the judge to look at reams of hard-core pornography, and to try to find judicially-appropriate neutral language to describe it.

Written in an accessible style with an eye to the human as much as legal interest, the book will be of interest to lawyers and non-lawyers alike.



PLANNING ENFORCEMENT

A Wildy Practice Guide

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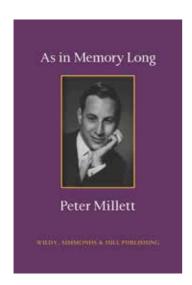
This book is a comprehensive and practical guide to planning enforcement. Planning enforcement is often seen as a minefield that straddles planning and criminal law. This book provides a thorough guide helpful to Local Authorities and private sector practitioners on matters ranging from the decision to issue a notice through to proceedings under the Proceeds of Crime Act 2002 as well as dealing with the appeal system.

Planning Enforcement sets out the very detailed technical complexities of enforcement through an easy-to-follow structure. The book draws together the statutory framework, case law and guidance. The authors intend the book to serve as a practical reference and include useful examples of Notices and appeal forms. Topics covered include:

- Content and issue of an Enforcement Notice
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Planning Enforcement takes into account the ever-changing landscapes of planning law and guidance, including the Localism Act and the National Planning Policy Framework.

The authors are practising barristers from 6 Pump Court and practise Planning, Public Law and Regulatory work. David Travers QC is also Visiting Professor in the Business Accountability and Responsibility Centre at Newport Business School. Emmaline Lambert and Edward Grant both have extensive planning practices and are regularly instructed by developers, third parties and local authorities to advise and appear on their behalf at Planning Inquiries. They have significant experience in enforcement matters including public inquiries and both prosecuting and defending enforcement offences and in the use of injunctions to remedy breaches of planning control.



AS IN MEMORY LONG

Peter Millett

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Widely recognised as one of the most brilliant and commercially minded judges of his generation, Peter Millett was involved in many leading cases of the day, including those arising out of the insolvency of the International Tin Council, the collapse of the Maxwell empire, and the Pinochet case, as well as cases of child custody and adoption, forgery, provocation, wrongful pregnancy, and even the Chinese system of concubinage.

As in Memory Long is a frank and revealing account of the author's life and career, punctuated throughout with his personal insights into the law and its workings through the years. As well as learning the difference between tax avoidance and tax evasion, the reader will also discover how to produce the perfect forgery or provide a company with substantial capital when you have no money, and how best to present a fallacious argument. Among the book's many anecdotes are a description of an occasion when the House of Lords managed to give judgment in the wrong case, and many examples of judicial wit at the expense of counsel and vice versa, as well as some often unintentionally hilarious crossexaminations and unexpected answers by witnesses.

The memoirs of Peter Millett are not the usual dull series of legal cases won or lost but an entertaining account of personal and professional mishaps over a lengthy and distinguished legal career which will appeal to anyone with an interest in the law and its personalities.

After coming down from Cambridge with a double First and an unfortunate start to his National Service with the RAF, Peter Millett had a distinguished career at the Bar both in England and Hong Kong. Appointed to the High Court Bench and later the Court of Appeal, he was one of the last Law Lords to sit in the House of Lords before it was replaced by the Supreme Court, and became a judge of the Court of Final Appeal of Hong Kong shortly after the handover.



DRINK AND DRUG DRIVE CASE NOTES

P M Callow

Price: £69.00

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Extent: 691pp Binding: Hardback

Many thousands of people are prosecuted each year for drink and drug driving offences. The legislation favours the prosecution in a number of ways, for example, by requiring those under investigation to give evidence against themselves in the form of specimens of breath, blood or urine,

but also affords certain safeguards to suspects. The conviction rate is exceptionally high, and the provisions have given rise to a wealth of case law.

Drink and Drug Drive Case Notes comprises summaries of the many cases on drink driving, and the fewer cases on drug driving, which have come before the High Court, the Court of Appeal, the House of Lords and, in one instance, the Supreme Court. Over six hundred judgments are summarised. Each note is presented as a short statement of the facts of the case, the question(s) put to the appeal court and an extract from the judgment. The notes are intended to provide a broad outline of the trends in the case law and as starting points for readers seeking guidance on particular issues.

This third edition includes notes of some seventy-five cases decided since the second edition was published. Themes running through the new cases include the interpretation of the provisions on reasonable cause to believe that the breath analysis device has not produced a reliable indication of the suspect's breath alcohol level, and on the application of the Criminal Procedure Rules to proceedings for drink and drug driving. At the time of publication, the so-called "statutory option" has just been removed, and section 5A of the Road Traffic Act 1988, creating new offences of driving, attempting to drive, and in charge, with a concentration of a specified controlled drug above a specified limit, has come into force. The offences are framed in much the same terms of the excess alcohol offences, but testing will be by the analysis of blood or urine only. While much of the case law concerning drink-driving will be relevant, the new provisions will no doubt give rise to their own body of case law in due time.

Drink and Drug Drive Case Notes was first published, as Drink Drive Case Notes, as a product of collaboration between Lion Laboratories – the manufacturers of much of the breath-testing equipment used in the UK and throughout the world – and the author. This expanded and updated edition of Drink and Drug Drive Case Notes will prove a useful reference for police, prosecutors, defenders and legal advisers.

"As a reference guide, this is an extremely helpful addition to a legal adviser's kitbag."

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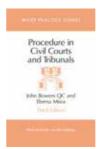
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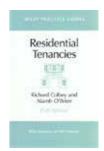
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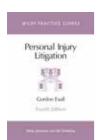
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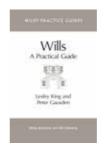
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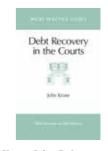
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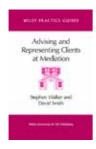
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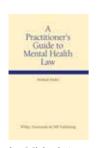


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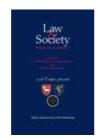
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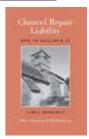
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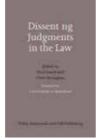
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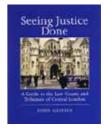
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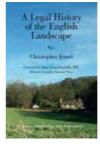
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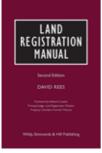
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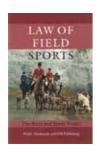
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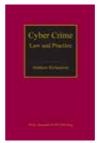
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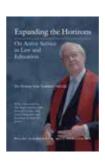
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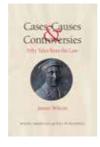
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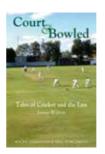
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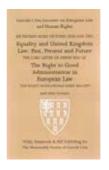


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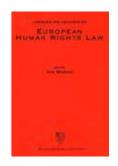
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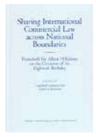


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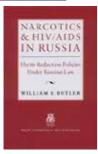


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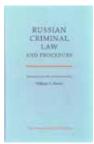
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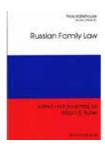
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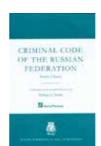
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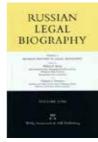
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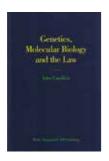
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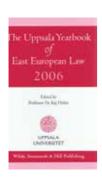
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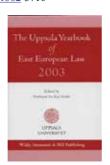
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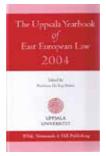
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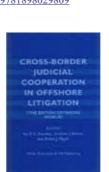
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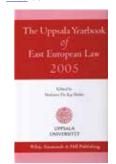
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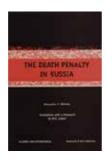
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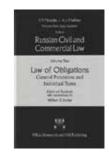
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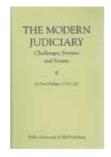
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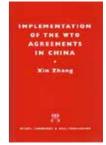
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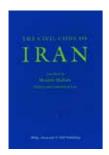
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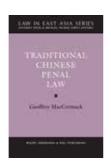


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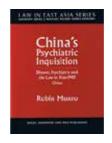
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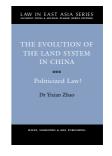
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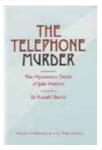


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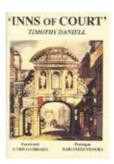
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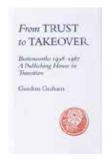
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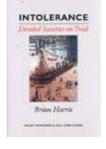
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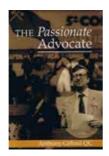


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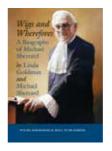
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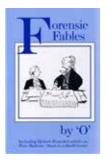
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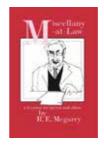
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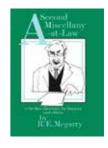
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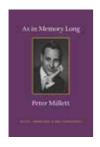
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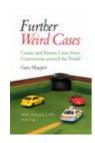
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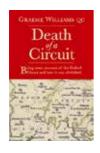
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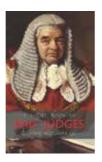
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