THE DENNING LECTURE 1987

JUDICIAL REVIEW IN THE COMMERCIAL ARENA

THE RT. HON. LORD JUSTICE WOOLF

The Bar Association for Commerce, Finance and Industry

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It is an awesome responsibility and an honour to be invited to give a lecture which is named after Lord Denning. Despite his generous introduction my task is not made easier by the fact that I give this lecture in the presence of your President who has made, as I have acknowledged elsewhere, a significant contribution to the development of this sphere of the law. While I was preparing the lecture I was conscious that perhaps my only qualification for giving it is the fact that I have inherited Lord Denning's second set of Court of Appeal robes. However, I do not take much comfort from this since I remember the last time I relied on borrowed plumes was when I agreed to go to a conference in Athens. The Lord Chancellor's Department was anxious about my safety because of Athens reputation for terrorist activity and so they made the booking in another name. Their choice of *nom de plume* was Mr.Sheep. No doubt the civil servant concerned knew his St. Matthew — beware of false prophets which come to you in sheep's clothing but inwardly they are ravening wolves! It was as long ago as 1949 when Lord Denning, then already a judge of the Court of Appeal, anticipated the need for judicial review. In that year he gave the first Hamlyn Lecture[1] and concluded the series of lectures in his unique style by saying:

> "No one can suppose that the executive will never be guilty of the sins that are common to all of us. You may be sure that they will sometimes do things which they ought not to do: and will not do things that they ought to do. But if and when wrongs are thereby suffered by any of us, what is the remedy? Our procedure for securing our personal freedom is efficient, but our procedure for preventing the abuse of power is not. Just as the pick and shovel is no longer suitable for the winning of coal, so also the procedure of *mandamus, certiorari,* and actions on the case are not suitable for the winning of freedom in the new age. They must be replaced by new and up to date machinery, by declarations, injunctions and

> actions for negligence ... This is not a task for Parliament ... The courts must do this. Of all the great tasks that lie ahead, this the greatest. Properly exercised the new powers of the executive lead to the welfare state: but abused they lead to the totalitarian state. None such must ever be allowed this country."

Looking back over what has occurred in the nearly forty years which have elapsed since that first Hamlyn Lecture demonstrates that Lord Denning was no false prophet. He accurately anticipated the dangers with which society would be faced due to the increasing power of central and local Government. He recognised the changes which would be needed in the procedure and the attitude of the courts. Lord Denning then played a great part in bringing about the necessary changes and I suspect that he would echo Lord Diplock[2] who has described the development of judicial review in the intervening years as the proudest achivevement of his judicial lifetime. It is now widely accepted that the procedure of judicial review developed by the courts and only retrospectively ratified by Parliament has modernised the old prerogative remedies so that they provide the new machinery which Lord Denning knew would be needed. The principles upon which the courts intervene have been developed and extended in a vast range of cases: in the review of disciplinary proceedings involving both prisoners and policemen, in examining local authorities' policies in granting licences, in reviewing the actions of tribunals involving immigrants, mental health patients and those seeking supplementary benefit, in examining the decisions of Ministers of the Crown in relation to almost every aspect of Government. Reluctantly, the courts recently have had to play an ever increasingly active role in the acutely politically sensitive conflict between central and local Government.

The strict rules that used to limit those who are entitled to apply to the court have been swept away. Mr. Gouriet, today, on an application for judical review, with little ingenuity would not need to seek to challenge the traditional role of the Attorney-General in order to obtain relief from the courts. The rules of standing have broadened almost out of existence. These developments provide the backcloth to the field of judicial review which is my subject tonight. Until recently the area of commerce, finance and industry would not have been regarded as obvious fields for the use of the public law remedy of judicial review. However, with increasing frequency over the last four years cases have been coming before the courts which indicate that if the challenge which Lord Denning made in 1949 is to be met the courts will have to intervene by way of judicial review in these areas as well.

For many years the developer who has felt that he has been ill-treated by local or central Government has turned to the courts for help. However, it is only relatively recently that the City solicitors and the commercial Bar

have begun to realise just how important judicial review could be in assisting their clients. Indeed I know of one of the most successful sets of chambers whose membership is still divided between commercial and administrative law practitioners. That is a divide which it will be difficult to justify for long. An innovator in this field, as I know from my own personal experience (or should I say cost), was Sir Freddy Laker.[4] His success in 1977 first of all before Mocatta J. and subsequently before the Court of Appeal, presided over by Lord Denning, in attacking the Department of Trade's attitude to the Bermuda Agreement, played a substantial part in his being able ultimately to launch his Skytrain. However it would been quite impossible then to have brought the proceedings I.C.I. brought in 1985 which have gone almost unnoticed.[5] I.C.I. felt it was being discriminated against by the manner in which the oil companies were being taxed by the Revenue in relation to their petrochemical activities so it made an application for judicial review naming the Attorney-General as defendant and succeeded. The basis of the challenge was not that I.C.I. was being over-taxed but that the oil companies, Shell, Esso and B.P., were being under-taxed. This, I.C.I. alleged, gave them an unfair advantage in the production of ethylene at the new petrochemical plants they were developing when compared with I.C.I. who used a different method of production and was therefore not taxed in the same way. I.C.I. could not seek protection from competition but it could against discrimination. Formerly the idea that one taxpayer should seek to interfere with the tax affairs of another would have been inconceivable. However the Revenue welcomed the idea of the resolution by judicial review of the dispute if it could be litigated at all since it contended I.C.I. had no standing before the courts. The oil companies took great care not to become involved in the proceedings and this created a predicament for the Revenue who wanted to protect the confidentiality of their tax affairs. In normal proceedings the case would have become bogged down in discovery but the flexibility of judicial review enabled the parties to side step the question of privilege since on judical review the court was not required to decide what level of tax the oil companies should bear but whether the Revenue was adopting the correct approach as a matter of law when making their assessment of the value of the gas supplied. The Court of Appeal agreed with the judge at first instance, whose identity I leave you to guess, that the Revenue's approach was flawed but went on to say that in the first instance judge had been far too yellow-livered in not granting a declaration that applied not only to future valuations made by the Revenue as a basis for assessing the tax payable but also to valuations made in the past for that purpose. The financial significance of the case to I.C.I . and the oil companies was enormous — it was also important to their employees. I.C.I. said that the Esso plant

built at a cost of £500,000,000 at Mosmoran would never have been built but for the basis on which it had been agreed between the Government and the oil companies that they were to be taxed. It was alleged that it was the desire to have the employment which the new plants would generate that had resulted in a deal as to the basis of taxation between the oil companies and the Revenue. I.C.I. also contended that its own plant would not be able to survive this competition and its employees would be declared redundant if the court did not intervene. It was clearly a very special case and there is unlikely to be another case remotely similar again. I refer to it because it illustrates how extensive and effective the court's powers can be if it is satisfied there is unfair use being made by a public body of its powers, even though the public body was no doubt convinced that what it was doing was in the public interest.

A recent case which raised interesting points which illustrated another development in judicial review which is sometimes overlooked was *R v. The Registrar of Companies, ex parte the Central Bank of India* [1986] 1 All E.R. 105. The case arose out of the action of the Registrar of Companies in backdating a charge on the assets of a company to the date of the original application for the registration of that charge, although the original application to register the charge had to be returned to the bank for correction and a revised application made later. As is now well known, cases in the Crown Office List are normally heard by a small band of Queen's Bench judges who already have or develop a specialist knowledge of administrative law. This is one of the changes made to meet Lord Denning's challenge. However, from time to time, it is more important that the judge who hears the case should have a different specialist background from that which will normally be found among the nominated judges. Such applications for judicial review can be and are from time to time heard by the Admiralty judge, the Patent judge, a Family judge or a Chancery judge. Having regard to the nature of the application in the case against the Registrar of Companies, it was not surprising that it should be heard at first instance by Mervyn Davies J., a Chancery judge well familiar with the subject matter of the application. When the case reached the Court of Appeal, it was equally not surprising that two of the members of the court were former judges of the Chancery Division. The Court of Appeal first of all had to decide whether the Central Bank of India had sufficient *locus standi* or interest to be allowed to bring proceedings, and as to that Dillon L.J., in a judgment with which the other members of the court agreed, came to the conclusion, in accord with the generous approach now current, that after the presentation of the winding-up petition the Central Bank did have sufficient interest to make the application, its interest being that of an unsecured creditor in respect of the charge which had been issued in favour of an Arab bank. The court had

however then to go on to consider the effects of section 98(2) of the Companies Act 1948 as the certificate showed the backdated date of registration, and the subsection provides "the certificate shall be conclusive evidence that the requirements of this Part of this Act as to registration have been complied with". The creditor bank contended that the certificate should not be conclusive since the Registrar in granting the certificate was usurping the power of the court under section 101 of the Companies Act to relieve a creditor of the normal consequence of the failure to register a charge in time where the court is satisfied the omission was accidental, etc., or that on other grounds it is just and equitable to do so. The creditor bank also relied upon the administrative law provision contained in section 14 (1) of the Tribunal and Inquiries Act 1971 which provides that "any provision in an Act passed before 1st August 1958 that any order or determination shall not be called into question in any court ... shall not have effect so as to prevent the removal of the proceedings into the High Court by order of *certiorari* or to prejudice the powers of the High Court to make orders of *mandamus*". The learned judge found in favour of the creditor bank and the Court of Appeal had to decide whether his decision as to the merits, which was the first occasion on which a Registrar's certificate had been successfully challenged, was right. Before the Court of Appeal counsel for the creditor bank was forced to accept that as a matter of private law, having regard to a long line of cases, he could not possibly challenge the conclusiveness of the certificate; however he contended in public law the position was different. The Court of Appeal however unanimously took a different view and were not prepared in this instance to stretch the scope of judicial review and held irrespective of the nature of the proceedings the court had to give effect to the intention of Parliament which was to be deduced from the conclusive evidence provision that the Registrar had to determine not only questions of fact but the mixed questions of fact and law which were involved in his determinations which were covered by the certificate. Section 14 of the Tribunals and Inquiries Act did not assist the creditor bank because the effect of the certificate was not to exclude the jurisdiction of the court but only the evidence which could be put before the court, even though in the majority of cases the practical consequences would be the same. However, the Court of Appeal did take care to qualify their decision (and this is important) by first of all pointing out that, as the 1948 Act does not bind the Crown, the position of an application by the Attorney-General would be different from that of an application by an unsecured creditor and accepting that it may be possible on an application for judicial review to go behind the certificate where fraud is relied upon or where the certificate is defective on its face. I will come back later to the reference by the court to the Attorney-General and at this stage merely point out the court was

recognising that even a conclusive evidence provision would not prevent the court intervening if the circumstances made it appropriate to do so.

Before doing so, however, I turn to "Big Bang". Although this is meant to herald a new era of freedom, the freedom has been accompanied by the new and bigger powers of regulation contained in the Financial Services Act 1986. That Act contains a proliferation of new powers which are given to the Secretary of State, self-regulating organisations and others. Recent events have made it clear that those powers are necessary and indeed there have been calls for greater powers of control similar to those that exist in the United States where ironically until, at any rate, a few months ago the watch word was deregulation. Where a person or body is directly affected by the actions of the Secretary of State under the Act then there is normally a right to appeal or to refer the matter to the Financial Services Tribunal set up under the Act. From that tribunal there is an appeal to the High Court and in addition the High Court is specifically given a supervisory role in relation to certain other activities of the Secretary of State. However, there is undoubtedly still an immense area where judicial review is going to be of importance as providing the only possible means of redress against abuse of power, particularly as it is specifically provided by the Act (section 187) that neither a recognised self-regulating organisation nor any of its officers or servants or members of its governing body shall be liable for damages for anything done or omitted in the discharge or purported discharge of any of its functions unless the act or omission is shown to have been done in bad faith. For example, in general the tribunal's jurisdiction only arises where the Secretary of State and the other bodies take action and the person or body against whom the action is taken is aggrieved. Where these distinguished bodies fail to take action there is no right to enlist the help of the tribunal and then the High Court provides the sole possibility of help. There are therefore many areas where the protection of the public will depend upon the manner in which the Secretary of State exercises his supervisory role which he is given by the State. This means, as has already been seen, that many decisions of great importance to the commercial and in particular the financial sector of the community will tend to be drawn to a greater or lesser degree into the political arena as political capital is sought to be made of the Secretary of State's decision or indecision. It also means that in exercising their powers of judicial review the courts could become involved, as they did in the disputes between local and central Government, in areas of acute political controversy. Whether it is a coincidence or not I do not know but one of the phenomena which has accompanied Big Bang is a rash of massive contested take-over bids. One such bid resulted in the application of Argyll Group for judicial review of a decision of the Monopolies Commission.[6] The Court of Appeal accepted that the Argyll Group was

entitled to challenge the decision of the Commission by its chairman not to proceed with the reference of the original Guinness bid. The court took the view that the chairman of the Monopolies Commission had not the power individually to come to this decision. However the court in its discretion did not intervene because the court was satisfied that the same decison would inevitably have been reached if it had been properly taken by the commission and not by the chairman alone. In giving his reasons for not intervening the Master of the Rolls emphasised the difference of approach of administrative law from that which would be involved if the case had been one concerned with private law where normally the court automatically grants relief if there is an error of law. He said:

> "We are sitting as a public law court concerned to review an administrative decision albeit one which has to be reached by the application of judicial or quasi-judicial principles. We have to approach our duties with a proper awareness of the needs of public administration. I cannot catalogue them all but in the present context would draw attention to a few which are relevant."

The Master of the Rolls then referred to a number of considerations three of which bear repetition:

> "Good public administration is concerned with substance rather than form.
>
> Good public administration is concerned with the speed of decision, particularly in the financial field.
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> Good public administration requires a proper consideration of the legitimate interests of individual citizens however rich and powerful they may be and whether they are natural or juridical persons."

The Master of the Rolls also said that good public administration requires a proper consideration of the public interest, with which I would wholeheartedly agree, and added in this context that the Secretary of State is the guardian of the public interest. This statement of the Master of the Rolls should not be misunderstood. The Secretary of State in relation to the financial sector is not in the same position as the Attorney-General. In the financial field, as in other areas of public life, it is the Attorney-General, and the Attorney-General alone, who has the dual role of acting as the Government legal adviser on the one hand and as the guardian of the public interest on the other. The Secretary of State has many responsibilities under the Financial Services Act 1986 and the legislation under consideration in the *Argyll* case but he performs those duties political head of a department and as a member of the Government of the day. The Secretary of State is not in the courts in the unique position of the Attorney-General who alone is entitled to represent the public interest. I have, elsewhere, drawn attention to the fact that the burden placed upon

the Attorney-General is already too great as perhaps recent events have confirmed and I am certainly not suggesting that that burden should be increased by adding to it the various statutory duties of the Secretary of State under the legislation dealing with the financial sector. What I do suggest is that in this area, as in others, there is a need for someone to represent the public interest and that it would be preferable if that role were given to someone outside the immediate political arena. I am on record as advocating the creation of a Director of Civil Proceedings but in this area there is already well established the office of the Director of Fair Trading and it may be that it would be preferable if instead of giving the vast powers which are given by the Financial Services Act to the Secretary of State, at least part of the responsibility in this area had not been given to the political head of a great department of State. Such responsibility could include the taking of proceedings for judicial review as was contemplated as being added to the Attorney's burden in the *Registrar of Companies'* case which I referred to earlier. In addition the same body should have the responsibility of bringing proceedings on behalf of individuals or sections of the public whether they be shareholders, investors or institutions where the grounds for saying a body who should be protecting those interests is failing to do so. This brings me to another contested take-over bid which has recently resulted in an application for judicial review.[7] The take-over battle may not have been as dramatic as that of Distillers, but the implications of the decision of the Court of Appeal may, for administrative lawyers, be of greater importance. The application was by one of the bidders (Datafin) and its leading financial backer (Prudential Bache) in respect of a decision of the Take-Over Panel that the other bidder (Norton Opax) and the Kuwait Investment Officer (KIO) were not acting in concert as defined by the Take-Over Code. The first and most important issue raised on the appeal from the decision of Hodgson J. to refuse leave to apply for judicial review was whether the Take-Over Panel was a body whose decisions were subject to judicial review. The Master of the Rolls began his judgment:

> "The panel on Take-Overs and Mergers is a truly remarkable body. Perched on the twentieth floor of the Stock Exchange building in the City of London both literally and metaphorically it oversees and regulates a very important part of the United Kingdom financial market. Yet it performs this function without visible means of legal support."

The Master of the Rolls went on to say that the Panel is an unincorporated association without legal personality but has members appointed by a list of the most important institutions in the City, including the Bank of England. While the Panel is a self-regulating body in other words lacking any authority *de jure* it exercises immense power *de facto* by

devising, promulgating and interpreting the City Code on Take-Overs and Mergers by waiving or modifying the application of the code in particular circumstances, by investigating and reporting upon alleged breaches of the code and by the application or threat of sanctions.

On behalf of the Panel, Mr. Robert Alexander submitted that it was not subject to judicial review because the jurisdiction of the courts in relation to judicial review only extends to bodies whose power is derived either from legislation or the exercise of the prerogative. Although there was considerable force in this submission, the Court of Appeal came to the conclusion that the Panel was subject to judicial review. It was clear from the judgments that the court was influenced in coming to its decision by the fact that, if the Panel was not subject to judicial review, then those who were affected by its decisions would have no possible alternative remedy, either in the courts or elsewhere. The nearest previous decision which supported the view of the court was the case of *R. v. The Criminal Injuries Compensation Board, ex parte Lain* [1967] 2 Q.B. 864 where that Board was held subject to the remedy of *certiorari* although it had no statutory basis.

However, the distinction between the Board and the Panel was that while the Panel was set up by the City, the Board was set up under the prerogative and in the *Cheltenham GCHQ* case *(CSU v The Minister for the Civil Service* [1985] 1 A.C. 374) the House of Lords had affirmed that prerogative powers were from the point of view of judicial review no different from statutory powers. The Court of Appeal could not therefore point solely to the source of the Panel's power on which to base jurisdiction; what they did was to rely upon passages in the judgment of Lord Parker C.J. and Diplock L.J. in the *Criminal Injuries Board* case which stressed that a body would be more likely to be subject to the remedy of *certiorari* if it was performing a public duty. This in my view is the critically important aspect of the decision. Hitherto on an application for judicial review in asking whether or not the issue was one of public law or private law the courts have tended to look at the souce of authority. If it was based on contract then it certainly would be a private law matter and if it based upon statute or the prerogative it would tend to be a public law matter. The Court of Appeal said, however, in the *Panel* case what in part made the Panel subject to judicial review was the fact that it was performing a public duty.

As Lloyd L.J. said:

> "I do not agree that the source of the power is the sole test whether a body is subject to judicial review ... Of course the source of power will often, perhaps usually, be decisive. If the source of power is a statute, or subordinate legislation under a statute, then clearly the body in question will be subject to judicial review. If, at the other

> end of the scale, the source of power is contractual, as in the case of private arbitration, then clearly the arbitrator is not subject to judicial review ... But in between these extremes there is an area in which it is helpful to look not just at the source of the power but at the nature of the power."

As I said in a case[8] referred to by Lloyd L.J."the application for judicial review is confined to reviewing activities of a public nature as opposed to those of a purely private or domestic character". It is not without significance that although the Take-Over Panel fought strenuously to resist being subjected to judicial review they decided not to appeal to the House of Lords.

The ability to look at the activity performed in order to decide whether the body is subject to judicial review could be of real significance in these times of privatisation. Taxi drivers and airline operators have had cause to seek the assistance of the court against the activities of the British Airports Authority. Nor if, as I understand is under consideration, the authority is privatised will their need be any less. Prior to privatisation British Gas and British Telecom in relation to their duties to the public as a whole could have been subject to judicial review. Their activities have not changed and therefore are they still subject to judicial review and if they are not, why not? In the case of the Panel it is clear that the court was influenced by the fact that if the Panel was not there the Government would have had to set up a body to perform its functions. Equally if the Gas Board could and did decide to stop supplying gas and to sell off its assets, the Government would again have to intervene.

As the court recognised in the *Panel* case they had to extend existing principles to cover new situations and were performing just that role to which Lord Denning referred in his lecture in 1949. It has however in the process identified an additional important basis for distinguishing between the area of application of public law remedies and private law remedies.

Although the Court of Appeal decided it had this jurisdiction over the Panel, it was concerned about what could be the consequences of its intervention. Here it was encouraged to hold that it had jurisdiction to intervene because of the unique nature of our remedy of judicial review. First of all it can provide relief with remarkable rapidity where this is necessary. As in the *Argyll* case, the time-table was remarkably impressive. By the same afternoon of the day the application was made, it had already been considered by the single judge who had refused leave and was before the Court of Appeal. The Court of Appeal having granted leave continued with the hearing and announced its decision straight away. After a short delay the full reasons for the decision were given. The undesirable consequences of delay were therefore kept to a minimum. In addition as Lloyd L.J. said the proceedings as a matter of policy "should

be in the realm of public law rather than private law not only because they are quicker but also because the requirement of leave under Order 53 will exclude claims which are clearly unmeritorious". The court also took advantage of the fact that the remedies on application for judicial review are discretionary to indicate that, except in the most exceptional case, in those rare cases where the court would intervene it would intervene by declaring the law for the future rather than seeking to disturb the decison of the Panel in a particular case. As the Master of the Rolls said:

> "I wish to make it clear beyond peradventure that in the light of the special nature of the Panel and its functions and the market in which it is operating the time scales which are inherent in that market and the need to safeguard the position of third parties who may be numbered in thousands all of whom are entitled to continue to trade upon an assumption of the validity of the Panel's rules and decisions unless and until they are quashed by the court, I should expect the relationship between the Panel and the court to be historic rather than contemporaneous. I should expect the court to allow contemporary decisions to take their course, considering the complaint and intervening, if at all, later and in retrospect by declaratory orders which would enable the Panel not to repeat any error and will relieve individuals of the disciplinary consequences of any erroneous finding of breach of the rules."

In spelling out the manner in which its jurisdiction would be exercised the approach of the court was novel, reflecting the flexibility of the procedure.

The message which comes out of the decision of the court is loud and clear, and is that where innovation is required, the courts are still prepared to adopt an adventurous approach to judicial review. I suspect this will be some comfort to those who have been concerned lest the wind of change no longer is able to penetrate the courts hearing cases for judicial review. Attention has been drawn recently by critics to a series of cases in which the courts have refused relief on the basis that an alternative remedy had not been exhausted and in particular decisions which have restricted immigrants' rights[9] to apply for judicial review when refused leave to enter this country. There has also been the decision of the House of Lords in the *Pulhoffer* case[10] where Lord Brightman made it clear that the courts should rarely intervene with decisions of local authorities in relation to the homeless. However, those decisions must be seen in the context of the pressure on the High Court. The majority of immigration issues are already tried by tribunals and many of the applications for judicial review which are made by immigrants are matters which would have been more

appropriately dealt with by a tribunal as Parliament had clearly intended they should be. Similarly the issues with which the High Court are faced in applications for judicial review by homeless persons are really not suited to that form of procedure. In the initial period after the Homeless Persons Act was enacted, the High Court could play a useful role in clarifying the interpretation of legislation, but once that role had been largely performed, cases of this nature would be better dealt with either by a local county court or, as has now been proposed, by a new housing tribunal. Although far from being in favour of the proliferation of tribunals or under-estimating the importance to those involved of the matters raised on their applications if the High Court is properly to perform its functions in relation to judicial review, it is essential that steps are taken to see that cases of the categories to which I have referred are properly disposed of elsewhere. As long as the necessary steps are taken to ensure there are efficient alternative procedures I see these decisions as a means not of stultifying judicial review but of ensuring that judicial review can continue to develop and in particular to continue to provide the protection which the citizen needs against the activities of bodies performing public functions in new areas such as I have been considering when there are no alternative remedies available.

While preparing this lecture I have naturally been aware of the activities of my colleagues in these areas which are my subject tonight. I have been astonished by how often they are involved in cases of judicial review which have a commercial flavour. An example but by no means the only one in the last two weeks was Webster J.'s decision[11] in favour of the Wellcome Foundation declaring that possible or actual infringements of trade-mark rights were a relevant consideration for the Secretary of State to consider in the exercise of his power to issue a Products (Import) Licence under section 20 of the Medicines Act 1968. The trade mark owner was not confined to relying on his private rights against infringement, the Secretary of State could not ignore those rights. The range of review continues to expand.

Lord Denning referred to the need for new machinery in 1949, but *certiorari* and the other prerogative remedies have proved to be not picks and shovels but, as they were described by the present Master of the Rolls in the course of a recent lecture on judicial review, a "non-nuclear deterrent" well capable of meeting the challenge set by Lord Denning of protecting our freedom in the new age. It must not be forgotten that for every case in which the court intervenes there are many more where it does not have to because of this non-nuclear deterrent. Judicial review is doing and will do its job in the commercial arena well.

NOTES

1. *1949 — Freedom Under The Law* by The Rt Hon Lord Denning
2. *I.R.C. -v- National Federation of the Self-Employed* [1982] A.C. 617
3. *Gouriet -v- Union of Post Office Workers* [1978] A.C. 435
4. *Laker Airways -v- D.P.P.* [1977] Q.B. 643
5. *R. -v- Attorney-General, Ex p. Imperial Chemical Industries plc* [1985] 1 C.M.L.R. 588
6. *R. -v- Monopolies and Mergers Commission, Ex.p. Argyll Group plc* [1986] 1 W.L.R. 763
7. *R. -v- The Panel on Take Overs and Mergers, Ex.p. Datafin* [1987] 1 A11 E.R. 564
8. *R. -v- B.B.C., Ex. p. Lavelle* [1983] 1 W.L.R. 23
9. *R. -v- Secretary of State For The Home Department, Ex. p. Swati* [1986] 1 W.L.R. 477
10. *R. -v- Hillingdon Borough Council, Ex. p. Pulhoffer* [1986] A.C. 484
11. Not yet reported.