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Oct/Nov 2015

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Cover: The ballroom ceiling at the opening reception of the IBA conference at the Wiener Konzerthaus in Vienna

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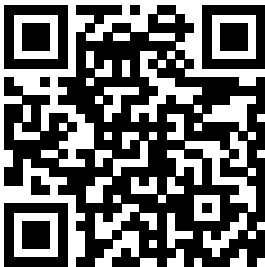
Pictures this month include the International Bar Association in Vienna. Charlie Alpera and John Sinkins were there to meet with our many friends and customers in that organization.

Also in October, the Incorporated Council of Law Reporting had their 150th anniversary party at Lincoln's Inn. We have a summary of their search for the 5 most important cases of the last 150 years as well as information on the commemorative volume they have produced.

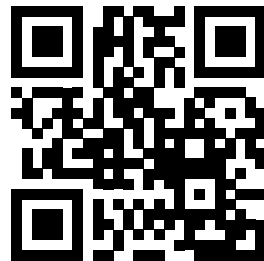
Due to be published this month are *Chitty on Contracts* and *Archbold: Criminal Pleading, Evidence and Practice 2016*. Check that you have ordered your copy for delivery on publication day.

It may still be a littler early but in the run up to Christmas don't forget that we have many books suitable as gifts, both for the lawyer and non-lawyer.

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Annual IBA Conference in Vienna





John Sinkins, Sian O'Neill (Globe Law and Business) and Charlie Alpera

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



From L to R: Clive Scowen, Editor of The Law Reports; Lord Neuberger; Richard Fleck, Chairman of ICLR; Kevin Laws, CEO, at the anniversary party in Lincoln's Inn Great Hall on 6 October.

Celebrating 150 Years of Case Law on Trial

THE ICLR

ICLR is a not for profit organisation that was established in 1865 as the authorised publisher of the official series of The Law Reports for the Superior and Appellate Courts of England and Wales.

1865 - 2015

Over the last 150 years, ICLR has supported the administration of justice by keeping judges, practitioners and students informed about those cases that change and develop the law, and those of which have been truly great landmarks in legal history.

ANNIVERSARY EDITION

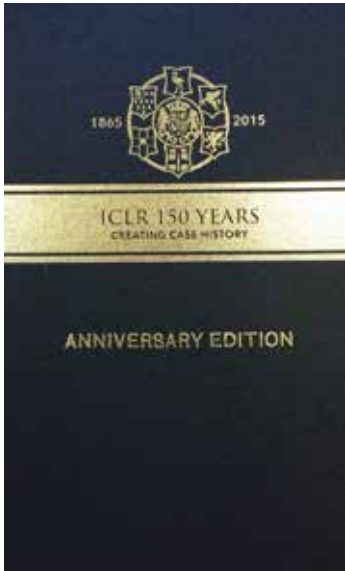
To commemorate the fact that ICLR has been creating case history for the last 150 years, we've put together a special Anniversary Edition of the Law Reports, which includes the 15 top cases chosen by our readers.

We divided our history into five periods, and invited readers to vote on their top case from each period. The three cases with the most votes for each period were selected.

The Anniversary Edition contains a foreword by Lord Thomas of Cleeve, Lord Chief Justice, and a number of specially commissioned essays on the subject of law reporting, together with the top 15 cases voted on by readers.

To find out more visit
www.iclr.co.uk/150





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 Carbolite 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 development of the common law, but how the common law has incrementally developed over the past 150 years.”

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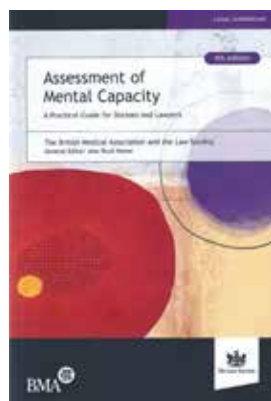
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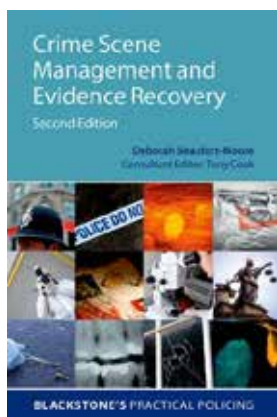
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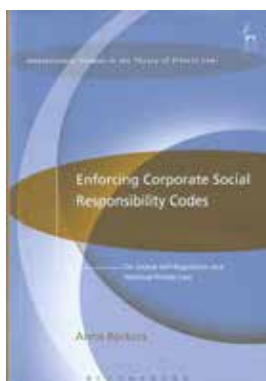
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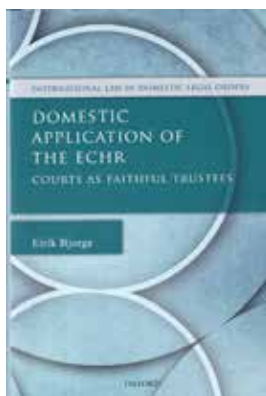
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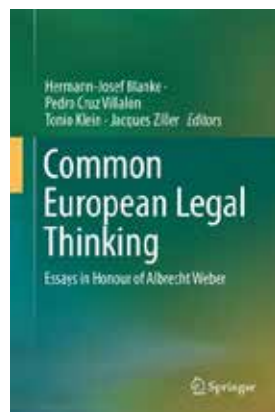
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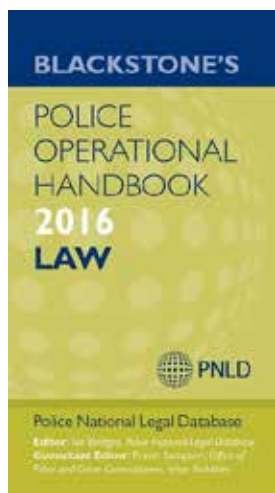
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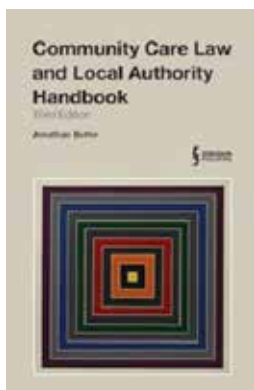
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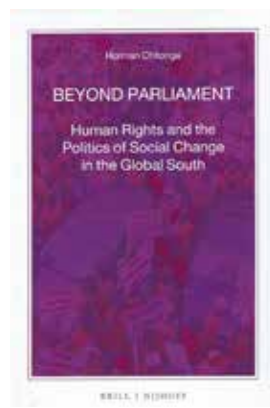
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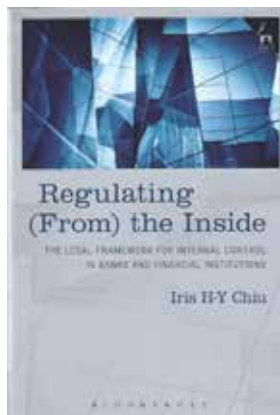
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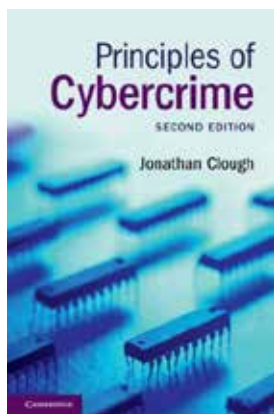
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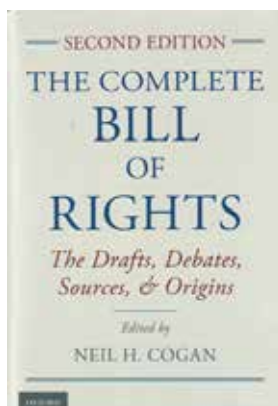
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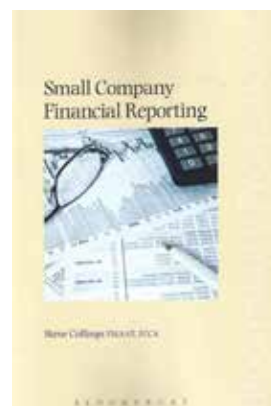
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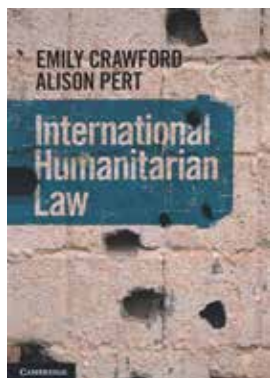
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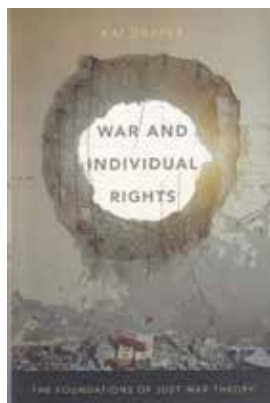
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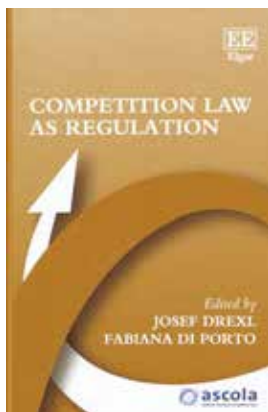
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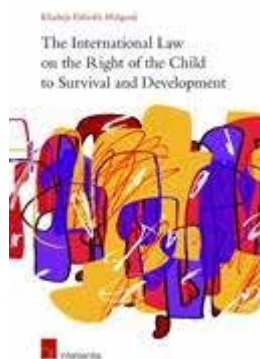
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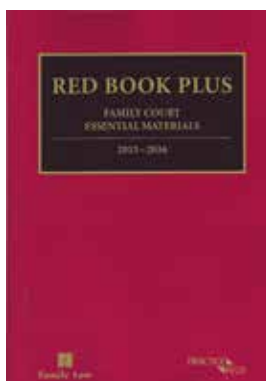
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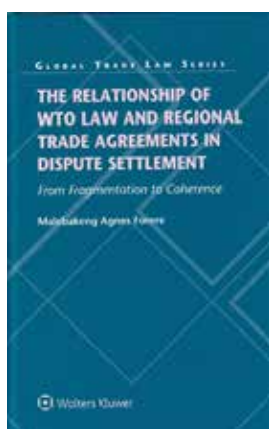
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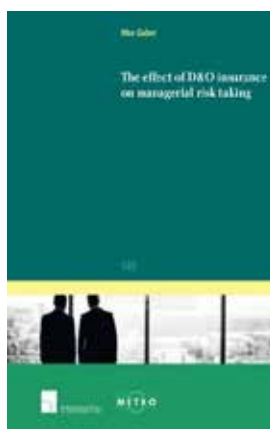
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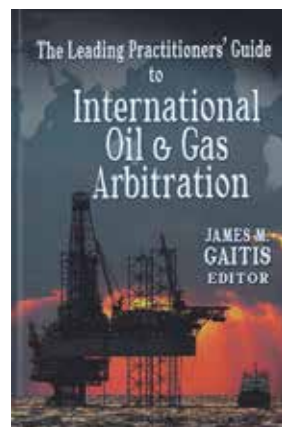
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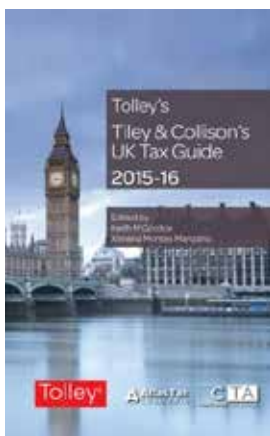
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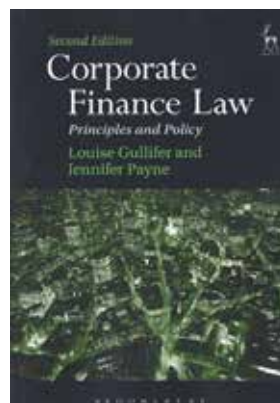
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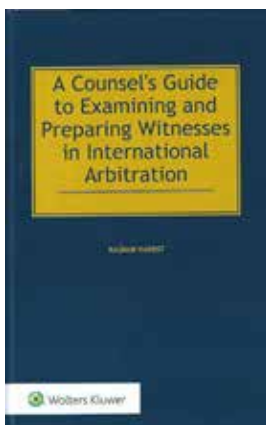
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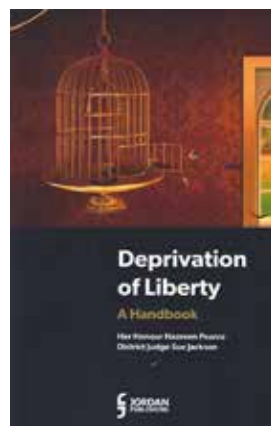
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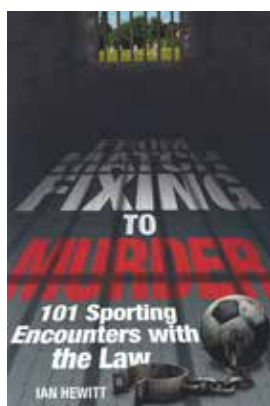
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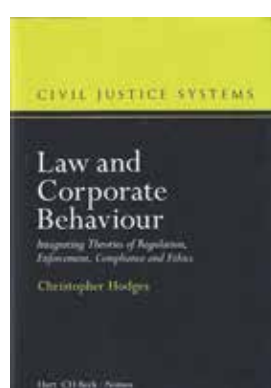
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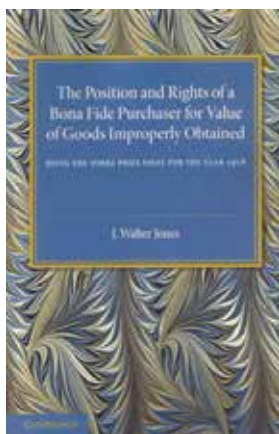
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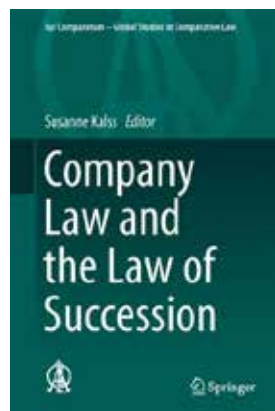
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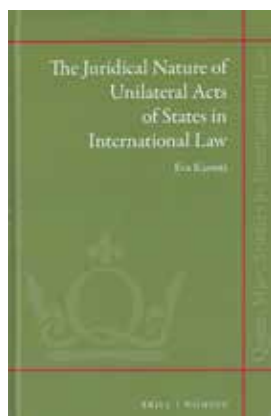
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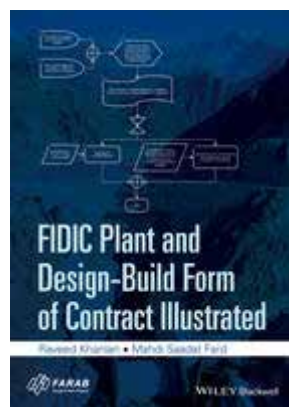
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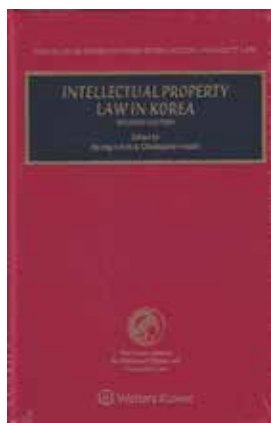
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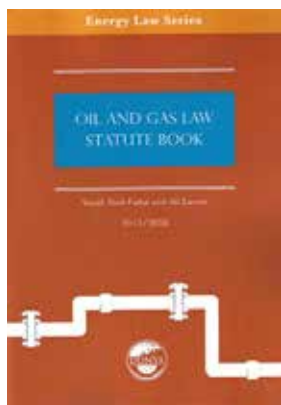
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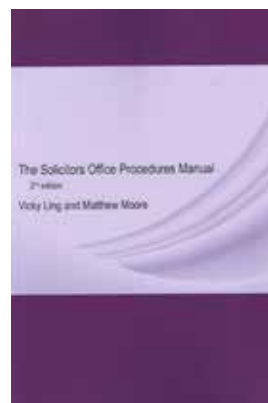
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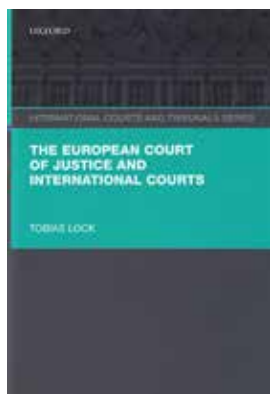
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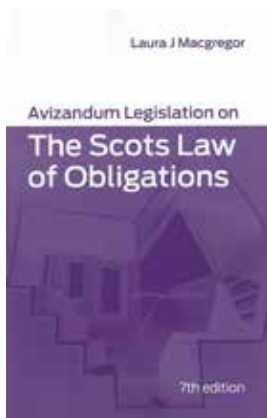
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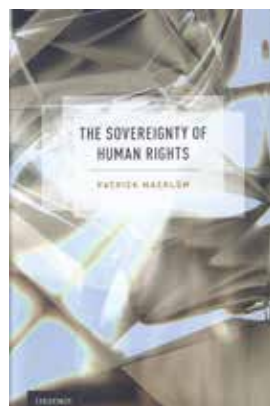
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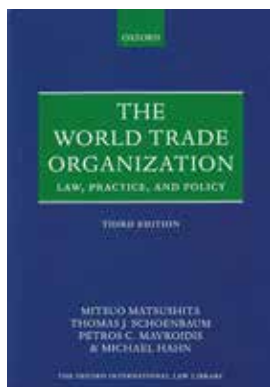
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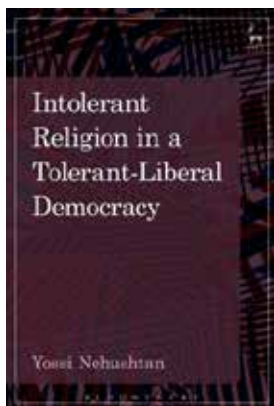
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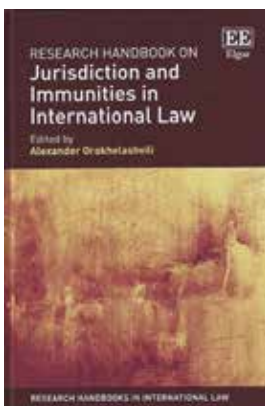
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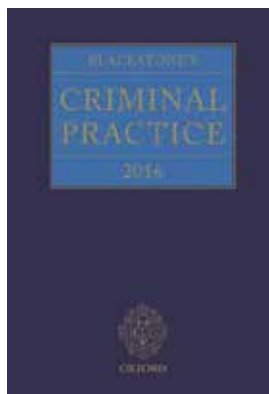
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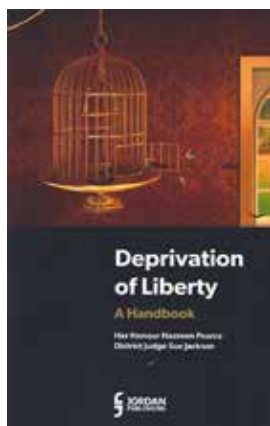
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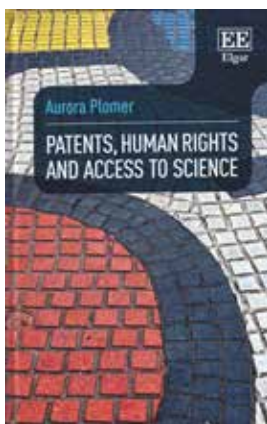
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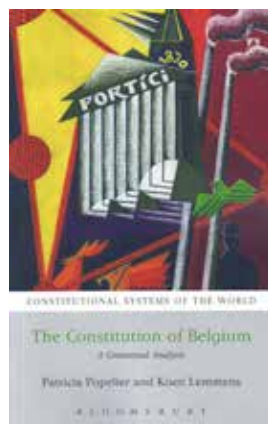
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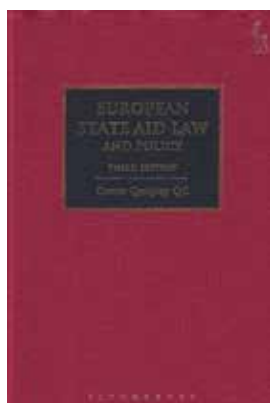
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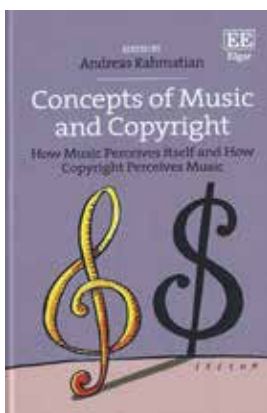
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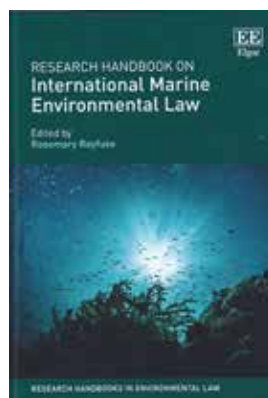
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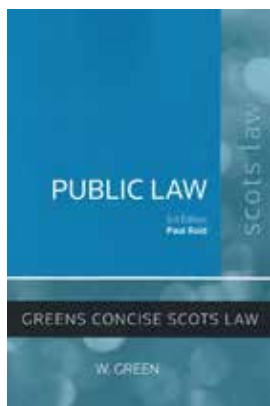
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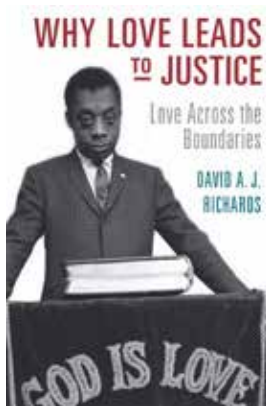
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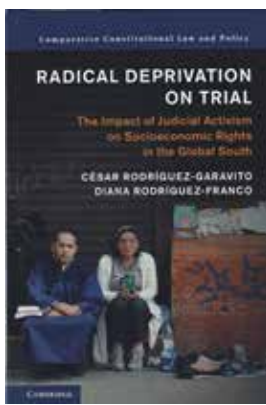
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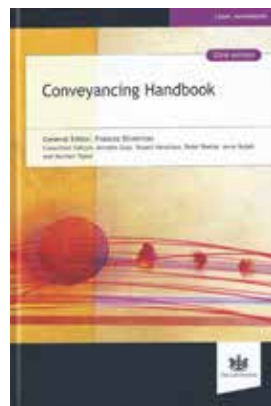
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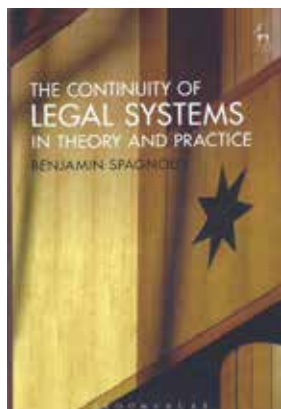
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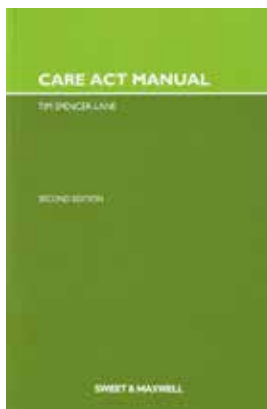
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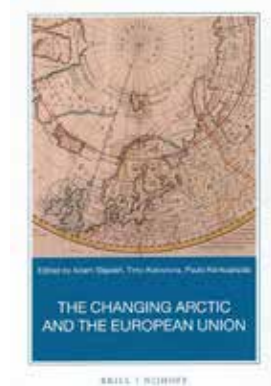
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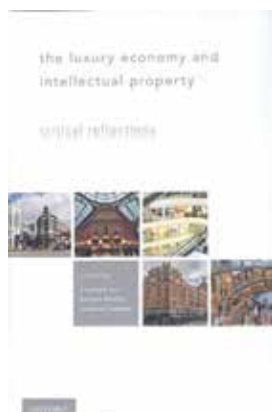
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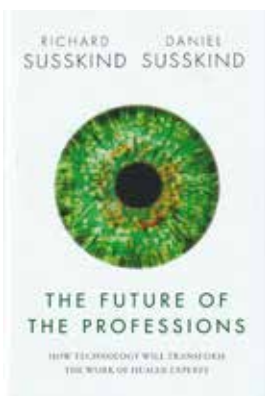
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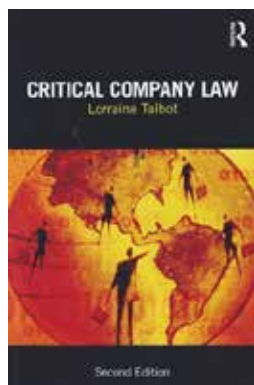
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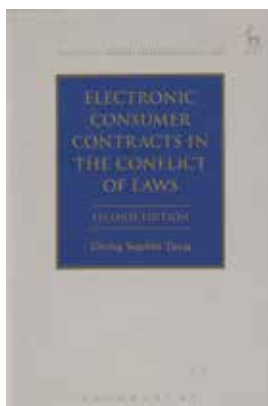
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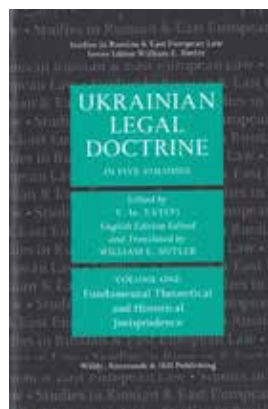
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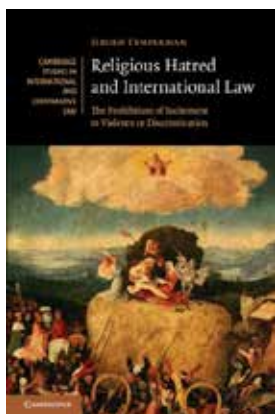
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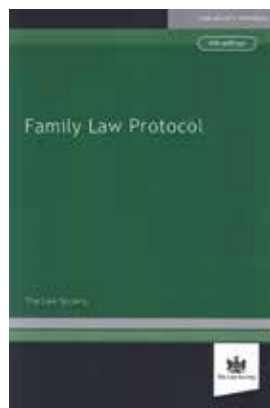
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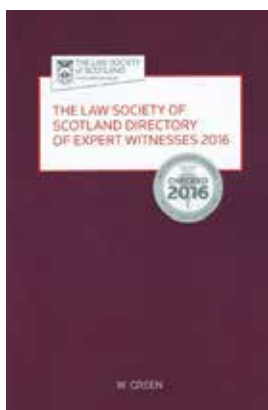
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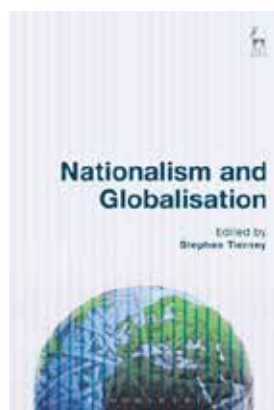
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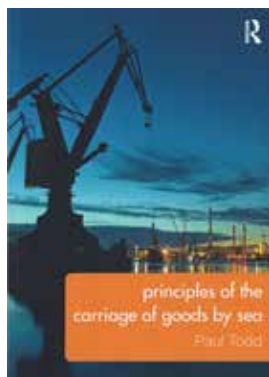
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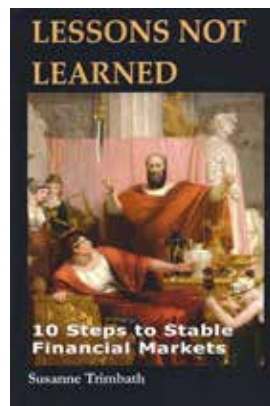
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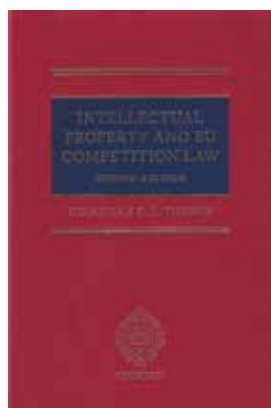
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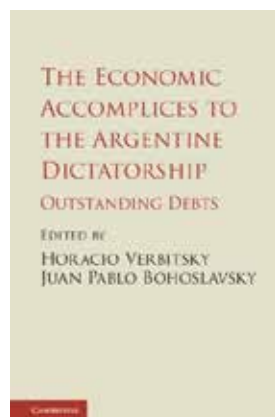
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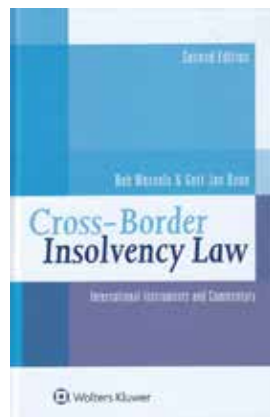
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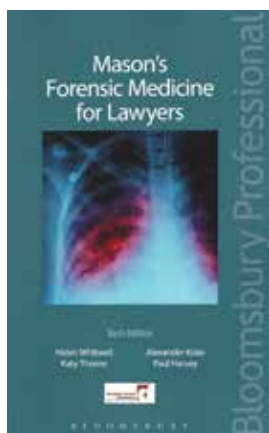
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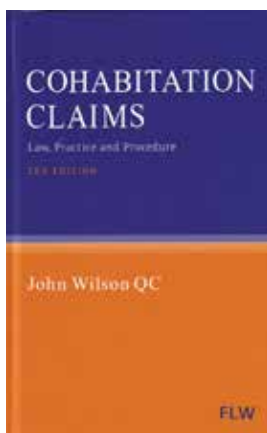
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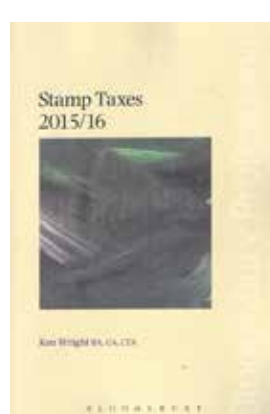
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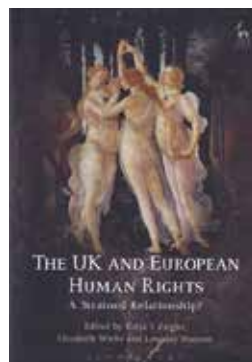
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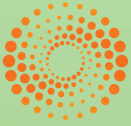
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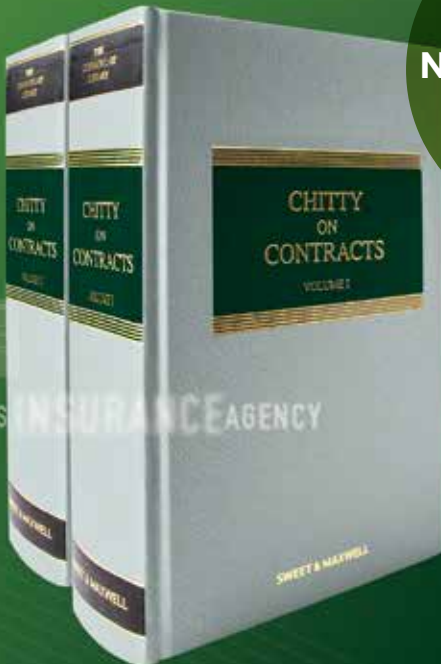
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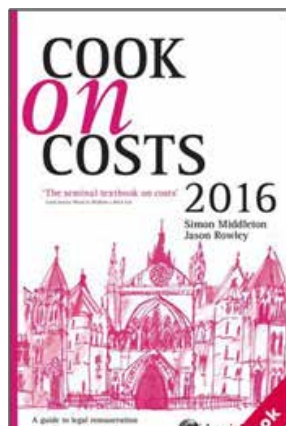
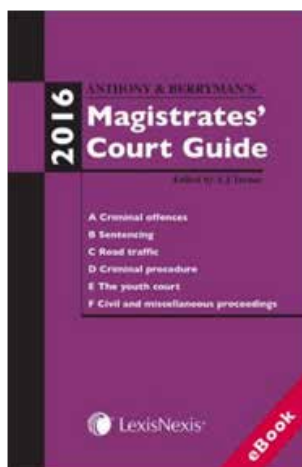
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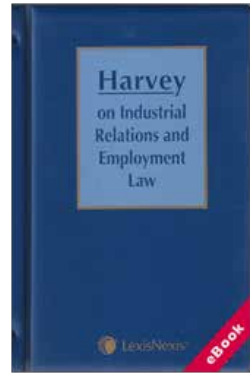
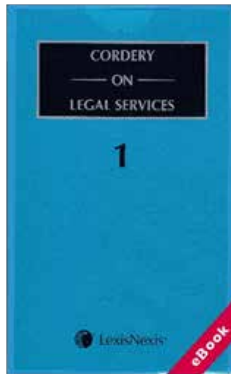
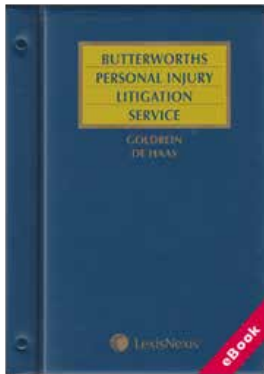


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We are now in the last couple of months of the year, and we are busy preparing for the onslaught that will be the publication of **Archbold**, **Chitty**, **MacGillivray** and the hundreds of other titles that are due before the year-end. The one great advantage of working with eBooks is that there is no off-loading of pallets containing boxes full of books. I'll leave that to the guys in the 'physical' shop!

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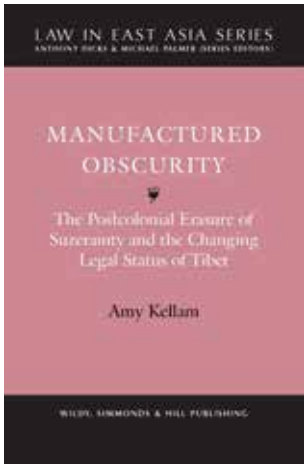
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In 1951 Tibet was incorporated into the People's Republic of China by the Seventeen Point Agreement. Today the legal status of Tibet remains a matter of contention between the PRC and the Tibetan-Government-in-Exile. Both rely upon on legally ambiguous 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.

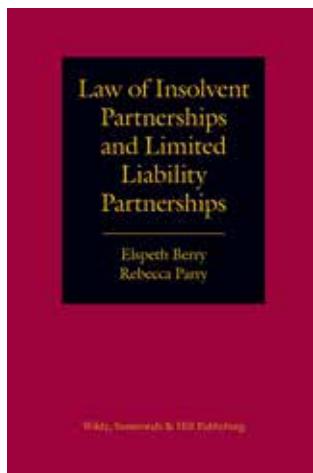
Drawing upon British Government archives, this book examines the issue: to what extent, in what ways, and with what effects has the British imperial legacy in the region converged with Chinese formulations of law and governance in Tibet to prejudice understanding of Tibet's legal status. This addresses 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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Law of Insolvent Partnerships and Limited Liability Partnerships explains the legal framework applicable to insolvent partnerships and LLPs: principally the Insolvent Partnerships Order 1994 and the LLP Regulations 2001 applying and modifying parts of the Insolvency Act 1986, the Companies Act 2006 and the Insolvency Rules. It includes detailed discussion of potential rescue procedures (compositions and arrangements, voluntary arrangements and administration), as well as the various types of receivership (including agricultural receiverships). It then explains and analyses the four possible partnership liquidation procedures (with or without concurrent petitions against partners), the voluntary and compulsory liquidation of LLPs, and the joint bankruptcy procedure which is unique to partnerships. Finally it examines the options for insolvency litigation and disqualification.

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).

UKRAINIAN LEGAL DOCTRINE

Vol 1

Fundamental Theoretical and Historical Jurisprudence

Edited by V. Ia. Tatsiy

English Edition Edited and Translated by
William E. Butler

Price: £145.00

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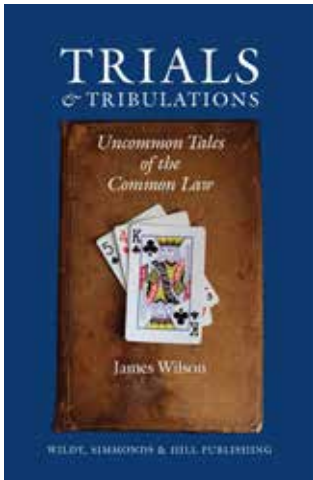
This volume opens the most substantial treatise ever published on Ukrainian legal doctrine. Section One is devoted to the philosophy of law, methodological, and scientific fundamental principles of jurisprudence. Section Two turns to issues of the supremacy and the rule of law in recent Ukrainian experience, human rights, and doctrinal metrics of the Ukrainian legal system. Section Three addresses doctrinal conceptions of modern Ukrainian statehood, including Ukrainian approaches to a civil society, conceptions of federation, judicial practice and legal doctrine as sources of Ukrainian law, and legal aspects and implications of approximating Ukrainian law to the law of the European Union. In Section Four modern Ukrainian doctrines of legal history are explored with special reference to the historiography of twentieth-century Ukrainian experience in State-building.

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.

V. Ia. Tatsiy is Academician, National Academy of Sciences of Ukraine; President and Academician, National Academy of Legal Sciences of Ukraine, doctor of legal sciences, and professor.

TRIALS & TRIBULATIONS
Uncommon Tales of the Common Law

James Wilson



Price: £14.99
ISBN: 9780854901715
Extent: 238 pp
Binding: Hardback

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



David Travers QC,
Edward Grant and
Emmaline Lambert

Wilby, Teasdale and Hill Publishing

PLANNING ENFORCEMENT

A Wilby Practice Guide

David Travers QC
Edward Grant
Emmaline Lambert

Price £32.50
ISBN: 9780854901166
Extent: 239pp
Binding: Paperback

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:

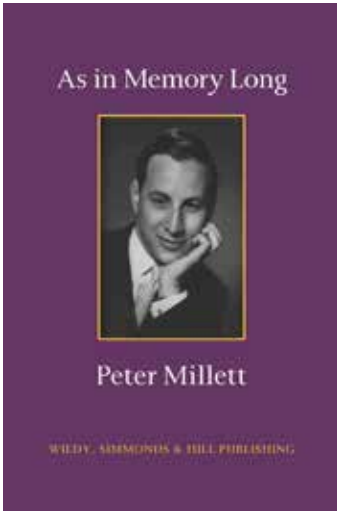
- Content and issue of an Enforcement Notice
- Validity and nullity
- Grounds of Appeal
- Inquiry Procedure
- Listed Building Enforcement Notice
- Consequences of failure to comply including criminal prosecution and injunctive proceedings

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



Price: £25.00
ISBN: 9780854901586
Extent: 232 pp
Binding: Hardback

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 cross-examinations 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.

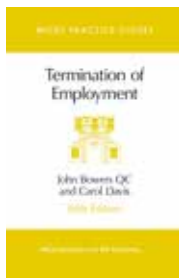
After coming down from Cambridge with a double First and an unfortunate start to his National Service with the RAF, Peter Millett had a distinguished career at the Bar both in England and Hong Kong. Appointed to the High Court Bench and later the Court of Appeal, he was one of the last Law Lords to sit 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.

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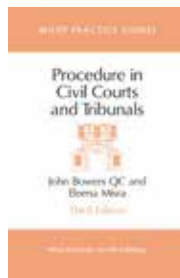
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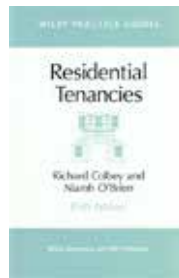
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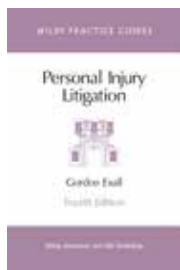
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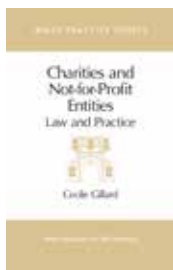
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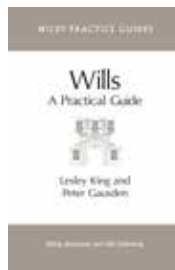
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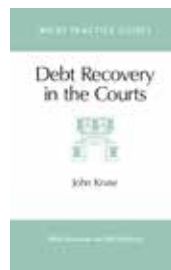
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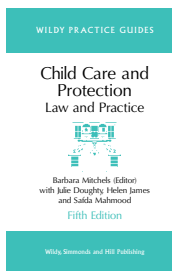
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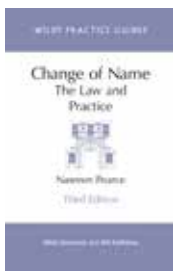
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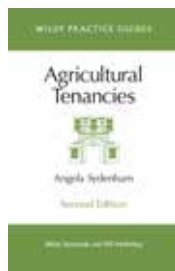
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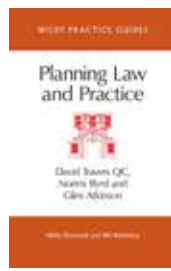
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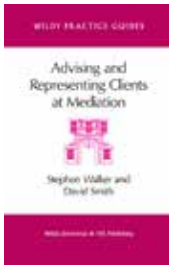
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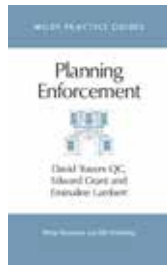
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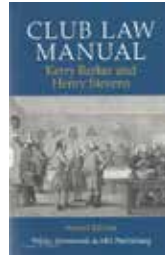
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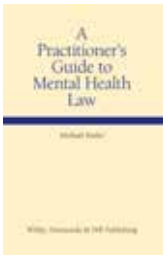
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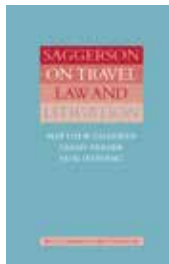
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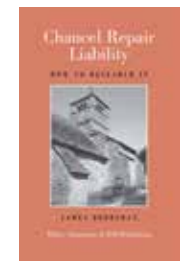
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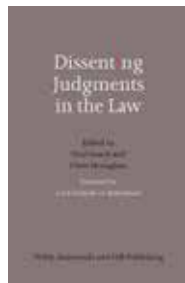
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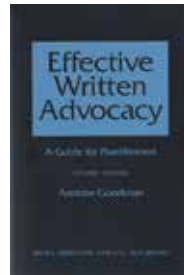
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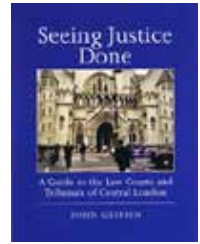
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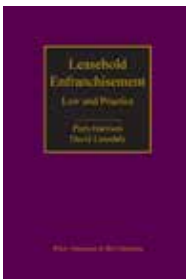
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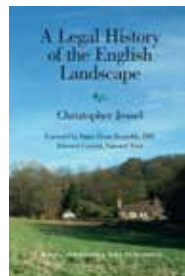
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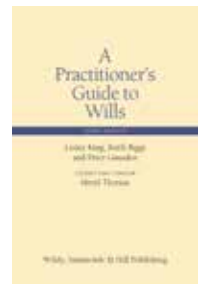
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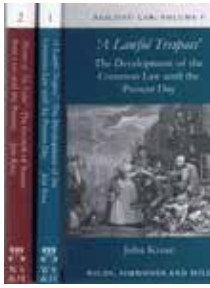
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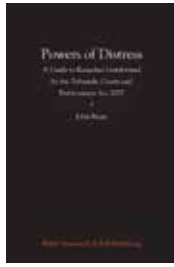
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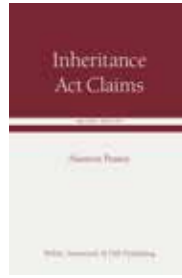
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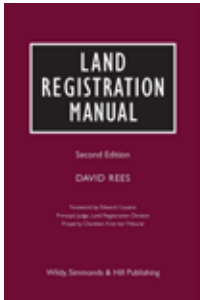
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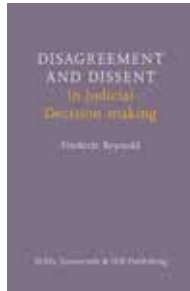
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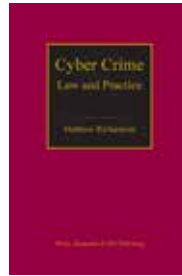
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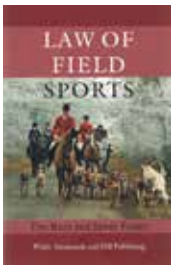
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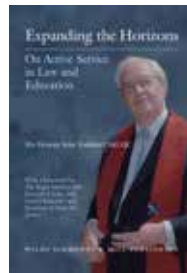
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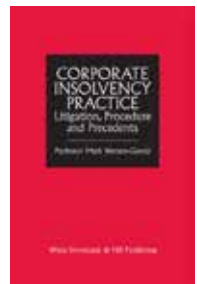
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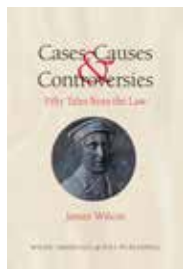


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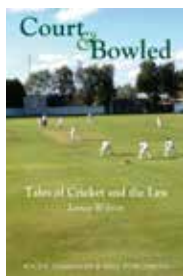


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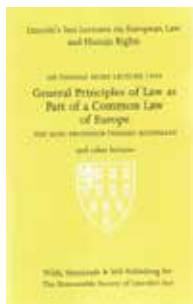
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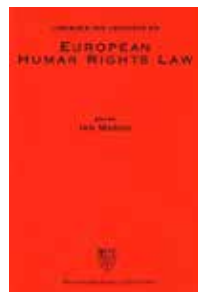
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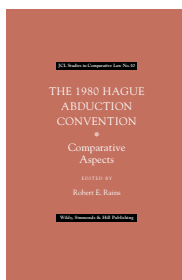
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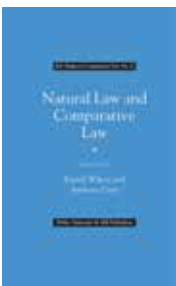
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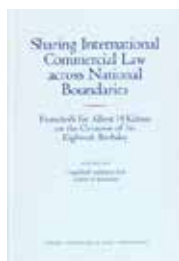


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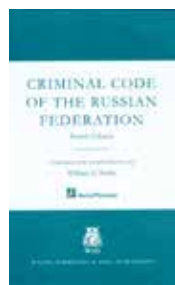
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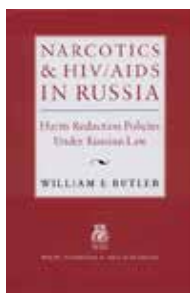
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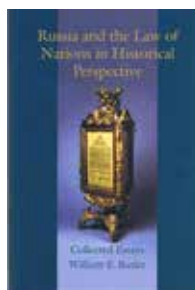
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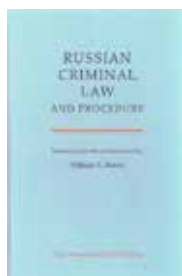
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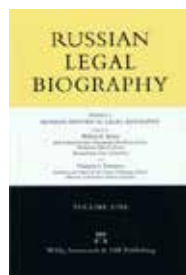
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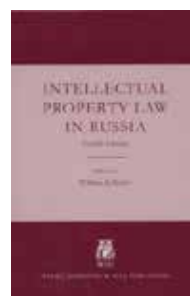
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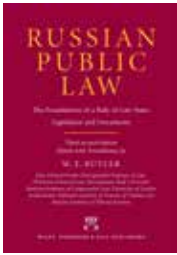
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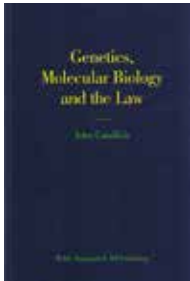
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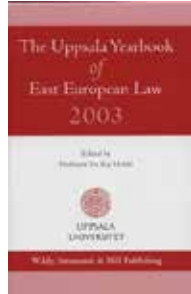
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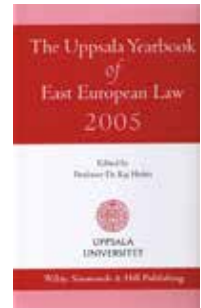
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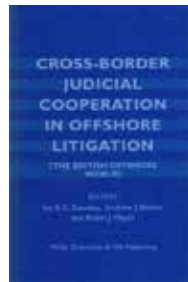
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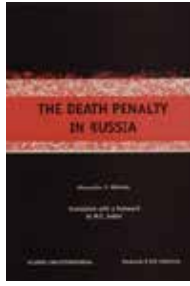
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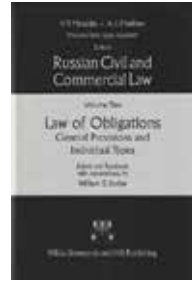
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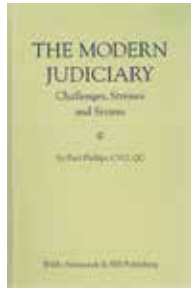
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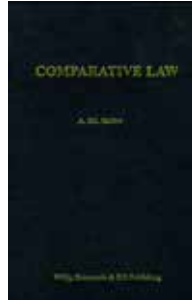
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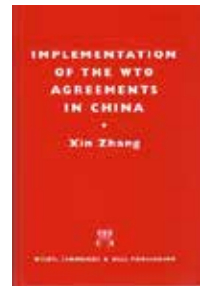
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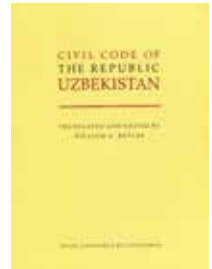
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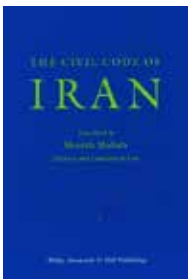
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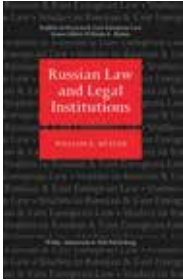
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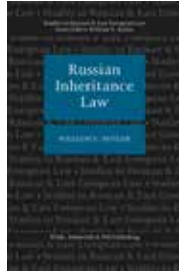
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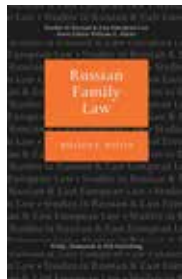
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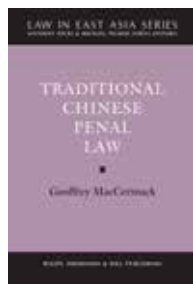
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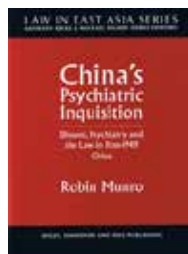
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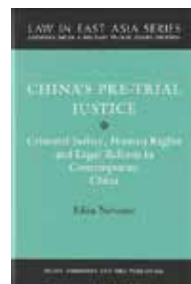
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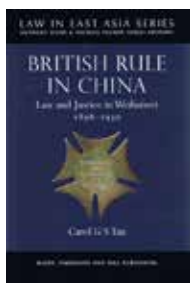
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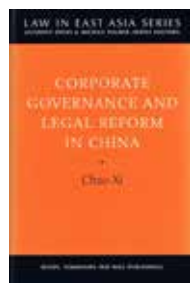
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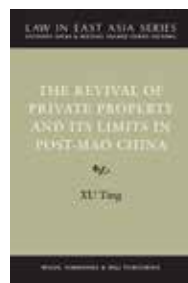
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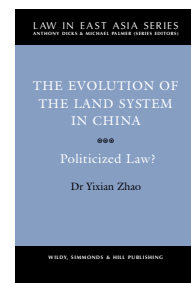
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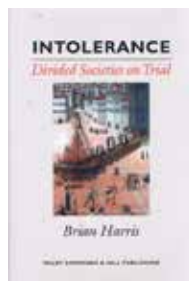
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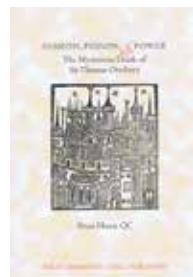
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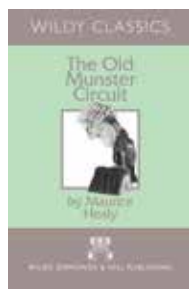
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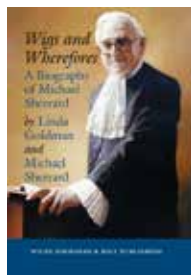
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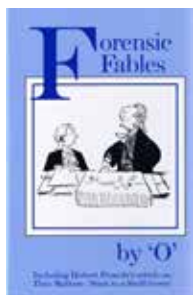
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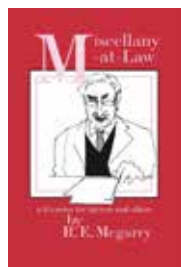
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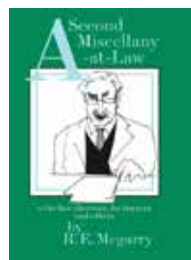
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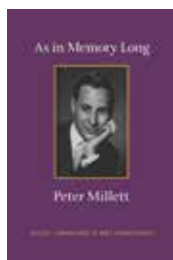
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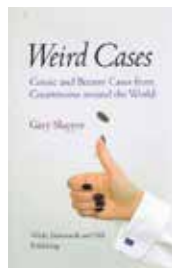
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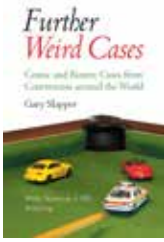
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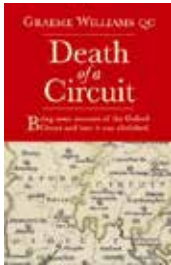
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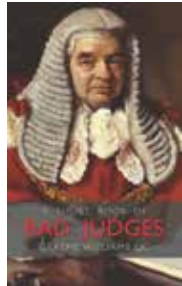
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