

BOOK REVIEWS

INDUSTRIAL LAW. By I.T. SMITH and J.C. WOOD. Second Edition [London: Butterworths 1983. 1v+492 pp. Index. Hard Cover £21.00 Limp £13.95].

NO body of English law has in recent years been subject to more drastic reshaping than Industrial Law. This is true not only of those matters in respect of which there has been continuing political controversy, but is equally the case where, as in the area of Health and Safety At Work for example, a political consensus has broadly been achieved. Thus, since the turning-point of the Industrial Relations Act in 1971, in only two years out of the last twelve has there been a respite from major legislation affecting Industrial Law. A massive increase in case-law has followed this legislation, as night follows day — indeed, a by-product of this legislative effort has been an increasing demand for lawyers and law graduates to staff the personnel departments of British industry.

This situation presents potential text-book writers with both a problem and an opportunity. The problem, which may well be insoluble, is how to produce a text which is fully up to date in its coverage of statute and case-law. The first edition of *Smith and Wood* was particularly unfortunate in this respect, since it emerged immediately after the Employment Act 1980 had been passed, extremely important legislation which in its final form the authors had not been able to discuss. The second edition represents a considerable improvement in this regard, with full and detailed coverage in particular of the 1982 Employment Act. So far as statute is concerned, only the 1983 amendments to the equal pay legislation, taking account of the decision of the European Court of Justice in *E.C. Commission v. U.K.* [1982] I.R.L.R. 333, remain undiscussed (although local readers should bear in mind that the next statute, on trade union government and strike ballots, is already well on its way through the stages of the legislative process).

The opportunity for text-book writers is to produce, for the benefit of students practitioners and academics alike, a coherent and authoritative analysis of a rapidly — changing law. In this reviewer's opinion the authors grasp their opportunity to very considerable effect. The analysis is thorough, convincing and is expressed with enviable stylistic clarity. To take just one example, the civil liability of trade unions in tort after the 1980 and 1982 legislation, recently criticised by Sir John Donaldson M.R. and Lord Diplock (in *Merkur Island Shipping v. Laughton* [1983] I.R.L.R. 218) for its complexity and "most regrettable lack of clarity," is discussed with exemplary thoroughness and coherence. In the tradition of English positivist legal scholarship, the authors refrain from explicit political judgments, but this "avowedly legal" text is nevertheless far from being an arid recapitu-

lation of "black-letter" legal rules without regard to policy or context, and the authors have very understandable suspicions about the wisdom of introducing extensive new legal regulation into the complex world of industrial relations.

It should finally be added that the book is well-produced and the English price, at least, is very reasonable. All in all, it is this reviewer's opinion that local readers who wish to gain or renew acquaintance with this extremely important body of law may consult *Smith and Wood* with every confidence.

H.F. RAWLINGS