

CHESHIRE AND NORTH'S PRIVATE INTERNATIONAL LAW. By P. M. NORTH & J. J. FAWCETT, (11th Edition). [London: Butterworths. 1987. xcvi + 940 pp. Hardcover: £38, Softcover: £25.95]

IT is high time that a new edition of Cheshire (or to be more accurate, Cheshire and North) appeared. Since the last edition in 1979 there have been significant changes in the law, both statutory and non-statutory. From the point of view of the Singapore reader, however, much of the new material will only be peripherally relevant, if at all.

The first difference that one sees in examining the new book is that it has grown in size somewhat. The last edition ran to 755 pages including the index: the new edition has expanded to some 939 pages, a hefty tome by any standards. An examination of the contents page reveals even more changes. The twenty chapters of the 1979 edition have by some process of abiogenetic reproduction now become thirty-seven. Some of this apparent growth is merely rearrangement: for instance, the original long Chapter 3 ("Consecutive Stages in an Action involving a Conflict of Laws") has now been split up into three chapters ("Classification", "The Incidental Question" and "Renvoi").

Another major change in presentation is the introduction of a new Part III covering Jurisdiction, Foreign Judgments and Awards, whereas formerly jurisdiction was dealt with in Chapter 4 while one had to wait until Chapter 19 for a discussion of foreign judgments. This is a change for the better from the point of view of the student, grouping as it does all jurisdictional and related matters in one place. The chapter on Substance and Procedure (formerly Chapter 20) has been moved up to the beginning among the preliminary matters, again a change for the better.

Much of the new bulk of the book has doubtless been made necessary by sweeping new legislation in the United Kingdom. Besides the Civil Jurisdiction and Judgments Act 1982 which came into effect on 1 January 1987), there is the Family Law Act 1986 and the Insolvency Act 1986. Since these Acts have no analogue in Singapore, much of the new material is completely irrelevant to the Singapore reader.

This is not to say that Cheshire and North is not a good book; it is. However, the only really relevant portions of the book are the three chapters on Contracts, Negotiable Instruments and Torts (Chapters 18 to 20) and to a lesser extent the chapters on the law of property (Chapters 28 to 35). The discussion of English cases in the chapters on family law is of course valuable, but given the ever-increasing differences between the statutory scheme in the United Kingdom and in Singapore the reader must supply much of the interpretation himself. This is not of course a criticism of the book; it is the nature of the beast.

The above comments are comments that can be made of any English textbook today. In the realm of conflict of laws we are in the fortunate position of still being able to rely upon English textbooks, at least where non-statutory law is concerned. It is a matter of regret that the book was written too early to take into account the decision in *Societe Nationale Industrielle Aerospatiale v. Lee Kui Jak*.¹ This is probably the most important case on jurisdiction from this region and it is a pity that we do not have the benefit of the authors' learned comment upon it. As a Privy Council case, its authority in Singapore is such as to be practically binding.

Be that as it may, Cheshire and North (and Fawcett, as doubtless the title will become), remains a standard reference text for conflict of laws. As such it invites comparison with Morris' book.² Morris' tome is but half the size of the latter book. Personally I would choose

¹ [1987] 3 W. L. R. 59 (Privy Council on appeal from Brunei).

² The Conflict of Laws (3rd ed., 1984); reviewed by this reviewer in (1986) 28 M. L. R. 174.

Morris'. Morris has a more accessible style of writing and flashes of wit which liven up what could otherwise be a dreary-dull subject. I hasten to add that this is only a matter of personal idiosyncrasy and not in any way a reflection on the quality of Cheshire and North. A reviewer in Singapore is in an invidious position. No English text, no matter how well written, is wholly satisfactory. To criticise a book for what it is not is grossly unfair. To debate points made in the context of another country's legal system is sterile. Ultimately, it all boils down to the same old plaint, that it will have to do until somebody gets around to doing a better book specifically for Singapore. Until then, Cheshire and North will remain a staple on the lawyer's bookshelf.

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