

HANDBOOK ON DAMAGES FOR PERSONAL INJURIES AND DEATH IN SINGAPORE AND MALAYSIA. By MICHAEL R. RUTTER. [Singapore: Malayan Law Journal. 1988. lvi + 996pp. Hardcover: S\$265.00.]

THIS reviewer's admittedly somewhat ancient edition of the *Oxford Dictionary* defines a handbook as, alternatively "a small book or treatise such as may be held in the hand", or as "a book containing precise information for the tourist". It must be debatable whether Mr Rutter's book falls into either of these categories, but that it constitutes a remarkable contribution to local legal literature will brook no argument.

The book is certainly difficult to classify. It is unambiguously, and rightly, written for the practitioner rather than the student (although students of the law of personal injuries would undoubtedly find it invaluable) with the result that it has both more and less to offer than either a textbook or a "cases and materials" book of the traditional type. Thus there is no critical appraisal of the fault system; such criticisms as there are, are limited to the system as it operates today. Likewise, although the relevant Singapore and Malaysian statutory provisions are reproduced in full, case extracts are confined to significant *dicta*, and examples of quantification of damages. This is clearly sensible, as casebooks of the conventional sort would be of little use to anyone: more than in most areas of law the principles that emerge from the cases are in a sense totally independent of the cases themselves. Case extracts there are in abundance, however, from the United Kingdom, inevitably, as well as from Singapore and Malaysia. As a work of reference it is a remarkable achievement.

In between the case extracts there is, moreover, plenty of Mr Rutter. He writes with clarity and often with something approaching verve (for example, when discussing the very complex question of the relationship between damages for the estate and damages for the dependants in death claims at p. 617). Mr Rutter emphasizes in his preface that, contrary to what many people seem to think, there is much complex law to be dealt with here; and there is detailed, analytical discussion of many complex issues. This treatment of remoteness of damage, and of the thorny topic of loss of earnings in the lost years are particularly successful.

As well as the substantial text and the case extracts, there are numerous checklists (superbly footnoted) dealing with the numerous types of claim that can be brought in connection with personal injuries: sample pleadings: even hypothetical judgments, novel and instructive way of illustrating

particular types of claim. Finally there are a number of charts and diagrams illustrating with great clarity points made necessarily at some length in the text. The presentation is outstanding with barely a misprint to be seen. The publishers must be commended for employing legible print for both text and case extracts.

If one can find a fault it is perhaps that there is an avoidable degree of repetition. A certain amount of repetition is unavoidable for a number of reasons. First, as Mr Rutter points out, it is a book for 'dipping into': The practitioner researching a particular type of claim is able to find everything he needs in the relevant chapter without having to look elsewhere. Secondly, the nature of the subject invariably means that some topics — calculation of the multiplier and the multiplicands for instance — have to be dealt with more than once. One problem is that the law on death has recently been significantly amended in both Singapore and Malaysia with the result that the law in each country is similar but far from identical to that in the other and to that in the United Kingdom, a fact which hardly makes for ease of exposition. Mr Rutter in fact succeeds admirably in acquainting the reader fully and precisely with what the position is in each country. All that having been said, however, this reviewer still feels that there are times when the same point is being made again and again, quite unnecessarily. To take but one example, Lai Kew Chai J's *dictum* in *Low Kok Tang v. Teo Chan Pan* [1982] 2 M.L.J. 299, especially at 301, explaining why the Court of Appeal felt constrained to follow the House of Lords decision in *Gammell v. Wilson* [1982] A.C. 27, is quoted in full three times in the first ninety pages, well before estate claims are dealt with in depth. The rules about interest seem to be dealt with several times; as there is a whole chapter devoted to this it would surely have been adequate to refer the reader to that chapter on the numerous occasions interest is mentioned rather than repeating the admittedly somewhat illogical (in Singapore) rules several times.

Let this not detract, however, from the fact that this is a splendid achievement. Although it does not purport to supplant *Dass*, with its mass of statistical and anatomical detail, there is no doubt that the *Handbook* deserves to become an indispensable item in every practitioner's library.