THE ANNUAL PRACTICE, 1965. By I. H. Jacob, Paul Adams, J. S. Neave and K. C. McGuffie. [London: Sweet & Maxwell, Stevens and Butterworths. 1964. ccxxxii + 4342 pp. (incl. index). £8.15s. 0d.]

On January 1st, 1964, the Revised Rules of the Supreme Court, 1962, came into operation in England. These made sweeping and beneficial alterations to the old rules of 1883, which form the broad basis of current civil practice in the High Court in the Federation and (to a less extent) in Singapore. Very few difficulties have been encountered in the transition from the old to the new rules, and the editors of the 1965 *White Book* now comment: 'Unlike the Rules made by the Judicature Act, 1875, and the Rules of the Supreme Court, 1883, the Revised Rules of 1962 have not led to a flood of litigation as to their meaning and operation; and it is well to note the absence of such litigation as a measure of their achievement, and as a justification of the policy of the revision of the Rules.' There can be no doubt that such a revision was long overdue, and although many of the new rules are merely a re-classification and consolidation of the old, many others have effected a major simplification and reform of the uselessly technical procedures laid down in the Rules of 1883.

In his foreword to *Mallal's Supreme Court Practice* (1961) the present Lord President, Dato Sir James Thomson, wrote: 'I cannot but think there is something wrong with a legal system in which the actual mechanism for enforcing rights and amending wrongs requires for its description a work of this physical magnitude.' With respect, however, it may be doubted whether any developed system of justice can function properly without a fairly voluminous code of rules governing practice and procedure. What is more to the point is that such rules should be clear and intelligible, and that they should be subservient to, and not override, the justice and substantial issues of the case. An example of barren legalism can be found in *Re Pritchard* [1963] Ch. 502 where an originating summons under the Inheritance (Family Provision) Act, 1938, was erroneously issued out of the Pontypridd District Registry instead of out of the Central Office in London as required by the old R.S.C. Ord. 54, r. 4B. The Court of Appeal held, despite a vigorous dissenting judgment by Lord Denning M.R., that the proceedings were a complete nullity, and not merely an irregularity which could be cured at the discretion of the court under the old R.S.C. Ord. 70, r. 1 (Federation Ord. 70, r. 1; Singapore Ord. LXIII, r. 1). As a result, it was then too late to issue a summons in the Central Office as the six months limitation period prescribed by the Act had expired. Thus a technical step in procedure deprived the plaintiff of all remedy.

In this 1965 edition of the *White Book,* Lord Denning's view of the effect of non-compliance has been wholly vindicated by the issue of the Rules of the Supreme Court, 1964 (S.I. 1964, No. 1213), which invest the court with the widest powers to save proceedings, and which sweep away the old distinction between 'nullity' and 'irregularity'. At the same time, the court is enabled to allow amendments to a writ or pleading notwithstanding the expiry of any relevant period of limitation.

It is not suggested in any way that the 1965 *White Book* could be a blue-print for Malaysian Supreme Court Practice. But when, for example, the Rules Committee set up under section 17 of the Courts of Judicature Act, 1964, comes to consider the Rules of Court to be made under this Act, it might perhaps derive some assistance from the reforms made in the practice and procedure of the Supreme Court in England, which seem to have worked smoothly enough to the present time.

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