

BOOK REVIEWS

LAW IN THE MAKING, 7th Ed. By Sir Carleton Kemp Allen. [Oxford: O.U.P. 1964. xli + 649 pp. £2. 3s. Od.]

It is difficult to know how to review Allen's *Law in the Making*. This book, now in its seventh edition, is so well-known to lawyers, practitioners and academics alike, that there seems little point in commenting upon it.

The sixth edition appeared in 1958 and the learned author has taken advantage of the new edition to bring it up to date, particularly incorporating new decisions and new statutes. It is somewhat surprising, therefore, that he has not discussed the decision in *Shaw v. D.P.P.* (the Ladies' Directory case) at all, not even in connection with judge-made law. He merely names it with *D.P.P. v. Smith, Sykes v. D.P.P.* and *Jones v. D.P.P.* as a case which has 'caused acute doubt and controversy in the profession', in so far as the procedure for appeals to the House of Lords is concerned. Again, one might have expected Sir Carleton to include some reference to Lord Denning's comments by way of *obiter* on the legality of cosmetic operations in *Bravery v. Bravery*, particularly in view of the different interpretations placed upon the effect of this decision by *British Surgical Practice*, 1955, and the *British Encyclopaedia of Medical Practice*, 1956.

Sir Carleton Allen points out the growing tendency in English courts for counsel and judges to refer to the activities of 'foreign courts', some of whose judgments, particularly in the absence of any local decision, are almost accepted as authoritative. So far, 'foreign courts' are those of English-speaking jurisdictions outside the United Kingdom. It may well be that with the increasing interest in Europe and the activities of the European Court, the term "foreign" may gradually come to enjoy its more usual meaning.

The major departure between this and the earlier editions of *Law in the Making* lies in Sir Carleton's discussion of subordinate legislation and the importance of the Franks Report and its consequence. In this connection, he reminds us that 'the courts of justice often have the last word, but the first word is usually of more importance to the citizen'. His fear of injustice to the citizen leads him to support the idea of an Ombudsman in the form of a Commissioner like that recommended by *Justice*. At the date of writing he commented that the suggestion 'has now been somewhat brusquely rejected by the Government. I venture to doubt, however, whether the last has been heard of it.' It will be interesting to read what the learned author has to say of the form and achievements of the recently appointed Law Commissioners.

This latest edition of *Law in the Making* emphasises that law books can be written in easy English and in an interesting style. It also reiterates the claim of the author to have his work counted with those of the classics of English law.