

LAW AND ORDERS, 3rd Ed. By C. K. Allen. [London: Stevens. 1965. xviii + 412 pp. £3. 3s. 0d.]

Law and Orders is a well established standard work on the procedures and problems of delegated legislation and the exercise of the powers of the executive. It is almost a decade since the publication of the second edition during which time many developments have occurred which clamour for inclusion in the book. Thus, the third edition which brings the book up to date is highly welcomed. This edition is somewhat slimmer than the previous one as much of the material which had been of topical relevance in 1945 but is now only of historical interest has been omitted, e.g. detail provisions of the emergency and post-war legislation and references to reports of select committees which have been of little significance. The last two appendices on the "as if enacted in this Act" clause and the memorandum of the General Council of the Bar on Crown privilege have been removed. On the question of Crown privilege, the section in the text on discovery found in the chapter on "The Fountain of Justice" has been enlarged to incorporate the recent cases of *Merricks v. Nott-Bower* [1965] 1 Q.B. 67; *In re Grosvenor Hotel*, No. 2 [1964] 3 W.L.R. 992; and *Wednesbury B.C. v. Ministry of Housing and Local Government* [1965] 1 W.L.R. 261, which have eroded the rules laid down in *Duncan v. Cammell, Laird & Co.* [1942] A.C. 624. Reference was made to the present Lord Chancellor's assurance that the question of Crown privilege would be examined by the Law Reform Committee as part of its inquiry on the law of evidence. This still expresses the position up to date.

There has been some re-writing of the chapter on the doctrine of *ultra vires* (chapter seven) and a condensation of the original accounts given of the various judicial remedies against administrative action. This condensation is due to the various publications made in recent years on the scope and operation of these remedies which induced the author to refer readers to these works for fuller discussion. The pruning of the original accounts given of these remedies is most noticeable in the case of *mandamus* and *certiorari* insofar as they relate to the question of *locus standi*. Their retention would have been preferred since this is a topic which has not been too adequately dealt with in the recent books on Administrative Law and the author's views were of some interest. The chapter ends with an additional section on the Tribunals and Inquiries Act, 1958, and the Council on Tribunals. The utility of the Council is demonstrated by its handling of the *Chalk Pit* case¹ where the High Court held that an adjacent landowner aggrieved in fact by the grant of planning permission to develop adjacent land had no standing to challenge the validity of the planning permission on the ground that he could not establish a "legal right" within the syntax of private law. It is footnoted (p. 236, n. 39) that it is probable that this view is too narrow and reference is made to two cases in which Denning M.R. indicated a more liberal approach towards the problem. At any rate, the Council drew the attention of the Lord Chancellor to what seemed an injustice or at least a gap in the law. This eventually led to the enactment of rules of procedure which although they did not affect the interpretation of the term "aggrieved person", made certain other important concessions in favour of the citizen. It is disappointing to note that since the publication of this book, the High Court has again reiterated the restrictive approach of the *Chalk Pit* case by requiring a legal right to be vested in an applicant for a declaration that the grants of certain planning permissions were invalid, even though he was in fact an aggrieved person.²

In the course of discussing the function and operation of the Council on Tribunals, the author referred to the proposal of *Justice*, the British Section of the International Commission of Jurists for the establishment of the institution of an Ombudsman. At the time of publication, the Government evinced little interest in seriously considering such a proposal, but since then, at the end of 1965, a White Paper (Cmnd. 2767) announcing the acceptance of the institution of a Parliamentary Commissioner or Ombudsman was published. In view of the state of flux which Administrative Law is in, it is predicted that a new edition may be required in the

1. *Buxton v. Minister of Housing and Local Government* [1961] 1 Q.B. 278.

2. *Gregory v. London Borough of Camden* [1966] 2 All E.E. 196.

space of the next few years. Meanwhile, *Law and Orders*, as brought up to the date in the third edition, will occupy, as it always did, a niche in the collection of well established standard works in the area of Administrative Law.

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