

BYLES ON BILLS OF EXCHANGE. 23rd edn. By Maurice Megrah & Frank R. Ryder. [London: Sweet & Maxwell. 1972. Ixxviii + 471 pp. (including index) £9-75.]

The twenty-third edition of *Byles* published in 1972, will be greatly welcomed both by the legal profession as well as by students of law, as it presents in up-to-date form, both the statutory changes and the developments in case-law, in the field of Banking and Negotiable Instruments.

It is agreeable to see that Mr. Frank Ryder appears as a co-editor of the book together with Mr. Maurice Megrah. As it was clear from the preface of the 22nd edition that Mr. Ryder was associated with Mr. Megrah in the publication of that edition, his presence as a co-editor is doubly welcome.

As this seems to be the first time that *Byles* has been reviewed in this periodical, it might be pertinent to point out that from the 22nd edition which was published in 1965, Mr. Megrah had radically changed the format and contents of the book. Thus the book now appears in Seven Parts and it is to be noted that Bills of Exchange are treated before Cheques. This is logical, because cheques are only a form of bill of exchange. It is also to be noted that the main difference between its greatest rival *Chalmers*, is that while *Chalmers* deals with the sections in strict order, *Byles* does not.

The two relevant statutes which have appeared since the 22nd edition, are the Decimal Currency Act, 1969, and the Financial Dealings Act, 1971. The former Act dealt with the transition from shillings and pence to new pence, while the latter did away with days of grace, and also made statutory provision for the banks' recently instituted practice of closing on Saturdays.

What is particularly welcome in this edition is the mention of new cases and their treatment under the relevant Chapters. These deal not only with old fields, but also with new fields. Thus, for example, we have the case of *Lumsden v. London Trustee Savings Bank* [1971] 1 Lloyd's Rep. 114 which deals for the first time with the question of contributory negligence in the field of banking.

It is however regrettable that there are fairly serious shortcomings not only in the actual coverage of new cases in the book, but also in the treatment of them. Perhaps some of the slips are accidental, but it is difficult to understand how this could happen. For example, the editors refer to several new cases in their Preface, such as *Jayson v. Midland Bank Ltd.* [1968] 1 Lloyd's Rep. 409 C.A., *Selangor United Rubber Estates Ltd. v. Cradock* [1968] 2 Lloyd's Rep. 289 and *Karak Rubber Co. Ltd. v. Burden* [1972] 1 All E.R. 1210. The authors express the hope that they have "faithfully dealt with all of these". Unfortunately, they have not been dealt with at all. They are not to be found in the table of cases or in the text itself.

Then there is the treatment of certain leading cases like *Westminster Bank v. Zang* [1966] A.C. 182 which has been noted in the 22nd edition. As the case had just reached the Court of Appeal, — when the book went to the press — it was understandable that it was merely footnoted in three places. By the 23rd edition however, the case had already reached the House of Lords, and the 1966 decision was repeated. Thus, one would expect a comprehensive coverage of what was decided not only in the Court of Appeal, but also in the House of Lords. For example, at pp. 282-83 of the 23rd edition, the case is well treated as far as what the Court of Appeal decided, with regard to the interpretation of section 2 of the Cheques Act. The editors point out the difference in opinion between Lord Denning M.R. and Salmon L.J. on that issue, Lord Denning holding that the words "for collection" in section 2 did not cover the case, while Salmon L.J. thought otherwise. However, though the citation refers to the House of Lords decision, no mention is made in those pages at all as to what the House of Lords decided regarding the meaning of those words in section 2. It could at least have been pointed out that the House of Lords sided with Salmon L.J. on that issue, and held that the words "for collection" in section 2 was not confined to collection for the payee's own account, and covered the case.

Oddly enough, the reverse is to be seen at pp. 344-345 of the 23rd edition, with regard to the same case. There the editors were dealing with the interpretation of section 3 of the Cheques Act, and again mentioned *Zang's* case. But what was mentioned was only the view taken by Lord Dilhorne in the House of Lords regarding that section. Nothing is mentioned as to the views of Salmon L.J. on that section in the Court of Appeal.

Again, the important case of *Eaglehill v. J. Needham Builders Ltd.*, [1972] 2 W.L.R. 136, which was a decision of the Court of Appeal, is dealt with by a short sentence only in the text, and a footnote. Perhaps there was no time to deal with it in full as the new edition must have been prepared by that time. Now that the case has been decided by the House of Lords, and the Court of Appeal decision has been reversed, it is to be hoped that a fuller and more critical analysis of the case will be given in the next edition.

Coming now to the substance of the text, it should be noted that the editors have added a paragraph here and a sentence there to make it more up-to-date. However, it is a bit disappointing to note that hardly any changes in the text have been made on the important question of negligence of the collecting bank. The only addition on this subject is a passage from Diplock L.J. (as he then was) in the celebrated case of *Marfani v. Midland Bank Ltd.* [1968] 1 W.L.R. 956.

The treatment of "A/c payee" cheques at p. 280 also seems to be a bit frugal, especially in view of the growing practice adding such words to the crossing. It is treated in a small paragraph.

This brings us to another fact which is noticeable about *Byles*, and that is that although Mr. Megrah has tried his best to put in certain case law from Commonwealth countries like Australia, New Zealand, Canada and Ceylon, no mention has yet been made of case-law from countries like India, Malaysia and Singapore, which have wide dealings in international commerce and accordingly have a wealth of case law on negotiable instruments. For example, on the meanings of an "A/c payee" cheque, the controversial ruling of *Far Eastern Bank v. Bee Hong Finance Co. Ltd.* [1971] 2 M.L.J. 6, decided by the Court of Appeal of Singapore (reversing the trial judge) is worth considering, and the views of Mr. Megrah and Mr. Ryder on it would be greatly welcome.

Lastly, an inadvertent error, but a significant one, with regard to the treatment of *Lumsden v. London Trustee Savings Bank* [1971] 1 Lloyd's Rep. 114 might be pointed out. At p. 280, the editors state that the case decided that the Law Reform (Contributory Negligence) Act, 1945 applied to the "tort of negligence". It has been never doubted that it did so apply. What was decided in that case for the first time was that the Act applied also to the "tort of conversion".

In conclusion, it should be emphasised that the shortcomings pointed out above, should not be taken in anyway to decry the value and importance of the 23rd edition of the book. The editors have made a valuable contribution to the recent developments of the law relating to negotiable instruments by publishing a new edition, and while one would like to see more comments from them, it may well be that they wish to preserve the *ipsissima verba* of *Byles* himself.