LAW OF TORTS. By J.G.M. TYAS. Third Edition. [Estover, Plymouth: Macdonald & Evans. 1977. xxvi+246 pp. £2.50]

"The primary aim of the book is to help students pass their examinations...." The book should therefore in all fairness be judged within the context of this professed purpose.

The book is designed for law students and those students who study tort law for non-legal professions. Students, broadly, range from those who are very good to those who are clearly weak. Good students would never need to use the book for their tort examinations. They could easily cover the necessary tort cases from law reports or case-books, examine expositions of this area of the law in standard tort text-books (there are a number of good text-books available here) and refer to some good articles on specific areas, all in good time before their examinations. They would cover the area of the law themselves and would never need to rely on someone else's summary of the tort law. The whole process, in any case, is a good part of legal education in itself. Such students should do well in their examinations.

For the weak students, if they should choose to rely on this book they would almost certainly be doomed to find tort examination harder than it should be. The condensation of tort law in the book cannot be sufficiently comprehensive nor can it be stimulating. Using the book the weak students would tend to rely on memorizing what would deceptively appear to be instant material for passing tort examinations.

The category of students who could possibly benefit from the book are those who are in between the good and the weak students. They would do some work on their own and rely on the book for a summary of the law. The book is either read quickly or, if used in preparation for their examinations, is supplemented by the students' own critical understanding of the law. In this way such students avoid their own summary of the tort law in areas where they can, with some good fortune, rely on the book. This category of students are in the position to treat the book in the manner the author has cautioned: "... [the] book is not, and does not purport to be, a complete exposition of the law of torts".

Authors of books of this nature generally aim at condensing the relevant law at a level that is neither too detailed nor too brief. The success of such books depend on the authors being able to meet the level of need of the students using the book for purposes of their examinations. Unfortunately, as different emphasis can be placed on the law for purposes of examinations, authors of such handbooks have an unenviable task in ensuring the rewarding use of such books.

It is not fair to examine critically the contents of handbooks of this nature outside their professed purpose. The exposition of the law in such books cannot, even at best, be highly accurate. Be it as it may, some of the more obvious remarks, would perhaps, not be amiss. *Cooper* v. *Letang* (*sic*) (1964) C.A. did not merely stop at affirming *Fowler* v. *Lanning* (1959). It went beyond this, at least, as far as Lord Denning was concerned, although, admittedly, what

was said on this matter by his Lordship is, possibly, only *obiter dicta.* The decision of the House of Lords in *Herd* v. *Weardale Steel* (1915) is cited for the proposition that "mere failure to facilitate the egress of persons on one's premises is not in itself false imprisonment". Yet in summarising this case the author rationalized the decision of the Court on the defence of consent. *Nichols* v. *Marsland* (1876) should, perhaps, have been referred to under the defence of act of God in conjunction with *Greenock Corporation* v. *Caledonian Ry. Co.* (1917) H.L., and not, in isolation. Otherwise, it makes the defence appear more readily available than it, in fact, really is. One of the basic ingredients in the rule in *Rylands* v. *Fletcher* is "non-natural user" of land. This ingredient is different and separate from the other ingredient of "artificial accumulation". In the chapter on strict liability the concept of "non-natural user" is confused with "artificial accumulation". The confusion probably arises from the author's reliance on the judgment of Blackburn J. in *Rylands* v. *Fletcher,* in the Court of Exchequer Chamber, for the definition of the rule. It was only in the House of Lords that Lord Cairns introduced the further element of "non-natural user" into the rule. The opinion of the Privy Council in *Richards* v. *Lothian* (1913) could have been referred to, to elaborate the concept of "non-natural user". *A.G.* v. *Corke* (1933) is cited to include human beings within "things likely to do mischief" under the rule in *Rylands* v. *Fletcher.* But the case of *Smith* v. *Scott* (1973), which doubted the correctness of the decision in *A.G.* v. *Corke,* is not cited. Under the defence of act of stranger, *Perry* v. *Kendricks Transport* (1956) C.A. should, perhaps, have been discussed. It is questionable whether this Court of Appeal decision, even in a tort book of this nature, should be left out. These are some of the more apparent inaccuracies in the first few chapters of the book.

One feature in the book which is clearly useful is the neat arrangement and convenient classification of material under tort law.

TAN KENG FENG