

Business Law Review Index Volume 10, January to December 1989

ARTICLES INDEX

AGENCY

Breach of fidelity,
principal remedies, 180

AIR TRANSPORT

Air carriers,
liability for passengers, 265

AUSTRALIA

Class actions, 231
Company secretaries,
changing standards for, 150
Computer chip design,
protection from copying, 148
Contingency fees,
Victoria law proposals, 231
Debt recovery laws, 288
International arbitration, 288
Product liability, 287
Stockbroking firms,
Chinese walls and new legislation, 231

BANKING LAW

Letter of credit transactions,
strict performance in, 211

CHINA

Labour legislation,
equity joint venture, and, 10
State-owned industrial enterprises, 125

COMPANY LAW

Comfort letters,
legal force of, 311
Corporate gift, 27
Director's dividend, discretion,
legal control of, 3
Insider dealing *see* INSIDER DEALING
Joint ventures *see* JOINT VENTURES
Wrongful trading, 180

COMPETITION *see also* EUROPEAN COMMUNITIES

Registered designs,
protection of car body panels, 177

CONSTRUCTION

Negligence and the industry, 96

CONSUMER CREDIT

Consumer Credit Act 1974,
impact of, 210

CONSUMER PROTECTION

Package travel,
single market in 1992, 89

CONTRIBUTORS

Bentil, JK, 5
Bourne, N, 201, 229
Brealy, M *and* Quigley, C, 63
Cane, L, 87, 239
Chong, WS, 10
Circus, P, 70
Cockram, R, 96
Curl, R, 128
De Metz, R, 171, 184, 264
Edwards, M, 208, 292
Farmery, P, 234, 294
Goyder, J, 152

Groves, P, 68, 117

Hawke, N, 3

Holgate, G, 35, 40, 197, 235

Hoyle, M, 173

Iverson, A *and* Naccarato, J, 311

Jacobs, E, 180

Johnston, D, 256

Kaye, P, 285

Kirkbride, J, 27

Livens, L, 123

Miller, G, 314

Mullan, K, 121

Naccarato, J *see* Iverson

Nathan, RVSK, 211

Owles, D, 8, 93, 237

Pandora, 94, 122, 151, 179, 207, 262, 291

Pinnock, J, 265

Quigley, C *see* Brealey

Rees, F, 148, 150, 231, 287

Reville, NJ, 182, 263

Shum, C, 125, 297

Twist, H, 36, 89

Worthy, J, 210

Yeo, M, 38

EMPLOYMENT

Disciplinary procedures, 292
Equal opportunities law, 208

EUROPEAN COMMUNITIES

1992 programme, 216
Business law in 1992,
some aspects, 63
Companies Act 1989, 290
Competition,
Seventeenth report on, 68
Franchising contracts,
block exemption regulation, 152
Free movement of goods,
British patent law, and, 5
Package travel,
single market in 1992, 89
UK taxation and 1992, 87

FAR EAST

Malaysia, 201

FINANCE

Overseas sources of, 264
Strikes,
financial problems with, 171
recent record on, 184

FRANCHISING

EC block exemption regulation, 152

HEALTH AND SAFETY

Environment and Safety Information Act
1988, 35
Handling loads at work, 235
Update, 40, 197

HONG KONG

Insider dealing in, 297

IN PERSPECTIVE

Business law in 1992, 63
Equal opportunities law, 208
Finance Bill 1989, 123

INSIDER DEALING

Insider dealing, 229
Hong Kong, in, 297

INTELLECTUAL PROPERTY

Design protection, 256
Patent law,
EC free movement of goods, and, 5

JAPAN

Foreign construction and design firms,
opportunities for, 128

JOINT VENTURES

Corporate, 314

LEGAL PROFESSION

Reforms to, 234, 294
Solicitors,
Mace & Jones, 119
US lawyers in London,
Willkie Farr & Gallagher, 57

LITIGATION

Interlocutory applications,
full disclosure on, 173
Interlocutory relief,
breach of duty of confidentiality, for, 263
Jurisdiction,
shipowners' liability limitation actions, in,
285

NEWSLETTERS

Australia, 148, 150, 231, 287
City, 94, 122, 151, 179, 207, 262, 291
Far East, 201

PRACTICE *see also* LITIGATION

Access to justice, 237

TAXATION

1992 and, 87
Finance Bill 1989, 123
Foreign exchange,
Overseas Containers, and 239
US bill of rights, 98

TORT

Negligence,
construction industry and, 96

TRADE DESCRIPTIONS

Origin marking, 70

TRADING LAW *see also* COMMERCIAL LAW

Pyramid selling, 36

USA

Bill of rights,
taxpayers, for, 98
Immunity from liability in, 8

VAT

Sixth EC directive,
problems with, 147

INFORMATION INDEX

ACCOUNTANTS

Dearing Report on standards, 161

Financial Services Act,
engagement letters, 135
Instructing barristers direct, 135
Option to limit liability, 218

ADVERTISING

Chiropractors, 11
Physiotherapists, 11
Misleading advertisements regulations,
injunction under, 11
permanent injunction under, 251

BUILDING SOCIETIES

Composite tax rate, 49
Payment of gross interest, 41

BUSINESS

Business Expansion Scheme, 105

CANADA

Largest law firm, 19

CAPITAL ALLOWANCES

Budget 1989, 106

CAPITAL GAINS TAX

Budget 1989, 106
Company purchase of own shares, 175
Compensation and damages, 41
Indexation allowance, 302
Leaflets on, 218
Partnerships, 76
Rebasing and indexation, 187

COMPANY LAW

Annual returns, 302
new approach, 218
Disqualification of directors, 161
EC directives on listings, 276
EEIG,
registering contract for, 218
Insolvency,
wrongful trading by directors, 188
Shares,
certificates, without, 11
dematerialisation of certificates, 188
Summary financial statements, 244

COMPETITION *see also* EUROPEAN COMMUNITIES

Beer, 245
Collective licensing,
sound recordings, 22
Credit cards, 244
Estate agents,
Southend, 12
Policy, 12
Price-fixing,
offshore supply vessel operators, 12
iron and steel suppliers, 12
Restrictive Trade Practices Act,
exemptions, 275

CONSUMER CREDIT

Improving regulations, 219
Lifting paper burden, 162
Loophole in law, 189
Review of licensing, 13
Unacceptable business practices, 162
Undertakings, 162

CONSUMER PROTECTION

Credit *see* CONSUMER CREDIT
Dangerous goods like food or drink,
ban on, 245
Estate agents,

code of practice, 13
EC price marking proposals, 302
Price indications,
code of practice, 13
Product safety directive, 275
Three-wheeled all terrain vehicles,
ban on, 12
Toys,
approved laboratories for testing, 275

CONTRACT

Subject to,
enforceable agreements and, 246

CORPORATION TAX

Advance corporation tax,
surrender of, 280
Budget 1989, 107
Convertible shares or securities,
group relief and, 219
Pay and file, 139, 219

COUNCIL OF EUROPE

European justice ministers, 217

CRIMINAL LAW

Evidence *see* EVIDENCE
International fraud, 163

CUSTOMS AND EXCISE

Ad valorem duty,
value for, 41
Alcoholic drinks, 164
Budget 1989, 111
Cars for R&D, 246
Community carnet procedure changes, 188
Copies of copyright works,
prohibition on importation of, 276
EC goods,
fast lane clearance for, 276
Excise duty estimates, 164
Fortification of coolers, 220
General valuation statements, 302
Hydrocarbon oils, 164
Importers' details,
publication of, 189
Indirect tax,
statutory right to repayment, 164
Outward processing relief, 41
Proceedings,
time limits, 165
Temporarily imported containers, 220
Tobacco products,
restrictions on clearances, 14, 303
UK/US customs agreement, 220
Wine, made-wine, cider and perry regs, 303

DATA PROTECTION

Changes recommended,
Registrar, by, 221
Community charge forms, 190
Computer hacking, 246
Credit industry proposals, 76
Enforcement notices, 220

DOUBLE TAXATION

GDR, 77
Venezuela, 77

ESTATE AGENTS

Charges, 303
Fair deal from, 42
New measures, 190

EUROPEAN COMMUNITIES 1992

Commission takes stock, 15

financial services and capital movements,
73
small businesses and, 71
Ad valorem duty and VAT,
value for, 41
Air transport,
fares, 131
Approximation of laws,
prepackaged liquids, 131
Austria and, 101
Banking, 187
EC bank accounts directive, 244
reciprocity provisions, 157
second directive, 157
Basic social rights, 71
Broadcasting,
cross-frontier framework, 101
Commission,
new Commissioners, 17
programme for 1989, 101
Company law,
capital denominated in Ecus, 269
employees and SE, 269
EC company statute (SE), 217, 269
overcoming tax barriers, 269
Competition,
beer market, 131
car body panels, 14
eighteenth report on, 241, 270
franchising and technical licensing
industries, 15
illegal cartels, 270
Net Book Agreement, 46
service franchise, 42
UK steel wire market, 72
Consumer protection,
general product safety directive, 158
Court of First Instance, 270
Criminal law,
fraud, 10, 131
Customs
border formalities, 270
increased allowances for travellers, 271
Ecu,
new composition of, 241
EEIGs, 185
UK contracts for, 218
Environment,
car emissions, 158
car pollution curbs, 186
drinking water and UK, 272
EC agency, 273
liability for waste damage, 271
Equal pay, 299
Financial services,
1992, 73
Greek venture capital, 73
Fishing,
overfishing dispute, 217
UK restrictions, 299
Food and drugs,
egg product hygiene, 299
nitrates in cheese, 132
Franchise agreements,
rules, 43
Free movement of goods and services,
cable tv in Flanders, 74
Free movement of persons,
professional and vocational training, 273
Freedom of establishment,
cable tv in Flanders, 74
Harmonisation *see also* Approximation of
laws,
credit institutions' own funds, 241
electromagnetic compatibility, 241
public offers prospectuses, 241

Health and safety,
labelling of detergents and cleaning
products, 299

Insurance,
marine, 158

Investment services,
directive proposal, 47

International trade,
AZCO case, 75

Japan,
photocopiers, 186
semi-conductors, 186

Know-how licensing, 43

Legal profession,
reform and 1992, 132

Legislation,
UK and scrutiny, 159

Medicinal products, 16

Netherlands,
banking and restrictive agreements, 274

Origin of goods,
photocopiers, 104

Product liability, 47

Social policy, 299, 301

Special regime,
second-hand goods, etc, 48

State aids, 101, 133

Takeovers and mergers,
bids, 71
European merger control, 159, 274

Taxation,
EEIGs, 133
lorries, 17
withholding tax on savings, 75, 159

Technical barriers to trade, 45

Trade,
Uruguay round, 134

Trademarks,
pharmaceuticals, 104

Transport,
common policy, 241
Dutch fiscal incentives, 132
implementation of EC law, 274, 301
lorry weights, 105, 187

VAT

Withholding tax,
savings, on 75, 159

EVIDENCE

Fraud trials, in, 304

FINANCE

Budget 1989
Collective investment schemes, 17
Finance Bill, 136
Personal equity plans,
"new issues" facilities, 191

FINANCIAL SERVICES

Building society agents and FSA, 166
Chicago Mercantile Exchange, 248
FIMBRA
A2 members, 77
professional indemnity scheme, 247
Single property scheme, 48, 166
Unit trust regulations, 248

FIREARMS

Changes in law, 221

FOOD AND DRUGS

Food standards and safety,
proposals on, 248

HEALTH AND SAFETY

COSHH regulations, 18

EC framework directive,
workplace for, 277

Electricity at work regulations, 167

Electricity safety regulations, 191

European toy safety, 167

Gas,
cookers, 136
suppliers, 277

Information for employees, 304

Poster and leaflet, 277

Product safety,
proposed EC directive, 275

Toys,
approved laboratories for testing, 275

HOUSING

Short-term 'landlords',
new laws, 49

INCOME TAX

Budget 1989, 109
Employee priority shares,
public offer, in, 78
Housing cost payments, 78
Profit related pay, 50, 78

INSOLVENCY

Company records,
receiver's responsibility for, 79
DTI insolvency service actions, 168
Practitioners, 248
Wrongful trading,
company directors, by, 188

INTELLECTUAL PROPERTY

Copyright Act 1988, 20
Counterfeit trading, 249

INTERNATIONAL

Canada, 19
International Monetary Fund, 278
Panama, and, 222
USA, 19

LAW REFORM

Buying goods in bulk, 222
Land Registration Act 1988, 21
Landlord and Tenant Act 1988, 21
Malicious Communications Act 1988, 21
Statute law revision: 13th report, 168
Way ahead, 278

LEGAL PROFESSION

Barristers,
reform, 279

PENSIONS

Budget 1989, 109

PRODUCT LIABILITY

European Communities *see* EUROPEAN
COMMUNITIES

PROPERTY

Security interests in, 79

SCOTLAND

Consumer Arbitration Agreements Act 1988,
49
Debt enforcement, 21
International commercial arbitration, 279
Small claims procedure, 21

STAMP DUTY

Budget 1989, 109
Clearance systems, 80

Depository receipts, 192

TAKEOVERS AND MERGERS

Guinness and Distillers,
payment to shareholders, 223

TAXATION *see also* relevant headings

Assessment of earnings,
FA 1989 and, 250
Benefits for employees, 249
Budget 1989, 105, 110
Building societies, banks, etc,
composite rate, 49
Business Expansion Scheme, 105
Close company apportionment,
abolition of, 192
Collection of tax, 249
Convention for Mutual Administrative
Assistance in Tax Matters, 50
Delay in rendering returns, 250
Extra-statutory concessions, 50
Interest and Currency Swaps, 105
Interest charges for PAYEE, 139
Pay and file, 139
Privacy for taxpayers, 80
Profit related pay, 304
Revenue rates of interest, 251
Stock lending,
Treasury regulations, 251
Tax appeals and other proceedings, 51

TRADING LAW *see also* CONSUMER PROTECTION

Bogus bills, 175
Hi-fi dealers,
contempt of court and, 223
Petrol price display, 51
Misleading advertisements regulations,
injunction under, 11
permanent injunction under, 251
Sales of spirits,
licensed premises on, 252
Timeshare promotions, 193

USA

Evidence,
satellite videoconferencing, 19

VALUE ADDED TAX

Accounting and records regulations, 252
Ad valorem,
value for, 41
Annual accounting scheme, 306
Budget 1989, 111
Capital goods scheme, 175
Computer failure, 305
Construction,
new, 139
village halls, 223
Education and welfare supplies,
not for profit, 140
General regulations,
amendments, 51
Input tax,
deduction by holding companies, 192
Private ambulance services, 306
Publications, 22, 51, 80, 140, 306
Registration,
cancellation, 279
exemption from, 279
Rents,
option to tax, 224
Repairs,
overseas manufacturers, for, 280
under warranty, 252
Second-hand schemes, 80, 224

Self-supplies,
input tax and, 280
Stockbrokers' services, 306
Supplies of water, gas and electricity, 224
Tax evasion,
dishonesty and, 280
Unit trust management, 306
Zero rates,
infraction proceedings, 81

WALES

Business disputes,
speedier settlement, 52

WEIGHTS AND MEASURES

Design for spirit measures, 82

CASES

Abbey National Building Society v Building Societies Commission, 83
Adlington v British Bakeries (Northern) Ltd, 141
Atlas Express Ltd v Kafco (Importers and Distributors), 83
Attorney General's Reference No 1 of 1988, 24
Attorney-General for Tuvalu and Anor v Philatelic Distribution Corporation Ltd and Ors, 308
Babbage v North Norfolk District Council, 309
Bank of Boston Connecticut (formerly Colonial Bank) v European Grain and Shipping Ltd, 116
Barclays Bank of Swaziland Ltd v Hahn, 195
Barclays Bank plc v Kapur and Ors, 254
Barclays Bank plc (t/a Barclaycard) v Taylor; Trustee Savings Bank of Wales and Border Counties v Taylor, 194
Barnes Sherrocks v McIntosh, 254
Barth v Pritchard, 282
Beauchamp v F W Woolworth plc, 203, 227
Beneviste v University of Southampton, 54
Bradley v Eagle Star Insurance Co Ltd, 142
Chamberlain v Commissioners of Customs and Excise, 204
Chloride Industrial Batteries Ltd v F & W Freight Ltd, 281
Commissioners of Customs and Excise v Bell Concord Educational Trust Ltd, 95
Commissioners of Customs and Excise v Salevon Ltd; Same v Harris and Anor, 310
Coronation Street Industrial Properties Ltd v Ingall Industries plc, 226
Craven v White; Commissioners of Inland Revenue v Bowater Property Developments Ltd; Bayliss v Gregory, 26
Customs and Excise Commissioners v Faith Construction Ltd and Other Appeals, 228
Customs and Excise Commissioners v Fine Art Development plc, 145
Customs and Excise Commissioners v Medway Draughting and Technical Services Ltd; Same v Adplates Offset Ltd, 145
Davies v Yadegar, 282
Dawson v Commissioners of Inland Revenue, 204
Dee Corporation and Ors, re, 281
Department of Transport v Chris Smaller (Transport) Ltd, 143

Derby & Co Ltd and Ors v Weldon and Ors (No 3 and No 4), 85
Direct Cosmetics Ltd and Laughtons Photographs Ltd v Commissioners of Customs and Excise (138/86 and 139/86), 26
Director General of Fair Trading v Buckland, 281
Dobson v General Accident Fire and Life Assurance Corp plc, 253
Donald Fisher (Ealing) Ltd v Spencer, 144
Dunstan v Young, Austen & Young Ltd, 85
Ensign Tankers (Leasing) Ltd v Stokes, 283
Essex County Council v Ellam, 144
Esso Petroleum Co Ltd v Ministry of Defence, 283
Fletcher v Harvey, 309
Forsikringsaktieselskapet Vesta v Butcher and Ors (No 1), 84
George Wimpey International Ltd v Rolfe, 228
Gurney v Richards, 256
Haines v Florensa, 282
Harrington v Link Motor Policies at Lloyd's, 196
Harris Simons Construction Ltd, re, 55
Hayler v Chapman, 24
Holmes v Bangladesh Biman Corp, 113
Hunt v R M Douglas (Roofing) Ltd, 25
K, re, 225
Kirkham v Williams, 145
Kleinwort Benson Ltd v Malaysian Mining Corporation Berhad, 114
Levertton v Clwyd County Council, 53
Lex Service plc v Johns, 308
Lipkin & Gorman v Karpnale Ltd & Lloyds Bank plc, 23
Lister and Ors v Forth Dry Dock and Engineering Co Ltd and Anor, 141
Lock International plc v Beswick & Ors, 225
Lonrho plc, re, 53
Luxmore-May v Messenger May Baverstock (a firm), 53
Marr (Robert and Pauline), re, 169
Merrill Lynch, Pierce Fenner and Smith Inc, re, 170
Morgan v Gibson, 203
Murray v Lloyd and Ors, 226
Nash t/a Dino Services Ltd v Prudential Assurance Co Ltd, 24
Naturally Yours Cosmetics Ltd v Commissioners of Customs and Excise, 56
Nevisbrook Ltd v Commissioners of Customs and Excise, 56
Nuneaton Borough Association Football Club, re, 84
Nurse v Morganite Crucible Ltd, 84
Offshore Ventilation Ltd, re, 55
Oshkosh B'Gosh Inc v Marbel Inc Ltd and Anor, 23
Pacific Associates Inc v Baxter, 115
Padmore v Commissioners of Inland Revenue, 203
Porter v Honey, 56
Potton Ltd v Yorkclose Ltd, 170
Primpaks (UK) Ltd, re, 195, 307
R v Board of Inland Revenue, and Anor, ex p MFK Underwriting Agencies and Ors, 255
R v Commissioners of Inland Revenue ex p Camacq Corporation and Anor, 283
R v Financial Intermediaries Managers and Brokers Regulatory Association (FIMBRA), ex p Cochrane, 226

R v Licensing Authority, ex p Smith Kline & French Laboratories Ltd, 115
R v Philippou, 169
R v Secretary of State for the Environment, ex p North Herefordshire District Council, 309
R v Secretary of State for Trade and Industry, ex p R, 54
R v Secretary of State for Transport, ex p Factortame Ltd and Ors, 143, 227
Ricci Burns Ltd v Toole and Ors, 26
Richart v J Lyons & Co Ltd, 255
Rickards v Rickards, 254
Robbins v Secretary of State for the Environment and Ors, 143
Rolfe v Wimpey Waste Management Ltd, 196
Rome and Anor v Punjab National Bank (No 2), 253
Royal Ordnance plc v Pilkington, 253
Rush & Tompkins Ltd v Greater London Council and Others, 24
Secretary of State for Trade and Industry v Probe Data Systems Ltd, 113
Securities and Investments Board v Pantell SA, 169
Sekhon v Alissa, 116
Shanning International Ltd v George Wimpey International Ltd, 25
Smith v Eric S Bush (a firm); Harris v Wyre Forest DC, 172
Stages v Darlington Insulation Co Ltd, 114
Tasbian Ltd, re, 194
Tate and Lyle Industries Ltd v Davy McKee (London) Ltd, 115
Textron, in re, 142
The Deichland, 196
Trafalgar Tours Ltd v Commissioners of Customs and Excise, 146
Ward v Secretary of State for the Environment, 308
Warren v Mendy, 140
Wimpey International Ltd v Warland; Associated Restaurants Ltd v Same, 86

BOOKS FOR LAWYERS

Bagehot: *Music Business Agreements* (Martino), 268
Baldi: *Distributorship, Franchising, Agency: Community and National Laws and Practice in the EEC* (Groves), 31
Bellamy and Child: *Common Market Law of Competition* (3rd ed) (Groves), 52
Brealey and Quigley (eds): *Completing the Internal Market of the European Community: 1992 Legislation* (Groves), 214
Brealey and Quigley: *1992 Handbook* (Groves), 214
Cecchini: *1992: The European Challenge* (Groves), 7
Collier: *Conflict of Laws* (Fawcett), 92
Hawk (ed): *United States and Common Market Antitrust Policies* (Korah), 31
Horner: *Parallel Imports* (Groves), 52
Morris and Quest: *Design: The Modern Law and Practice* (Groves), 7
Pitt (ed): *Butterworths Commercial Law Handbook*, 268
Pratt: *Competition Law Manual* (Groves), 268
Totty and Jordan: *Insolvency* (Farmery), 31
Wyatt and Dashwood: *The Substantive Law of the EEC* (Groves), 52