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Chambers and Partners Directory 1992/93 (Groves), 287

Companies Act 1989 (with Commentary) (Begg), 26

Davies: Effective Retention of Title (Groves), 287

Huntington: Fraud - Prevention and Detection, 99

Ishani: The European Community: a Short Guide for Business and the Professions (Groves), 286

Jones, van der Woude and Lewis: EEC Competition Law Handbook 1990/91 (Korah), 47

Jorde and Teece: Antitrust, Innovation and Competitiveness (Korah), 287

Konigsberg: International Franchising (Groves), 83

Luther: Profit Related Pay: Practice and Theory, 155

Medhurst: A Brief and Practical Guide to EC Law (Groves), 286

Miller (ed): The Monopolies and Mergers Yearbook (Korah), 137

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