

THE  
CAMBRIDGE LAW  
JOURNAL

2016

EDITOR

J. BELL, Q.C., M.A., D.Phil., F.B.A., F.R.S.A.

PUBLISHED FOR THE  
FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

**CAMBRIDGE**  
UNIVERSITY PRESS

Published by the Press Syndicate of the University of Cambridge  
University Printing House, Shaftesbury Road, Cambridge CB2 8BS, UK.  
1 Liberty Plaza, Floor 20, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
C/Orense, 4, Planta 13, 28020 Madrid, Spain  
Lower Ground Floor, Nautica Building, The Water Club,  
Beach Road, Granger Bay, 8005 Cape Town, South Africa

© The Cambridge Law Journal and  
Contributors, 2016

ISSN: 0008-1973

*Printed in the UK by Bell & Bain Ltd*

## EDITORIAL COMMITTEE

PROFESSOR J. BELL, Q.C., M.A., D.Phil., F.B.A., F.R.S.A., *Editor*

P.G. TURNER, B.Sc., LL.B., Ph.D., *Secretary and Treasurer*

A. ALBORS-LLORENS, Lic.Der., LL.M., Ph.D., *Note Editor*

PROFESSOR SIR JOHN H. BAKER, Q.C., LL.B., Ph.D., M.A., LL.D., F.B.A.

PROFESSOR B.R. CHEFFINS, B.A., LL.B., LL.M.

A. DU BOIS-PEDAIN, M.Jur., Dr. iur., *Note Editor*

PROFESSOR M.C. ELLIOTT, M.A., Ph.D., *Note Editor*

PROFESSOR E.V. FERRAN, M.A., Ph.D., F.B.A.

PROFESSOR C.F. FORSYTH, B.Sc., LL.B., Ph.D.

D.M. FOX, Ph.D., *Senior Note Editor*

PROFESSOR C.D. GRAY, M.A., Ph.D., *Note Editor*

PROFESSOR D.J. IBBETSON, M.A., Ph.D., F.B.A.

N.G. JONES, M.A., LL.M., Ph.D.

L. MERRETT, M.A., *Note Editor*

R.J.C. MUNDAY, M.A., Ph.D.

J.A. O'SULLIVAN, M.A., Ph.D., *Note Editor*

P.J. ROGERSON, M.A., Ph.D.

J.M. SCHERPE, M.A., M.Jur., Dr. iur., *Note Editor*

F.G.F. STARK, LL.B., LL.M., Ph.D., *Note Editor*

## CONTRIBUTORS OF ARTICLES

ALLAN, TREVOR: Law, Democracy, and Constitutionalism: Reflections on <i>Evans v Attorney General</i> . . . . .	38
BJORGE, EIRIK: Balancing Domestic and International Exigencies . . . . .	220
CAHILL, MARIA: Limits on the Power of Amendment and National Constituent Power . . . . .	245
CARTER, J.W. AND COURTNEY, WAYNE: Good Faith in Contracts: Is there an Implied Promise to Act Honestly? . . . . .	608
CARTWRIGHT, PETER: Enhanced Consumer Measures and the Retreat from Punishment in the Consumer Rights Act 2015 . . . . .	271
DAVIES, PAUL S.: Rectification versus Interpretation: The Nature and Scope of the Equitable Jurisdiction . . . . .	62
DOUGLAS, SIMON AND GOOLD, IMOGEN: Property in Human Biomaterials: A New Methodology . . . . .	478
LANGFORD, ROSEMARY TEELE: Best Interests: Multifaceted but not Unbounded . . . . .	505
LIEW, YING KHAI: Reanalysing Institutional and Remedial Constructive Trusts . . . . .	528
MURPHY, JOHN: Misleading Appearances in the Tort of Deceit . . . . .	301
MURRAY, PHILIP: <i>R v Bolton</i> and Judicial Review for Error of Law . . . . .	333
PLUNKETT, JAMES: Principle and Policy in Private Law Reasoning . . . . .	366
ROWBOTTOM, JACOB: The Role of Publicity in Regulating Political Donations . . . . .	398
SALES, PHILIP: Rights and Fundamental Rights in English Law . . . . .	86
SOYER, BARIS: Risk Control Clauses in Insurance Law: Law Reform and the Future . . . . .	109
STARK, FINDLAY: The Demise of Parasitic Accessorial Liability . . . . .	550
TOFARIS, STELIOS AND STEEL, SANDY: Negligence Liability for Omissions and the Police . . . . .	128
TRISPIOTIS, ILIAS: Two Interpretations of “Living Together” . . . . .	580

## CASES ANNOTATED

<p>Beghal v DPP . . . . . 8</p> <p>Case C-650/13 Delvigne EU:C:2015:648 . . . 24</p> <p>Certain Activities Carried out by Nicaragua in the Border Area . . . . . 445</p> <p>Collins v Secretary of State . . . . . 192</p> <p>Cox v Ministry of Justice . . . . . 202</p> <p>Eclairs Group Ltd. v JKK Oil &amp; Gas plc. . . . . 213</p> <p>Federal Republic of Brazil v Durant International Corp . . . . . 462</p> <p>Idontoba v Georgia . . . . . 4</p> <p>Ilott v Mitson . . . . . 31</p> <p>Lungowe v Vedanta Resources . . . . . 468</p> <p>Marks and Spencer plc v BNP Paribas Securities Services Trust Company (Jersey) Ltd. . . . . 199</p> <p>Menelaou v Bank of Cyprus plc. . . . . 209</p> <p>Mortgage Express v Lambert . . . . . 458</p> <p>MWB Business Exchange Centres v Rock Advertising . . . . . 455</p> <p>Oliari v Italy . . . . . 27</p> <p>ParkingEye Ltd. v Beavis . . . . . 11</p>	<p>Pham v Secretary of State for the Home Department . . . . . 1</p> <p>PJS v News Group Newspaper . . . . . 452</p> <p>PST Energy Shipping v OW Bunker Malta . . . . . 465</p> <p>R. (Bibi) v Secretary of State for the Home Department . . . . . 189</p> <p>R. v Jogee; Ruddock v The Queen . . . . . 196</p> <p>R. (on the application of Lumsdon) v Legal Services Board . . . . . 186</p> <p>R. (on the application of SG) v Secretary of State for Work and Pensions . . . 34</p> <p>Re N (Children) (Adoption: Jurisdiction) . . 471</p> <p>Robb v National Crime Authority . . . . . 206</p> <p>Salt v Stratstone Specialist Ltd . . . . . 15</p> <p>The Res Cogitans . . . . . 465</p> <p>The STX Mumbai . . . . . 18</p> <p>UBS v HMRC and DB v HMRC . . . . . 474</p> <p>United Policyholder Group v Attorney General for Trinidad and Tobago . . . . . 449</p> <p>Vizcaya Partners Ltd. v Picard . . . . . 216</p> <p>Wishart v Credit and Mercantile Plc . . . . . 21</p>
---	---

BOOKS REVIEWED

ASSY, R.: *Injustice in Person: The Right to Self-Representation*. . . . .435

AZARIA, D.: *Treaties on Transit of Energy via Pipelines and Countermeasures*. . . . .169

BELL, J., ELLIOTT, M., VARUHAS, J. N. E., AND MURRAY, P. (EDS): *Public Law Adjudication in Common Law Systems: Process and Substance*. . . . .623

CHEUNG, A. S.Y., AND WEBER, R. H. (EDS): *Privacy and Legal Issues in Cloud Computing*. . . . .174

CRUFT, R., LIAO, S. M., AND RENZO, M. (EDS): *Philosophical Foundations of Human Rights*. . . . .158

DAVIDOV, G.: *A Purposive Approach to Labour Law*. . . . .632

DE BRABANDERE, E.: *Investment Treaty Arbitration as Public International Law: Procedural Aspects and Implications*. . . . .171

DE LONDRAS, F., AND DOODY, J. (EDS): *The Impact, Legitimacy and Effectiveness of EU Counter-Terrorism*. . . . .179

DOUGLAS, S., HICKEY, R., AND WARING, E. (EDS): *Landmark Cases in Property Law*. . . . .635

DYSON, A., GOUDKAMP, J., AND WILMOT-SMITH, F. (EDS): *Defences in Unjust Enrichment*. . . . .626

GALLIGAN, B., AND BRENTON, S. (EDS): *Constitutional Conventions in Westminster Systems: Controversies, Changes and Challenges*. . . . .652

GEE, G., HAZELL, R., MALLESON, K., AND O'BRIEN, P.: *The Politics of Judicial Independence in the United Kingdom's Changing Constitution*. . . . .437

HALLAQ, W. B.: *The Impossible State: Islam, politics and modernity's moral predicament*. . . . .161

HAZELL, R. AND MELTON, J. (EDS): *Magna Carta and its Modern Legacy*. . . . .426

MCFARLANE, B.: *The Law of Proprietary Estoppel*. . . . .432

MACKLEM, T.: *Law and Life in Common*. . . . .440

POOLE, T.: *Reason of State: Law, Prerogative and Empire*. . . . .620

RICHARDS, N.: *Intellectual Privacy - Rethinking Civil Liberties in the Digital Age*. . . . .176

ROBERTSON, A., AND TILBURY, M. (EDS): *The Common Law of Obligations: Divergence and Unity*. . . . .646

ROBERTSON, A., AND TILBURY, M. (EDS): *Divergences in Private Law*. . . . .646

SEDLEY, S.: *Lions under the Throne: Essays on the History of English Public Law*. . . . .638

SLOCUM, B. G.: *Ordinary Meaning: A Theory of the Most Fundamental Principle of Legal Interpretation*. . . . .629

STEEL, S.: *Proof of Causation in Tort Law*. . . . .641

SYNGE, M.: *THE 'NEW' PUBLIC BENEFIT REQUIREMENT: Making Sense of Charity Law?* . . . . .164

THOMPSON, S.: Prenuptial Agreements and the Presumption of Free Choice: Issues of Power in Theory and Practice. . . . .	429
VIÑUALES, J. E. (ED): The Rio Declaration on Environment and Development: A Commentary. . . . .	166
WOOD, P. R.: The Fall of the Priests and the Rise of the Lawyer. . . . .	644

SUBJECT INDEX 2016

†Indicates an article                      \*Indicates a book review  
Other references are to casenotes

- Administrative law
  - Judicial review—see Judicial Review
  - Extra-statutory guidance . . . . . 189
  - Legitimate expectation . . . . . 449
  - Proportionality . . . . . 186
- Child Law
  - Care proceedings, conflict of laws . . . . . 471
  - Welfare, UN rights of child . . . 34
- Civil liberties
  - See also Human Rights
  - Anti-terrorism, police powers . . . 8
- Civil procedure
  - \*Litigants in person . . . . . 435
- Company Law
  - †Best interests of the company . . . . . 505
  - Proper purposes . . . . . 213
- Comparative Law
  - \*Public law, Common law . . . 623
- Conflict of Laws
  - Care proceedings . . . . . 471
  - Forum non conveniens* . . . . . 468
  - Jurisdiction agreements . . . . . 216
- Constitutional Law
  - †Constituent power . . . . . 245
  - \*Conventions . . . . . 652
  - Human Rights—see Human Rights
  - \*Judicial independence . . . . . 437
  - \*Judicial role . . . . . 638
  - \*Magna Carta legacy . . . . . 426
  - †Parliamentary sovereignty . . . . 38
  - †Political parties, funding . . . . 398
  - \*Prerogative and Empire . . . . 620
  - †Rule of law . . . . . 38
- Contract Law
  - Anticipatory breach . . . . . 18
  - †Consumer protection . . . . . 271
  - †Good faith . . . . . 608
  - Implied terms . . . . . 199
  - Misrepresentation . . . . . 15
- Penalty clause . . . . . 11
- †Rectification and interpretation 62
- Unconscionability . . . . . 458
- Variation of terms . . . . . 455
- Criminal Law
  - †Accessory Liability . . . . . 550
  - Complicity . . . . . 196
  - Defensive force . . . . . 192
- Environmental Law
  - Protection across borders . . . . 445
  - \*Rio Declaration . . . . . 166
- European Convention on Human Rights
  - see Human Rights
- European Union Law
  - Right to vote . . . . . 24
  - \*Terrorism . . . . . 179
- Equity and Trusts
  - †Constructive trust . . . . . 528
  - Tracing . . . . . 206, 462
- Family Law
  - Child—see Child Law
  - Inheritance, family provision . . . . . 31
  - \*Pre-nuptial agreements . . . . 429
  - Same sex couples . . . . . 27
- Human Rights
  - †Common law rights . . . . . 220
  - †Fundamental rights, English law . . . . . 86
  - Gender-identity protection . . . . 4
  - \*Intellectual privacy . . . . . 176
  - Jurisdiction, overseas violations . . . . . 468
  - †“Living together” as qualification on rights . . . . 580
  - \*Philosophical foundations . . . . . 158
  - Welfare rights, UN rights of child . . . . . 34
- Information Law
  - \*Cloud computing, privacy . . . 174
  - \*Intellectual privacy . . . . . 176

Insurance Law	
‡Risk Control Clauses . . . . .	109
International Law	
Environment, protection across	
borders . . . . .	445
*Environment, Rio	
Declaration . . . . .	166
*Energy transit . . . . .	169
*Investment treaty arbitration . .	171
*EU, counter-terrorism . . . . .	179
Islamic Law	
*Legal thought, notion	
of state . . . . .	161
Judges	
*Constitution and . . . . .	638
*Judicial Independence . . . . .	437
Judicial Review	
Discrimination . . . . .	34
‡Error of law . . . . .	333
Grounds of review . . . . .	1
Legitimate expectation . . . . .	449
*Public Law Adjudication . . . .	623
Jurisprudence	
*‡Dworkin . . . . .	366, 440
*Life in common . . . . .	440
‡Principle and policy . . . . .	366
Labour Law	
*Interpretation . . . . .	632
Land Law	
Land registration . . . . .	21, 458
*Proprietary estoppel . . . . .	432
Overreaching, unconscionable	
bargain . . . . .	458
Legal History	
*Constitution, judges and . . . .	638
‡Judicial review . . . . .	333
*Legal profession . . . . .	644
Medical Law	
‡Biomaterials . . . . .	478
Obligations	
*Divergence and unity . . . . .	646
See also Contract, Restitution	
and Tort	
Privacy	
*Cloud computing . . . . .	174
*Intellectual privacy . . . . .	176
Intrusion into private life . . . .	452
Property Law	
‡Biomaterials . . . . .	478
*General, landmark cases . . . .	635
Land—see Land Law	
*Proprietary estoppel . . . . .	432
Restitution	
*Defences . . . . .	626
Unjust enrichment,	
subrogation . . . . .	209
Sale of goods	
Reservation of title . . . . .	465
Statutory interpretation	
‡Constitutional principle and . .	38
*Labour law . . . . .	632
*Ordinary meaning . . . . .	629
Tax avoidance . . . . .	674
Tax	
Anti-avoidance . . . . .	674
Tort	
*Causation . . . . .	641
‡Deceit . . . . .	301
Negligence, omissions . . . . .	128
Vicarious liability . . . . .	202

## A Selection of Titles *from* Hart Publishing

### EIGHTH EDITION

#### **Tiley's Revenue Law**

*Glen Loutzenhiser*

This is the eighth edition of John Tiley's major text on revenue law, now massively expanded and restructured to cover the UK Tax system, Income Tax, Capital Gains Tax, and Inheritance Tax as well as incorporating sections dealing with Corporation Tax, International and European Tax, Savings and Charities which had previously been published in a separate volume entitled *Advanced Topics in Revenue Law*.

**Glen Loutzenhiser** is Associate Professor of Tax Law, University of Oxford.

---

Sept 2016 9781509911455 1504pp Pbk £54.99

#### **Life Imprisonment and Human Rights**

*Edited by Dirk van Zyl Smit  
and Catherine Appleton*

In many jurisdictions today, life imprisonment is the most severe penalty that can be imposed. Despite this, it is a relatively under-researched form of punishment and no meaningful attempt has been made to understand its human rights implications. This important collection fills that gap by addressing these two key questions: namely, what is life imprisonment and what human rights are relevant to it? These questions are explored from the perspective of a range of jurisdictions. In addition it offers a dual perspective drawing on both empirical and doctrinal research. Under the editorship of two leading scholars in the field, this innovative and important work will be a landmark publication in the field of penal studies and human rights.

**Dirk van Zyl Smit** is Professor of Comparative and International Penal Law and **Catherine Appleton** is Senior Research Fellow in Law, both at the University of Nottingham.

---

Dec 2016 9781509902200 432pp Hbk £70

### SIXTH EDITION

#### **Simester and Sullivan's Criminal Law**

*Theory and Doctrine*

*AP Simester, JR Spencer, F Stark,  
GR Sullivan and GJ Virgo*

This is the new edition of the leading textbook on criminal law. It is an outstanding account of modern English criminal law, combining detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings. Primarily, it is written for undergraduate students of criminal law and it has become the set text in many leading universities.

**AP Simester** is Provost's Chair in Law at the National University of Singapore. **JR Spencer QC** is Professor Emeritus of Law, **Findlay Stark** is University Lecturer in Law and **GJ Virgo** is Professor of English Private Law, all at the University of Cambridge. **GR Sullivan** is Emeritus Professor of Law at University College, London.

---

Sept 2016 9781849467223 992pp Pbk £29.99

### FIFTH EDITION

#### **A Casebook on Contract**

*Andrew Burrows*

This is the fifth, fully updated, edition of Professor Burrows' casebook, offering law students the ideal way to discover and understand contract law through reading highlights from the leading cases. Designed to be used either on its own or to supplement a contract law textbook, this book covers the undergraduate contract law course in a series of clearly presented and carefully structured chapters.

**Andrew Burrows** is Professor of the Law of England in the University of Oxford.

---

Sept 2016 9781509907700 936pp Pbk £32.99

Hart Publishing, 16C Worcester Place, Oxford, OX1 2JW, UK Tel 01865 517530

Fax 01865 510710 E-mail mail@hartpub.co.uk Website www.hartpub.co.uk

Hart Publishing Ltd. is registered in England No. 3307205  
Hart Publishing Ltd. is an Imprint of Bloomsbury Publishing plc



CAMBRIDGE

JOURNALS

# Leiden Journal of International Law

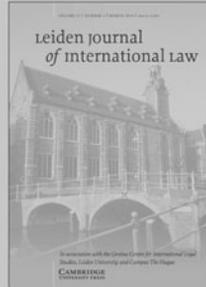
Published for The Foundation of the Leiden Journal of  
International Law

## Editors-in-Chief

Eric De Brabandere, *Leiden University, The Netherlands*

Ingo Venzke, *Amsterdam Center for International Law, The Netherlands*

Firmly established as one of Europe's leading journals in the field, the *Leiden Journal of International Law* (LJIL) provides a forum for two vital areas, namely international legal theory and international dispute settlement. It is unique in providing the most comprehensive coverage of the world's most important international tribunals in The Hague (such as the ICJ, ICTY, ICC and others) and elsewhere, as well as examining new trends in international legal thinking. *LJIL* is essential reading for academics and practitioners who need to stay abreast of recent developments in these areas.



**Leiden Journal of International  
Law** is available online at:  
<http://journals.cambridge.org/ljl>

## To subscribe contact Customer Services

### in Cambridge:

Phone +44 (0)1223 326070  
Fax +44 (0)1223 325150  
Email [journals@cambridge.org](mailto:journals@cambridge.org)

### in New York:

Phone (845) 353 7500  
Fax (845) 353 4141  
Email  
[subscriptions\\_newyork@cambridge.org](mailto:subscriptions_newyork@cambridge.org)

## Free email alerts

Keep up-to-date with new  
material – sign up at  
[journals.cambridge.org/ljl-alerts](http://journals.cambridge.org/ljl-alerts)

For free online content visit:  
<http://journals.cambridge.org/ljl>



CAMBRIDGE  
UNIVERSITY PRESS

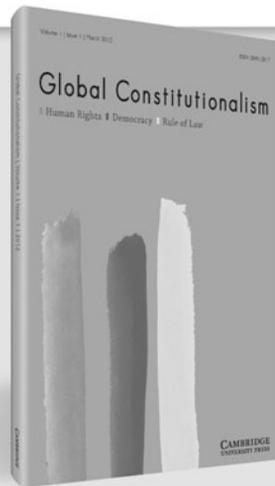
# Global Constitutionalism

■ Human Rights ■ Democracy ■ Rule of Law

*Global Constitutionalism – Human Rights, Democracy and the Rule of Law (GlobCon)* seeks to promote a deeper understanding on the foundations, limitations and principles of political order and their dynamics over time on a global scale.

The journal is interested in work that refers to constitutionalism as a template for empirical, conceptual or normative research on past, present and future political and legal practices, within and beyond the state.

*GlobCon* invites submissions from scholars of International Law, Political Science, International Relations, Comparative Constitutional Law, Comparative Politics, Political Theory and Philosophy.



Published in Association with the  
Centre for Globalisation and Governance,  
University of Hamburg

Find out more about this exciting new journal  
including submission information here:

[journals.cambridge.org/GlobCon](https://journals.cambridge.org/GlobCon)



**CAMBRIDGE**  
UNIVERSITY PRESS

## NOTES FOR CONTRIBUTORS

Communications concerning Articles (not exceeding 12,000 words, including footnotes) and Shorter Articles (not exceeding 5000 words, including footnotes) should be addressed to the Editor, Professor J. Bell, Faculty of Law, University of Cambridge, 10 West Road, Cambridge CB3 9DZ (clj.editor@law.cam.ac.uk); and those concerning notes (not exceeding 1,500 words) to Dr D. Fox, St John's College, Cambridge CB2 1TP (clj.notes@law.cam.ac.uk).

Books for review (not exceeding 2000 words) should be sent to the CLJ Book Review Editor, Faculty of Law, University of Cambridge, 10 West Road, Cambridge CB3 9DZ (clj.reviews@law.cam.ac.uk).

*Notes for Contributors* are available from the Editor at the above address or at <http://www.law.cam.ac.uk>. Prospective contributors are urged to observe the guidelines carefully.

*Copying* This journal is registered with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923. Organisations in the USA who are also registered with CCC may therefore copy material (beyond the limits permitted by sections 107 and 108 of US Copyright law) subject to payment to CCC of the per-copy fee of \$15.00. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0008-1973/2016/5/\$15.00.

*ISI Tear Sheet Service*, 3501 Market Street, Philadelphia, PA 19104, USA, is authorised to supply single copies of separate articles for private use only.

*For all other use*, permission should be sought from Cambridge or the American Branch of Cambridge University Press.

*Internet access.* The *Cambridge Law Journal* is included in the Cambridge Journals Online service which can be found at <http://journals.cambridge.org/>. For further information on other Press titles access <http://www.cambridge.org/>.

The *Cambridge Law Journal* is included in the Thomson Reuters Social Sciences Citation Index® and Journal Citation Reports.

This journal issue has been printed on FSC-certified paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see [www.fsc.org](http://www.fsc.org) for information.

---

## BOOK REVIEWS

THOMAS POOLE: Reason of State: Law, Prerogative and Empire	620	STEPHEN SEDLEY: Lions under the Throne: Essays on the History of English Public Law	638
JOHN BELL, MARK ELLIOTT, JASON N.E. VARUHAS, AND PHILIP MURRAY (EDS): Public Law Adjudication in Common Law Systems: Process and Substance	623	SANDY STEEL: Proof of Causation in Tort Law	641
ANDREW DYSON, JAMES GOUDKAMP, AND FREDERICK WILMOT-SMITH (EDS): Defences in Unjust Enrichment	626	PHILIP R. WOOD: The Fall of the Priests and the Rise of the Lawyer	644
BRIAN G. SLOCUM: Ordinary Meaning: A Theory of the Most Fundamental Principle of Legal Interpretation	629	ANDREW ROBERTSON AND MICHAEL TILBURY (EDS): The Common Law of Obligations: Divergence and Unity	646
GUY DAVIDOV: A Purposive Approach to Labour Law	632	BRIAN GALLIGAN AND SCOTT BRENTON (EDS): Constitutional Conventions in Westminster Systems: Controversies, Changes and Challenges	652
SIMON DOUGLAS, ROBIN HICKEY AND EMMA WARING (EDS): Landmark Cases in Property Law	635		

---

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Shaftesbury Road, Cambridge CB2 8BS, UK  
1 Liberty Plaza, Floor 20, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia

*Printed in the UK by Bell & Bain Ltd*

# THE CAMBRIDGE LAW JOURNAL

November 2016

## CASE AND COMMENT

International law – Environmental protection	<i>Certain Activities Carried out by Nicaragua in the Border Area</i>	445
Administrative law – Legitimate expectation	<i>United Policyholder Group v Attorney General for Trinidad and Tobago</i>	449
Confidentiality – Intrusion into private life	<i>PJS v News Group Newspaper</i>	452
Contract law – Variation of terms	<i>MWB Business Exchange Centres v Rock Advertising</i>	455
Land law – Registered title – Undue influence	<i>Mortgage Express v Lambert</i>	458
Equity – Tracing – Money laundering	<i>Federal Republic of Brazil v Durant International Corp</i>	462
Sale of goods – Reservation of title	<i>The Res Cogitans</i>	465
Conflict of laws – <i>Forum non conveniens</i>	<i>Lungowe v Vedanta Resources</i>	468
Conflict of laws – Care proceedings	<i>Re N (Children) (Adoption: Jurisdiction)</i>	471
Taxation – Anti-avoidance	<i>UBS v HMRC and DB v HMRC</i>	474

## ARTICLES

Property in Human Biomaterials: A New Methodology: SIMON DOUGLAS AND IMOGEN GOOLD	478
Best Interests: Multifaceted but not Unbounded: ROSEMARY TEELE LANGFORD	505
Reanalysing Institutional and Remedial Constructive Trusts: YING KHAI LIEW	528
The Demise of Parasitic Accessorial Liability: FINDLAY STARK	550
Two Interpretations of “Living Together”: ILIAS TRISPIOTIS	580

## SHORTER ARTICLE

Good Faith in Contracts: Is there an Implied Promise to Act Honestly?: J. W. CARTER AND WAYNE COURTNEY	608
--	-----

[continued on p. 3 of cover]