[2010] C.L.J.

Part 1

THE CAMBRIDGE LAW JOURNAL

March 2010

Lord Radcliffe Out of Time NEIL DUXBURY

Interpreting the New Concept of Hearsay DIANE BIRCH AND MICHAEL HIRST

"A European Civil Code in All But Name": Discussing the Nature and Purpose of the Draft Common Frame of Reference

NILS JANSEN AND REINHARD ZIMMERMANN

The Court's Jurisdiction to Restrain a Creditor from presenting a Winding-up Petition where a Cross-claim exists

SUET LIN JOYCE LEE

Getting Defensive about Police Negligence: The *Hill* Principle, the Human Rights Act 1998 and the House of Lords

CLAIRE MCIVOR

Disguised Returns of Capital - An Arm's Length Approach

EVA MICHELER

'Medicine, Mistakes and Manslaughter – A Criminal Combination?' OLIVER QUICK

For full contents see back cover

CAMBRIDGE UNIVERSITY PRESS

 $FOR\ THE\ FACULTY\ OF\ LAW,\ UNIVERSITY\ OF\ CAMBRIDGE$ https://doi.org/10.1017/S0008197310000292 Published online by Cambridge University Press

THE CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

Professor J. Bell, M.A., D.Phil., QC, F.B.A., F.R.S.A., Editor R. J. Moules, B.A., LL.M., Secretary and Treasurer Professor Sir John H. Baker, O.C., LL.D., F.B.A. Professor M. A. Clarke, M.A., LL.B., Ph.D. Professor C. F. Forsyth, Ph.D. Professor C. D. Gray, M.A., Ph.D., Note Editor Professor Sir Bob Hepple, Q.C., LL.D., F.B.A. Professor J. A. Jolowicz, O.C., M.A., Note Editor Professor J. R. Spencer, Q.C., M.A., LL.B., Note Editor Professor G. J. Virgo, M.A., B.C.L., Note Editor A. W. E. Bainham., LL.M., Ph.D., Note Editor A. du Bois-Pedain, M.Jur., Dr. iur., Note Editor M. C. Elliott, M.A., Ph.D., Note Editor D. M. Fox, Ph.D., Note Editor C. A. Hopkins, O.B.E., M.A., LL.B. 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., Note Editor M. J. Prichard, M.A., LL.B. P. J. Rogerson, M.A., Ph.D. J. Rowbottom, B.A., LL.B., Book Review Editor C. C. Turpin, M.A., LL.B.

SUBSCRIPTIONS 2010

One volume of *The Cambridge Law Journal* (ISSN 0008-1973) is published each year. Each volume is in three parts, published in March, July and November. The subscription price (excluding VAT) of Volume 69, which includes print and electronic access is \pounds 79.00 net (US\$148.00 in the USA, Canada and Mexico), and is payable in advance. The electronic-only price available to institutional subscribers is \pounds 71.00 (US\$131.00 in the USA, Canada and Mexico). Reduced rate subscriptions are available to individuals. Details may be obtained from the publishers. Single parts cost \pounds 38.00 net (US\$52.00 in the USA, Canada and Mexico) plus postage. EU subscribers (outside the UK) who are not registered for VAT should add VAT at their country's rate. VAT registered subscription agent or to Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, UK, or in the USA, Canada and Mexico to Cambridge University Press, Journals Fulfillment Department, 100 Brook Hill Drive, West Nyack, New York 10994-2133, USA. Japanese prices for institutions are available from Kinokuniya Company Ltd., P.O. Box 55, Chitose, Tokyo 156, Japan. Prices include delivery by air when appropriate.

© The Cambridge Law Journal and Contributors, 2010

BACK VOLUMES

Back volumes are kept in print hardbound and may be purchased at the prices shown below. A discount of 10% is given on a single order for 25 or more volumes.

Vols. 1–11 (1921–1953) one volume of 3 parts every 3 years	£74.00, \$137.00 per volume.
Vols. 12–30 (1954–1972) one volume of 2 parts every year	£74.00, \$137.00 per volume.
Vols. 31 (1972) Jubilee Issue including Index 1921-1970	£74.00, \$137.00 per volume.
Vols. 32–43 (1973–1984) one volume of 2 parts every year	£74.00, \$137.00 per volume.
Vols. 44–66 (1985–2007) one volume of 3 parts every year	£74.00, \$137.00 per volume.

The cumulative index 1921–1991 is also available separately at $\pounds 38.00$ (\$52.00 in the USA, Canada and Mexico).

ADVERTISING Details of advertising in the *Journal* may be obtained from Cambridge University Press.