EXPLORING THE LAW:

The Dynamics of Precedent and Statutory Interpretation

2nd edition

by

Colin Manchester, LL.B., Ph.D.
Senior Lecturer in Law, University of Birmingham

David Salter, LL.B., Solicitor
Senior Lecturer in Law, University of Birmingham

Peter Moodie, B.A., Dip.Crim.
Senior Lecturer in Law, University of Birmingham
Contents

Preface v
Table of Cases xi
Table of Statutes xxvii
Table of Statutory Instruments xxxi
Table of Treaties xxxiii
Glossary of Abbreviations xxxv
Acknowledgments xxxix

INTRODUCTION

Content, Format and Use of the Book xliii

PART 1: PRINCIPLES

1. Precedent and Statutory Interpretation: An Outline and Guide 3
2. Statutory Interpretation and Pepper v. Hart 58
3. The Incoming Tide: European Influences on Statutory Interpretation and the Doctrine of Precedent 77
4. The European Union Legal Order: Influence on Statutory Interpretation and the Doctrine of Precedent 80

PART 2: SELECTED CASE STUDIES

6. Contractual Obligations Arising Out of an Invitation to Tender 155
7. Existing Obligations as Consideration in Contract 168
8. The Right to Sue in the Tort of Private Nuisance 179
9. False Imprisonment, "Detention" and the Mental Health Act 1983 199
10. Video Cassettes as Obscene Articles 225
11. The Regulation of Abortion 233
12. Wives as Prosecution Witnesses 260
13. Indirect Racial Discrimination 274
14. Equal Pay 296
PART 3: TRACING THE EVOLUTION OF LAW IN SELECTED FIELDS

15. Nervous Shock or Psychiatric Injury 335
16. Marital Rape 389
17. Appropriation in Theft 418

Index 447