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**Volume 22 Issue 9**

**Published Monthly**

**Sept/Oct 2017**

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Cover: Commonwealth of Dominica government building before the Hurricane

# WILDY'S BOOK NEWS

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Wildy representatives often travel to the Caribbean to exhibit at conferences. In the past they have organized the re-stocking of law libraries destroyed in hurricanes. This year John Pethick and Jason Crimp have gained first-hand knowledge of the effects of a hurricane. They were in Dominica at the OECS Bar Conference when hurricane Maria (category 5) struck. After several days of being stranded on Dominica with the Lexis representative Jinesh Patel, they were finally evacuated by helicopter to Barbados, courtesy of the British military. See Jason Crimp's account on pp 2-8.

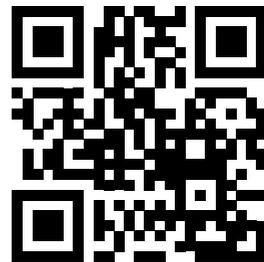
We are also sad to report the passing of Don Raistrick OBE, author of *The Index to Legal Citations and Abbreviations* and former law librarian at the Law Commission and what is now the Ministry of Justice. We knew Don for 40 years and he will be missed.

Finally, we note that the *Solicitor's Journal* has closed after 160 years.

*'Wildy'*



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## OECS BAR CONFERENCE, DOMINICA AND A HURRICANE CALLED MARIA



John Pethick with the President of Dominica, Charles Savarin and his wife, Clara Josephine Savarin, at the OECS Bar Conference evening event before the hurricane

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*by Jason Crimp*

The manager of our hotel told us that Antigua had been lucky with Irma. ‘We had a bit of a flood here and there, but nothing else much.’ She said. I had noticed arriving from the airport that there didn’t seem to be a great deal of damage. Doubtless parts of the island had suffered but the only signs I saw was branches which had been pushed to the side of the road and a large amount of wooden houses which had the windows boarded up. I suppose people were reluctant to take off the plywood, even though the hurricane had ‘passed’, as a precaution. After all, September is only half way through hurricane season. The effect of this gave the island a forlorn look, abandoned – though, it was just me I think. After all, small crowds of school children came and went and there was plenty of traffic on the roads.

We spent a day or two in Antigua, quite productively, visiting customers and saying hello. But we were in the region to travel on to Dominica for the OECS Bar Association Conference, to exhibit as a sponsor. I had wondered if the conference would go ahead,



Faustina Joseph (left), former Librarian to the Antigua & Barbuda Law Library and Niya Richards (right), the current Librarian of the Antigua & Barbuda Law Library. Picture taken outside court room one of the high court in Antigua.

Barbuda was devastated by hurricane Irma, so for the first time in over 300 years Barbuda is now unpopulated due to the forced evacuation of all citizens back to Antigua.

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given the destruction of Irma, and if it did go ahead, how well attended it would be. But I was happily surprised at the very good showing, and I don't think anybody who wanted to come along wasn't able to make it. I might be wrong on that, but if there were people who couldn't get there, it wouldn't be many. All credit to Jean Dyer in organizing this, her own island of Anquilla having been affected rather badly by the hurricane.

By the end of the conference there were rumours that Maria had developed from a tropical storm and was on its way as a category one hurricane. Everyone seemed surprisingly relaxed about this, assuming in an almost fatalistic way that the storm would pass above Dominica or below it. Also, we were told, Dominica has its own micro-climate which in some way prevents hurricanes from hitting the island. Perhaps these things are said to ward off fear, maybe they're believed. Either way, such talk didn't convince me.

By Saturday night, we came to realize that our departure back to Antigua scheduled for Monday might not happen. We decided to book a flight back for Sunday. We managed





John Pethick at the stadium where Jason, Jinesh and he were evacuated.



Jason, Jinesh and John preparing to leave with British military



Chinook helicopter landing to deliver relief supplies and fly out stranded tourists.



this but it was cancelled, about six hours after the tickets were purchased. There were no more flights out of Dominica so there was nothing to do but return to the hotel and hope things wouldn't go as badly as they might.

Things went pretty badly. Throughout Monday the hurricane got closer and the category became higher. By the afternoon it had become three. It was still to pass below us. But then some said above us. Once it arrived, it passed right over us, in Roseau, and the category by that time was five. Not as large as Irma, and not quite as fierce (Irma was five – there is no six – but with three plus marks. And the size of France), but it was enough to tear the galvanized roof off The Fort Young Hotel as if it was tin foil and fling it around the grounds, including a chunk about the size of small garden outside of my room door.

The roof coming away put the people sheltering in their rooms on the fifth floor in danger and many ran down, in the wind and the rain, to lower floors clambering in to other people's rooms. The stair-well is open and exposed and one man slipped and broke his leg. I could hear the screams from my room. Indeed I could hear shouting throughout the evening, in the dark. I had no idea what was going on. But occasionally over the wind, I heard the groan of something heavy, moving and crashing down. Or small things smashing against walls like bullets. Water from the storm leaked under my door, which didn't bother me at all, though the sea on my other side did. It was raging and impatient. Although there was no danger of any surge getting into the hotel, the mind does funny things in the dark, during a hurricane and I wondered if we'd all be swept away. Things calmed a little at around one or so, and I managed to sleep for a while.

Leaving my room in the morning was extremely affecting. Fort Young hadn't been entirely ruined but the damage was huge. Communal areas had been either smashed to bits or had become structurally suspect, with wooden pillars leaning at angles, and cladding tottering like penny shove coins, just about collapsing.

Roseau, beyond the hotel gate, had taken it badly with cars overturned, rooves off, flooding, mud and rain. The surrounding country had been stripped of its forest, trees thrown everywhere like sticks. They came downriver, blocking roads and piling up. This made journeys impossible we were told. No-one was going anywhere. Though looting seemed easy enough and armies of people of all types marched toward town while it was even still raining. And then marched back again, shopping trolleys full of toilet paper, mattresses, washing machines and microwaves. Young men drove about in gangs in pick-up trucks and quad bikes, carrying machetes and sticks. I assume to make stealing things more easily, but the menace seemed real enough.

Our hotel had once been an actual fort and had a metal gate which was now kept locked. We had no idea when we were getting away but the staff of Fort Young made sure the forty or so guests did not go without drinking water and food. We even had a couple of hours per day of electricity and water for washing. So in truth, we were luckier than most

on the island - even if it didn't feel like it when on my knees scooping dirty water from the outdoor swimming pool for the toilet cistern.

Everyone was keen to get away, naturally. The airports were said to be working and so was the port. For the Barbadian army, anyway. But evacuation seemed a way off. On the Thursday, however, we heard that the British Army were on the island. We had seen a couple of Royal Air Force Chinooks flying into Windsor Park Cricket Stadium, with relief supplies I supposed. We were told we might catch them and that they might, but only might, take us to Barbados. And we had to be quick. Most of our belongings stayed at Fort Young as we sped down to what they called the Command Centre, an office block by the Stadium.

Luckily, soldiers were there and - also luckily - they received permission from the Foreign and Commonwealth Office to evacuate around a dozen of us. I was told afterwards, that this was a close run thing and that permission almost never came. But it did come and we left. A Chinook is a very noisy twin bladed helicopter. In other circumstances, I would either be excited or terrified. But in truth I felt neither, just happy to get away.

The manager Marvlyn James and the wonderful Fort Young staff remain and I hope the rebuilding of their houses and their lives isn't too long a task. They made things bearable for their guests, even in the face of a catastrophe for their small country. I thank them.

<http://www.dominicarelief.org/>

<https://www.generosity.com/emergencies-fundraising/fort-young-hotel-staff-hurricane-maria-relief>

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### **WILDY'S PLANNED TRIPS AROUND THE WORLD IN 2017**

*A chance to meet our representatives at conferences and other venues*

22-25 Oct, John Eaton will be attending the IALL conference in Atlanta, Georgia

### **WILDY'S PLANNED TRIPS AROUND THE WORLD IN 2018**

2-4 May, Darwin, NT the Australia Law Librarians Association conference

27-30 May, the annual CALL conference in Halifax

7-9 June, the Wildy team will be in Birmingham attending the annual BIALL conference

14-17 July, the annual AALL conference in Baltimore

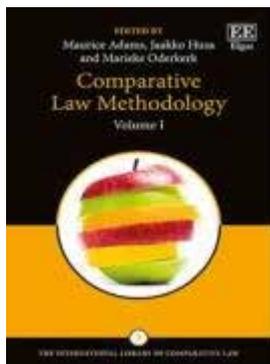
July, the annual CARALL conference in Trinidad

We will also be attending another conference in the caribbean, details to be announced

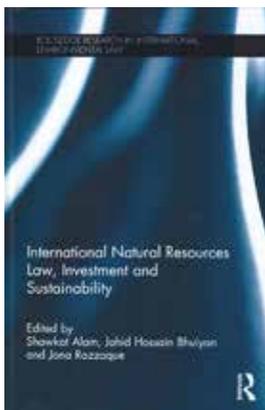
7-12 Oct, the IBA Conference in Rome

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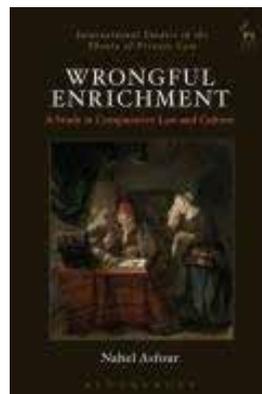
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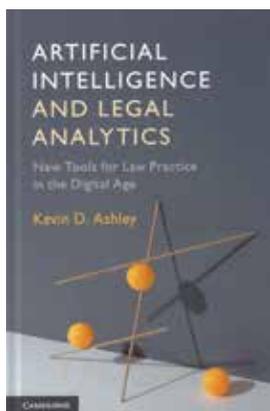
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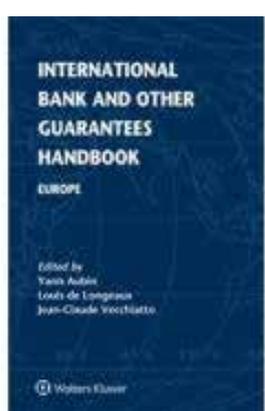
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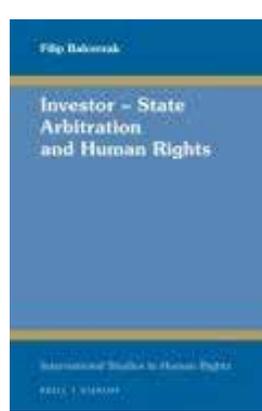
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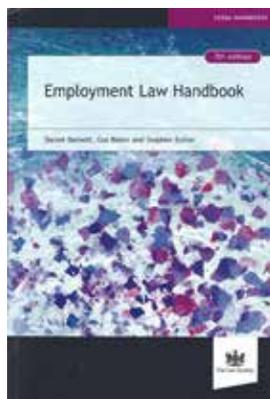
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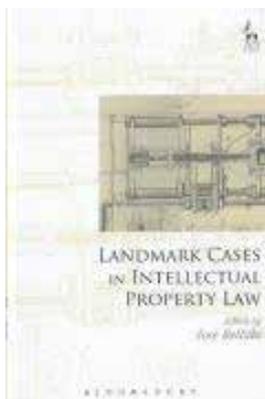
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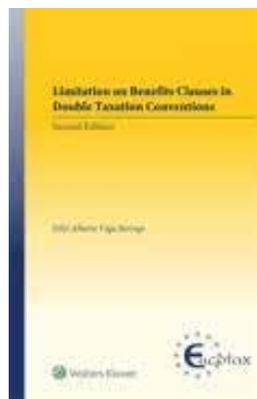
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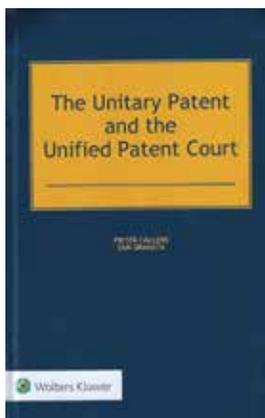
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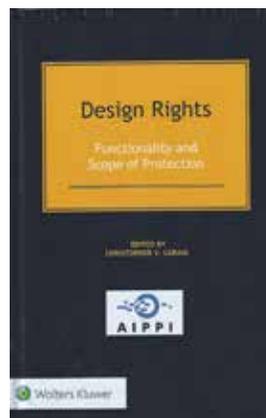
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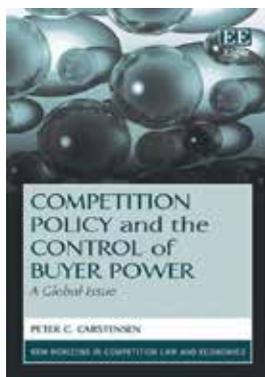
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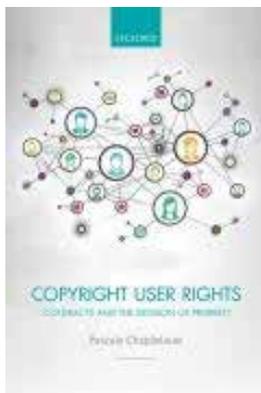
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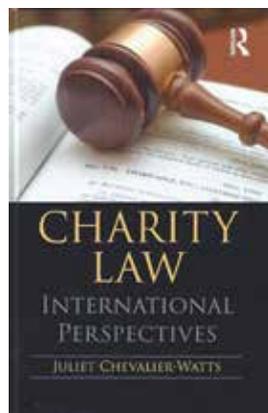
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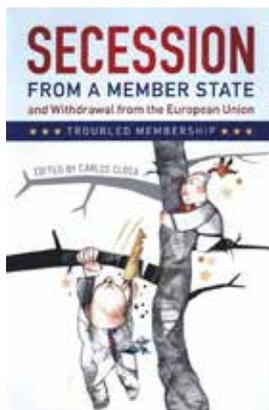
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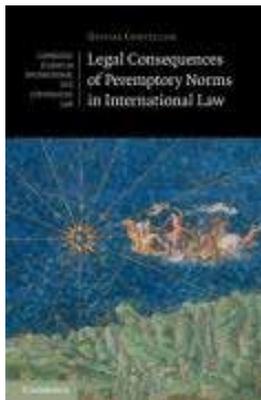
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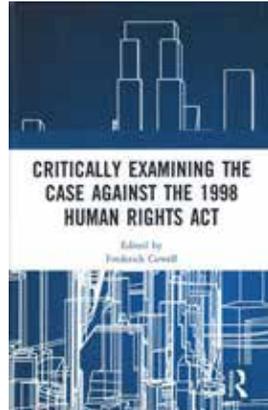
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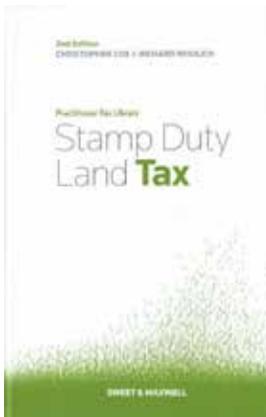
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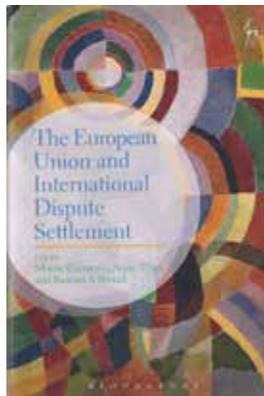
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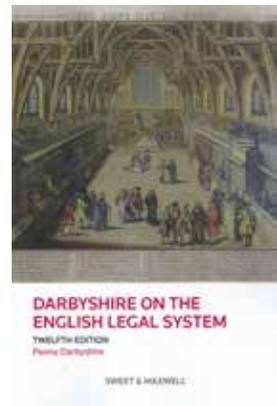
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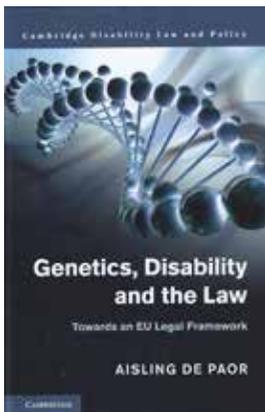
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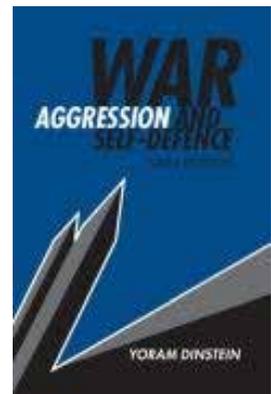
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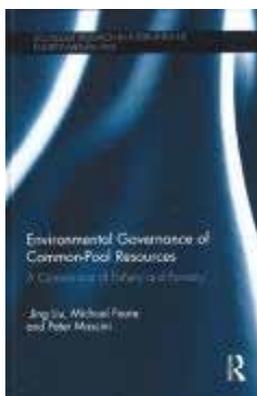
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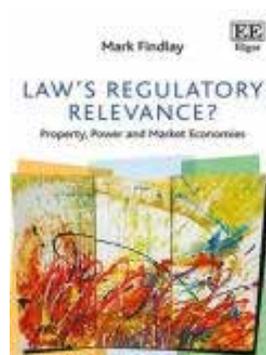
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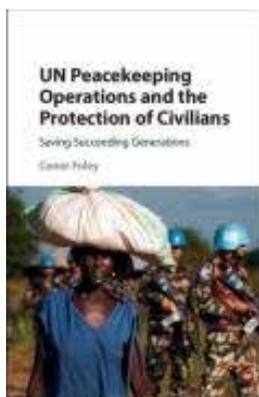
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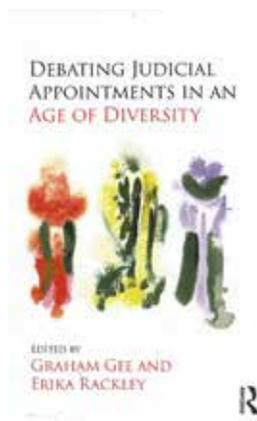
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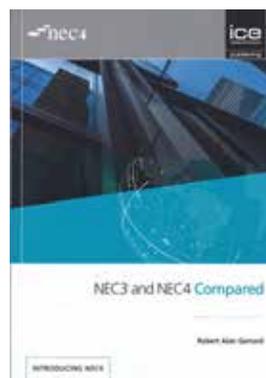
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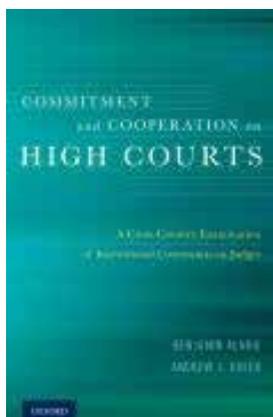
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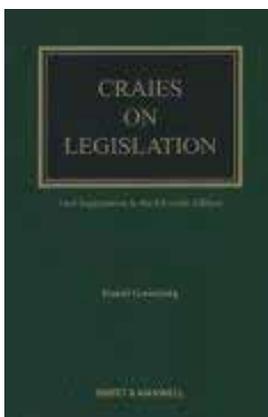
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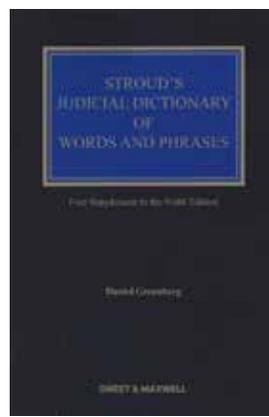
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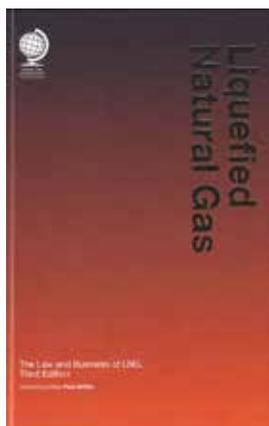
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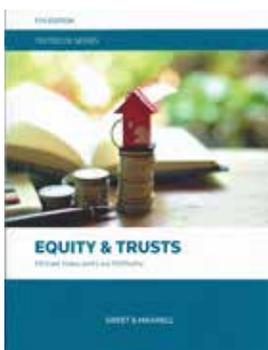
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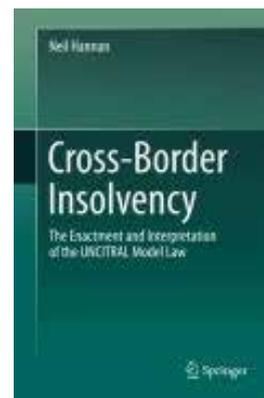
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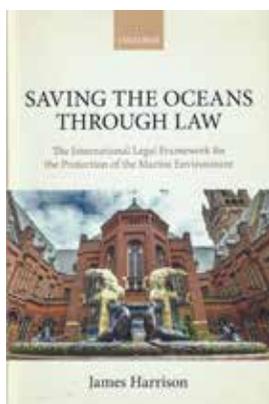
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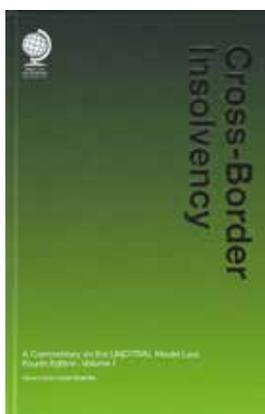
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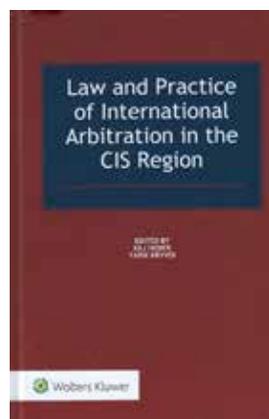
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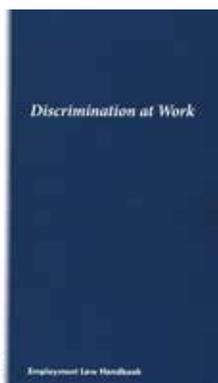
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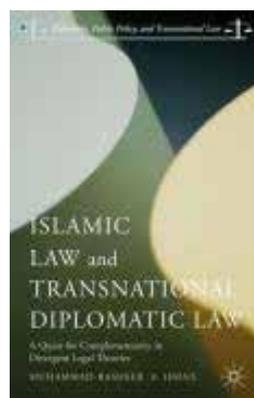
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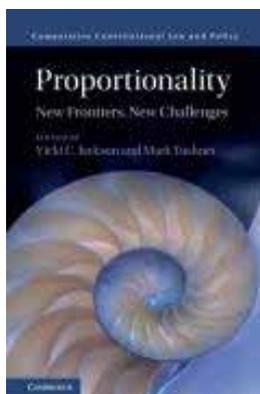
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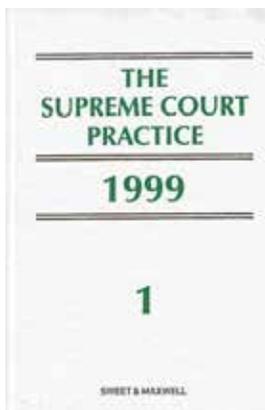
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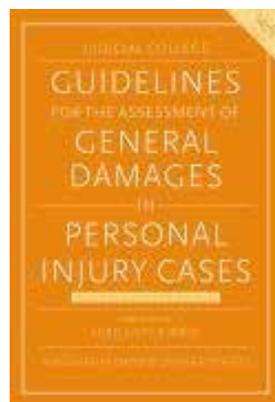
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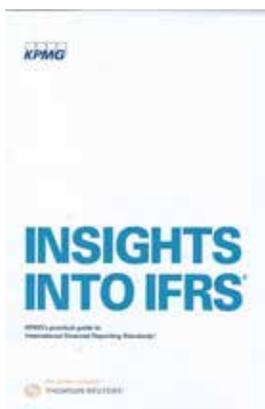
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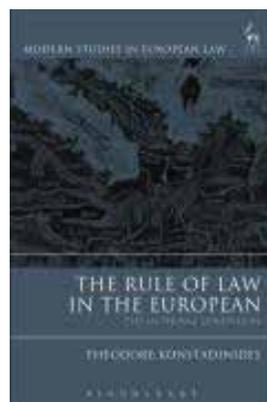
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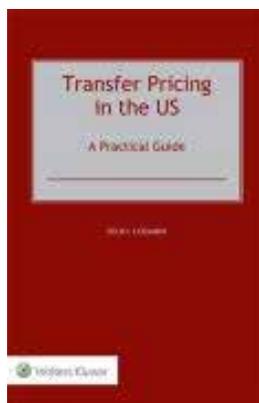
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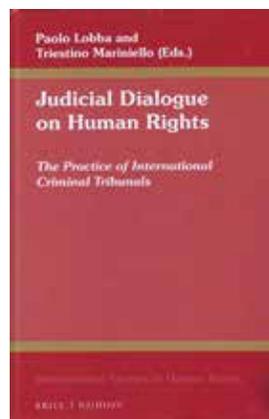
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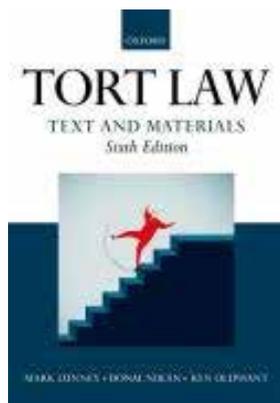
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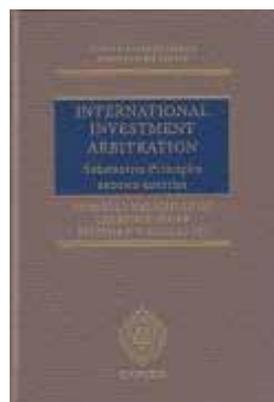
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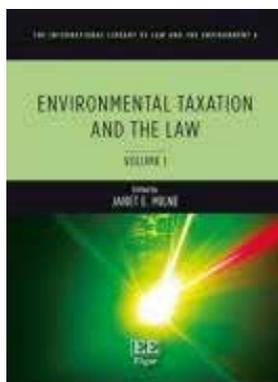
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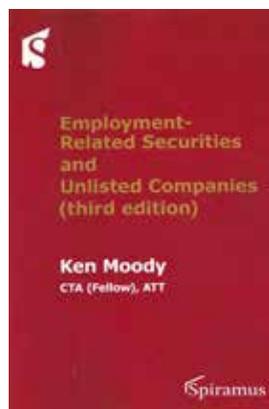
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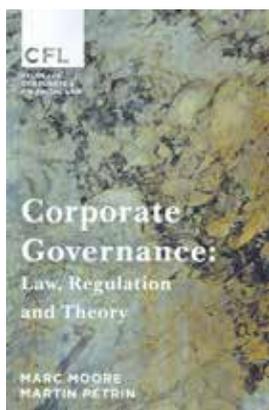
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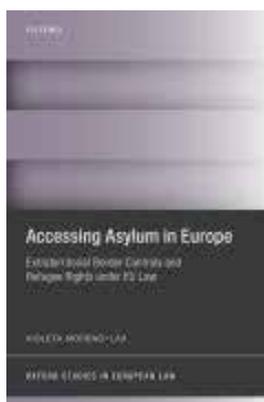
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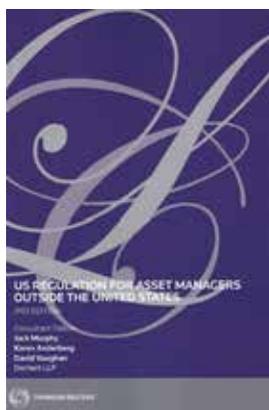
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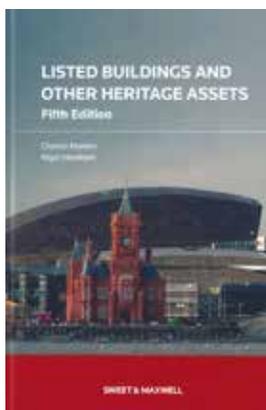
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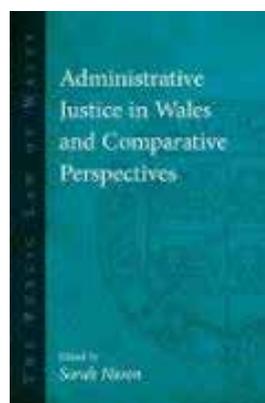
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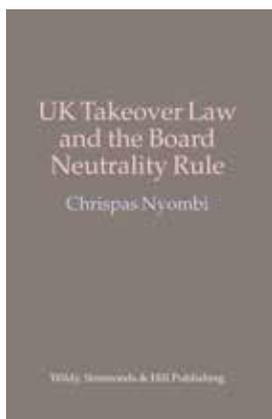
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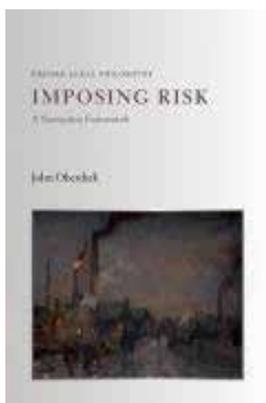
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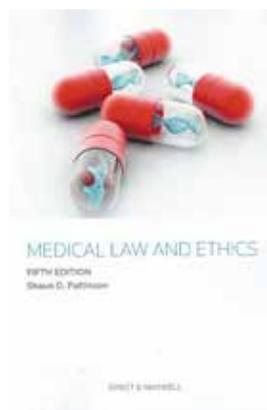
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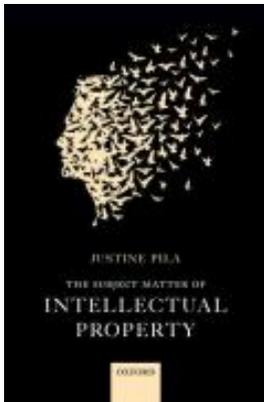
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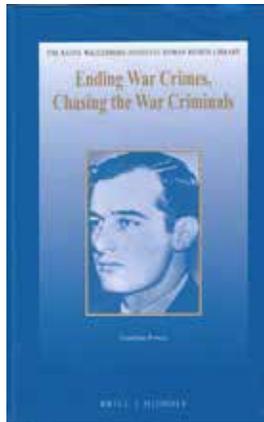
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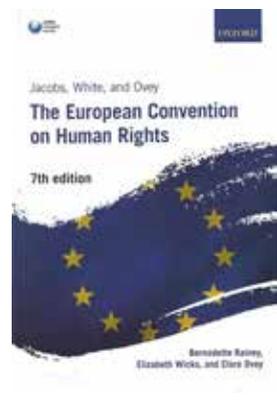
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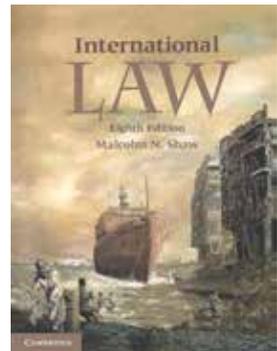
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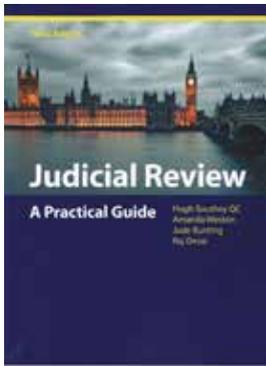
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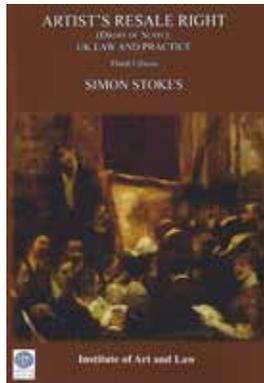
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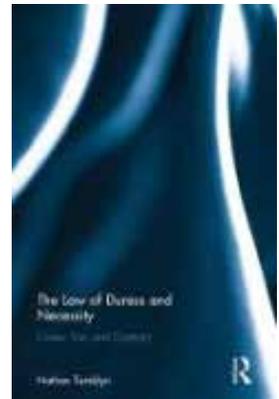


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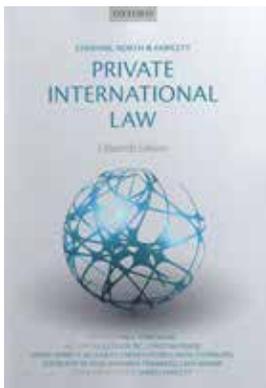
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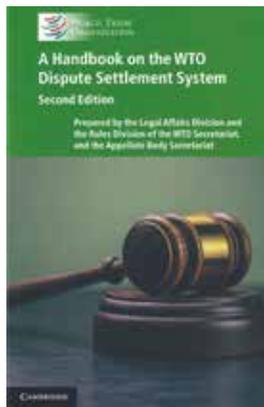
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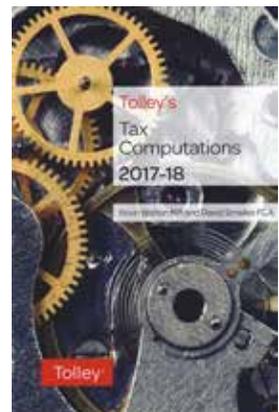
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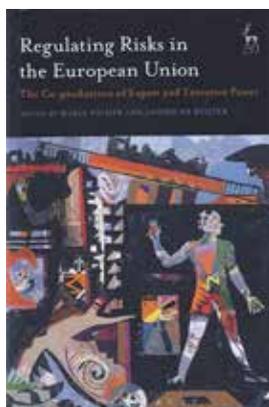
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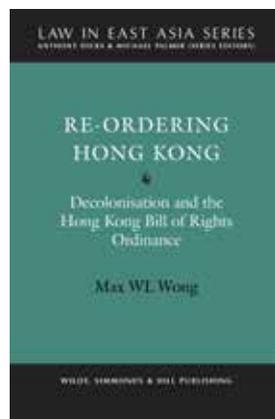
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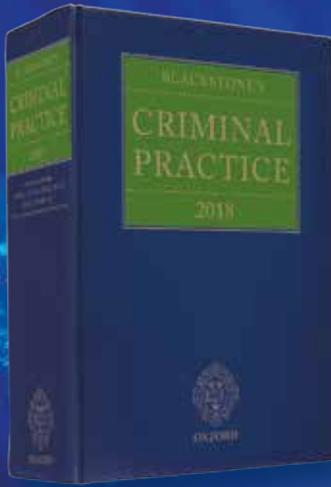
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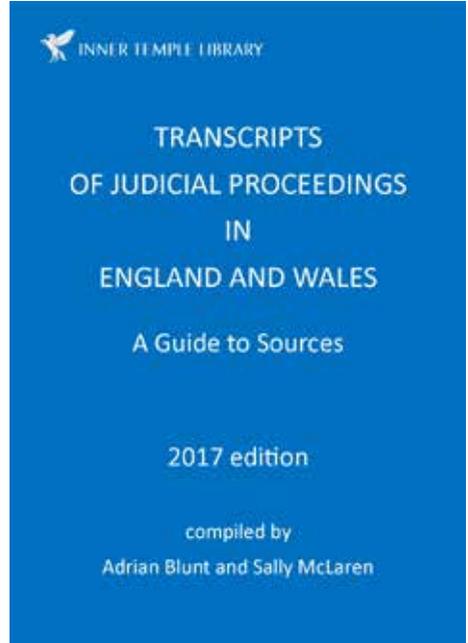
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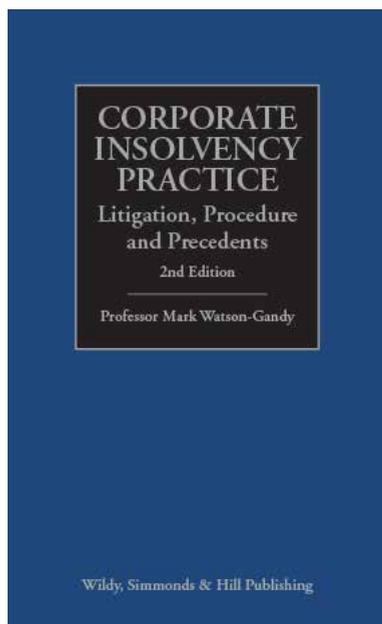
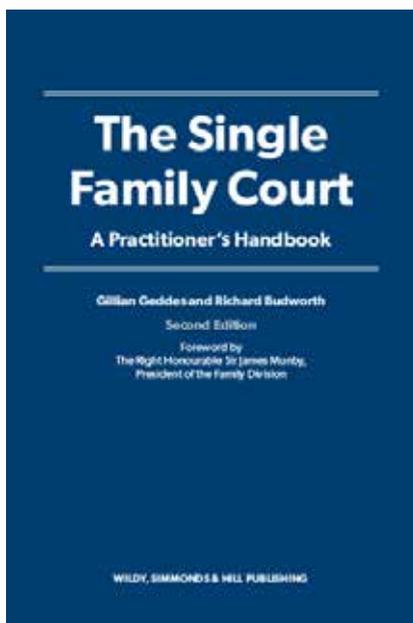
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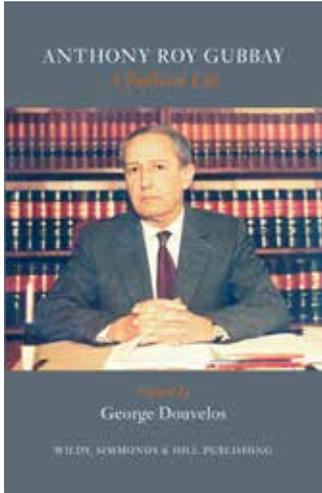
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Chief Justice Gubbay was appointed as Chief Justice of Zimbabwe by Robert Mugabe in 1990 but then forced to retire in 2001.

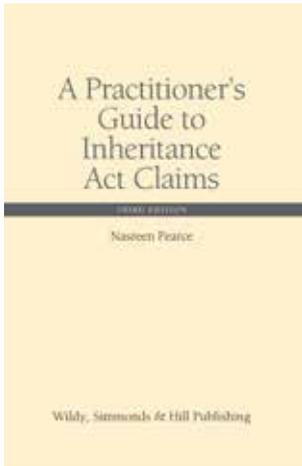
In this book, George Douvelos has collected tributes from some of Chief Justice Gubbay's many admirers, together with a number of papers and addresses delivered by the judge himself, to present a graphic portrayal of what can happen when the Rule of Law is ignored, and judges are subjected to a variety of pressures by political forces to achieve political ends.

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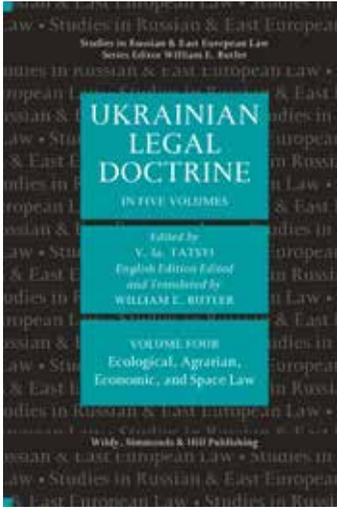
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Nasreen Pearce is a retired circuit judge, and was formerly a district judge in the Principal Registry of the Family Division. She has written widely on family law and is a contributor to *The Family Court Practice*. She is the author of *Change of Name: The Law and Practice* also published by Wildy, Simmonds & Hill.



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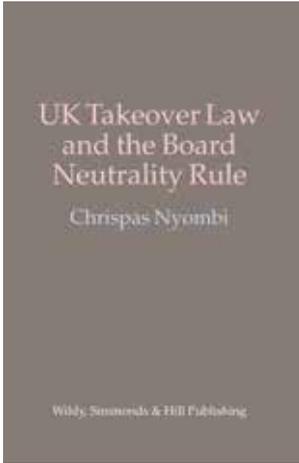
The authors address in this volume doctrinal approaches to ecological law (sources, natural-resource law, compensation for ecological damage, ecological entrepreneurship, nuclear law, and concepts of contractual ecological law); economic law (models of economic law, responsibility for violations; public/private partnerships, relevant foreign legal experience, legal regime of property, systematization of economic legislation, economic contract law, and innovation legislation); land law and agrarian law (Soviet and post-Soviet land law doctrines, methodologies of land law, land ownership, agricultural land market, and other contemporary issues of agrarian law); and space law (the role of Ukraine in space activities and development of space law).

William E. Butler is The John Edward Fowler Distinguished Professor of Law, Pennsylvania State University; Emeritus Professor of Comparative Law in the University of London (University College London); Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine; Associate, International Academy of Comparative Law.

V. [Ia. Tatsyi](#) is Academician, National Academy of Sciences of Ukraine; Honorary President and Academician, National Academy of Legal Sciences of Ukraine, Doctor of Legal Sciences, and Professor.

# UK TAKEOVER LAW AND THE BOARD NEUTRALITY RULE

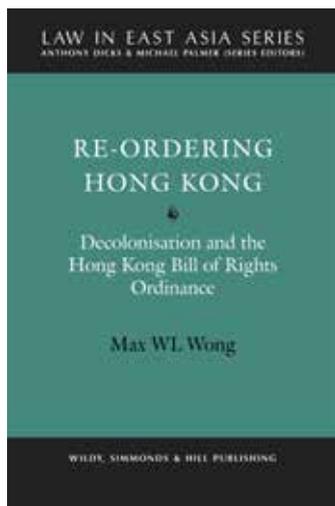
by  
Chrispas Nyombi



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This book encompasses theoretical and empirical analysis of takeovers and their relationship with society and the State in a rapidly changing social and commercial landscape. It also assesses the experience of those affected by the process of law, for example employees who may find themselves disadvantaged by the operation of shareholder primacy during takeovers. Case studies on two formerly British companies (Corus Steel and Cadbury) which were taken over by foreign companies are also used. For both Cadbury and Corus, a case study method helped to highlight how the takeovers impacted on the interests of employees, senior management and suppliers, and the predatory role played by arbitrageurs (short-term investors) during the offer period.

Dr Nyombi is at present Director of Research in Law at Canterbury Christ Church University, School of Law, Criminal Justice and Computing; Senior Lecturer in International Commercial Law at University of Bedfordshire, Department of Law and Finance; Senior Academic Advisor, Djibouti Chamber of Commerce and the Intergovernmental Authority on Development (IGAD) and Academic/Legal Advisor at The World Health Organisation (WHO) United Nations



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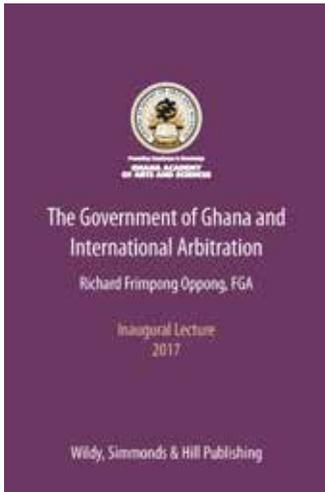
The promulgation of the Hong Kong Bill of Rights Ordinance (“HKBORO”) denotes a change in British decolonisation policy from that which prevailed in the 1950s and 1960s – the protection of minorities through a Bill of Rights. The HKBORO is uniquely interesting. The decision to incorporate it into Hong Kong law was political, and aimed at restoring the confidence of the Hong Kong people following the suppression of the Tiananmen democratic movement in Beijing in 1989. In addition, Hong Kong was the only Crown colony to entrench the International Covenant on Civil and Political Rights indirectly in a constitutional document -- in the case of Hong Kong, the Letters Patent, the constitution for Hong Kong before 1997. This incorporation and entrenchment was intended to ensure that the HKBORO continued in force under the Basic Law of the Hong Kong SAR, the “mini-constitution” after 1997. The author suggests that Hong Kong provides a successful model for the courts in other common law jurisdiction in their efforts to incorporate international human rights jurisprudence into decision-making in the criminal law field. This book is not only suitable for practitioners, law teachers and students, but also for researchers with interests in UK colonial history, civil liberties and political science.

Max Wai Lun WONG is Assistant Professor, School of Modern Languages and Cultures, University of Hong Kong. He holds a Ph.D. from SOAS, University of London. His research interests include Law and Public Administration, Chinese Customary Law and Practice in South East Asia and Law and Creative Industries.

# THE GOVERNMENT OF GHANA AND INTERNATIONAL ARBITRATION

by

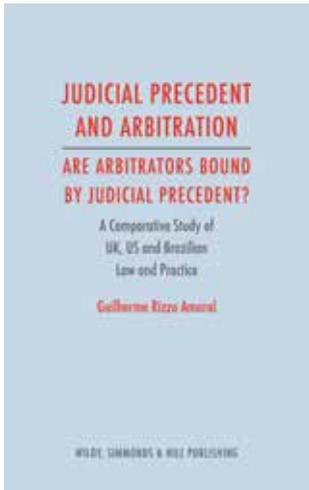
Richard Frimpong Oppong, FGA



Price: £19.95  
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Since the dawn of the twenty-first century, at least twelve international arbitration claims have been submitted against the Government of Ghana (GoG). This is a significant number compared with what had previously been the case. To date, there has been little or no academic study involving the claims, the arbitral awards resulting from them, and their implications for Ghana. This book aims to fill that void. It examines GoG's experiences with international arbitration. It draws on lessons from those experiences, as well as the comparative insights extrapolated from other jurisdictions. The book focuses on arbitration between GoG and private foreign individuals, firms or corporations. It does not deal with interstate arbitration. The book examines: the nature of international arbitration; the writings of Ghanaian scholars on international arbitration; the legal regimes and contractual mechanisms that make GoG amenable to international arbitration as a method of settling disputes between it and private foreign individuals, firms or corporations; the record of actual international arbitration claims that have been brought against GoG, and the awards that have resulted from such claims; the reception and treatment of Ghanaian law as the applicable law in international arbitration claims; the extent to which Ghana has implemented its international obligations with respect to international arbitration; and, the enforcement of foreign arbitral awards against GoG within and outside Ghana.

Richard Frimpong Oppong, FGA, LLB (Ghana); LLM (Cambridge); LLM (Harvard); PhD (University of British Columbia); Barrister-at-Law; Fellow of the Ghana Academy of Arts and Sciences; Associate Professor, Thompson Rivers University Faculty of Law



## JUDICIAL PRECEDENT AND ARBITRATION

### *Are Arbitrators Bound by Judicial Precedent?* A Comparative Study of UK, US and Brazilian

Law and Practice

by

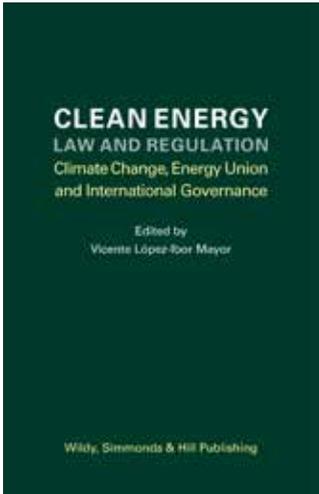
Guilherme Rizzo Amaral

Price: £65.00  
ISBN: 9780854902279  
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One of the cornerstones of arbitration is the finality of arbitral awards. Saving rare exceptions, arbitral awards cannot be subject to challenges based on the arbitrator's errors of law. Furthermore, there is no hierarchy between arbitral tribunals and judicial courts, nor are arbitrators part of any judicial system. Thus, if arbitrators are not part of any hierarchical scheme and if there is no challenge or appeal available against their errors of law, how could one say that arbitrators have a duty to follow judicial precedents? Besides, when individuals agree to solve their disputes outside the judicial arena, should they expect a private arbitrator to abide by the same standards of a system they have just avoided? Is the choice for arbitration not a choice for an entirely different legal system, unbound by the so-called judge-made law?

This book attempts to answer those questions by presenting a comprehensive guide to the relation between judicial precedents and arbitration in the United States, the United Kingdom and in Brazil, as well as in international arbitration as a whole.

Guilherme Rizzo Amaral holds a Master's degree from the Pontificia Universidade Católica do Rio Grande do Sul (Brazil), a Doctor's degree from the Universidade Federal do Rio Grande do Sul (Brazil) and was a Visiting Scholar at Queen Mary, University of London (Centre for Commercial Law Studies – CCLS). He has authored books and various legal articles on procedural law and has taught Civil Procedural Law at the Universidade Federal do Rio Grande do Sul (UFRGS) and at Fundação Escola Superior do Ministério Público (FMP), among other institutions. He was a member of a committee that assisted the Brazilian House of Representatives in the drafting of the bill of the new Brazilian Code of Civil Procedure (which entered into force in 2016). He is one of the founding partners of Souto Correa Cesa Lummertz & Amaral Advogados (Brazil), where he heads the Dispute Resolution practice. He also participated of the Scholar-In-Residence program at Wilmer Cutler Pickering Hale and Dorr (WilmerHale) in London (2017).



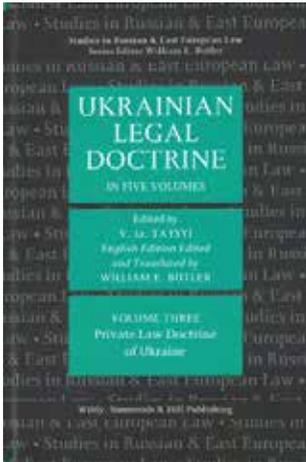
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Dr. Vicente López-Ibor Mayor is President of Estudio Jurídico Internacional, Spain and Chairman of Lightsource Renewable Energy, United Kingdom



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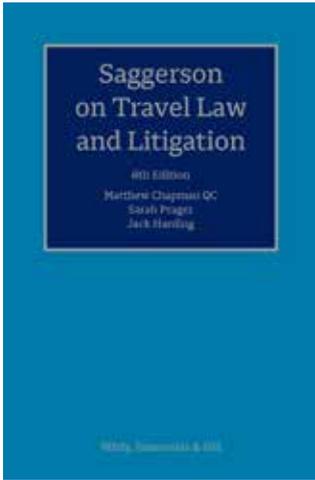
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Matthew Chapman QC  
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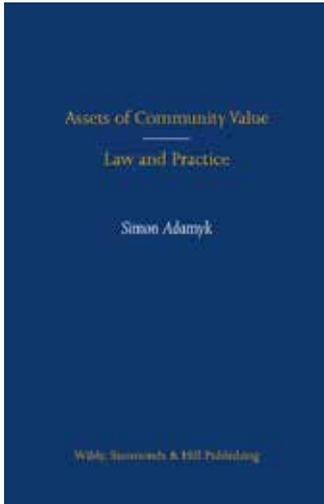
This authoritative text will be of interest to all those who deal with claims that have a cross-border elements and will prove an essential addition to the library of all barristers, solicitors and legal executives who practise in the rapidly expanding field of travel law.

Matthew Chapman, Sarah Prager and Jack Harding are Barristers at 1 Chancery Lane, London where they handle the full range of travel-related litigation. They serve on the Committee of the Travel & Tourism Lawyers' Association. They have been involved in many of the most high profile travel law cases of the past decade.

# ASSETS OF COMMUNITY VALUE

## *Law and Practice*

Simon Adamyk

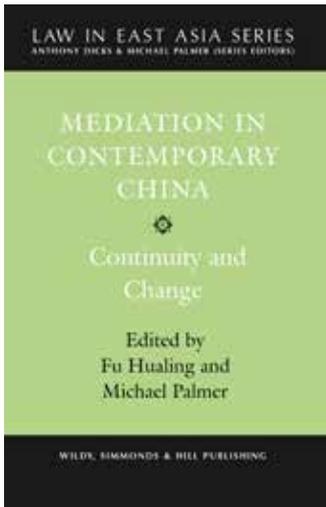


Price: £75.00  
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Binding: hardback

This book provides guidance on the interpretation and application of the provisions relating to assets of community value under the Localism Act 2011. It aims to provide both legal and practical guidance, drawing together in one place the relevant principles from the Act, the accompanying Regulations, other primary and secondary legislation, Government guidance, the case law and elsewhere. It will provide assistance to a number of different groups: to those who wish to nominate a building or other land for listing as an asset of community value, to landowners who may wish to resist the listing of their property, to local authorities who have to determine the nomination and resolve any disputes (and maybe defend their decision on review and on appeal), and to the professionals who advise them.

The assets of community value provisions of the Localism Act 2011 are being extensively used and the impact of the provisions is not to be underestimated. Thousands of assets have been listed since the legislation came into force, and the provisions can have a significant impact on the landowner's rights in relation to his land, both while the land is still in his ownership and also if he wishes to dispose of the land. The impact of the provisions has increased significantly since they were first introduced, as a result of changes to planning legislation in 2015.

Simon Adamyk is a practising barrister at New Square Chambers, Lincoln's Inn. He read law at Downing College, Cambridge, and was awarded the highest mark in the University in each of the three years of his law degree and also a starred first in his first year. He also holds a Master's degree in law from Harvard Law School. He specialises in chancery/commercial law.



## MEDIATION IN CONTEMPORARY CHINA

### *Continuity and Change*

edited by  
Fu Hualing and Michael Palmer

Price: £65.00  
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This collection of essays is the result of a collaborative project between Professors Fu Hualing and Michael Palmer, along with scholars in both Hong Kong and mainland China, on the nature and place of mediation in the justice system of the People's Republic of China. The project explores key aspects of the continuing central importance of mediation as a dispute resolution process, the various efforts at the refurbishment of mediation that have been made over the past decade or so, and the reforms that would best enhance the practice, theory and teaching of mediation.

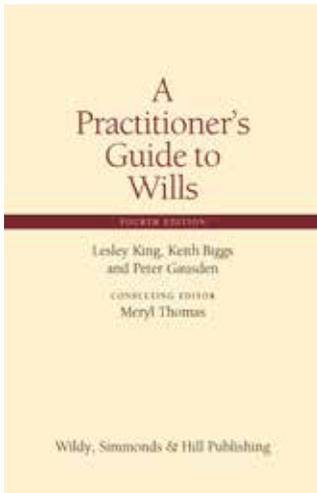
Mediation is used in China today for handling disputes in a variety of institutional contexts: 'people's mediation', which is primarily a form of local community dispute resolution, judicial mediation carried out by judges in and around the court, administrative mediation as conducted by officials and often focused on specific areas of governmental responsibility (as, for example, is the case with environment disputes), mediation in arbitral proceedings, and private mediation carried out without specific institutional support. Over the past fifteen years or so, in response to the rapid economic and social changes taking place in mainland China (including, inter alia, a declining importance of the local community) there have been attempts to institutionalize mediation, to resource it better, and to give it more legitimacy and legal force. In handling cases that come before the courts, judicial mediation continues to be seen as a particularly useful process, offering flexibility and effectiveness in dispute resolution (and even in handling serious criminal cases).

But at the same time, the widespread reliance on mediation can also mean that dispute negotiations do not take place in the 'shadow of the court' but, rather, in the 'shadow of mediation'. Under the current Xi Jinping government, the Chinese Communist Party's concern with political stability and social harmony has intensified. Even more so now than in the past, China's judges, people's mediators, arbitrators and others have to consider the social and political impact of their dispute resolution work, and to see mediation as a part of a larger scheme of dispute containment.

# A PRACTITIONER'S GUIDE TO WILLS

Fourth Edition

Lesley King, Keith Biggs and Peter Gausden



Price: £69.00  
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Binding: hardback

The fourth edition of this popular title provides a practical and comprehensive reference for all those concerned in drafting and interpreting wills, and in giving effect to their provisions. The commentary is supported throughout by an extensive range of specimen clauses and model wills are provided in a separate appendix. All precedent material is included on the accompanying CD-Rom, enabling practitioners to adapt precedents for their own use.

Fully updated, *A Practitioner's Guide to Wills* now covers the Estates of Deceased Persons (Forfeiture Rule and Law of Succession Act) 2011, Marriage (Same Sex Couples) Act 2013, Trusts (Capital and Income) Act 2013 and the Inheritance and Trustees Powers Act 2014, the latter making major changes to the intestacy rules, family provision legislation and trustees' statutory powers of maintenance and advancement. It examines the impact of these legislative changes as well developments in taxation affecting wills, notably the new relevant property trust regime and its impact on pilot settlements, the new residence nil rate band, the reduced rate of IHT for gifts to charity and the new rules on trusts for disabled beneficiaries. The impact of the new residence nil rate band on planning and drafting is considered, together with the role that nil rate band gifts and discretionary trusts might still have to play in financial planning. The chapter on construction of wills has been rewritten following the Supreme Court's decision in *Marley v Rawlings* and subsequent cases including *Reading v Reading* are considered. The chapter on testamentary capacity has been revised in the light of developments since the Mental Capacity Act 2005 including *Simon v Byford* which considered the extent to which dementia affects testamentary capacity. Other recent cases discussed include the Court of Appeal decisions in *Ilott v Mitson* and its implications for testators who wish to exclude close family members from benefit.

Lesley King is a solicitor, and a principal lecturer at the College of Law. Keith Biggs is now a Probate Consultant but was formerly the District Probate Registrar at Winchester. Peter Gausden was formerly a principal lecturer at the College of Law. He is now a consultant solicitor at Rowlinsons.

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