

PREFACE

The manuscript for this edition was submitted on March 31, 2010, and the law addressed is as at that date. However, it has been possible to take account of one or two subsequent developments. The Bribery Act was passed in early April and could not be ignored. Later still came another instalment in the litigation under the name *Sinclair Investment Holdings SA v. Versailles Trade Finance Ltd*. This may prove to be the dispute that determines for the United Kingdom whether the narrow approach to proprietary remedies in equity, best represented by *Lister & Co v. Stubbs*, still has life. Lewison J. considered himself bound to follow *Lister* and other decisions of the Court of Appeal in preference to the New Zealand Privy Council decision in *Att.-Gen. for Hong Kong v. Reid*, which favoured a broad reach for the constructive trust in the context of breach of fiduciary duty. In fact, this edition notes that the early decision of the House of Lords in *Tyrrell v. Bank of London* supports the narrow view of proprietary remedies, which suggests that the issues need to be fully re-canvassed at the highest level.

Lastly some thanks are due. I owe the greatest debt to FMBR, both for recommending to the publishers that I assume principal responsibility for the preparation of this edition, and for his continuing role in its production. Apart from his responsibility for Chapters 11 and 12 and the other contributions I have referred to, FMBR has read through every chapter in proofs, making many useful comments on points of substance and helping to identify many typographical errors. I expect that he has not agreed with all the changes to text and new material that I have added, but he has not sought to restrain change, and indeed on occasion has urged me not to be too reticent with the revision. I am grateful to my university, the University of Auckland, both for its library resources and for providing a student assistant to assist with the updating of references to other texts, of which there are an enormous number, and with checking for relevant changes to the U.K. statute book. The assistant was Jonathan Hooper, whom I thank for his good services. I appreciate too the support that the publishers have given to my editorship, and they have accommodated very well my providing manuscript and proof corrections from New Zealand. Taking on a work such as *Bowstead and Reynolds* is, as I have found, a large and time-consuming task, and the latter stages take place under considerable time pressure. In these circumstances, my final thanks must go to my family for being so forbearing and supportive throughout the process.

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July 31, 2010

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STANDARD ABBREVIATIONS

Books on the Law of Agency

As with previous editions, certain standard works are referred to throughout this book without further description. Another text, Roderick Munday, *Agency—Law and Principles*, OUP, 2010 was published too recently to be taken into consideration.

- Powell Raphael Powell, *The Law of Agency*, 2nd ed., Pitman, 1961. The 2nd edition (quite different from the 1st) was a pathfinding work in its time, and unlike other English books on the topic took account of *Restatement, Second*. It was however never subsequently rewritten.
- Fridman G.H.L. Fridman, *Canadian Agency Law*, LexisNexis, 2009. This is a substantial work in student book form. As its title suggests, it is based on Canadian law.
- Stoljar S.J. Stoljar, *The Law of Agency*, 1961. This is a useful book for the study of the history of agency law. It was written in Australia, but largely concerns nineteenth-century English legal history. No subsequent edition was produced.
- Dal Pont G.E. Dal Pont, *Law of Agency*, 2nd ed., LexisNexis, 2008. This is a substantial work, written in Australia, and containing much more Australian material than can be cited here.
- Restatement* Restatements of Agency published by the American Law Institute: see below.

Books on the Commercial Agents Regulations 1993

There are now several specialised works dealing with these Regulations. They are listed in the first footnote of Chapter 11, which deals with the Regulations, and within that chapter, reference back to a work by name is to that footnote. The Chapter also continues a short bibliography of some relevant continental European books.

The American Restatements

The American Restatements consist of formulations of legal principle in the style of a code (“blackletter”) accompanied by comments interleaved with illustrations, and Reporter’s notes, which refer to relevant case law. They are published by the American Law Institute, a prestigious body with its headquarters in Philadelphia, and have been formulated by a Reporter, subjected to various forms of consultation and finally approved at a meeting of the members of the Institute