Chapter 6
THE CLOSING CHAPTER

*Illustration - 25*

'The Laws of a Nation suit its Life'

*Walter Bagehot (1826-1877) The English Constitution. 1867. Ch. IV.*

*The Closing Chapter* is the fourth book of Christmas series written by Lord Denning. It is an Oxford paperback of 312 pages with SBN13: 9780406176127.

The closing chapter is the fourth flower of the garland of the Christmas series. Lord Denning was a religious man and as usual opens the book with a Psalm 90:12. from The Book of Common Prayer (1815). In the preface he states that he held the office of the Master of the Rolls for 20 years. The Closing Chapter appeared in Sept 1983 and published on 25th Dec.1983. It was written with much peace of mind because Lord Denning had already retired and was not having any judicial work to do as a Law Lord. For the Indian students the book deserves a special
attention because it mentions the importance of Sikh Boy's Turban Case (*Mandla v Dowell Lee* 1980 (932)).

**SECTION I  THE LAST MONTH OF THE MASTER.**

The book is divided into two parts i.e. Book One and Book Two. Book One contains certain autobiographical elements especially the life of Lordship after retirement. While Book Two contains certain disciplines like stature interpretation trade unions and conflict in the court. As usual the book has a prologue and an epilogue. Grateful acknowledgement is made to 'The Times' and certain after newspapers. Book-one, Section-I contains a broad description of the last month of Lord Denning as the Master of the Rolls. It describes certain aspects of the calamity fortnight. Lord Denning had crossed his 82 and stated earlier he was not bound to retire at some specific age following the ancient convention of the unwritten British Constitution. When asked about his retirement, he replied, 'I have all Christian virtues except resignation'. However the time was running against him. The 1981 books "What Next in the Law?" created an atmosphere against Lord Denning which must have become a cause for his self superannuation. Lord Denning quotes from *The Times* (Saturday 22 May 1982). (P.7)

Lord Denning in this book particularly quotes about the misinterpretation of his actual intension (P.7). With a sad heart, he states- [63]

\[I was the last person accused of racial prejudice\].

As the researcher already provided the information of the controversy in study of the biography of Lord Denning with critical opinions, the same is omitted here. Lord Denning consulted the matter with his lawyer friends like Sir Max William (Vice President of the Law Society) and Andrew Leggatt, (Queens Counsel and Chairman of the Bar). He then wrote to the Lord Chancellor, declaring his retirement. He has quoted the farewell passage-[64]

\[A long farewell to all my greatness\].

Shakespeare Henry VIII Act-3 Scene-2.

The news from Private Eye had headline 'DENNING TO RETIRE' – the reporter then said – [65]
However nothing of that sort was decided and it was a firm resignation. They Lord Denning turns towards the summer turn in which the Law Lords, Lord Lieutenants and certain dignitaries like Mrs. Margaret Thatcher (then Prime Minister) Archbishop of Calterbury Dr. Runel, the Lord Chancellor Lord Halisham, the Attorney General Sir Michael, Harons, and Solicitor General Sir Ian Percival had gathered together for the most memorable dinner given by the Speaker Mr. John Thorns M.P. in his house at West Minister. The incident shows the high respect which the British society had for their legendary judge. Then Lord Denning describes small incidence of Friday 30th July 1982, the last day in his life as the Master of Rolls. He came to the Royal Court as usual. The Lord Chief Justice along with Vice Chancellor Sir Robert Megary and nearly 40 Law Lords of the Apex Judiciary had arrived and farewell speeches were given. Mr. Simon Brown praised humorously the judicial style of Lord Denning which ultimately paved the way for laughter. He said-[66]

“My Lord, we shall continue also, as will generations to come to read. Your Lordship’s judgments in the reports; and how refreshingly easy it is to read them compared to so many others. We shall recall that short sentences are best and the verbs are optional”

In reply Lord Denning repeated the familiar words of Lord Bacon-[67]

‘Hold every man a debtor to his profession from the which as men of course, do seek to receive countenance and profit, so ought they of duty to endeyour themselves by way of amends to be a help an ornaments thereunto’.

His long speech created much laughter in the court and he did farewell by quoting eternal lines from the Holy Bible - Timothy 4.7-[68]

I have fought a good fight
I have finished my course
I have kept the Faith

Then Lord Denning decided to visit the Crown Territory of Falkland along with his wife Joan. In those times, Argentina had challenged the British Sovereignty over that land. In the course of time - **Prince Charles, the Grand Prince of Wales**, led the Regiments of the Royal Navy and
firmly protected the British Territories in that region. The prestige of the Nation was much enhanced. When Lord Denning returned from Falkland a number of T.V. channels interviewed him in relation to different programmes both social and legal.

Thereafter Lord Denning started to take interest in Whitechurch Cricket Club [WCC] and encouraged youngsters to rise up to the National Team. September 29, 1982 was the last day of the Lord Denning to the Royal Court. He left the building which he had entered before 60 years as a Templar. He also fought a number of legal battles in it for a number of times as a Barrister. He was elevated as a High Court Judge in the same building and also again elevated as a Law Lord for the House of Lords. George Mitchel v Finney Lock (1982) WIR was the last case he decided in its final appeal. Section-II of the book entitled Autumn Leaves describes the post retirement work of Lord Denning.

SECTION II AUTUMN LEAVES

A number of people asked him to speak about his experiences but he politely refused. However he decided to tell the world something from his books. He himself says-[69]

‘I have called these (occasions) as Autumn Leaves because they are leaves fallen from many trees and gathered by me in the autumn of my days’.

The above land mark quotation is capable enough to join the various incidences in the public and private life of Lord Denning which someone may find to be described without coherence. However the researcher opines that the incidences, the classic cases, the contemporary cases and the social upheavals described by Lord Denning in his autobiography, The Family Story as well as in the rest of the Christmas Series certainly have a magical coherence. They all should be read as the different flowers of the same garland. They are of course the grand life experiences of a learned centurion who had minutely studied various aspects of life and tried to record them faithfully for the coming generations. Now in this second part of the book, Lord Denning tells us an interesting account of the silk mill at Whitechurch. It is a very old mill and it has been preparing the gowns of the silk for the legal fraternity for the last 100 years. They also make the various coloured gowns for the university ceremonies. Lord Denning recapitulates the days of his childhood whey the silk was worked with the water power. In the 80's he found the mill worked with the electricity power. Between the last 50 years the water power machinery was at decay
and the subjects of Whitechurch down restored it once on 2.10.1982. Lord Denning was invited for inauguration. He addressed his village brethren humorously-[70]

‘Untill recently I was a starter up of controversy.
Now I am the Starter up of a water wheel.
Untill recently I was a judge of men. Now I am a judge of silk’.

Further Lord Denning describes the beautiful Cathedral of Winchester. (P-56) It was the very cathedral where Lord Denning and prayed God when he entered the judiciary in 1944. At that time, the most reverable bishops explained the importance of the ‘Sermon on the Mount’ (18.13). He has also given us an account of Lord Moses and his times and then stated thus-[71]

‘And they judged the people at all seasons: the hard the cases they brought unto Moses, but every small matter they judged themselves.

Lord Denning proves that there was a hierarchy of courts even from the biblical times. Winchester is a peaceful place. The cathedral was very old. The patron saint of the cathedral is Saint Swithun. He is commemorated on 15th July of each year. The chapter is capable enough to witness the religious influences on Lord Denning. Further Lord Denning gives us the importance of Dinners at the Inn’s of Court. On 2.11.1982 the Lord Justices gave a dinner in honor of Lord and Lady Denning. It was a special occasion. Lord Diplock delivered his delightful speech. In reply Lord Denning told them a tale of a retiring 'Old bird' from Fables written by T. Mathew. On 25.11.1982 Lord Denning was invited for attending the famous play, 'The Mouse Trap' written by the Queen of Crime Thrillers, Mrs Agatha Christie. The play has record of running 30 years at the London Opera House. Here we find Lord Denning praising Agatha Christie for her immense contribution to the literary world. Then Lord Denning gives us an account of the Cathedral of Norwitch. He then stayed at Oxford University campus for a short while where the degree of 'Doctor of Laws' was conferred upon him. Lord Denning was a Law Lord and was not bound by any particular Age of Retirement. In the end of 1982 he delivered a long speech in the House of Lords in relation to the rights of Unborn Child. In the very beginning of his speech he quoted 'William Blackstone'. [72]

‘Life is athe immediate gift of God, a right inherent by nature in every individual and it begins in contemplation at law as soon as the infant is able to stir in it’s mother’s womb’. Here Lord Denning condemned the illegal abortion and further opined to take severe acting against the medical professionals engaged in such practices. He further advised the public at
large for social and religious consciousness to increase. Further Lord Denning tells us to simplify the procedure in the House of Lords. He had asked the law students to read Dr. Allen Patterson’s recently published book 'The Law Lords'. He quotes the change of method of writing the judgments. The judgments of the Law Lords are called speeches simply because they sit in the legislative chamber. In such judgments in the final order, the Reigning Monarch of the Commonwealth Realms is advised to allow the appeal or to dismiss it on specific grounds. This is the unique Common Law modus operandi followed throughout the Commonwealth Realms.

The Family at Christmas

Then Lord Denning gives us the importance of Holy Charismas. According to him charismas means 'Christ-Mass' i.e. Christ's feast day. On the very day Lord Christ was born before 1982 A.D.(in the year 1982). The Bible gives us the beautiful Holy message -

"On earth peace goodwill towards men"

He quotes the stories of the incidents of Three Wise Men from the East (Magi) who came to Bethleham. Lord Denning always listened to Queen's Broadcast at the times of the Holy Christmas. He describes the joyous atmosphere at the very morn of Christmas. He compares his childhood days to that of old age days. The chapter is capable enough to witness the spiritual influences upon Lord Denning. His book series is still called the charismas series section three of the book is entered after words.

SECTION III AFTERTHOUGHTS

At the last part of Book One, Lord Denning stresses the importance of Sikh Boy's Turban Case-

Mandla v Dowell Lee 1982 3 WLR 932.

(It is the most important case for the Indian students and becomes a major part of the separate Chapter IX of the present research work).

SECTION IV OF BOOK I : STATUTORY INTERPRETATION

Book Two of the Closing Chapter unlike the Book One gives us the various aspects of professional life of Lord Denning. The part is therefore legal. S-4 of this part is fully devoted to statutory interpretation. Actually a part of interpretation has already been discussed in the
previous book of Christmas Series. In the present part Lord Denning has provided us certain aspects in relation to the necessity of a lawyer to the litigation. According to him, the status of parliament should be in plain words so that the common people can understand them. These should not be entry necessity of a lawyer for comprehension. Sometimes the provisions are not understood by the lawyers as well as by the judges. The matter becomes difficult for the Bench when the appeal comes before them. According to Lord Denning the difficulty in understanding leads to complicated language. He traces the case *Roe v Russell 1928 KB 117*. In this regard Lord Denning advises the legal fraternity to read 'Plain Words' written by Sir Ernest Goward. The Royal Government understood the problem of the ambiguities in the judicial and legal material. It was decided to appoint Lord Renton Committee. It handovered its Report in May 1975. Certain cases are discussed in this chapter. They included *Carrington v Therm a Stor Ltd (1983) 1 WLR 138* The Supreme Court of Appeal decided this case on 18 November 1982.

In October 1979 a new factory was opened at Peterborough UK. They took on 70 workmen. Six months later 60 of them joined the Transport and General Worker’s Union. This number was so large that the union naturally became very strong. It started to do the collective bargaining with the employers. They (employers) tried to perform a ‘Yellow Dog Contract’. The court declared the suppressive role of the employers as an Unfair Labour Practice. [ULP] The case discusses the various aspects of the modern Labour Jurisprudence. In a very recent case, *Lavery v Plessey Telecommunication Ltd. (1982) ICR 373* A mother claimed that she has a right to return to work after a maternity leave. Her claim was morally fit but the vague provisions of the Employment Protection (Consolidation) Act 1978 could not allow her to do so. In the Employment Appeal Tribunal the Hon. Mr. Justice Browne-Wilkinson stated-[74]

> ‘These statutory provisions are of inordinate complexity exceeding the worst excesses of a taxing statute; we find that especially regrettable bearing in mind that they are regulating the everyday rights of ordinary employers and employees, we feel to confidence that, even with the assistance of detailed arguments from skilled advocate, we have now correctly understood them: it is difficult to see how an ordinary employer or employee is expected ….. her claim must fall.

The Supreme Court of Appeal agreed with all the inferences which Mr. Justice Browne-Wilkinson has said. Lord Denning directed the executive to remove the vagueness in the labour enactments. He further stressed that the courts can fill in the blanks of the
legislative material. The judgments in the cases are capable enough to witness the recent trends in judiciary.

**SECTION V PUBLIC AND PRIVATE LAW**

Section 5 of the book is fully devoted to Public Private International Law. These two terms covers the entire domain of Law as a Branch of social studies. Lord Denning throughout his life experience of a century was constantly watching the developments of unwritten English Constitution. He pays his tribute to Prof. A.V. Dicey for writing 'Law of the Constitution'. According to Lord Denning Dicey clearly distinguished between the principles of Rule of Law and Droit Administratif as they have in France. The English system has also accepted certain aspects of the French system in 20th century. He has also discussed the various aspects of *Halsbury's Laws of England* 4th Edition 1893 (183) by quoting – [75]

‘Nevertheless the boundaries of the constitutional law have never been defined satisfactorily defined and there is no fundamental difference between the public and the private law the same courts can administer both of them’.

They Lord Denning, then discusses the Law of the Roman Empire which shows us the difference between public and private law. He further discuss the landmark case *O’Reilly v MacMan* (1982) 3 WLR 604. In this case four persons were caught for rioting. Solitary confinement was inflicted for 196 days. There was no private law about it at all. Alongwith the old prerogative writ remedies, Lord Denning stresses here the remedies of declaration and injection. The *Supreme Court Act 1981* has combined all the remedies. In relation to the very nature of 'Public Authority' Lord Denning provides us two interesting cases – *R v Inhabitants of Glamorganshire* (1691 ILR 580) This is one of the oldest cases which Lord Denning had traced for providing an illustrative information to the law students. The case throws ample light upon the public and the private law. Chief Justice Holt said in his landmark judgment-[76]

‘This court will examine the proceeding of all jurisdictions erected by Act of Parliament. And if they, under pretence of such Act, proceed to incroach jurisdiction to themselves greater than the Act warrants, this Court will send a certiorari to them, o have their proceedings returned here; to the end that this court may see, that they kept themselves within their jurisdiction and if they
One another case from C.J. Lord Goddard in *R v National Joint Council for Dental Technicians, Ex. Parte Neate* (1953) 1 QB 704 stated clearly, ‘The bodies to which in modern times the remedies of these prerogative writs have been applied have all been statutory bodies on whom Parliament has conferred statutory powers and duties which, when exercised, may lead to the detriment of subjects who may have to submit to their jurisdiction.’ To illustrate the function of 'Public Authorities' the case *Borstel Boys (Dorsett Yacht Company) v Home Office* (1982) 3 WLR 1121 has been illustrated in detail. In this case, in September 1962, a motor yacht SILVER MYST was lying in POOL HARBOUR. There was silence. At night, several borstal boys took possession of it and anyhoe damaged the machinery. They were from Portland Institution. They were trainees under three officers. The owner of the yacht demanded compensation from Home Office on vicarious liability. Lord Denning further stresses three important cases in relation to Local Government Councils. They throw an ample light upon the public authority administration throughout the Commonwealth Realms.

**ANNS v MERTON LONDON BOROUGH COUNCIL** (1978) AC 728

In 1962, some developers were building some blocks. The plans shew that the concrete foundations were to be 3 feet thick, however in order to save the material, the builders had only made them 2 feet thick. After a few years many cracks appeared nearly in all blocks built at that time. The builders could not pay damage. The owners sued the Local Council. They argued that the council’s inspector had not inspected the foundations with due care and caution. There was a high negligence and the Local Council and it can be held vicariously liable for the loss of the block purchasers.

**HAYDON v KENT COUNTY COUNCIL** (1978) QB 343

In February, 1973, there was a hard snow fall all over the County of Kent. It resulted in frost. A city path had become very slippery and dangerous. A lady went down to the footpath to work. She went with much care and caution. But despite all her due care and caution, she slipped and broke
her ankle. She complained that the Kent Country Council was fully responsible for the negligent attitude of their workmen who were specially appointed to clear the falling snow out of the road. The footpath had been dangerous for two days and they had done nothing about it. The Kent Country Council argued that they had cleared all the main roads. According to them the footpaths were not included in their master plan. That was a public law decision. The Court held that they were not liable to an action.

DE FALCO v CRAWLEY BOROUGH COUNCIL (1980) QB 460

The De Falco family came to England, UK from the Republic of Italy. They stayed for some days with their brother in law at Horsham. Then that brother asked them to arrange for accommodation somewhere. They went to stay with another relative who after a month or two gave them Notice of Eviction. They applied to the Crawley Borough Council and wanted to be housed under the new Act, recently promulgated by the Crown. In all these cases it was very important to see whether the family had become homeless intentionally or unintentionally. If intentionally, the Council was only to provide temporary accommodation. If unintentionally, they had to provide a permanent accommodation. The Council decided that they had become homeless intentionally. The De Falco Family complained that the Council’s decision was malicious and brought an action to challenge it. The Court of Appeal held that an action was maintainable. Then Lord Denning turns to illustrate the functions of Private Law. According to him the private law is based on the following principles and decided.

A. No dispensation from the ordinary law.
B. Statutory authority a defense

Vaughen v Taff Vale Railway Company (1860) 5 H & N 679

The case illustrates the position of common law in the times of Queen Victoria. A landowner had a wood of eight acres before the railway was constructed. The rail Sparks from an engine burnt down the wood. They denied any sort of compensation. Here Lord Denning clearly advises the administration to eliminate such injustice. He suggested the proper construction of a modern statute for protecting any person living in the neighbourhood. There must be a simple common law remedy.
SECTION VI TRADE UNIONS

Section 6 of the book is fully downed to the trade unions this is an important chapter because it is bound to reveal the attitude of Lord Denning towards the labour politics. Sometimes he is charged for him anti labour views but the opinions represented in this chapter reveal his impartial attitude. According to him, the trade union is the subjects of political controversy. Here Lord Denning gives us the nature and growth of trade unions and politics between 1950-1980. He first of all gives in the position of the social life in the Victorian Age in which the Industrial Revolution made England; a 'Workshop of the World.' The old agrarian society in which Lord Denning was born was no more available in the 20th century. The population was centralized in the cities where there were big industries. The trade union brought the working many together and they started to put forwarded their demand with force and also by rebuking the strikes. According to Lord Denning such disputes should only be solved by Arbitration, Conciliation and Mediation. To prove this he quotes Archbishop Temple (P.159). He has also recognizes the workers Right to Strike, if they give a proper notice. Finally he gives us the important aspects of Trade Disputes Act 1906. The Act fast became out of date in the coming 60 years and the Royal Government finally promulgated the Industrial Relations Act 1971. Lord Denning gives us the importance of Heaton’s Transport v T.G.W.U. 1973 AC 15 This is a major case which illustrates the position of Industrial Relations including the Unfair Labour Practices [ULP] in modern times. The "Blacking" of the container Lorries was organized by union committee of dockers and lorry drivers. The Complainants prevented from delivering customers' goods. Interim order was issued against union to cease "blacking" under the provisions of The Industrial Relations Act 1971. Unfortunately the union did not follow the order and committed the Contempt of Court It was the responsibility of union which resulted into granting of Exemplary Fines worth $ 50000.

To illustrate the nature of this law, he provides the case of Taff Vale Rly Co v Amalgamated Society of Railway Servants (1901) AC 426 where it was held that a trade union could be sued for the wrongs done by its members. The other case was Quinn vs. Leathem (1901) AC 495 where it was held that if two or more people combine to injure a person in his trade by unlawful means they could be sued for damages. He also provides us the appeal of the same case which
reversed certain ratios. He further gives us CHURCHMAN v JOINT SHOP STEWARDS COMMITTEE (1972) 1 WLR 1094. In this case the employers went against the shop stewards because they were the shop stewards who instigated and carried out the ‘blackening’ of Heatons. The Court of Appeal had said that the shop stewards were responsible.

Then he quotes MIDLAND COLD STORAGE LTD. v TURNER (1972) ICR 230 In this case there was a trouble at the Midland Cold Storage at Hackney, East London. Dock workers claimed the right to do the work there instead of the existing men. Shop stewards organized pickets to stand outside the gates of the cold store. The pickets took the names of firms and numbers of any vehicles crossing them. These firms were then ‘blacked’ by dock workers all over the country. Dockers ‘refused to load or unload vehicles belonging to those firms. The Managers of the cold store applied to the Labour and Industrial Court. On 10-7-1972, the Court ordered the dockers to refrain. They did not do so. So on 21 July proceedings were brought before the court against five dockers on the picket lines. They remained absent. Even they had not appointed any advocate. However, Mr. Vinelott QC and Mr. Alexander had appeared in this case as Amicus Curiae. (The Friends of the Court). They help a judge to arrive at certain conclusions.

Lord Denning gives the political consequences of the Industrial Pandemonium. The Royal Administration is constantly trying to tackle the labour problem. The 'Neighbor Principle' established by Lord Atkin and developed by Lord Denning saved the nation from disastrous revolutions which devastated the mighty the Russian, the German and even the Chinese Empires. When the Labour Party returned to power, they repealed Industrial Relation Act, 1971 and issued The Trade Union and Labour Relations Act, 1974. It was further amended in 1976. Lord Denning gives us certain important cases BRITISH BROADCASTING CORPORATION v HEARN (1977) 1 WLR 1004 The Wimbley Final is always a landmark event of the year. It was to be telecasted all over the world on 21-5-1977. One transmission was to be done for South Africa. It was done with the help of the satellite. Some social activists took strong objection to the policy of ‘Apartheid’ in South Africa. They asked the British Broadcasting Corporation (BBC) to stop the transmission to South Africa. The BBC refused. The trade union then decided to take ‘industrial action’. They told their technicians not to transmit via
the satellite. They claimed that it was a trade dispute. Lord Denning resented the adamant views of the trade unions.

ASSOCIATED NEWSPAPERS GROUP LTD V WADE (1979) 1 WLR 697

Mr. Forman was the owner of the Nottingham Evening Post. He was a very independent man. He allowed his men to join a trade union or not, as they pleased. The trade unions did not like this. They insisted that he should recognize them for the purpose of collective bargaining. When he refused, they tried to pressurize him. They studied his newspaper. They then asked the advertisers not to advertise in that newspaper. Many obeyed. But 16 brave firms stood out. The Boots, the famous Nottingham firm of chemists continued to advertise in the Nottingham Evening Post. The Union told all their members all over the country not to handle or publish advertisement for those 16. The object of the Union was to injure the Nottingham Evening Post. Mr. Wade, the General Secretary of the Union, stated in his affidavit that the object of that campaign was to put pressure on the advertisers and thereby bring pressure on the newspaper. The Supreme Court of Appeal granted an injunction to prevent the union from ‘blacking’ those advertisers.

According to Lord Denning the judges should not comment anything upon their judgment in 1978. Certain journalist compelled him to comment upon the judgment. That controversy actually troubled him in the course of time. The personal experience is quoted in this book. In Express Newspapers v Mc Shane 1979 1 WLR 390 Lord Denning severely criticized the adamant attitude of the Trade Unions. Here the Union of Journalists, from their extreme pressure tactics wanted to diminish the Freedom of the Press. Meanwhile he was invited to London in the Realm of Canada. The University of Western Ontario conferred a D.C.L. upon him. He addressed the academic lawyers thus-[77]

“The greatest threat to the rule of law is posed today by the big trade unions.
One of the biggest problems is how to tackle the misuse of power”.

The Report of Lord Denning’s speech soon reached London, UK. Those were the days of elections. The Prime Minister Callaghan’s supporters started agitation before the airport and the roads were blocked. They demanded resignation from Lord Denning. A caricature LORD DENNING AN ASS was printed (Photo- 67). The people voted for a Conservative Government.
Lord Denning then gives us the landmark case **DUPORT STEEL LTD V SIRS (1980) 1 WLR 142**

The Steel industry is divided into two sectors. The ‘public sector’ which is run by the nationalized corporation, the British Steel Corporation, and the ‘Private Sector’ which is run by private firms such as Hadfields Ltd of Sheffield. All the workmen in both sectors are members of a large trade union. There was a wage dispute in the public sector. The men in the private sector were anyhow satisfactory. The unions called a strike for a strike in the public sector. The public sector shut down whilst the private sector work was going on. The effectiveness of the strike automatically decreased. It was decided that the members in the private sector must actively support the strike. Mr. Justice Jones refused any injunction and strongly supported the Industrial Peace. The case throws ample light upon the inner labour politics. However, through this case Arthur Seargil criticized Lord Denning for the suppression of trade union which according to him was an anti-democratic move.

Further Lord Denning stresses the importance of Employment Act 1980 here he gives us **CHEALL v ASSOCIATION OF PROFESSIONAL EXECUTIVE CLERICAL AND COMPUTER (1982) 3 WLR 685**

Mr. Cheall was a security officer. He was deeply having sympathies with the trade union movement. He was a senior member of the Transport and General Workers Union (TGWU). He resigned from his membership. After three or four weeks he joined an opposite union called the Association of Professional Executive Clerical and Computer Staff (APEX). They welcomed him with open arms. They infringed the Bridlington Principles. TGWU complained to the TUC. The arbitration committee heard both unions. They decided in favour of TGWU without paying any regard to what Mr. Cheall said as he was not a party. The Committee awarded that APEX should exclude Mr. Cheall and advised him to rejoin TGWU. Mr. Cheal wrote a letter to Mr. Len Murray, the TUC General Secretary and said – [78]

‘I want to point out that result is unjust, undemocratic and unacceptable I appreciate that there is no appeal procedure laid down on the findings of the disputes committee, for a union or members concerned. This in itself is not democratic. This proves what I said at the meeting, that Bridlington is totally out of date, and is inadequate to meet present day requirements.’
APEX, however, did as the TUC told them. They terminated the membership of Mr. Cheall. But he did not obey the award of rejoining TGWU. He got legal aid and brought proceedings in the courts, claiming that APEX had wrongly purported to terminate his membership. The Court of Appeal upheld his complaint. The court of Appeal (by a majority) held that APEX was they at fault by expelling him from the Union without Applying the principles of natural justice. It was decided by Lord Denning. The judgment was reversed by the House of Lords, the highest court of Appeal in the Commonwealth Realms. Then Lord Denning has stressed certain cases decided by the Royal courts in the U.K. under the European Convention. He traces Young James and Webster V United Kingdom (1981) IRLR 408

In 1975 the British Rail made a membership agreement’ with the three railway unions. It restricted the British Rail for its development. By it no man was to be employed by British Rail unless he was a member of one of those trade unions. Before the agreement 8,000 members of British Rail (Out of 250000) were not members of one of those trade unions. After the agreement all but 54 joined one of those trade unions while the equal number refused. Owing to their refusal, British Rail dismissed them. The case was finally decided by the European Court at Strasbourg.

SECTION VII CONFLICT IN THE COURT

Section VII of the Book describes the various conflicts of the courts. The chapter describes the various concepts of Locus Standi, Life and Liberty, Mareva Injunctions and Anton Pillar Remedies in detail. As they have been already discussed by the Lord Denning ion the previous books, it is safe to suit they here. As usual the book ends with an epilogue. It is very illustrative especially for the modern students as it contains a Writ of Summons issued under the Great Seal. It clearly shows the Lord Denning’s relationship with the Royal Family and the Royal Administration. A small part of the said Writ is reproduced here – [79].

ELIZABETH THE SECOND by the Grace of God of the United Kingdom and all the Commonwealth Realms, Defender of the Faith to Our right trusty and well beloved Counsellor Alfred Thompson Lord Denning-----OULTON-----Royal Seal---To—Lord Denning.