

J. Scott, *Caught in Court*, **Andre Deutsch, London, 1989, pp.xi and 276.**

Generations of Law students have learned their law reading appellate cases in Law Reports. usually these Reports contain a concise statement of the facts, followed by the opinions of the judges.

In the vast literature are 'leading cases,' for they contain important statements of principle: *Bolton v Stone* [1951] A.C. 850, a decision of the House of Lords concerning the torts of Nuisance and Negligence, and *Miller v Jackson* [1977] Q.B. 966, a much criticised decision concerning

court's discretionary powers to grant or refuse an injunction to prevent a nuisance. But the thousands of law students who have studiously analysed these important cases, seeking their elusive *ration decidendi*, striving to reconcile and distinguish them from previous decisions, will have had little idea of the human drama behind them. Besides these *causes celebres*, however, there are scores of contentious issues which have never reached the appellate courts. Some have been disposed of by humbler tribunals. Others have been settled.

Apart from its other merits, this entertaining book is to be recommended for dramatically revealing the personalities and the events that gave rise to the dry pronouncements of the courts in famous cases and for bringing to light many less well-known instances of sporting law in action. The author has collected a diverse group of cases. As he concedes, some have only a tenuous relationship with cricket. One of these such cases involves 'a vicar, a virgin, a robber and a rape' (p.164). Its inclusion is justified on the ground that the assailant assaulted the clergyman with the clergyman's own Don Bradman bat!

But there are many cases involving famous cricketers. It will surprise few readers that Geoff Boycott has a chapter to himself, while Ian Botham merits one and a half chapters. But it will astound the average cricket lover to find such respected characters as the affable Max Walker and the punctilious Alan Knott featuring in defamation cases and it was a considerable surprise to me to learn that Peter May, the England captain, had brought a libel action against the journalist, E.M. Wellings. This book is full of surprising information. Chamingly written, it reveals the writer's intense love and knowledge of cricket, and affection for the law.

Its style is agreeable, and none the less so for being quaintly legalistic at times. It contains one delightful eccentricity - the author's insistence on tracing the future career of the judges, the lawyers who appear as counsel, and occasionally the cricketers also. So, for example, the West Indian cricketing murderer, Leslie George Hylton, appealed to

the Chief Justice of Jamaica, the Honourable John Carberry - who, we are solemnly advised in a footnote, later became Sir John Carberry (p.90). The text is not overburdened by footnotes - but of 69 footnotes, throughout the book, no fewer than 36 are of that ilk! The reader even learns that Lord Justice Cumming-Bruce, a member of the Court of the Appeal which heard the appeal in *Miller v Jackson* has a quadruple barrelled name: Sir James Roualeyn Howell-Thurlour-Cumming-Bruce (p.236). It is perhaps just as well for scorers that he was a judge and not a cricketer!

There is plenty of Australian material in the work, though one notable omission is the libel case brought by Ian Meckiff against Bobby Simpson. The Kerry Packer litigation and the cases involving the South African rebel tours are comprehensively dealt with, as is Clive Lloyd's defamation action against *The Age* for implying that the West Indies deliberately lost a World Series game, to enable Australia to reach the final. Perhaps the most revelatory case in the book is that of Sidney Barnes' vendetta against the selectors, which gives early credence to the view that selectors may be sued for negligence - especially if bias is shown. The tragicomic figure of Barnes is sensitively portrayed in a poignant account of his humiliation.

Caught in Court is a delightful book - and one from which a good deal of law can be learnt. It proves, once again, that the law has an all-pervading presence in sporting activity and that sporting law cuts across all the traditional classification of the law.

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