Westlaw

CASES
What will be covered...

• Searching for cases
• The Case analysis function
Searching for cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases

The Westlaw search bar is US-centric so to find non-US cases, it is best to search under “International Materials”.

Non-US cases

General search

US cases
Case search

Search for *Caparo Industries Plc v Dickman* [1990] 2 A.C. 605
Case search

English cases can be found under “International Materials”
Cases – International materials
Cases – International materials

International Cases
Search all International Cases above or navigate to specific content below.

Australia
Canada
European Union
Hong Kong
Korea
United Kingdom
By citation

Enter the citation into the search box and click search
This directs us to where the case can be found. To read the case, click on the correct citation link. The search has retrieved the case analysis and not the actual case.
Caparo Industries Plc v Dickman
House of Lords  February 8, 1990  [1990] 2 A.C. 665  (Approx. 54 pages)

605 Caparo Industries Plc. Respondents v. Dickman and Others Appellants

House of Lords
8 February 1990

[1990] 2 W.L.R. 358
[1990] 2 A.C. 605

Lord Bridge of Harwich, Lord Roskill, Lord Ackner, Lord Oliver of Aylmerton and Lord Jauncey of Tullichettle
1989 Nov. 16, 20, 22, 23, 27, 28; 1990 Feb. 8

Analysis

Negligence—Duty of care to whom?—Auditor—Appointment by company to audit and certify company's accounts—Statutory duty to make report to shareholders—Another company making take-over bid by initial purchase of shares—Claim that subsequent completion of take—
1. Morgan Crucible Co Plc v Hill Samuel Bank & Co Ltd


With the leave of the judge, the plaintiffs in an action, the Morgan Crucible Co Plc ("Morgan Crucible") appeal from an order of Hoffmann J. made on 24 July 1990 whereby he refused their...

... Caparo Industries Ptc, on the other hand, had not paid for the audit....

... the judge had misdirected himself (a) as to the effect of the decision of the House of Lords in Caparo Industries Ptc v. Dickman [1990] 2 A.C. 605. (b) in holding that the plaintiffs' case could not be distinguished from the decision in Caparo's case. (4) the judge failed to take account of, alternatively attached insufficient weight to, the considerations that (a) the fact that the plaintiffs...
Citation vs Name

• More accurate to search by citation than name:
  ➢ There could be multiple cases with the same name
  ➢ The search could pull out not the case you are searching for, but cases referring to that case
  ➢ While it is possible to search by case name, searching by citation will result in a more precise search
The case analysis provides useful information on the case and can be found at the top of the case.
Case analysis – Where reported

This tells us where the case has been reported. The available reports can be accessed by clicking on the hyperlinks.
Case analysis – Case Digest

Subject: Negligence

Keywords: Auditors, Duty of care, Economic loss, Professional negligence, Shareholders

Summary: Professional negligence; Auditors’ report to shareholders; No duty of care owed to shareholders or investors

Abstract: TR, a firm of accountants, appealed against a decision of the Court of Appeal (Times, August 5, 1988) that they owed a duty of care to shareholders when preparing an auditor’s report as required by statute. C had brought an action against D and another, directors of F, a public company in respect of which the report had been prepared, alleging negligent misstatement. C had purchased shares in F as part of a take over bid and placing reliance on TR’s report, had bought further shares. The report was subsequently proved to have to given a false picture of F’s profits and C suffered a loss. The Court of Appeal had drawn a distinction between existing shareholders, to whom TR owed a duty and potential investors in respect of whom no duty was owed. TR submitted that it did not owe a duty to either group, since the necessary degree of proximity between the parties was missing.

Heid, allowing the appeal, that no duty was owed either to existing shareholders, or to potential investors, since for a duty to arise, three factors had to exist, namely: (1) a sufficient degree of proximity in the relationship between the parties; (2) the knowledge that the report would be communicated to the shareholder or investor in connection with a particular transaction in the contemplation of the parties, Smith v Eric S Bush (A Firm) [1990] 1 A.C. 831 applied, and (3) the shareholder or investor would place reliance on the report when deciding whether to enter into the relevant transaction. Auditors of a public company routinely preparing accounts, in contrast to the preparation of a report for a specific purpose for an identified party, owed no duty to the public at large who might place reliance on company accounts when making investment decisions. To impose such a liability would open the floodgates to an indeterminately wide class of people. JEB Fasteners Ltd v Marks Bloom

This provides some key information on the case and also includes a summary of it.
Case analysis – Case Digest

Judge: Lord Jauncey of Tullichettle; Lord Oliver of Aylmerton; Lord Roskill; Lord Ackner; Lord Bridge of Harwich;

Counsel: For C: Christopher Bathurst Q.C., Michael Brindle and Craig Orr. For TR: Peter Goldsmith Q.C. and Stephen Moriarty

Solicitor: For C: Berwin Leighton. For TR: Freshfields
Case analysis – Appellate History

<table>
<thead>
<tr>
<th>Appellate History</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Queen's Bench Division</strong></td>
</tr>
<tr>
<td><strong>Caparo Industries Plc v Dickman</strong></td>
</tr>
<tr>
<td><strong>Reversed in part by</strong></td>
</tr>
<tr>
<td><strong>Court of Appeal (Civil Division)</strong></td>
</tr>
<tr>
<td><strong>Caparo Industries Plc v Dickman</strong></td>
</tr>
<tr>
<td><strong>Affirmed by</strong></td>
</tr>
<tr>
<td><strong>House of Lords</strong></td>
</tr>
<tr>
<td><strong>Caparo Industries Plc v Dickman</strong></td>
</tr>
</tbody>
</table>

This tells us the history of the case
Case analysis – Cases cited

Cases Cited

Al-Saudi Banque v Clarke Pixley (A Firm)

Ch D

Smith v Eric S Bush (A Firm)

HL

Pacific Associates v Baxter

CA (Civ Div)

Hill v Chief Constable of West Yorkshire

HL

This tells us which cases were cited by this case
Case Analysis – Cases citing this case

**Distinguished**
- Morgan Crucible Co Plc v Hill Samuel Bank & Co Ltd
- CA (Civ Div)

**Applied**
- Rathband v Chief Constable of Northumbria
  - [2015] EWHC 181 (QB); Official Transcript
- QB
- Wall v British Canoe Union
  - unreported
- CC (Birmingham)
- Jones v Scottish Opera
  - [2015] CSOH 64; 2015 G.W.D. 19-325; Official Transcript
- OH
- Pro Med Logistik GmbH v Finanzamt Dresden-Sud (C-454/12)
  - [2014] B.V.C. 18
- ECJ (8th Chamber)
- Robinson v Chief Constable of West Yorkshire
- CA (Civ Div)

This part allows you to determine the case’s judicial treatment and is particularly useful in telling us if the case is good law or not.
Contrast case treatment with an overruled case – Anns v Merton [1978] A.C. 728

Cases Citing This Case

**Overruled**

Murphy v Brentwood DC

**Not followed**

Sutherland Shire Council v Heyman

**Distinguished**

Warne v BASILDON Development Corp
(1991) 7 Const. L.J. 146

CA (Civ Div)
Case treatment

• Be sure to check the case treatment of a case before using it
• You don’t want to be using a case that has been ruled to be bad law!
Cases analysis – Legislation cited

Legislation Cited

- Companies Act 1879 (c.76)
- Companies Act 1900 (c.48)
- Companies Act 1900 (c.48) s.23
- Companies Act 1907 (c.50) s.19
- Companies Act 1928 (c.45)
- Companies Act 1928 (c.45) s.39
- Companies Act 1928 (c.45) s.41
- Companies Act 1929 (c.23) s.130
- Companies Act 1948 (c.38)
Cases analysis – Journals articles citing case

<table>
<thead>
<tr>
<th>Journal Articles</th>
<th>From opportunity to occasion: vicarious liability in the High Court of Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Australia; Child sexual abuse; Comparative law; Employers' liability; Vicarious liability.</td>
</tr>
<tr>
<td></td>
<td>C.L.J. 2017, 76(1), 14-18</td>
</tr>
<tr>
<td>Negligent omissions as a basis for holding internet intermediaries liable for infringements of trade mark rights: approaches under the English common law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Common law; Economic loss; Intermediaries; Internet service providers; Loss; Negligence; Omissions; Online infringement; Third party acts; Trade marks.</td>
</tr>
<tr>
<td></td>
<td>I.P.Q. 2017, 1, 52-77</td>
</tr>
<tr>
<td>Duties of care between actors in supply chains</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assumption of responsibility; Corporate liability; Duty of care; Employers' liability; Parent companies; Supply chains; Third parties; Vicarious liability.</td>
</tr>
<tr>
<td></td>
<td>J.P.I. Law 2017, 4, 205-211</td>
</tr>
<tr>
<td>Duties of care and corporate groups</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duty of care; Environmental damage; Foreign companies; Jurisdiction; Negligence; Oil and gas industry; Parent companies; Subsidiary companies; Torts.</td>
</tr>
<tr>
<td></td>
<td>L.Q.R. 2017, 133(Oct), 550-565</td>
</tr>
</tbody>
</table>

This tells us the articles that have referred to this case.
Cases analysis – Books citing case

Books

A Practical Guide to Corporate Governance 5th Ed.
Chapter: Chapter 8 - Directors: their Duties and other Legal Issues
Documents: An Overview of Directors’ Duties and Liabilities in the Context of Corporate Governance

A Practical Guide to Corporate Governance 5th Ed.
Chapter: Chapter 15 - External Audit, Internal Audit and the Audit Committee
Documents: External Audit

A Practical Guide to Corporate Governance 5th Ed.
Chapter: Chapter 21 - Financial Reporting
Documents: Regulatory Framework

This tells us the books that have referred to this case
Case – pdf format

To download the pdf format of the case, click on the pdf link at the top of the case.
Crown in any given circumstances could depend not upon the terms of the statute but upon matters extraneous thereto, namely the relevant common law rights of the Crown at the time. Such a result would, in my view, be wholly illogical.

LORD LOWRY. My Lords, I have had the advantage of reading in draft the speech of my noble and learned friend, Lord Keith of Kinkel. I agree with it and for the reasons which he gives I, too, would allow both appeals and restore the interdictors of the Lord Ordinary, under deletion of the orders for interdict.

Appeals allowed with costs.


C. T. B.
If you want to go to a certain page of the case, you can click on the “Go to” tab and enter the relevant page number.
Case – search by key phrases

You can also search for relevant key terms and phrases by clicking on this tab.
Case – search by key phrases

The relevant search terms found in the case will be highlighted for easy reading.
Any questions?

Please email library@smu.edu.sg