What will be covered

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• Conducted searches for a topic within Halsbury’s Laws (of Singapore and England)
• Halsbury’s Is It in Force?
• Other useful commentary
Searching for Journal Articles
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Journal article search

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Custom as Law in English Law

1 July 2017

Neil Duxbury

Professor of English Law, London School of Economics. Address for correspondence: Law Department, LSE, Houghton St., London, WC2A 2AE, UK.
Email: n.duxbury@lse.ac.uk

Abstract: This article considers prescription as a customary standard of legal validity which enables judges to identify certain customs as law even though the status of those customs as law cannot be ascribed to a law-making authority. Although claims as to customs having prescribed are often bound up with claims as to the quality (as opposed to the validity) of custom as law, prescribed custom is properly conceived to be a feature of the rule of recognition – a criterion by which a court can identify, and declare, a custom as already existing law as distinct from both custom without the force of law and custom turned into positive law.

Keywords: customary law, common law, prescription, rule of recognition
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Commentary
What Halsbury’s Laws features does Lexis offer?

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- Can be used to find the judicially defined terms in law, the legislation that govern it as well as key cases that define its principles
- Lexis Singapore offers electronic access to Halsbury’s Laws of Singapore, England and Malaysia
Halsbury’s Laws of Singapore

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Consideration is a contract law principle so “Halsbury’s Laws of Singapore – Contract” is a good starting point.
Halsbury’s Laws of Singapore

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- Halsbury’s Laws of Singapore - Contract
  - 80 - Contract
    - (1) Sources of Contract Law in Singapore
    - (2) Offer and Acceptance
    - (3) Consideration
    - (4) Intention to Create Legal Relations
    - (5) Contents of the Contract
    - (6) Unenforceable Contracts
    - (7) Mistake
    - (8) Misrepresentation
    - (9) Economic Duress
(3.) CONSIDERATION

(1) INTRODUCTION AND DEFINITION

Introduction

Another essential element in both the valid formation as well as variation of a contract is consideration. It has, however, been argued that the requirement ought to be dispensed with in the latter situation, ie where contractual obligations are modified, and the doctrine of economic duress be substituted in its place; this possibility will be further canvassed when we deal with the doctrine of economic duress proper in a later part of this work. It has, in fact, even been argued that the requirement of consideration be abolished even with regard to the formation of a valid contract: this even more radical suggestion for reform will be briefly considered in the final segment of the present topic.

1 See [80.218] at seq.
2 See [80.081].

Doctrine not applicable to agreements under seal

It must be noted at the outset, however, that, owing to historical circumstances, the requirement of consideration is dispensed with for contracts under seal, viz deeds. In relation to a company, it was recently stated by the High Court that 'the fact that the company seal had been affixed on a document does not per se raise any legal presumption that the parties intended it to be executed as a deed. However, evidentially, it could lend weight to a party's assertion that the document was intended to be and had in fact been executed as a deed.'
Halsbury’s Laws of England

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Search Halsbury’s Laws of England to find out more about limited liability partnerships
Halsbury’s Laws of England

• If you know the topic area of your search, you can go directly to the correct volume as demonstrated for Halsbury’s Singapore earlier

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Enter the relevant search terms

- Limited liability partnership
### Limited liability partnerships

**22. Limited liability partnerships.** As in the case of ordinary partnerships, every member of a limited liability partnership is the agent of the partnership. However, a limited liability partnership is not bound by anything done by a member in ...

A person has ceased to be a member of a limited liability partnership, he is to be regarded (in relation to any person ...) the Registrar of Companies. Where a member of a limited liability partnership is liable to any person (other than another member of ...) 79 (2014) para 39. 2. As to the meaning of 'limited liability partnership' see the Limited Liability Partnership Act 2000 s 1; and partnership vol 79 (2014) para 233. 3. Limited Liability Partnerships Act 2000 s 6(1). 4. Limited Liability Partnerships Act 2000 s 6(2). 5. Limited Liability Partnerships Act 2000 ss 6(3), 18. As to the registrar see companies vol 14 (2016) para 126 et seq.
Halsbury’s Laws of England

22. Limited liability partnerships.

As in the case of ordinary partnerships, every member of a limited liability partnership is the agent of the partnership. However, a limited liability partnership is not bound by anything done by a member in dealing with a person if the member in fact has no authority to act for the partnership by doing that thing, and the person knows that he has no authority or does not know or believe him to be a member of the partnership.

Where a person has ceased to be a member of a limited liability partnership, he is to be regarded (in relation to any person dealing with the partnership) as still being a member of the partnership unless the person has notice that the former member has ceased to be a member of the partnership, or notice that the former member has ceased to be a member of the partnership has been delivered to the Registrar of Companies.

Where a member of a limited liability partnership is liable to any person (other than another member of the partnership) as a result of a wrongful act or omission of his in the course of the business of the partnership or with its authority, the partnership is liable to the same extent as the member.

2. As to the meaning of limited liability partnership see the Limited Liability Partnerships Act 2000 s 1; and PARTNERSHIP VOL 79 (2014) PARA 233.
What can I use besides Halsbury’s Laws?
Other useful treatises and commentaries can be found in the drop-down box.
Example of Treatises

**Woon’s Corporation Law**: Focuses primarily on the interpretation and explication of the Companies Act. Has annotations of the Companies Act to include the latest amendments and illustrates the provisions to include case law and related legislation where necessary.

**Principles of Singapore Land Law**: Treatise on Singaporean land law. Chapters on basic concepts of ownership, dealings in land, registration systems and strata titles.

**Evidence and the Litigation Process**: Has analytical discussions of the principles and practical application of the law and includes illustrations and practice-related situations for this purpose; was the prescribed textbook for NUS.

**Intellectual Property & Information Technology Commentary**: Online access to key IP and Information Technology Publications including cases, commentary, current awareness, legislation.
Any questions?

Please email library@smu.edu.sg