

ROAD ACCIDENTS, by D. W. Elliott and Harry Street. England. Penguin Books Ltd., 1968. 295 pp. (including foreword, introduction and index). New Zealand price \$6.65 (hardback) and \$2.25 (paperback).

This book is the first of a new series to be published by Penguin Books Ltd. under the general title of Law and Society and under the general editorship of Professor Otto Kahn-Freund, Professor of Comparative Law at Oxford University, and Professor K. W. Wedderburn, Cassell Professor of Commercial Law at the University of London. The publishers, who first entered the law publishing world in 1947 with *John Citizen and the Law* have rapidly expanded their scope and they are to be congratulated on the first of this new series; it is to be hoped that the subsequent volumes in this series are as good as the first.

It should be stated at once that this book does not purport to be a practitioner's textbook on the road traffic laws. It is intended instead, as its initiation of the Law and Society series would suggest, to provide a discussion on a more general level of the legal issues relating to road accidents. In this respect this book comes at a very opportune time for New Zealand readers. For the problem of how best to deal with the effects of the "road transport explosion" is one which is at present acutely exercising the minds of many people in New Zealand from the Minister of Justice and Minister of Transport down. What procedures and institutions will most effectively prevent infringements of the traffic laws? What traffic laws should give rise to criminal liability? How can persons who suffer injury or other loss as a result of the activities, or inactivities, of the drivers and the producers and repairers of vehicles, best be compensated? These are the issues which are troubling New Zealand as they are troubling England and it is these issues which are discussed at length by the two authors of *Road Accidents*.

In Part One Professor D. W. Elliott, who is Professor of Law at the University of Newcastle upon Tyne, considers the problems associated with the imposition of criminal liability. He examines first the content of the various provisions imposing criminal liability, including what in this reviewer's judgment is a very interesting discussion of the appropriate scope of mens rea and of manufacturer's liability. Professor Elliott then goes on to examine in a very penetrating and interesting manner the way in which these provisions are enforced by the police and the courts. So far as the New Zealand reader is concerned, of particular interest is the discussion of the New Zealand system of enforcement by officials of the Transport Department, the delineation of the advantages and disadvantages of special traffic courts, the distinguishing between serious traffic offences which should draw criminal liability and less serious breaches which should not, and the discussion of the de-merit points system.

Part Two of the book consists of an examination by Professor Harry Street, Professor of English Law at the University of Manchester, of the issue of civil liability. After examining the existing system he puts forward two broad categories of proposals: reforms within the existing system of common law damages, and reforms of a much more radical character. Professor Street indicates that his preference is for the "root and branch" reforms which would take the form of a state-administered system of compensation paid regardless of fault and subject to review periodically. When we in New Zealand are at this very moment deliber-

ating upon the recommendations of the Royal Commission on Compensation for Personal Injury and the recommendations of the earlier Committee on Absolute Liability, the preference expressed by Professor Street and the reasons for that choice are of particular interest. In case his suggestions for radical reform should not, for one reason or another, be implemented, Professor Street suggests that at the very least there should be some improvements in the existing system. Extension of the availability of damages for breach of a statutory duty; extension of the types of injury and loss for which damages may be recovered, especially in the area of emotional injury and consequential economic loss; provision for damages to be revised from time to time as circumstances change—these were the suggested improvements which most attracted the attention and interest of this reviewer.

This book is very attractively and accurately printed and is published in both a hardback and softback edition. The latter is so priced as to put it within the range of the impecunious student and law school, not to mention the practitioner who is nowadays assailed with so many competing demands by publishers upon his time and money. It is to be expected also that this book will be read with very great interest in the government departments which are most concerned with the improvement of our systems in New Zealand for eliminating the causes, and remedying the effects, of road accidents.

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**FORMATION AND MANAGEMENT OF PRIVATE COMPANIES
IN NEW ZEALAND**, by D. A. Dale, F.C.I.S., F.P.A.N.Z.,
A.N.Z.I.M., and J. G. Sclater, LL.B. Wellington. Sweet & Maxwell
(N.Z.) Ltd., 1968. 198 pp. (incl. index) plus supplement. Price
\$6.50.

This book purports to outline the procedure necessary for the formation of private companies and to deal with the statutory obligations connected with the management of such companies. It contains 198 pages, plus a useful 9 page supplement dealing with taxation, which is inserted in the inside back cover of the book. Replacement supplements incorporating any new amendments are to be issued as they become necessary.

The book is of a very elementary nature and it is difficult to know for what class of reader the book is intended. It is obviously not designed to be a reference book for legal practitioners since it contains very few authorities—either judicial or statutory. By the same token it is not designed for law students as it makes no reference to the many difficult and complex problems which arise in this area of the law. Similarly it is doubtful whether the book itself is of any benefit to accountants or accountancy students since (for example) such an important accountancy matter as “accounts and balance sheets” is dealt with in a mere 2½ pages.

It appears that the book is designed for the layman who is interested in some way in a private company—perhaps as a director or secretary—and who will also be receiving professional advice from his solicitor and accountant. It is possibly also useful for students sitting examina-