

## BOOK REVIEWS

*Judicial Review of Administrative Action.* Third edition. By S. A. DE SMITH, F.B.A., Downing Professor of the Laws of England in the University of Cambridge. [London: Stevens & Sons Ltd. 1973. xlix, 529 and (Index) 19 pp. £7.25 net.]

THIS is the third—and sadly Professor de Smith's last—edition of *Judicial Review of Administrative Action*. The previous editions appeared in 1959 and 1968. The organisation of the book has remained substantially unchanged through all three editions, but the economics of book publishing led the author to make certain excisions and rearrangements in 1973. The chapter on Classification of Functions, for instance, has been considerably shortened, and the former chapter on the History of Prerogative Writs has been relegated to an Appendix. A further change, which will be understood though at the same time regretted by many readers, is a less extensive coverage of case-law in jurisdictions in Commonwealth countries. With characteristic optimism, however, Professor de Smith felt that a reduced emphasis on the Commonwealth was tolerable for two reasons: first, because of the growth of academic and professional literature on administrative law in the Commonwealth, and secondly, the fact that the most creative developments in the judicial sector of administrative law of late have taken place in this country. Professor de Smith would of course have been the first to concede that in such countries as New Zealand, Canada and Australia there has been far greater progress than here in seeking reform through legislation of many aspects of administrative law; others would recognise that the encouraging developments which he noted in recent judicial decisions in this country, and which have taken place in varying degrees throughout the Commonwealth over the past 10 or 15 years, have been to a considerable extent influenced by the immense contribution which he made in the three editions of *Judicial Review of Administrative Action* to the exposition, clarification and analysis of the principles of administrative law.

The difficulties of defining the scope or isolating the content of administrative law are well known. This is recognised frequently by Professor de Smith. He accepts that judicial review is "inevitably sporadic and peripheral," though he rightly reminds his readers that some of the untidiness in English case-law is attributable to the untidiness of the British administrative system. Indeed, given the enormous complexity of our administrative system and the innumerable constitutional and political principles or presumptions that have to be borne in mind, it is remarkable that Professor de Smith succeeded from the start in presenting his subject with the right balance of general background and specific discussion. In his chapter on "Review of Discretionary Powers," he recognises that his survey has to be conducted at a fairly high level of generality, but the case-law is brought together skilfully and coherently despite the vast range of statutory provisions which form the basis for the individual decisions. It is a feature of the book as a whole that there is relatively little discussion of particular cases in the text itself, but it is this which enables the author to bring together his principles, his observations and

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