from the review of the discretion of a subordinate body in terms of *vires* from those which arise when a body in some way or other breaches a procedural requirement. The development of judicial opinion in the last six years in this latter area is reflected in the additional cases which are to be found in the chapter on Procedure, *Ridge* v. *Baldwin* and *Durayappah* v. *Fernando* being the most notable.

Other cases (available to the authors in mid-1967) are included to up-date the earlier edition. (The recent decision of the House of Lords in *Conway* v. *Rimmer* was of course too late for inclusion). An omission which was noticed from the Table of Cases was *Bruce* v. *Waldron* which appears in the text at p. 589.

It can be predicted that the second edition of this book will continue to be used as a basic casebook in administrative law courses in Australian law schools.

R. D. LUMB*

*International Claims: Post-War British Practice,* by RICHARD B. LILLICH (Syracuse Univ. Press, 1967), pp. xvi, 1-192.

This is the sixth volume under the general editorship of Professor Lillich in the Procedural Aspects of International Law Series. International law has provided a lush pasture for scholarly endeavours for some years but the area of that law which has not met with just response is procedure. Professor Lillich and his co-authors in this series have been busy plugging some pretty large holes. In doing this they have brought to the mind of the academic, practitioner and student alike, some new horizons. General courses in international law cannot afford to avoid any longer the important procedural issues, and, in particular, more attention, in my view, should be paid to the law of international claims.

Professor Lillich is concerned in this volume with the U.K. Foreign Compensation Commission. The volume discusses British claims practice since World War II, eligibility of claimants before the F.C.C., nationalization claims, creditor claims, war claims, damages, and a final chapter evaluating British claims practice.

From this lengthy research undertaken between 1963 and 1966 in England, Professor Lillich has ferreted out a tremendous amount of material on the F.C.C. The most interesting part of his work, to the reviewer, was the discussion in chapter IV of the creditor claims, relating to contracts or debts. The F.C.C. has paved the way internationally in allowing a wide range of creditor claims, which practice has been followed more recently by the U.S. F.C.S.C. in relation to the Cuban claims. Unfortunately, the liberal tendencies of the F.C.C. on matters of creditor claims were hamstrung from time to time by executive order. It is curious that there should have been differences of approach, for example, between the Polish and Rumanian claims.

Can it be said that the F.C.C. was attempting to go too far too fast? The *Application of Reginald Nigel Bellairs* is a case in point (p. 103). Till now, international law has taken the view generally that a currency devaluation measure does not give rise to a compensable claim and yet, in a difficult case, the F.C.C. was prepared to find in favour of the claimant on what appeared to be currency reform measures. It is one of the least satisfactory aspects of the F.C.C. that the profession has not the benefit of full disclosure of their reasons, and the case

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mentioned above is one that international lawyers would have appreciated the publication of a fully reasoned decision.

The doors of the courts were opened to test decisions of the F.C.C. by Browne J. in *Anisminic Ltd.* v. *The Foreign Compensation Commission and Another*(1), only to be closed just as quickly by the Court of Appeal. One possibly would not cavil with the Court of Appeal decision, but it is regrettable that the Court should feel disposed to question the granting of a minute of adjudication by the F.C.C. to the unsatisfied claimant. Publication of the F.C.C.'s ruling is not only fair and just to the claimant but it assists the profession and public at large. Moreover, it adds greatly to the general body of international legal materials in an area as yet too sparse in revealed documentation.

In evaluating British claims practice, Professor Lillich comes down gently on the side of the angels. He quietly agrees that lump sum settlements are often unsatisfactory to the clamaints although noting correctly that the F.C.C. should not be held accountable for this. He certainly would not accept with equanimity the views of Vallat(2), where he accepts as realistic and sensible the political global or lump sum settlement with little or no apparent concern for the claimant. Nothing runs against the development of individual rights at international law more than the philosophy of a political lump sum settlement allied to such doctrine as is found in *Rustomjee's case*(3). If international law is to mean anything in the area of claims, perhaps, it would be beneficial to return to the Mixed Claims Commission where individual claimants' cases may be heard, adjudicated upon and satisfied without having to cut up an already baked cake.

To obtain a mixed commission, however, is difficult and, in the last resort, a state is often forced back to negotiating a lump sum settlement. The gist of Professor Lillich's final chapter is that the British have been unfair to their own national claimants and insufficiently tough in negotiation. If the crown is not a trustee or agent, why can it not be expressly declared to be so by legislation in relation to claims? Why not use the tactic of blocked assets when negotiating on claims? These are proper questions to ask. One must, I think, feel considerable sympathy for the view that the individual claimant should be the prime concern so far as claims are concerned, and not an overall settlement which will so conveniently, as it were, close the books for the diplomat. I wonder whether, in the field of municipal motor-car accident law, there would not be justifiable grounds for complaint if once a year the books of authorised insurers were ruled off, an assessment made by the insurance companies of the amount they reasonably thought should be available for distribution, and third party claimants over the year were then given by a commission a discretionary amount of that available—without any form of appeal!

Professor Lillich is to be congratulated on this thoughtful volume. It is with relish that the reviewer looks forward to the next two volumes in the series, International Claims: Post-War French Practice and International Claims: Their Settlement by Lump Sum Agreements. The latter volume, no doubt, will take up some of the larger issues which have been opened up in the volume under review.

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(1) [1967] 2 All E.R. 986.
(2) International Law and the Practitioner, Chapter III.
(3) [1876] 2 Q.B.D. 69.

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