

profession as “fused”, this assertion is technically open to query. The careful maintenance by the Law Practitioners Act 1955 of separate rolls of barristers and solicitors, its separate definition, by section 13, of the powers, privileges, duties, and responsibilities of barristers, and the unanswered questions raised by *Robinson and Morgan-Coakle v. Behan* [1964] N.Z.L.R. 650, make such a statement too sweeping. It would be more accurate to say that in New Zealand a practitioner is entitled to practise in the capacity both of a barrister and solicitor, a statement which leaves open such unanswered questions as the liability for negligence or the right to sue for fees of a barrister practising solely as such. One may query, too, the implication of the statement (on page 30) that decisions of the Privy Council are binding in New Zealand when they are decisions “on New Zealand law whenever given”. If this implies, as it appears to, that Privy Council decisions given on appeal from other jurisdictions are not technically binding in New Zealand even if *in pari materia*, this reviewer would disagree: see *Fatuma Binti Mohamed Bin Salim Bakhshuwen v. Mohamed Bin Salim Bakhshuwen* [1952] A.C. 1; *Morris v. E.S. & A. Bank Ltd.* (1957) 97 C.L.R. 624; *Mayer v. Coe* [1968] 2 N.S.W.R. 747. No such limitation of the effect of Privy Council decisions is suggested in the original.

But this is an excellent book. Well written and stimulating, it is bound to engage the interest and imagination of those at whom it is aimed. The editor’s hope “that New Zealand law teachers and students will continue to find in this book the merits of the original” will not be disappointed. The book is likely to be widely used in this country.

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LAW OF TOWN AND COUNTRY PLANNING. Second edition. By K. Robinson, LL.B. Wellington. Butterworths (N.Z.) Ltd. xxxiv and 332 pp. (including index). New Zealand price \$8.00

It is perhaps a measure of the speed at which the law of town and country planning is developing in New Zealand, that it has been necessary for Keith Robinson to publish a second edition of his book within two years of the first edition. The first edition has become considerably out of date in its two years of life, particularly as a result of the important Town and Country Planning Amendment Act 1966 which came into force on 1 January 1967. The second edition will therefore be welcomed by both practitioner and student alike.

However, it seems that the speed of legislative change in this fast-growing field of law is likely to necessitate a third edition of the book within a very few years. Already, no doubt while the present edition was in the press, there have been passed two statutes which have affected planning law. The first of these, the Town and Country Planning Amendment Act 1968, has had some considerable effect on the principal Act of 1953, particularly as regards the interpretation of conditional uses. It is perhaps, fortunate that the author was able to note the bill of this Amendment Act in his preface to the second edition. The other statute has unfortunately not been so noted. This is the Municipal Corporations Amendment Act 1968, which amongst many minor amend-

ments to the law of urban land subdivision control, adds to the Municipal Corporations Act 1954 one completely new section, s. 351 BE, dealing with water supply and drainage provisions on the subdivision of land. It might perhaps have been better policy to have stayed publication until both these Acts (or at least their bills) could have been properly incorporated into the text of the book. This is especially so in view of the fact that the author was aware of at least one of them. As it is, the book became slightly out of date before it was even published.

However, this is no doubt an almost unavoidable matter for the writer of a legal text book, and generally the book is a worthwhile exposition of planning law. It follows broadly the pattern of the first edition, but the author has greatly improved on the earlier edition of the work. Not only are there some general expansions of the text, but it is particularly gratifying to note that in his second edition, Keith Robinson has devoted separate chapter space both to variations and reviews of schemes, and to enforcement powers. In these chapters the author is able to give an improved and more detailed treatment of these matters. Also to be welcomed are the two new appendices. The first of these (appendix 3) lists those local bodies which have and *a fortiori* have not provided district schemes. Conveyancers dealing with out-of-town land will, no doubt, particularly find this list useful. The other new appendix (appendix 4) provides a useful table of stages in the preparation of district schemes, and therefore supplements the practical hints of appendix 1.

The book on the whole is a useful and worthwhile study of planning law in New Zealand, and the author has set himself a very good standard. However, there are errors and shortcomings which cannot be overlooked.

In my view it is a very grave shortcoming that the author reprints in his book, the detailed text of the statute, *not* in an appendix, but in a disjointed way throughout the text of the book. This on the whole is disconcerting, and a particularly bad instance is between pages 207-220, where the amended subdivision Code of the Municipal Corporations Act 1954 is reprinted in detail and with minimal connecting comments. Other examples can be found in other parts of the book. The principal justification for this practice, which is common to many legal text books in New Zealand, is said to be so that in this way the reader can be referred to the amended text of the statute concerned. Thus it seems that the fault is laid with Parliament which amends legislation by deleting from or adding to the principal statutes concerned. However, this justification appears perhaps a little weak, as most practitioners and others concerned with the subject, would naturally have a copy of the relevant legislation and amendments within easy access. In the present case, the author's own text is useful and would stand alone, with perhaps a mere paraphrasing of the principal statutory provisions. However, in the way it is presented, it appears in a hotchpotch between a commentary on a statute and a text book. Perhaps, the author should decide which he wants the book to be. If it is to be a text book, then he could do worse than follow the pattern of Starke's *Town and Country Planning in New South Wales*, where the amended statutes are reprinted as an appendix after the text of the book or Telling's *Planning Law and Procedure* (an English text), where the statutory provisions are referred to mainly by means of footnotes.

The author makes at least one serious error in the text. In referring to scheme plans of subdivision under s. 22 of the Counties Amendment Act 1961, the author incorporates the effect of s. 6 of the Counties Amendment Act 1962 which purported to give County Councils control over 50 acre subdivisions, but overlooks the almost immediate repeal of this latter amendment by the Finance Act 1962 (s. 12) which restores the 10 acre *status quo*.

Further, one would have expected in the discussion on pages 94-5 of the cases of *McNamara v. Waimairi County* (1964) 2 N.Z.T.C.P.A. 146 and *Mobil Oil (N.Z.) Ltd. v. Napier City* (1968) 3 N.Z.T.C.P.A. 82, and the general discussion of the interpretation of conditional uses, a mention of the case *Dean v. Taupo Borough* (1968) 3 N.Z.T.C.P.A. 117 in which *McNamara's* case was disapproved by the board. Perhaps another reason for delaying final publication!

Planning law is a complex subject, and in spite of its faults, Keith Robinson's book is a valuable addition to practitioners' libraries, as it provides a useful insight into the law of Town and Country Planning in New Zealand. At the present time it is the only text book on this subject, but it is no doubt destined to become the standard work.

As a final comment, it is to be hoped that in future editions, Keith Robinson will consider giving greater space to the legal provisions closely associated with town planning; such as national parks and open spaces; and in particular to urban renewal.

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