

1966
 Ducksbury,
 decd.,
In re

that she shall receive during her life, until she marries, a sum of £2 a week from the estate. A

Order that deceased's will to have effect as if an annuity of £104 per annum had been bequeathed to the plaintiff out of the net estate during her life or until she should marry. Costs out of the estate. B

Solicitors: P. R. Kimber; Durrant Cooper & Hambling for Ware, Warner & Knowles, York. C

[HOUSE OF LORDS]

H. L. (E.)*

* PRACTICE STATEMENT (JUDICIAL PRECEDENT)

July 26
 1966

Judicial Precedent—House of Lords—Modification of practice—Former decisions of House normally binding—Departure from previous decision when appearing right to do so. D

Before judgments were given in the House of Lords Lord Gardiner L.C. made the following statement on behalf of himself and the Lords of Appeal in Ordinary: E

LORD GARDINER L.C.: Their Lordships regard the use of precedent as an indispensable foundation upon which to decide what is the law and its application to individual cases. It provides at least some degree of certainty upon which individuals can rely in the conduct of their affairs, as well as a basis for orderly development of legal rules. F

Their Lordships nevertheless recognise that too rigid adherence to precedent may lead to injustice in a particular case and also unduly restrict the proper development of the law. They propose, therefore, to modify their present practice and, while treating former decisions of this House as normally binding, to depart from a previous decision when it appears right to do so. G

In this connection they will bear in mind the danger of disturbing retrospectively the basis on which contracts, settlements of property and fiscal arrangements have been entered into and also the especial need for certainty as to the criminal law.

This announcement is not intended to affect the use of precedent elsewhere than in this House. H

J. A. G.

* *Present:* LORD GARDINER L.C., VISCOUNT DILHORNE, LORD REID, LORD DENNING, LORD PARKER OF WADDINGTON, LORD MORRIS OF BORTH-Y-GEST, LORD HODSON, LORD PEARCE, LORD UPJOHN and LORD WILBERFORCE.