

## HOUSE OF LORDS - PRACTICE STATEMENT (JUDICIAL PRECEDENT) 1966

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The House gave guidance how it would treat an invitation to depart from a previous decision of the House. Such a course was possible, but the direction was not an 'open sesame' for a differently constituted committee to prefer their views to those of the committee which determined the decision unanimously or by a majority. That would be a licence not appropriate to final decision-making by a supreme court. '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.

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. In this connexion 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.'

**Court:** *House of Lords*

**Date:** *1<sup>st</sup> January 1966*

**References:** *[1966] 3 All ER 77, [1966] 1 WLR 1234*

**Cases Cited:** *[London Street Tramways -v- London County Council](#), HL, Cited, ([1898] AC 375*

### Cited By:

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- [Simpson -v- Regina](#)
- [Regina -v- Knuller \(Publishing, Printing and Promotions\) Ltd; Knuller \(Publishing, Printing and Promotions\) Ltd -v- Director of Public Prosecutions](#),
- [Rees -v- Darlington Memorial Hospital NHS Trust](#)
- [Fitzleat Estates Ltd -v- Cherry](#)
- [Street -v- Derbyshire Unemployed Workers' Centre](#)
- [Department of Transport -v- Chris Smaller \(Transport\) Ltd](#)
- [Grovit and others -v- Doctor and others](#)
- [Jindal Iron and Steel Co Ltd and others -v- Islamic Solidarity Shipping Company Jordan Inc \('The Jordan II'\)](#)
- [Cassell & Co Ltd -v- Broome and Another](#),
- [National Westminster Bank plc -v- Spectrum Plus Limited and others](#)
- [James, Regina -v-; Regina -v- Karimi](#)
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- [\*Purdy, Regina \(on the Application of\) -v- Director of Public Prosecutions\*](#)
  - [\*Regina -v- National Insurance Commissioner, Ex parte Hudson\*](#)
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  - [\*Austin -v- Mayor and Burgesses of The London Borough of Southwark\*](#)
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