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EDITORIAL

This issue of the *Mountbatten Journal of Legal Studies* contains four major papers, three of which address issues of a psychiatric nature, and one addressing company law and the *ultra vires* rule.

To most practitioners of post-1972 vintage the *ultra vires* rule has, to a large extent, been a matter of historical interest but the author gives an authoritative review of developments in respect of the doctrine in English company law. The essence of the paper is a discussion of the applicability of the *ultra vires* rule, the justification for the application of the rule to incorporated companies and the subsequent judicial curtailment of the rule. Finally, it considers the eventual statutory abrogation of the rule in retaliation to a company's contractual dealings with third parties.

In the paper discussing the case of *Frost* the question addressed is how the law will allow some policemen to recover for nervous shock when there is no physical injury and yet a plaintiff who lost two brothers cannot. This article is a fine analysis and critique representing the author's views. The article does not suggest that it was wrong to compensate the police officers who were able to recover for psychiatric damage following the incident at the Hillsborough football stadium, but questions the fairness of the decision in the *Alcock* case when a man who was at the ground at the time and unsuccessfully searched for his two brothers only to be told the next morning that they were dead, was not able to recover. The article discusses how the majority decision in the *Frost* case used the legal principles of employer's liability to find for the plaintiff, and that the police officers were not being singled out for preferential treatment, the conclusion of the author being that some of the reasoning in *Frost* only adds to the confusion in an area already filled with artificiality and the arbitrary use of judicial concepts. A more coherent approach is suggested by the author which would provide parity between the claims of victims.

The second paper considering nervous shock without physical injury raises the issue of 'foreseeability' in such cases. This is a closely argued critique of the decisions reached by the Court of Appeal and the House of Lords in the case of *Page v Smith*. The issues raised concern 'secondary' harm to a primary victim and the 'boundaries' of liability of a tortfeasor who causes it. If a plaintiff is in an accident with the defendant and is caused no physical injury at the time of the accident, can he recover for the recrudescence of his

previous condition of 'chronic fatigue syndrome'(CFS) which became permanent after the accident?

The final article to consider psychologically impaired individuals addresses the criminological and practical aspects of such impaired persons absconding from mental hospitals. This article is based on field research carried out by the author over a period of twelve months and includes the involvement of three hospitals and the effects on those involved, ie the absconders themselves, the hospital, the public, the families, and in particular the police. As the criminological literature suggests some link between mental disorder and crime, especially in certain types of offences, this article, based on the empirical investigations, looks at the consequences of absconding on each of the five parties and will be of particular interest to anyone either working or researching in this area.

This issue of the journal considers various aspects and consequences of psychological disorders, whether they be caused by shock, accidents involving others or the criminal acts of the mentally disordered themselves, and considers how the law addresses each of these very human problems.

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Editor