

BOOK REVIEWS

Keeton & Sheridan's *The Modern Law of Charities* (4th ed)
by L.A. Sheridan - Barry Rose - £130

Charities: The New Law The Charities Act 1992
by Fiona Middleton and Stephen Lloyd - Jordans - £19.95

Amongst the rash of publications to which the Charities Act 1992 and 1993 have given birth are to be found two quite different books: the new edition of Keeton & Sheridan and a new handbook on the 1992 Act by Fiona Middleton and Stephen Lloyd, both of the solicitors' firm Bates, Wells & Braithwaite. The aims and scope of the two books differ sharply. Professor Sheridan's book, the first under his sole editorship since the death of Professor Keeton in 1989, is a 4th re-working of the publication first produced under Professor Keeton's own name but which in its 2nd and 3rd editions took its present and continuing name. Its new edition is very welcome as one of the leading academic works on the subject of charities at large. Middleton and Lloyd's book is devised for a different purpose and audience and is confined to a consideration of the new provisions of the 1992 legislation.

Keeton & Sheridan started life as a work reflecting the syllabus and content of the "Charities" element of the oddly-coupled "Mortgages and Charities" course for the University of London LL.M. Declaring a now rather ancient interest in the course as a former student (although the book itself was frustratingly out of print in my time), I found that there is a great sense of familiarity about the organisation and presentation of the work which will be of comfort to anyone who studied charities at either undergraduate or postgraduate level. Such familiarity of presentation makes the work thoroughly accessible and user-friendly, an impression fully supported by the author's clear and usually straightforward style, although it is on occasion a style which is perhaps more sympathetic to the academic than to the practitioner. The latter may feel, for example, that what the author characterises as "the linguistic torments of the courts" in distinguishing between "cumulation versus catalogue" or "disjunction versus exegesis" (see page 52) are better left unexplored before all but a handful of judges! But in seeking guidance on the principles to be applied and the authorities to research in connection with particular heads of charity (particularly Commonwealth authorities of which, as usual, Professor Sheridan shows himself to be the master), the practitioner as much as the academic will feel in safe hands here. Indeed the practitioner will certainly regard the book as a useful and readable adjunct to the practitioners' work which he or she is accustomed to using. One criticism though: this is not in my view a physically attractive book. The layout is cramped and inelegant and does not do justice to the quality of the text.

Although the new edition of Keeton & Sheridan was written, on its author's evidence, expressly in response to the enactment of the Charities Act 1992 it is not

the book to turn to for a detailed account of the changes produced by that legislation, still less, of course, for the provisions of the 1993 Act which it antedates. It contains substantial extracts from the 1992 Act in the form of an appendix but the book does not pretend to deal with many of the practical matters pertaining to modern practices in charity administration - professional fund-raising and the revised law relating to public charitable collections, for example - which the new legislation sought to address. For that you will need to turn to Middleton and Lloyd, a practical guide to the 1992 legislation. This impressive and lively treatment of the new legislation identifies both the problems which are encountered in practice, their attempted cure by legislation and a number of the difficulties which still remain. It is not merely mechanical re-statement of legislative provisions but a stimulating and thorough review of questions of topical interest to the charity adviser and administrator. The authors' thought-provoking introduction contains, for example, this warning:

"The assumption by some that "professionalism" is necessarily and always a good thing, and that efficiency is as much the hallmark of the good charity as it is of the successful business, needs qualifying...

In an age marked by inhuman giantism and dehumanising systems, it would be a tragedy if voluntary sector "professionalism" stifled the free, generous creativity and caring essence of voluntarism. If we want a thousand flowers to continue blooming, our society must go steady with the fertilisers and insecticides".

The Act, I suppose, contains rather more in the way of insecticides than fertilisers and its regulatory provisions are analysed here with considerable care and imagination. No dull read this, and if you had never thought of the myriad ways in which a charity might find itself embroiled with commercial participators this book will enlighten you. I very much hope that it will soon be up-dated with references to the 1993 Act.

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