

## **Practice Statement [1966] 3 All ER 77**

*Judgment – Judicial decision as authority – Stare decisis – House of Lords – Freedom of House of Lords to depart from their previous decisions where right to do so – Doctrine of precedent nevertheless an indispensable foundation of decisions of law.*

Before judgments were given in the House of Lords on July 26, 1966, LORD GARDINER, L.C., made the following statement on behalf of himself and the Lords of Appeal in Ordinary:

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 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.