

LexisLibrary: using *Halsbury's Laws of England*

Halsbury's Laws of England

Halsbury's is an authoritative legal encyclopedia (its use is permitted in court). It can provide a useful starting point for research on a particular point of law as it provides a narrative of current law, and includes reference to key legislation and case law.

Access

LexisLibrary can be accessed on and off campus by going to the **Search Online Databases and Resources** section of the Library website, where it can be found via an A-Z list.

Searching *Halsbury's Laws*

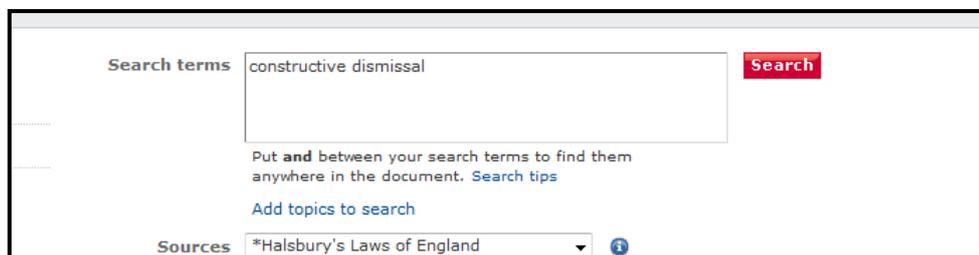
1. To search this resource, EITHER
 - a. Select the **Commentary** link at the top of the page and from the **Sources** drop-down list select 'Halsbury's Laws of England'

OR

- b. From the **Home** page locate 'Halsbury's Laws of England' within **My Bookshelf**. If you select option b), you can then choose to Browse or Search *Halsbury's*.



2. Clicking on Search, brings up the following search screen. Enter your keywords and click on the red Search button.



Search terms: constructive dismissal [Search]

Put **and** between your search terms to find them anywhere in the document. [Search tips](#)

[Add topics to search](#)

Sources: *Halsbury's Laws of England

3. Your results will display in 'Source Order' - matches to your search terms that occur in volumes at the beginning of the encyclopedia will appear first. These will not necessarily be the most useful results. Try sorting your results by relevance instead.



Sort by: Relevance

4. To view an entry in *Halsbury's* click on a paragraph title from the results list. Paragraphs look like this:

763. Constructive dismissal.

Previous | Next | View whole: (2) MEANIN... | (i) Dismissal; Effective Date of Termination

Add [Folder] [Print] [Share] [Email]

763. Constructive dismissal.

An employee¹ who terminates the contract of employment², with or without notice, may still claim to have been dismissed³ if the circumstances are such that he is entitled⁴ to terminate it without notice by reason of the employer's⁵ conduct ('**constructive dismissal**')⁶.

The employee must leave in response to the breach of contract⁷. While, as a matter of fact, the employee may usually be expected to indicate that he is treating the contract as repudiated⁸, there is no rule of law that the employee must always inform the employer of the true reason for leaving⁹. Delay in so doing may amount to waiver of the breach and affirmation of the contract¹⁰, though this will depend on the facts of the case, and a realistic approach must be taken, so that it may be reasonable for the employee to work on for a period under protest¹¹, especially if trying to resolve matters without leaving¹² or seeking other work before leaving¹³.

Whether there has been a repudiatory breach by the employer entitling the employee to leave is essentially a question of fact for a tribunal in the circumstances of the individual case; an appellate court will rarely interfere with the tribunal's decision on the point¹⁴ and reported cases should not be regarded as precedents. Among the types of breach of contract by the employer that may support a finding of **constructive dismissal**¹⁵ are:

To display the footnotes to the right of the text, click on the page icon (highlighted above). It is possible to read the cases / legislation cited in the footnotes by clicking on the blue hypertext links.

To see where you are within *Halsbury's Laws*, and to navigate to other sections, click on the 'Table of contents' tab on the left of the page.

763. Constructive dismissal.

An employee¹ who terminates the contract of employment², with or without notice, may still claim to have been dismissed³ if the circumstances are such that he is entitled⁴ to terminate it without notice by reason of the employer's⁵ conduct ('**constructive dismissal**')⁶.

The employee must leave in response to the breach of contract⁷. While, as a matter of fact, the employee may usually be expected to indicate that he is treating the contract as repudiated⁸, there is no rule of law that the employee must always inform the employer of the true reason for leaving⁹. Delay in so doing may amount to waiver of the breach and affirmation of the contract¹⁰, though this will depend on the facts of the case, and a realistic approach must be taken, so that it may be reasonable for the employee to work on for a period under protest¹¹, especially if trying to resolve matters without leaving¹² or seeking other work before leaving¹³.

Whether there has been a repudiatory breach by the employer entitling the employee to leave is essentially a question of fact for a tribunal in the circumstances of the individual case; an appellate court will rarely interfere with the tribunal's decision on the point¹⁴ and reported cases

Searching Halsbury's Index

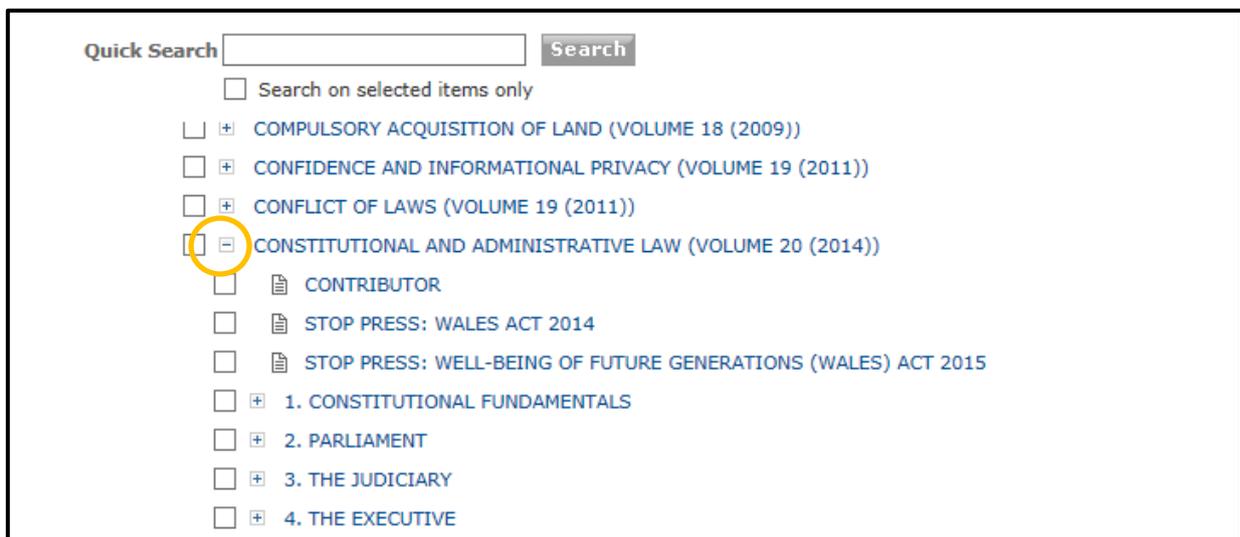
The Index is particularly useful if you're looking for information on a commonly used legal term (such as mens rea) which may retrieve a large number of results from within Halsbury's. Searching across the Index generally retrieves less, more structured results.

To access the Index, go to Browse Halsbury's Laws from **My Bookshelf** on the Lexis home page, and then select **Index** from the **View** drop down menu within Halsbury's, it is then possible to carry out a Quick Search across the Index.

Browsing Halsbury's Laws

This approach is useful if you don't have a particular search term in mind, or just wish to get a general feel for a topic.

1. To browse this resource, EITHER
 - a. From the **Home** page locate 'Halsbury's Laws of England' within **My Bookshelf** and choose **Browse**.OR
 - b. Select the **Commentary** tab at the top of the page and from the **Sources** drop down list select 'Halsbury's Laws of England'. Then click on the **Browse** link on the left hand side of the page.
2. You will then see the Browse menu. Clicking on the '+' sign next to a volume heading will lead to further, more specific headings. When you reach a heading without a '+' sign (illustrated below), clicking on it will display the full text of that paragraph



3. In Browse it is also possible to search by keyword across one or more volumes. Select one or more volumes by clicking in the box next to the title and enter your keyword(s) in the **Quick Search** box.

Browsing Halsbury's Index

Select the Browse option for Halsbury's Laws from **My Bookshelf**. From the view drop down list select Index. Then navigate to the letter with which your search term begins (e.g. vicarious liability), select the term and then choose which paragraph you wish to read from the list offered.

Saving results.

Once you're in the results screen, at the top, you'll see the toolbar. This allows you to print, save or email your result. Alternatively you can <Add> the result to the My Documents folder. This allows you to wait until later in your session and then save, email or print a number of documents at the same time. (Though please note that if you accidentally close Lexis before saving your results, they will not be there the next time you login.)

