

## Cudlipp v Raven [1942] 1 KB 526 – Void vs Voidable Transactions

### Background of the Case

*Cudlipp v Raven* [1942] 1 KB 526 is a leading King's Bench ruling delivered by Goddard LJ (who became Lord Chief Justice of England in 1946). The case established the fundamental principle that a deed or transaction executed without proper authority is not merely voidable but void ab initio, a legal nullity from the outset. Goddard LJ's judgment made clear that such a deed is "not merely voidable but actually void," meaning it has no legal effect whatsoever from the moment of its purported execution.

### Key Holding

Goddard LJ held that a deed signed without requisite authority is "not merely voidable but actually void," meaning it has no legal effect whatsoever from the outset. Any transaction executed without lawful authority is treated as if it never existed in the eyes of the law. Consequently, any subsequent transactions or acts relying on that deed are also invalid, as they rest on nothing. In the words of the judgment, "the act ceases all at point of void"—it never had legal life to begin with. This principle is significant in property and contract law, as it determines the legal effect of a deed and the validity of later actions based on it.

### Void vs Voidable: The Distinction

- **Void Transaction:** Absolutely null and without legal effect from the start. No rights or obligations can flow from it. For example, a deed signed by someone with no authority or a forged signature is void ab initio. Such a deed transfers no valid title and cannot confer any rights, even to a third party. All subsequent dealings based on that deed collapse because the root deed is a nullity.
- **Voidable Transaction:** Initially has legal effect, but can be annulled or set aside by a court due to factors like misrepresentation or undue influence. Until avoided, it remains valid and binding. The key difference is that a voidable

deed is valid unless and until a court nullifies it, whereas a void deed is a nullity from the beginning, needing no court order to declare it void.

This distinction was famously reinforced by Lord Denning in *Macfoy v United Africa Co Ltd* [1961]:

*“If an act is void, then it is in law a nullity. It is not only bad, but incurably bad... You cannot put something on nothing and expect it to stay there. It will collapse.”*

## **Precedential Status and Modern Relevance**

*Cudlipp v Raven* remains good law and a binding precedent. Its principle—that a transaction executed without lawful authority is void ab initio—has been repeatedly affirmed in English law. No subsequent case has overruled or diluted this rule.

Modern property law, including the Land Registration Act 2002, does not alter the principle: a registration based on a void instrument does not confer real ownership and can be rectified. The case is frequently cited in property and contract disputes involving forged or unauthorized deeds.

## **Conclusion**

*Cudlipp v Raven* firmly established that a deed or transaction executed without authority is entirely void, not voidable. This principle continues to bind lower courts and guide legal outcomes today. Any act done without legal power or authority is a “legal nullity” for all purposes, and all subsequent actions based upon it are equally invalid.

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### Sources:

- *Cudlipp v Raven* [1942] 1 KB 526 (Goddard LJ)
- *Macfoy v United Africa Co Ltd* [1961] 3 All ER 1169 (Lord Denning)
- Legal commentary and modern case law on void and voidable transactions