



Public Sector Legal News Update

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2 May 2013

Cases

Civil Procedure

Ewing v Camden LBC. 2013 WL 1563158. Queen's Bench Division (Administrative Court) (QBD (Admin)).

Turner, J. 22 April 2013

A local authority had standing to make submissions in relation to a vexatious litigant's application for permission to commence proceedings against it under the Senior Courts Act 1981 s.42(3).

Preliminary issue determined.

Personal Injury

Tacagni v Cornwall CC. 2013 WL 1742002. Court of Appeal (Civil Division) (CA (Civ Div)).

Lewison, L.J.; McCombe, L.J.; Laws, L.J. April 24, 2013

A judge had erred in holding that a local authority was one-third liable for a claimant's personal injuries incurred when she fell approximately two metres from a raised pathway onto the road below after a few drinks and in the dark with no torch. He had left out a material factor in his evaluation: the degree of care that was to be expected of an ordinary visitor under the Occupiers' Liability Act 1957 s.2(3).

Appeal allowed.

Legislation

Planning

The Community Infrastructure Levy (Amendment) Regulations 2013. SI 2013/982

The Stationery Office

The Planning Act 2008 provides for the imposition of a charge known as the Community Infrastructure Levy. These Regulations: amend the Community Infrastructure Levy Regulations 2010, which implement the detail of the Community Infrastructure Levy; and make provision related to mayoral development corporations and neighbourhood funding.

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In Force: April 25 2013.

Made under: Planning Act 2008 s.206(6), s.209(5), s.216A, s.216B, s.217(5), s.220(1), s.222(1)

Legislation amended: Community Infrastructure Levy Regulations 2010 (SI 2010/948)

Charities

The Small Charitable Donations Regulations 2013. SI 2013/938

The Stationery Office

These Regulations contain the administrative framework for the Gift Aid Small Donations Scheme, which will allow charities and community amateur sports clubs to claim a gift aid style top-up payment on cash donations of GBP 20 or less received in circumstances where it is difficult to collect donors' details, such as street collections.

[Read the full text here](#)

Planning

Planning Permission (Financial Penalties) Bill 2013 (HC Bill No.166)

A Bill to enable local planning authorities to impose a mandatory financial penalty where planning permission has been deliberately breached; and for connected purposes.

Commons 1st Reading: 24/4/2013; 2nd Reading: 26/4/2013

Official Publications

Health

Health and Social Care Act: changes to legislation that affect local authorities. By Department of Health. 24 April 24, 2013

The Department of Health has produced guidance outlining changes to secondary legislation as a result of the Health and Social Care Act 2012.

[Read the article here](#)

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Legislation referred: Health and Social Care Act 2012

Further Reading

Charities

Powers for investment

P.C.A. 2013, 18(5), 25

By Stephen Roberts

Outlines the existing rules on the duties of charity trustees in relation to permanent endowment capital. Explains how trustees may take a total return approach to investment and Charity Commission proposals for draft regulations that would introduce greater flexibility for trustees.

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