



Small Firms Legal News Update

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Cases

Defamation

Smith v Dha. 2013 WL 618091. Queen's Bench Division (QBD). Nicola Davies, J.. April 12, 2013

The court could not give judgment on an application made in defamation proceedings where the claimant had died between argument being heard on the application and judgment being given. The death of a party to a defamation claim caused the claim to abate, and CPR r.40.7(1) did not allow judgment to take effect from a day earlier than the day on which it was given.

Judgment accordingly.

Legal Advice and Funding

Germany v Flatman. 2013 WL 618037. Court of Appeal (Civil Division) (CA (Civ Div)). Mummery, L.J.; Leveson, L.J.; Richards, L.J.. April 10, 2013

The funding of disbursements in a personal injury action by a claimant's solicitor did not render the solicitor "a real party" to the action, nor did it justify a conclusion that the solicitor had stepped outside his normal role. A judge had therefore been wrong to order for full disclosure of a claimant's funding arrangements to enable the defendant to seek a costs order against the solicitor.

Appeals dismissed.

Legislation

Civil Procedure

The Civil Procedure (Amendment No.3) Rules 2013. SI 2013/789 (L.7)
The Stationery Office

This instrument amends the Civil Procedure Rules 1998 (SI 1998/3132) rules of court that govern practice and procedure in the Civil Division of the Court of Appeal, the High Court and county courts. The amendments relate to a Government initiative.

Website: http://www.legislation.gov.uk/ukxi/2013/789/pdfs/ukxi_20130789_en.pdf [Accessed April 5, 2013]

In Force: April 30, 2013

Made under Civil Procedure Act 1997 s.2

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Legislation amended: Civil Procedure Rules 1998 (SI 1998/3132)

Legislation referred: Civil Procedure Rules 1998 (SI 1998/3132)

Regulatory Developments

Insolvency

EU Regulation on Insolvency Proceedings - Written Ministerial Statement.

Issued by Department for Business, Innovation and Skills. April 15, 2013

A written ministerial statement announces that the UK has opted in to the proposal for a regulation amending Regulation 1346/2000 on insolvency proceedings. The proposals: expand the scope of the Regulation to restructuring and pre-insolvency proceedings; set rules to counter bankruptcy tourism and determine jurisdiction and increased transparency for creditors; and include rules on publication of insolvency information via free online registers across the EU, in line with the Digital by Default strategy.

Website: http://www.parliament.uk/documents/commons-vote-office/April_2013/15-04-13/1.BIS-EU-Regultaion-Insolvency-Proceedings.pdf [Accessed April 16, 2013]

Legislation referred: Regulation 1346/2000 on insolvency proceedings

News

Employment

Thousands rush to beat unfair dismissal deadline. Times, April 15, 2013, 39. By Tim Webb. Also Reported in Daily Telegraph, April 15, 2013, 2, Business 5

Law firm EMW has reported that unfair dismissal claims increased by 44 per cent in the third quarter of 2012 when compared with quarter two as a result of the planned reforms under the Enterprise and Regulatory Reform Bill 2012, due to take effect in the summer of 2013, which will cap compensation and introduce fees for bringing employment tribunal claims.

Legislation referred: Enterprise and Regulatory Reform Bill 2012

Employment

Ban on teacher who attacked gay lifestyle is upheld by court. Guardian, April 13, 2013, 25.

The High Court has upheld a classroom ban on a Christian schoolteacher who condemned the "homosexual lifestyle" in front of pupils. In what is believed to be the first case of its kind, a judge has rejected an appeal by science teacher Robert Haye against the decision to ban him from teaching indefinitely.

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Further Reading

Administrative Law

The proposals for reform of judicial review: an analysis. *J.P.L.* 2013, 5, 504-508. By Michael Purdue.

Summarises the Green Paper "Judicial Review: Proposals for Reform" of December 13, 2012, including the case for reforming the procedural rules on judicial review and the proposals for: (1) strict time limits for bringing judicial review applications in procurement and planning cases, in the latter instance a limit of six weeks from when the claimant knew or ought to have known of the grounds for the claim; (2) revised time limits for challenges involving a continuing breach or multiple decisions; (3) restrictions to the right to renew applications for judicial review; and (4) fee increases.