



## Small Firms Legal News Update

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22 February 2013

### Cases

#### Defamation

##### **Tamiz v Google Inc. 2013 WL 425761**

Court of Appeal (Civil Division) (CA (Civ Div))

Lord Dyson (M.R.); Sullivan, L.J.; Richards, L.J. 14 February 2013

There was an arguable case that an internet service provider that allowed defamatory material to remain on a blog hosted on its platform after it had been notified of a complaint might have become a publisher of the material, but the probable damage to the complainant's reputation over a short period was so trivial that the maintenance of libel proceedings could not be justified.

Appeal dismissed.

### Legislation

#### Civil Procedure

##### **The Civil Procedure (Amendment) Rules 2013**

**SI 2013/262 (L.1)**

The Stationery Office

These Regulations amend the Civil Procedure Rules 1998, inter alia to: strengthen the objective of the rules to enable the costs to deal with cases "at proportionate cost" as well as justly; extend the court's case management powers in respect of costs; widen the scope of the rules on applications for relief from sanctions to provide the court with the power to deal with failure to conduct litigation at proportionate cost; and introduce rules for a new system of qualified one way costs shifting in personal injury cases, devised as an alternative to after the event insurance.

[Read the full text here](#)

**In Force:** 1 April 2013

Made under Civil Procedure Act 1997 s.2; Courts and Legal Services Act 1990 s.58AA(6A); Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.55

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

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## Small Firms Legal News Update

### Employment

#### **The Parental Leave (EU Directive) Regulations 2013 SI 2013/283**

The Stationery Office

These Regulations implement Directive 2010/18 on the revised framework agreement on parental leave. They amend provisions relating to parental leave in the Employment Rights Act 1996 and the Maternity and Parental Leave etc. Regulations 1999 to: increase the amount of unpaid parental leave available to parents under the Maternity and Parental Leave Regulations 1999 (as amended) from 13 weeks to 18 weeks; and extend the right to request flexible working to employed agency workers who are returning from parental leave.

[Read the full text here](#)

**In Force:** 8 March 2013

Made under European Communities Act 1972 s.2(2)(

Legislation amended: Employment Rights Act 1996; Maternity and Parental Leave etc. Regulations 1999 (SI 1999/3312)

EU legislation implemented: Directive 2010/18 on a revised Framework Agreement on parental leave

## Regulatory Developments

### Legal Profession

#### **CILEx and CLC confirm bids to become will-writer regulators**

By Legal Futures, 15 February 2013

The Chartered Institute of Legal Executives (CILEx) and Council for Licensed Conveyancers (CLC) have confirmed their bids to become will-writing regulators, amid further criticism of the Legal Services Board (LSB)'s decision not to extend regulation to estate administration. The LSB has submitted its recommendation to the Lord Chancellor that will-writing become a reserved legal activity, but omitted estate administration.

[Read the full text here](#)



## Small Firms Legal News Update

### News

#### Administration of Justice

Employment tribunal hearing first claim for caste discrimination collapses.  
Guardian, 15 February 2013, 10  
By Sam Jones

An employment tribunal judge has recused herself from a case in which a couple claimed unfair dismissal from their law firm on the grounds of caste discrimination, victimisation, and harassment. The law firm in question applied for the recusal after claiming that information handed over to the judge by police may have given rise to bias.

#### Criminal Law

Fast-track justice to tackle street crime  
Daily Telegraph, 19 February 2013, 1  
By Wesley Johnson  
Also Reported in Times, 19 February 2013, 9

The Minister for Policing and Justice has announced plans for a fast-track court scheme, capable of dealing with a high volume of cases quickly, to focus on crimes such as shoplifting and traffic offences. He also announced that a criminal justice board would be established to encourage dialogue between senior judges, police, prosecutors and the courts.

### Further Reading

#### Civil Procedure

##### Where are we with Jackson's proposals on costs?

Env. Liability 2011, 19(4), CS44-CS52  
By Graham Huntley

Reviews the key Jackson reforms and the progress of implementation, focusing on the recoverability of success fees and after-the-event insurance premiums, qualified one-way costs shifting, the 10 per cent damages increase, referral fees, damages-based agreements, third party funding, disclosure, witness statements, expert evidence, collective actions, case management, costs management, part 36 offers, contingent legal aid funds and supplementary legal aid schemes, "proportionate costs", legal aid and improvements needed to court IT systems.

Legislation referred: Legal Aid, Sentencing and Punishment of Offenders Bill 2011; Civil Procedure Rules 1998 (SI 1998/3132) Pt 36

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