



Small Firms Legal News Update

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22 March 2013

Cases

Civil Procedure

The Manchester College v Hazel 2013 WL 617602

Court of Appeal (Civil Division) (CA (Civ Div)), Jackson, L.J.

15 March 2013

A costs protection order was upheld where the successful employees had started the proceedings in the cost-free jurisdiction of the employment tribunal and had been brought into the cost-bearing jurisdiction of the Court of Appeal by the employer. It was a classic case in which the court would make such an order under the new rule CPR r.52.9A which came into force on April 1, 2013.

Appeal dismissed.

Legislation

Legal Advice and Funding

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) (Amendment) Regulations 2013

SI 2013/621

The Stationery Office

These Regulations provide for transitional arrangements in relation to the Civil Legal Aid (Costs) Regulations 2013. They also make a consequential amendment to the Damages-Based Agreements Regulations 2013.

[Read the full text here](#)

In Force: 1 April 2013

Made under Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.149

Legislation amended: Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (SI 2013/534)



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Legal Advice and Funding

The Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013

SI 2013/614

The Stationery Office

The Regulations make provision for the circumstances under which a Court may make a determination that an individual qualifies for criminal legal aid and limits in specified circumstances the right, under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.27(4) of a person who qualifies for legal aid to select a representative of their own choice in criminal proceedings.

[Read the full text here](#)

In Force: 1 April 2013

Made under Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.5(2)(4), s.19(1)(2), s.27(6)(10), s.30(2)(3), s.41(1)(2)(3), Sch.3 para.9

Regulatory Developments

Administration of Justice

Government to simplify and improve employment tribunals

By Department for Business, Innovation and Skills

14 March 2013

The Government has announced rules to streamline the employment tribunal process in response to Mr Justice Underhill's review of the rules of procedure for employment tribunals. The proposals the Government has accepted include: the introduction of strike out powers to ensure that weak cases are halted at the earliest opportunity; guidance for Presidents to help ensure hearings are dealt with consistently; and a new procedure for preliminary hearings.

[Read the full text here](#)

News

Damages

GBP 1m payout for man in pothole fall

Times, 15 March 2013, 5

By Frances Gibb

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Kyle Bullock has won an estimated GBP 1 million in damages after he tripped in a pothole and suffered brain damage and subsequently developed epilepsy. In 2008, Haringey council agreed to pay 72.5 per cent of Mr Bullock's claim and after five years of negotiations the figure has been approved by the High Court.

Further Reading

Civil Procedure

Looking for direction?

N.L.J. 2013, 163(7552), 280

By Dominic Regan

Advises lawyers on preparing for the introduction of the Jackson reforms, including entering into conditional fee agreements and taking out after the event insurance before April 1, 2013, and delaying CPR Pt 36 offers.

Legislation referred: Civil Procedure Rules 1998 (SI 1998/3132) Pt 36