



Small Firms Legal News Update

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Cases

Criminal Law

R. v Dawes (Carlos). 2013 WL 617822. Court of Appeal (Criminal Division) (CA (Crim Div))

Lord Judge, L.C.J.; Simon, J.; Rafferty, L.J.

26 March 2013

In upholding three convictions for murder, the court considered the application of the loss of control defence in the Coroners and Justice Act 2009 s.54 and s.55 in the context of violence offered to or feared by a defendant. The qualifying trigger necessary for that defence under s.54(1)(b), elaborated by s.55(6)(a) and s.55(6)(b), was not available to a defendant who had deliberately sought to provide himself with an excuse to use violence by inciting, or encouraging or manufacturing a situation for that purpose.

Appeals dismissed.

Legislation

Damages

The Damages-Based Agreements Regulations 2013

SI 2013/609

These Regulations prescribe the requirements with which a damages-based agreement must comply in order to be enforceable under s.58AA of the Courts and Legal Services Act 1990.

[Read the full text here](#)

In Force: 1 April 2013

Made under Courts and Legal Services Act 1990 s.58AA(4)(5), s.120(3)

Legislation repealed: Damages-Based Agreements Regulations 2010 (SI 2010/1206)

Legislation referred: Courts and Legal Services Act 1990 s.58AA



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Regulatory Developments

Criminal Law

Extended definition of domestic violence takes effect

By Home Office
31 March 2013

The Home Office advises that from March 31, 2013, a wider definition of domestic violence take effect. The definition has been expanded to cover more victims and young people aged 16 to 17 and coercive control - a pattern of controlling behaviour - will be included for the first time.

[Read the full text here](#)

News

Criminal Law

Pryce defence to be scrapped

Sunday Times, 31 March 2013, 15
By Marie Woolf

Ministers are to scrap the defence of "marital coercion", available only to wives, branding it archaic and out of touch with gender equality. The defence was used unsuccessfully in March 2013 by Vicky Pryce in her trial for perverting the course of justice after she took speeding points for her husband.

Further Reading

Civil Procedure

Civil justice reforms 2013

Counsel 2013, Apr, 19-20
By Stuart Sime

Explores the Jackson reforms on civil litigation costs, due to be introduced on 1 April 2013. Considers the liberalisation of the funding options for clients, including conditional fee agreements and damages-based agreements. Assesses the rebalancing of the system to protect claimants, such as the introduction of qualified one-way costs shifting, and the extent to which the reforms have promoted access to justice at proportionate costs and effective and economically-viable litigation.

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