



## Small Firms Legal News Update

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8 February 2013

### Cases

#### Civil Procedure

##### **Henry v News Group Newspapers Ltd. 2013 WL 128186**

Court of Appeal (Civil Division) (CA (Civ Div)). Moore-Bick, L.J.; Black, L.J.; Aikens L.J.  
January 28, 2013

There was a good reason under CPR PD 51D para.5.6 to depart from the court-approved costs budget of a successful claimant in defamation proceedings, where the failure of the claimant's solicitors to observe the requirements of the practice direction did not put the defendant at a significant disadvantage and did not seem likely to have led to costs being incurred that were unreasonable or disproportionate.

Appeal allowed.

### Legislation

#### Legal Advice and Funding

##### **The Offers to Settle in Civil Proceedings Order 2013 SI 2013/93**

The Stationery Office

This Order makes provision in respect of costs orders in civil proceedings with regard to offers to settle made by claimants. Together with the Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.55, this Order provides for a court to order a defendant to pay, as an additional sanction, a sum to a claimant in those cases where the claimant has made an offer to settle the claim; the defendant has refused to accept that offer; the court subsequently gives judgment in favour of the claimant; and the judgment for the claimant is "at least as advantageous" to the claimant as the claimant's offer.

[Read the full text here](#)

**In Force:** 12 February 2013

Made under Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.55



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## Regulatory Developments

### Civil Procedure

#### **Tighter rules introduced on expert evidence in family cases**

By Judiciary of England and Wales, 31 January 2013

Rules coming into force on January 31, 2013 will mean judges can streamline proceedings in family courts by reducing the number of expert witnesses who have to give evidence. Judges will apply a tougher test and only allow evidence if it is "necessary". The rules substitute a new Pt 25 (experts and assessors) into the Family Procedure Rules. In addition controlling the use of expert evidence has been added to Rule 1.4 governing active case management.

[Read the full text here](#)

## News

### Civil Procedure

#### **Small claims court limits may be lifted**

Daily Telegraph, 31 January 2013, 6

By Wesley Johnson

Under revised plans being considered by ministers, personal injury victims could be able to claim up to GBP 15,000 without hiring solicitors in the small claims court. Following a judicial review claim against plans to reduce lawyers' fees for motorists' personal injury claims of up to GBP 25,000, the Secretary of State for Justice is understood to be reassessing plans.

### Employment

#### **Trade union rights body "penalised" union agent**

Times, 4 February 2013, 33

By Robert Lea

An employment tribunal has awarded GBP 25,000 to an employee of the Equality and Human Rights Commission after finding that she had been discriminated against on the ground of her trade union activities and suffered personal and professional stigma when the employer blocked a return to her original post after a secondment. The damages award is believed to be the highest made for trade union related discrimination.

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### Further Reading

#### Administrative Law

##### Age of translation

L.S.G. 2013, 110(4), 20-21

By Adam Sampson

Comments on the possibility of the Legal Ombudsman jurisdiction being extended in response to changes in the legal services market, in particular so as to cover unregulated advisers. Cites examples of cases in which the Legal Ombudsman was unable to help complainants because the body complained of was unregulated.

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