

# Law in 101 words

## Snippets from *The Reduced Law Dictionary* by **Roderick Ramage**

### Automatically unfair dismissals

If employees are dismissed in connection with any of a number of topics, activities or sets of rights (eg participating in or asserting them), the dismissal will be automatically unfair. The former employee need do no more than prove the dismissal and the grounds for it. The following are the main topics:

- ⊙ statutory disciplinary procedure,
- trade union membership, recognition and action,
- health & safety,
- statutory rights,
- family related,
- pension trustees,
- Sunday shop work,
- working time,
- redundancy,
- transfer of undertaking,
- spent conviction,
- national minimum wage,
- public interest disclosure,
- accompanied at meetings,
- part-time and fixed-term work,
- flexible working,
- jury service, and
- whistleblowing.

### Beer bottle: false trade description

Horatius Stone was a bottler of Bass' ale and Guinness' stout. When the ale or stout had been bottled a Bass' or Guinness' label was attached to the bottle, bearing the words "Bottled by Horatius Stone". On 22 July 1909, he sold three bottles of beer and three bottles of stout embossed with the name of the Felinfoel Brewery Co without the latter's authority, but to which Bass' or Guinness' label had been applied. He had been properly convicted of selling goods to which a false name had been applied: *Stone v Burn* (1910). Applied in *Roberts v Severn Petroleum* (1981).

### Conflicts of interest

There are two kinds of conflicts of interest: issue and information. Issue is obvious. I cannot advise A about his claim against B and also advise B how to defend it, but must be on one side or the other.

Information is problematic. I can owe A, a client or co-directors of a company, a duty of confidentiality, and B, another client or co-trustees of the company's pension scheme, a duty to disclose any relevant information which comes to my knowledge. Compliance with one duty automatically breaches the other. Possible sanctions include consent with safeguards and operating an "open book" system.

### Dishonesty is dishonesty

Mr Salisbury, a former solicitor, was clerk to school trustees for which he was paid a fee. The trustees gave him a cheque in his favour, which he altered to increase the payment by £1,000. He was convicted for obtaining a money transfer by deception, and the Solicitors' Disciplinary Tribunal found him guilty of serious dishonesty and struck him off the Roll of Solicitors, against which he appealed. The CA in *Law Society v Salisbury* (2008) upheld the SDT's decision and overturned the judgement of the Divisional Court, which had regarded the circumstances as exceptional and substituted a three-year suspension.

### Envelope with name

An agreement for the sale or other disposition of land must be evidenced by a memorandum. The memorandum must be signed by or for the defendant and contain the names of the parties, the subject matter and the consideration. In *Pearce v Gardner* (1887) Gardner agreed to sell gravel to Pearce, which was on and part of Gardner's

land. Gardner did not sell and Pearce sued for breach of contract. He produced a letter addressed "Dear Sir". It did not contain Pearce's name, but the envelope did; and the court held that the letter and envelope together were a sufficient memorandum.

### Good recruitment

I used to be in a firm with sensible recruitment rules. Don't employ anybody who had failed a degree or Law Society exam. Don't employ anybody with a first class degree or a gold medal. We broke the first rule for a very personable solicitor, who soon showed that he could not cope and left to join a more general practice. We broke the second for a highly recommended gold medallist etc, who could neither answer a simple question nor fill in a form, but, happily for all, he was recruited as a back-room boffin by a large accountancy firm.

### Libel and chips

Slander consists of transient oral statements, while libel, is in a permanent (and therefore potentially more widely disseminated) form, even if the fate of newspapers, to was to end as chip wrappings. The computer chip however should change the distinction. Whilst the Internet is widely regarded as ephemeral and unreliable, it is more or less permanent, including chat on social networks and blogs, which has often no more substance than oral statements. Defamation has a limitation period of one year from publication, which, with a paper publication, is what it says, but, on the Internet, is whenever the material is accessed.

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## Farming elephants in Scotland



The Disease Control (Interim Measures) (Scotland) Order 2002, SSI 2002/34 prohibits the movement any animal from the premises on which it is located, unless that movement is licensed under a specific or general licence by the Scottish Ministers. Specific exemptions include the movement of any pig in accordance with the Pigs (Records, Identification and Movement) Order 1995 and the movement of any animal direct from premises to a slaughterhouse. Animals were defined as "cattle, sheep, goats and all other ruminating animals, swine and elephants", but by SSI 2002/369 for "swine and elephants" there was substituted "(other than camelids) and swine".