Law in 101 words

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

Annual leave and other time off

Some North Sea oil rig workers, who worked two weeks on and two weeks off, claimed that their employer ought not to have specified that their annual leave was to be taken during the 26 weeks that they already had off. They wanted it to be taken in the remaining 26 weeks for which they were required to work. The Scottish EAT in *Transcreen Resources Ltd v Russell* (2009) rejected their claim. An employer can tell employees when their annual leave is or is not to be taken, but unscrupulous employers may not designate a series of weekends as annual leave.

Bailment

A bailment arises when one person gives possession but not ownership of goods to another. The leading case of *Coggs v Bernard* (1703) identified six classes of bailment, but *Jones on Bailment* (1781) identifies five: the gratuitous deposit of a chattel which the bailee is to keep it for the bailor; the delivery of a chattel to the bailee, who is to do something to or with it without reward; the gratuitous loan of a chattel for the bailee to use; the pawn of a chattel as a security; and the hire of a chattel for reward. These categories are non-exclusive.

BERR and Emerson

In the Companies Act 2006, as most other legislation, the legislature tries both to micro-manage our lives and, Tartuffe-like, to delight in enacting what the law already says. Where does one start (or end)? Look at, eg, the bureaucratic procedures in sections 288 to 300 and then s282 saying what an ordinary resolution is. Yet, with wanton inconsistency, the Act says nothing about a matter so fundamental as how directors, apart from the first directors, are to be appointed. Perhaps BERR employs normal people amongst its robotic draftsman. Shout "Emerson!" remembering his aphorism that consistency is the hobgoblin of tiny minds.

Odds-on litigation

There is an urban myth about a man who was importuned in the street by a woman demanding £1,000 compensation for a dog bite. The man paid the £1,000 she demanded, and she wrote a receipt and limped off. When his friend asked why he paid, as he didn't even have a dog, he replied: "You never know how it might have gone in court," There is a litigation rule of thumb that you have a one in eight chance of losing a cast iron case, and a similar chance of winning a hopeless one. He should have settled for £125.

Provision for family—dependency

A sculptress, Mary Spencer, was godmother to Hetty and provided family accommodation to the latter and her siblings. Miss Spencer paid Hetty's fees at the RBS and, over the years, when Hetty had financial difficulties, lent her money. After Miss Spencer's death, age 92, Hetty issued proceedings for reasonable financial provision under the Inheritance (Provision for Family and Dependants) Act 1975. The judge found that Miss Spencer had not assumed responsibility for Hetty who was therefore not entitled under the Act, and, besides, reasonable provision had been made in the will. The CA agreed in *Baynes v Hedger and ors* [2009].

Slow track litigation

In 1994 the CA gave judgement in proceedings, *Crown v City of London*, started in 1613 by King James I, who claimed ownership of Smithfield Market. The judgement turned largely on the construction of a charter granted on 18 October 1638 by King Charles I to the Mayor and Commonalty and Citizens of the City of London concerning the site of Smithfield Market, following earlier charters of 1444 and 1505. The words "declare and grant" were apt to convey the land to the Mayor etc in fee simple, but the grant was subject to certain restrictions which were enforceable by injunction.

Vexatious requests for information

The Freedom of Information Act 2000, s14 excuses a public authority from dealing with a request for information, which it considers to be vexatious. The information commissioner in case reference FS50157445/445 30/10/2008 supported the Cheshire Constabulary's refusal to provide information about its coat of arms and logo, and other matters. In *Stephen Carpenter v IC and Stevenage BC* (EA/2008/0046) the Information Tribunal upheld the commissioner's decision agreeing with the council that the persistent requester was vexatious and warned that in the future costs in significant amounts could be awarded. Updated guidance notes on vexatious requests were issued in December 2008: *www.ico.gov.uk.* NLJ

Roderick Ramage is a solicitor in private practice at *www.law-office.co.uk*

Shakespeare's evidence

© Getty.com

In 1604 Stephen Belott, an apprentice to a wigmaker named Christopher Mountjoy, married the latter's daughter, Mary. William Shakespeare, who was a lodger at Mountjoy's house, acted as matchmaker and negotiated a dowry of £60. Mountjoy failed to pay it, which led to the proceedings *Belott v Mountjoy* (1612) in the Court of Requests. Shakespeare was a key witness, but he testified that he could not remember the terms of the financial settlement and failed to testify at a second hearing. Ultimately the Court referred the case to the French Church for arbitration, at which an award of £6/13/4d was made.