

# Law in 101 words

## *The Reduced Law Dictionary* by Roderick Ramage

### Bank security

One of Stafford's jewels is the William Salt Library, now part of the County Archive. William Salt was a banker in the town. His bank became what is now Lloyds TSB. Not so long ago (I cannot remember where I heard the story) one Mr Salt, who banks at the branch which had once been his ancestor's bank, asked for a loan. "Yes, certainly, but we will need security." "You mean some deeds? Yes? I'll bring some." His ancestors had wisely kept the freehold, so within the hour he was back with the deeds of the branch itself. "Will these do?"

### bicycle bells and brakes

The Pedal Bicycles (Safety) Regulations 2003 (SI 2003/110) made pursuant powers conferred by the Consumer Protection Act 1987, provides by reg 4 that no person shall supply any bicycle unless it has been fitted with a bell which is of a category intended for use on bicycles and complies with the requirements of clause 6.3 of the ISO Standard in relation to bells of that category and its brakes have been correctly adjusted in accordance with the manufacturer's instructions. In relation to the requirement for adjusted brakes, "supply" does not include offering to supply, exposing for supply and possessing for supply.

### Critical Mass—is it a procession?

Critical Mass is a mass cycle ride which starts at 6pm on the last Friday of every month on the South Bank under Waterloo Bridge. The police claimed that it was a procession of which prior notice is required under s 11(1) of the Public Order Act 1986, and the claimant argued that it was not a procession because it had no fixed route. In *Kay v Metropolitan Police* (2008) the HL held that a fixed route is not an essential characteristic of a procession, but that by subsection (2) Critical Mass, as a customary procession, was exempt from the notification requirement.

### Destroying birds' nests

The Gregoreks provide at the Anglers Paradise a quiet setting for luxurious fishing holidays. On 14 July 2006 one of their employees, Ms Roberts, who is a keen ornithologist and a member of the RSPB, discovered that they had removed active house martins' nests, told them that this act had broken irrevocably the working trust between them and resigned. The EAT, in *Roberts v Gregorek* (2008) upheld the tribunal decision that Ms Roberts had not been constructively dismissed. The employment tribunal was not required to determine whether a criminal offence had been committed under the Wildlife and Countryside Act 1981, s 1(1)(b).

### Elected by lot

Election by lot has a respectable lineage, from the Commissioners Clauses Act 1847, s38 ("...in case of an equality in the number of votes ... the presiding officer shall decide by lot which of such persons shall be elected"), via such statutory measures as the Land Drainage (Election of Drainage Boards) Regulations 1938 s17, the Local Government Act 1971 s89, the Representation of the People Act 1983 sch 1 para 49, to the Greater London Authority Elections Rules 2007 regulation 53 ("Where...an equality of votes is found to exist...must forthwith decide between those candidates by lot").

### Motorway traffic & council tax

For the purpose of the council tax banding of a dwelling house, an increase in the amount of traffic and its noise and pollution on an nearby motorway, which was physically unaltered, is not "a change in the physical state of the dwelling's locality" leading to a reduction in value within s 24 of the Local Government Finance Act 1992. According to the CA in *Charlton-Merryweather v Hunt and ors* CA (2008), upholding the listing officer's decision, the 1992 Act dealt only the physical state of the locality; and the traffic flow,



### Ject un brickbat

Law French was a dog French used in the courts as an artificial technical vocabulary. Some we still use (arrest, assault, attainder, covenant, debtor, demand, disclaimer, escrow, heir, indictment, joinder, larceny, merger, negligence, nuisance, ouster, remainder, tender, suit, tort, trespass, and verdict) but none so entertaining as the 1621 report of the prisoner "condemne pur felony que puis son condemnation ject un brickbat a le dit justice que narrowly mist, et pur ceo immediately fuit Indictment drawn per Noy envers le prisoner, & son dexter manus ampute & fix al Gibbet sur que luy mesme immediatement hange in presence de Court."

although physically manifest there, was not part of its physical state.

### Redundancy selection and age discrimination

RR had collective redundancy agreements, which included a provision that length of service was one of the criteria for redundancy selection, and, contending that this criterion was unlawful under the Employment Equality (Age) Regulations 2006, sought a declaration from the court. The court decided against RR, which appealed. In *Rolls-Royce plc v Unite* (2009), the CA dismissed the appeal and held that the inclusion of a length of service criterion in a collective agreement was a proportionate means of achieving the legitimate aim of rewarding loyalty and achieving a stable workforce in the context of a fair process of redundancy selection.

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