

# Law in 101 words

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

### Chance it



If you wish to give a trusted client good advice without upsetting your PI insurer or compliance officer, you must explain that, in the Mikado, the Lord High Executioner, Ko Ko, worried about the amount of public money he could spend on the festivities in connection with his approaching marriage. He consulted Poo Bah, the Lord High Everything Else, who, as private secretary advised him not to stint himself, while as Chancellor of the Exchequer was bound to see that due economy is observed; but as his solicitor, he, as you dare not do, had no hesitation in saying: "Chance it."

### Deposits and s 49(2)

The Law of Property Act 1925 s49(2) provides that deposits paid by buyers on property contracts may be returned in exceptional circumstances. *Midill(97PL) Ltd v Park Lane Estates (2001)* shows that we are still learning how that provision works. According to this case, it is not there to rescue buyers whose contracts have turned sour. They must take the risk of market changes and, if they fail to complete, they forfeit their deposits and pay damages for any loss on the sale of the property. Section 49(2) is likely to help buyers only in cases of unconscionable conduct by the seller.

### First names

The senior partner in my old firm was Mr to all the staff. Even junior partners were nervous at the transition to first names. This was when the universal use of first names had become trendy but was not yet de rigueur.

I asked trainees to use my first name on being admitted to the roll. One newly qualified solicitor, a tall willowy girl, persisted in mistering me at a meeting with a client, so afterwards I reminded her to call me by my first name. In reply she dropped a deep curtsey saying: "And you may call me Miss Wilkes."

### Law and plumbing

Resignation and righteousness are the twin emotions of plumbers and judges, who share the sadistic pleasure with which they survey the wreckage. Both meet their respective clientele when the latter are, in the case of plumbers literally and in that of judges metaphorically, ankle deep in water. Where the former asks "Oh dear, who installed this? Had a stetson and spurs did he?", the latter animadverts on the infelicities of parliamentary drafting, the incompetence of contract negotiators, the folly or malice of litigants, the inability of lawyer to see the point and the other worldliness of academic commentaries. (per Sedley LJ)

### No visible means of subsistence

Do not forget to take cash or a credit card with you. You may be liable to a fine not exceeding level 1 on the standard scale, if found wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, without any visible means of subsistence, not giving a good account of yourself and having failed to apply for or refused accommodation at a reasonably accessible place of shelter:

Vagrancy Act 1824 s4, Vagrancy Act 1835 and Criminal Justice Act 2003.

### Over promotion and stress at work



Ms Dickins had been promoted above her ability. Her job involved preparing management and regulatory accounts and quarterly audits, which was at the limit of her abilities; and the promised support and training were not forthcoming. From March 2002 she told the management that she was at the end of her tether, asked for leave and for a less stressful job but later that year suffered a breakdown and left work before help was given. Her psychiatric illness was reasonably foreseeable as she had mentioned her problems frequently, and O2 had negligently failed to address them: *Dickins v O2 (2008)*, CA.

### Registered excise dealers and shippers

"Our business has been severely hit by the outbreak of foot and mouth disease which resulted in many of our shows being cancelled. We have been asked to provide champagne for a function being held tomorrow." Thus, in a letter dated 9 May 2001, Mr Samuelson, of The Fine Champagne Company Limited, applied for a postponement of the hearing on 10 May to hear his appeal against a civil penalty of £250 for the late delivery of a REDS return. He lost. Even a sole trader who spends much time travelling abroad must organise his business to meet his statutory obligations. NLJ

## Bicyclists on pavements



Darren Hall, who said that a motorist swerved and had forced him onto the pavement, sped round a blind bend on his bicycle and rode into Ronald Turner, age 84, who later died of his injuries. On 12 August 2009 the Dorchester Crown court sentenced Hall to seven months in jail after he admitted "wanton and furious driving causing bodily harm", while in charge of a vehicle, contrary to s35 of the Offences Against The Person Act 1861. A bicycle is a vehicle: SI 2003/1101. There is no offence of causing death by dangerous or careless cycling under the modern legislation.