

# Law in 101 words

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

### **Bread**

The Bread and Flour Regulations 1998, SI 998/141 stipulates that bread, which is a food consisting of a dough from made flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked, and that flour derived from wheat, but no other cereals, must contain calcium carbonate, iron, thiamin (vitamin B1) and nicotinic acid, unless it is wholemeal (or self-raising with a calcium content of not less than 0.2% or wheat malt flour) and iron, thiamin and nicotinic acid are naturally present in it in the specified quantities, not added.

5.vii.10

### **Cleansing pupils**

The Education Act 1996 ss 521 to 525 enables a local authority to have the persons and clothing of pupils at relevant schools examined whenever necessary in the interests of cleanliness and to have them cleansed at suitable premises, by suitable persons and with suitable appliances, if found to be infested with vermin or in a foul condition, and the pupil's parent fails to comply with a notice to cause the pupil's person and clothing to be cleansed. A parent may be fined if, after cleansing and through his neglect, they become again infested with vermin, or in a foul condition.

28.v.10

### **Fox hunting & the pensions crisis**

I sat in a solicitor's waiting room before giving a talk on pensions and read the Yorkshire Post. In it were some extracts and commentary on Tony Blair's memoirs, *Journey*, which gave me my opening gambit. Pensions don't count. In one excerpt he admitted that the piece of legislation of his premiership that he regretted the most was the ban of hunting with dogs. He had known nothing about the sport and totally misunderstood the countryside. He wrote: "If I'd

proposed solving the pension crisis by the compulsory euthanasia of every fifth pensioner, I'd have got into less trouble for it."

### **Libel by Google**

The author of a defamatory statement and each person in the chain from him to the recipient, which can include the editor, the commercial publisher, the printer and the wholesale distributor, is treated by the courts as a publisher and can be sued for a libel. So what of

## “Promoters of street collections exhort their collectors not to rattle tins at the public”

Google, if its search engine produces a defamatory statement? According to Mr Justice Eady in *Metropolitan International and others v Google* (2009), Google is not a publisher, because responsibility for publishing a defamation requires a mental element and its search engine is wholly automatic, and so it cannot knowingly permit the publication.

### **One of the family**

Grace Sagar Howarth was the daughter of Florence and Edmond Howarth. Florence was the illegitimate daughter of Nancy Thackeray, who subsequently married the testator, and was treated as

one of the family and maintained by the testator until her marriage. Part of the testator's estate was given to Gertrude Keighley, one of his eight children, for life with power to appoint by will. She died leaving her property to her husband for life and on his death "to be willed to my people". Her husband bequeathed it to Grace. This was a proper exercise of the power: *Keighley v Keighley* (1919).

### **Prize ship or neutral**

In October 1915 the *Hamborn*, sailing under the Dutch flag, was captured by a British cruiser while on a voyage from New York to Cuba. In 1918 the Prize Court condemned her as a lawful prize on the grounds that she was "a German vessel belonging to German owners". Her owner appealed on the grounds that it was a limited company incorporated in Holland under Dutch law. Its ultimate shareholders were, however, German. The Privy Council, in *The Hamborn* (1919), agreed with the Prize Court that: "The centre and whole effective control of the business of the [appellant] was in Germany".

### **Rattling tins**

Promoters of street collections exhort their collectors not to "rattle tins" at the public, but the law does not expressly prohibit it. The City of London, the Metropolitan Police and district councils may make regulations for street collections: Police, Factories & c. (Miscellaneous Provisions) Act 1916, s5, prospectively repealed by the Charities Act 1992. The Metropolitan Police's regulations, SI 1979/1230, reg 11 provides that: "No collector shall importune any person to the annoyance of such persons". The City of London guidance notes for street collections (01/04/01) repeats those words and adds: "which effectively means tin rattling and shouting should be avoided ...". **NLJ**



## Dogs' leads

If, in the exercise of your right under s2 of the Countryside and Rights of Way Act 2000 "to enter and remain on any access land for the purposes of open-air recreation", you take a dog with you during the period beginning with 1 March and ending with 31 July, you must keep it on a short lead.

You must also do so at any time if you are in the vicinity of livestock. A short lead is a lead of fixed length not more than two metres. "Livestock" means cattle, sheep, goats, swine, horses or poultry. "Vicinity" is not defined.