

Law in 101 words

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

Ozone-enriched spring water

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 (SI 2007/3165), provides that no person may cause water which has been treated with ozone-enriched air to be bottled in a bottle marked or labelled natural mineral or spring water, unless that treatment is an authorised ozone-enriched air oxidation technique, which means a treatment with ozone-enriched air authorised and carried out in accordance with Sch 1 or in the case of water brought into Wales from other parts of the UK or from another EEA State a treatment which complies with Art 5 of Directive 2003/40.

courts can fill a gap by allocating risks not contemplated by the parties: “The crucial question is whether, on the information available to the defendant...he should, or the reasonable man in his position would, have realised that such loss was sufficiently likely to result from the breach of contract.”

Reports on title

“I certify that AB Limited company 1234567 of Unit 1, Blackacre Industrial Estate, Borchester (Property) has a good and marketable title to the Property, which is free/leasehold as described in title number MN7654321 with and subject to the matters set out in that title.

“A plan referred to ‘for identification only’ can’t contradict the written description of the land”

Plans in deeds

A plan referred to “for identification only” cannot contradict the written description of the land, but the expression “more particularly described in” a plan should be used if the plan is definitive: *Wilson v Greene (Moss, Third Party)* [1971] 1 All ER 1098. Nevertheless where the parcels are not explicit, a plan referred to “for identification only” may provide the only means of discovering what the parties meant to be the boundary: *Wigginton v Milner & Winston Engineering Ltd* [1978] 3 All ER 436. In *Scott v Martin* [1987] 2 All ER 813 the court held that grass verges shown in a plan and planning permission were included in a right of way

I attach copies of all searches I have made in respect of the Property. There are no overriding interests.”

What is the difference, apart from back covering and legal costs, between this and the 56 or so pages of the City of London Law Society Land Law Committee Long Form Certificate of Title (Sixth Edition 2008 update)?

Slavery—penalty for

By the Coroners and Justice Act 2009, s71 (in force on 6 April 2010) a person, who holds another person in slavery or servitude or requires another person to perform forced or compulsory labour (see Art 4 of the European Convention on Human Rights), is guilty of an offence liable on summary conviction, to imprisonment for a term not exceeding 12 months in England and Wales or six months in Northern Ireland or a fine not exceeding the statutory maximum, or both and on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine or both.

Remoteness in contract

Such loss “as may reasonably be supposed to have been in the contemplation of both parties” (Alderson in *Hadley v Baxendale* [1843-60] All ER Rep 461) treats remoteness as an allocation of risk between the parties. *Koufos v Czarnikow* [1967] 3 All ER 686 shows that the contemplation test may rather be a method by which the

Special notice (companies)

Certain resolutions may not be passed by the members of a company, without special notice in accordance with s312 of the Companies Act 2008. Not less than 28 days prior notice must be given by a member to the company of his intention to move the intended resolution and the company must give notice of it to the members. Special notice is required of motions to remove a director from office (s168), to remove auditors before the expiry of their terms of office (s553) and to appoint as auditor someone other than the retiring auditor or to fill a vacancy (s515).

Statutory minimum notice of dismissal

The statutory minimum periods of notice of termination of employment apply after one month’s employment: Employment Rights Act 1996, s86. Therefore a right to terminate employment with no notice, eg during a probationary period, can be exercised only in the first month of employment. The statutory minimum to be given by an employee is one week regardless of the length of service or seniority. The statutory minimum to which an employee is entitled is one week for each complete year of continuous employment with a maximum of 12 weeks. You may of course agree to longer, but not shorter, notice periods.

Taxing directors

Directors are office holders, not employees, but their fees are taxed through PAYE as general earnings: Income Tax (Earnings and Pensions) Act 2003, s5, s62. Sch E is no more. Consultants, who as independent contractors bill companies and are paid gross, are taxed under Sch D are not happy if, on appointment as non-executive directors, their fees for their professional services change their character and are taxed through PAYE. Carefully drawn terms of employment will separate their roles and the method of remuneration for them. Their next headache is s688A, which might make them wonder why they bother to provide their services through their own companies.

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