

Law in 101 words

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

A day

It was held in *Clayton's Case* (1585), where a lease dated 26 May was expressed to run for three years "from henceforth", that the time of day of the delivery of the lease was immaterial, "for the law in this computation doth reject all fractions and divisions of a day for the uncertainty, which is always the mother of confusion and contention". In *re Palmer* (1995) the CA held that an insolvency administration order takes place at the moment of the deceased's death, so his unsevered interest in property vested in his widow and not for the benefit of his creditors.

Board & lodging

"A tenancy is not a protected tenancy if under the tenancy the dwelling-house is bona fide let at a rent which includes payments in respect of board or attendance": the Rent Act 1977, s7(1). The HoL in *Otter v Norman* (1989) held that a continental breakfast consisting of two bread rolls, butter, jam or marmalade, and tea or coffee is sufficient to constitute board within this section. *Megarry on the Rent Acts* 10th edn stated: "In practice, the dividing line appears to fall between the early morning cup of tea on the one hand and 'bed and breakfast' on the other."

Business names

By the Registration of Business Names Act, 1916, s8(1)(a), where a person trades under a business name fails to furnish a statement of particulars, "the rights of that defaulter under...any contract... by...such defaulter in relation to the business...shall not be enforceable", subject to relief if the failure was accidental etc. This useful provision was repealed by the Companies Act 1981. Now the Companies Act 2006 s1206 requires the defendant to the defaulter's claim to show that he cannot pursue a claim

against the defaulter or has suffered loss as a result of the default.

Fishing expeditions

In *Breakspear v Ackland* (2008), the claimant sought the disclosure of a "wish letter", to which the trustees could pay attention in the exercise of their discretionary powers, which the trustees resisted on the grounds of confidentiality. Generally, confidentiality plays only a subordinate part in disclosure, but disclosure was refused. Briggs, J, said: "English law has developed a robust approach to 'fishing' litigation of that kind." However, if it is not a fishing expedition, "[trustees] may be compelled legally (though discovery or subpoena) or practically...to disclose the substance of the reasons for their decision" (*Scott v National Trust* (1998)).

Immunity from unlawful deduction

Mumtaz Kassam, the former deputy head of the Ugandan High Commission to the UK, sought a declaration that the UK courts had no jurisdiction to hear a claim by Daphine Wokuri, who had worked for her as a chef and general domestic servant. The claim was that the defendant had failed to provide a copy of her terms of employment and to pay her salary in full. In *Wokuri v Kassam* (2012) ChD, the court held that the defendant

had limited diplomatic immunity under Art 39(2) of the Vienna Convention on Diplomatic relations, which did not extend to the present case.

Lecturers or preachers

By s15 of the Act of Uniformity 1662, no person may be received as a lecturer or allowed to preach in any church or place of public worship unless licensed by the bishop of the see or the archbishop of the province. The converse of this is that persons in holy orders may be appointed for the special purpose of delivering lectures and preaching sermons. The Lecturers and Parish Clerks Act 1844 gives the bishop power, with the consent of the incumbent of the parish, to require such persons to perform other clerical or ministerial duties, as assistant curate or otherwise.

Presumed dead

In 1948, the Air Ministry certified that a testatrix's son was presumed to have died in 1943, but she believed that he was still alive. She died in 1976 leaving her estate to her son absolutely, but if he had not claimed the gift by 1 January 2020, to a charity for the prevention of cruelty to animals. In *Green's Will Trusts, Re, Fitzgerald-Hart v A-G* (1985) the court held that the trust was charitable, the testatrix's intention did not make sense in the light of the son's presumed death in 1943, so the charitable gift was indefeasible at her death.

Regulatory criteria

Two German businessmen were stopped by a guard at the Italian frontier. "You are not allowed in." "What? Why?" "This car is an Audi Quattro, but there are only two of you." "This is preposterous. I demand to speak to your superior." "You can't. He is busy dealing with four women in a FIAT Uno." English pension lawyers, dealing with analogous problems faced by their clients, are gratified that, in *PNPF Trust v Taylor* (2010), Warren, J, said: "In the circumstances of the present case, I feel able to attach only the slightest weight to the views of the Pensions Regulator." NLJ

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