

# Law in 101 words

Snippets from *The Reduced Law Dictionary* by Roderick Ramage

## Animal fighting

Causing or attempting to cause an animal fight is an offence under the Animal Welfare Act 2006, s8, punishable by imprisonment up to 51 weeks, a fine up to £20,000 or both. Receiving money for admission to, publicising, betting on, participating in, and training an animal or keeping premises for an animal fight are also offences, as are, without lawful authority or reasonable excuse, being present at and supplying, publishing or showing a video recording of an animal fight. An animal fight is placing a “domestic” animal with an animal or a human, for the purpose of fighting, wrestling or baiting

## Double portions

The court presumes that a parent does not intend a child benefit twice if, having left him a portion by will, he then gives him a portion *inter vivos*. In *Kloosman v Aylen and Frost* (2013), the deceased left one third of his estate to each of his two daughters and his son. He then gave £100,000 to each of his daughters. He had cancer. One daughter cared for him in his home, then the other at hers. It was held that he intended to repay the cost of caring for him, so the presumption against double jeopardy did not apply.

## Pendulum arbitration

The purpose of a “pendulum” clause is to give the arbitrator an “either/or” choice without any discretion to make a compromise. It is intended to concentrate the minds of the parties on making reasonable proposals and to deter them from adopting extreme positions for the purpose of negotiation and compromise. If the arbitrator must choose between two or more different claims, one of which is for an unreasonable amount or an unreasonable finding, while another is reasonable, the choice will (should) be obvious. An example is in a collective agreement considered by the EAT in *Bewley v HM Prison Service* (2004).

## Polish potatoes

The Polish Potatoes (Notification) in England Order 2004, made under the Plant Health Act 1967, prohibits the import of Polish potatoes into England without at least two days’ prior notice to an inspector (a person authorised to be an inspector



“ ‘Polish potatoes’ mean potatoes which were grown in Poland during 2003 or subsequently”

for the purposes of the Plant Health Order 1993) and providing specified information. “Potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species or hybrid of the genus *Solanum* L.; “Polish potatoes” mean potatoes which were grown in Poland during 2003 or subsequently; and “seed potato” means an potato intended for planting.

## Star-rated local authorities

Schs 1 to 10 of the Local Authorities (Categorisation) (England) Order 2006, made under the powers conferred by the Local Government Act 2003 s99, lists English local authorities in accordance with the Audit Commission’s categorisation. The explanatory note states: “This Order categorises local authorities in England into ten categories

according to performance, namely; 4 stars, 3 stars, 2 stars, 1 star, 0 stars, excellent, good, fair, weak and poor. The categorisation follows a report of the Audit Commission on 31st August 2006. A copy of the report may be obtained free of charge from the Department for Communities and Local Government.”

## Street offences

The offences in s60 of the Metropolitan Police Act 1839 include:

- ▶ beating or shaking in any thoroughfare any carpet, rug, or mat (except door mats before the hour of eight in the morning);
- ▶ keeping any pigstye to the front of any street or road in any town within the said district not being shut out from such street or road by a sufficient wall or fence; and
- ▶ failing, as an occupier of a house or other tenement in any town within the said district, to keep sufficiently swept and cleansed all footways and watercourses adjoining to the premises occupied by him.

## “The” means “a”

TUPE regulation 7 provides that a dismissal is unfair “if the sole or principal reason for his dismissal is *the* transfer itself; or a reason connected with *the* transfer”. The administrators of a company dismissed some employees including the chief executive and continued then sold the business. The EAT upheld the chief executive’s claim for unfair dismissal. The transferee’s appeal was dismissed in *Spaceright v Baillavoine* (2011), and its challenge described as hopeless. The regulation did not require the transfer to be in existence or in contemplation at the time of the dismissal. The dismissal facilitated the making of a transfer.

## Use by date

The Food Labelling Regulations 1996 defines “appropriate durability indication” as: “(a) in the case of a food other than one specified in sub-paragraph (b) of this definition, an indication of minimum durability, and (b) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute an immediate danger to human health, a ‘use by’ date.”

Next “The ‘use by’ date shall be expressed in terms either of a day and month (in that order) or of a day, a month and a year (in that order).”

NLJ

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