

# Law in 101 words

Snippets from The Reduced Law Dictionary by Roderick Ramage



## Crown Estates

The Crown Estates are the property which William I acquired by right of conquest as augmented or depleted by subsequent monarchs. On his succession, George III surrendered the income (but not ownership) of the Crown Estates, except income from the Duchy of Lancaster, and in exchange was relieved from the cost of the civil government and the existing national and his personal debt and given a fixed civil list payment. The Civil List continued until the Sovereign Grant Act 2011 replaced it with the Sovereign Grant, the amount of which is, at present, 15%, of the income of the Crown Estates.

## Pigsty as nuisance

In *Alfred's case* (1610) the plaintiff took action against Mr Benton, who had built a pigsty so close to the plaintiff's house "that the air thereof was corrupted". The court held that the nuisance was actionable, as are actions by an owner of property for interference with his right to air or light, or for infecting and corrupting the air as by building a limekiln so near the property of the plaintiff that when it burns smoke enters the house "so that none can dwell there". It was no defence that the pigsty "was necessary for the sustenance of man".

## Police pension & manslaughter

Carol Glover stabbed her husband to death, pleaded guilty to manslaughter and was imprisoned for two years. He was a retired police sergeant in receipt of a pension. Mrs Glover's application for a widow's pension was refused by the Staffordshire Police

Authority and her appeal to the Crown Court in 2005 failed. The police pension regulations did not exclude the common law forfeiture rule. The Forfeiture Act 1982 s1 provides that "the "forfeiture rule" means the rule of public policy which in certain circumstances precludes a person who has unlawfully killed another from acquiring a benefit in consequence of the killing."

**“ Mr Benton had built a pigsty so close to the plaintiff's house ‘that the air thereof was corrupted’ ”**

## Pre-termination discussions

If you held frank discussions with an employee about the possible termination of his employment, even in confidence, you risk that the subject matter will be used against you. The employee could leave and claim constructive dismissal or, if you were later to take a disciplinary process against him, he could argue that your previous discussions show that the outcome was premeditated. No longer. With effect from 29 July 2013 evidence of pre-termination negotiations is inadmissible in a complaint to an ET under s111 of the ERA 1996: see ib 111A inserted by the Enterprise and Regulatory Reform Act 2013, s14.

## Urine samples & fasting

At the end of the third day of his fast for three

days as a spiritual preparation for his Court of Appeal hearing, Mr Bashir was required to take a drugs test, but was unable to provide a sufficient urine sample. He was offered water but refused, was charged with failing to obey a lawful order, convicted and given an extra 14 days' imprisonment. He sought a judicial review. In *R (Imran Bashir) v The Independent Adjudicator* (2011) the court held that, if proper consideration had been given to the ECHR Art 9, the adjudicator would not have convicted Mr Bashir.

## Sunday trading

The restrictions in the Ships Act 1950 and other legislation were abolished by the Sunday Trading Act 1994. With a few exceptions, such as farm shops and shops at railway and service stations, shops with a floor area over 280 square metres ("large shops") may open on Sunday, but not Christmas day, for up to six hours between 1000 and 1800. The restrictions do not apply if a person of the Jewish religion, who is the occupier of a large shop notifies the local authority of his religion and that he intends to keep the shop closed on the Jewish Sabbath.

## Vegetarian & vegan prisoners

The Prison Rules 1999 r24 provides that "no prisoner shall be allowed...to have any food other than that ordinarily provided". The Catering Operating Manual in Annex B to the Prison Service Instruction 44/2010 Catering—Meals for Prisoners, says that the main meal menu must include vegan and vegetarian options. In *Jakobski v Poland* (2010) the ECHR held that the refusal of the prison authorities to provide a vegetarian diet failed to strike a fair balance between the interests of the authorities and the applicant's right to manifest his religion through observance of the rules of the Buddhist religion.

## Whistle-blowing gone wrong

Three nurses made protected disclosures about a colleague, who made false statements about his experience and qualifications. Other staff thought that the three were conducting a witch hunt and subjected them offensive behaviour. NHS Manchester transferred the three to other employment; and they complained to an ET under the ERA 1996 s47B, saying that they had suffered detriments as a result of making protected disclosures. In *Fecitt v NHS Manchester* (2011) the CA held that they had not been victimised by NHS Manchester, it was not unlawful for other employees to victimise whistle-blowers and that NHS Manchester was not vicariously liable. **NLJ**

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