

Law in 101 words

Snippets from *The Reduced Law Dictionary* by Roderick Ramage

He signs hers & she his

Mr and Mrs Rawlins made mutual wills but mistakenly he signed hers and she his, each leaving his or her estate on survivor's death to Terry Marley, whom they treated as their son. Mr Rawlins dies after his will and his will was challenged by their natural sons, who would inherit all under his intestacy. The CA upheld the refusal of the judge to rectify the will, but the SC, in *Marley v Rawlins and another* (2014), held that handing the wrong wills to the testators was a clerical error capable of rectification under the Administration of Justice Act 1982, s20.

Innocent but liable

If a claim related to the publication of news-related material is made against its publisher and the publisher is a relevant publisher and is not a member of an approved regulator, s40 of the Crime and Courts Act 2013 requires the court to award costs against the publisher, unless the issues could not have been resolved by an arbitration scheme of the approved regulator or it is just and equitable to make a different or no order of costs. A relevant publisher is by s41 one who in the course of business, whether or not for profit, publishes news related material.

Nominal damages for negligence

An executive director gave solicitors instructions to draft service agreements for himself and others. When one of the executives died and a bonus of £8m became payable to his estate, the employer sued the solicitors. In *Newcastle Airport v*

Eversheds (2013) the C of A found that the solicitors' failure to provide the employer with a written explanation of the terms with the draft was a breach of duty, but, because it was unlikely that the chairmen of the remuneration committee, who signed the agreements without reading them, would have read any explanation, nominal damages of £2 were awarded against the solicitors.

Organic food

"Organic production" in the Organic Products Regulations 2009 has the same meaning as in Art 2(a) of the Council Regulation (EC) No 834/2007. The objectives of organic production under Art 3 are to:

- establish a sustainable management system for agriculture (including respect for nature, biodiversity, responsible use of resources, animal welfare);
- aim at producing products of high quality;
- aim at producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare.

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.'

Purple is for age

An age limit is not discriminatory if it is a proportionate means of attaining a legitimate aim: Equality Act 2010 s13(2). Purple Parking dismissed 21 former drivers, on the grounds that a change in its insurance policy excluded drivers over 67. The drivers claimed unfair dismissal and age discrimination. When disclosure by the insurer, on an order obtained by the claimants, revealed that Purple Parking had requested it to set the upper age limit, Purple Parking withdrew its defence and admitted liability for unfair dismissal and age discrimination. In March 2014 the Watford Employment Tribunal awarded substantial compensation to the claimants.

Res judicata

The financial ombudsman awarded Mr Clark the then maximum compensation of £100,000. He accepted the award and, believing his loss to be over £500,000, issued court proceedings for damages. The C of A held in *Clark v Focus Asset Management* (2014) that the ombudsman's award could give rise to res judicata. The ombudsman's award was a judicial and not an administrative decision. The same applied to an employment tribunal's finding of wrongful dismissal and an award of £25,000, where the loss was £80,000, when the complainant issued court proceedings for the difference and his claim was struck out: *Fraser v HLMAD* (2006).

Slot machine contracts

Mr Thornton drove to a car park, where an automatic machine issued a ticket, which he took. The ticket said that it was issued subject to the conditions displayed on the premises. He was later injured getting back into his car and claimed damages. Lord Denning said in *Thornton v Shoe Lane Parking* (1971) that, as taking the ticket was the acceptance of an offer, the contract was already made when the ticket was taken, and it was too late to incorporate conditions into the contract. A notice at the entrance was not an offer in *Vehicle Control v Revenue* (2012).