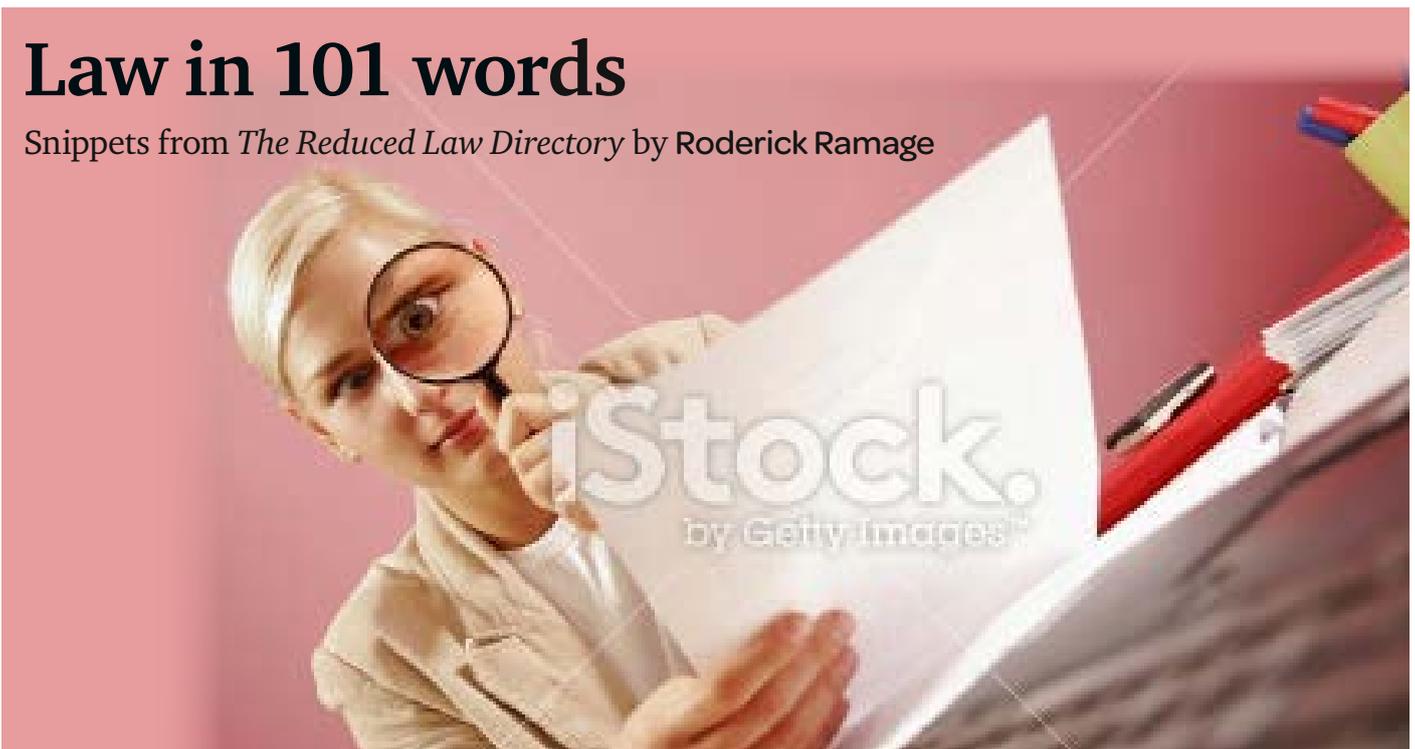


# Law in 101 words

Snippets from *The Reduced Law Directory* by Roderick Ramage



## Capital punishment

The Murder (Abolition of Death Penalty) Act 1965 sections 1 and 4 suspended the death penalty in Great Britain for murder for five years and substituted life imprisonment. Motions to make the Act permanent were carried in the Commons on 16 December and the Lords on 18 December 1969. The death penalty for murder was abolished in Northern Ireland on 25 July 1973 under the Northern Ireland (Emergency Provisions) Act 1973. The death penalty remained for causing a fire in a naval dockyard, ship etc, espionage, piracy with violence, treason, and some military offences until abolished at dates up to 1998.

## Changing names & Christian name

A person acquires a name by registration at birth: Births and Deaths Registration Act 1953, s1 and SI 1987/2088, reg 7. He may take a new name except for fraudulent purposes: *Davies v Lowndes* (1835). A name may be changed by no more than usage but is commonly changed by a deed poll enrolled at the Central Office of the Senior Courts of Justice: Senior Courts Act 1981, s 133(1). A Christian forename given at baptism in a Christian church may not be changed except by a bishop at confirmation or by Act of Parliament: *Re Parrott, Cox v Parrott* (1945).

## Derivative action—companies

The CA 2006 provides a framework for shareholders, with the consent of the court, to bring a claim on behalf of a company against directors who are in breach of duty or have been negligent. Damages will be

owed to the company, rather than to the shareholders themselves. *Universal Project Management v Fort Gilkicker* (2013) shows that the CA 2006 has not abolished double derivative actions under the common law, so members of the LLP that owned the company could take proceedings. However the claimant in *Abouraya v Sigmund* (2014) failed to show that he had suffered loss as a shareholder.

## Forced marriages

The Forced Marriage (Civil Protection) Act 2007 s1 inserted Part 4a (sections 63A to 63S) into the Family Law Act 1996, under which a forced marriage protection order (FMPO) can be made to protect someone who is being forced into a marriage or is in a forced marriage. The maximum penalty for a breach was two years imprisonment for contempt of court. On 16 June 2014 the Anti-social Behaviour, Crime and Policing Act 2014, s120 inserted s63CA into the 1996 Act and made the doing of anything prohibited by a FMPO an offence, with a maximum penalty of five years imprisonment.

## Neutral citations

Since 2002 each case is given a neutral citation to identify it. It looks confusingly like a law report citation, but is only the year, the court abbreviation (for example EWCA Civ and the case number. EW stands for England and Wales, UK for United Kingdom. You still need to use the citation of the law report service you are using. There are no official law reports in the UK, but the Law Reports published by ICLR are

seen as the most authoritative. A Practice Direction by Lord Woolf ([2001] 1 WLR 194) states that it is the series to cite.

## Small print

The terms of business on the back of a time sheet, which, it was claimed, were incorporated into a contract, were described by the judge at first instance as “being in very small print and in very, very dim printing with a great economy of ink so as to make it as difficult as possible for anyone to read”. In *Alfred Marks Bureau v Island Sailing* (1984) the CA agreed, saying that these terms would require a magnifying glass and effectively, therefore were never adequately drawn to the attention of the respondents and were never made a term of any contract.

## Totally without merit

The CPR rule 54.12(7) and the Upper Tribunal Rule rules 30(4A) are intended to deal with the increasing number of hopeless judicial review claims. The judge refused permission for Ms Grace to proceed with her claim for judicial review of the Home Department’s decision refusing her leave to remain in the UK and certified her application as totally without merit. In *R (Grace) v the HD*, 9 July 2014, the CA held that it is not necessary to show abusiveness or vexatiousness. The proper test to determine whether an application was totally without merit was whether it was bound to fail.

NLJ

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