

# Law in 101 words

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

## Bona vacantia

Bona vacantia are ownerless goods or goods, whether real or personal property, with no known owner, typically gifts that fail and cannot be distributed under an intestacy or trust or the undistributed assets of a dissolved company or unincorporated body. The goods vest the Crown, the Duchy of Lancaster or the Duke of Cornwall. Only in the case of intestacy is there a statutory power to make ex gratia grants: Administration of Estates Act 1925, s46. In other cases of bona vacantia grants may be made under common law. Claims are dealt with by the Government Legal Department, Bona Vacantia Division.

## Quistclose trusts

Rolls Razor had exceeded its overdraft limit, so borrowed money from Quistclose and paid it to Barclays to be used only for the payment of a dividend. RR went into liquidation before the dividend was paid, and Barclays set off the credit against the overdraft. In *Barclays v Quistclose* (1968), the HL held: the money was provided on trust for RR to pay a dividend and not for RR's own use, there was a secondary trust to repay it to Quistclose if the dividend were not paid, Barclays had notice of the trust and therefore must pay the money to Quistclose.

## Responsibility for animals

The Animal Welfare Act 2006 s9 provides that a person responsible for an animal commits an offence if he does not take

reasonable steps to ensure that its needs are met including its need

- a. for a suitable environment,
- b. for a suitable diet,
- c. to be able to exhibit normal behaviour patterns,
- d. to be housed with, or apart from, other animals, and
- e. to be protected from pain, suffering, injury and disease.

The circumstances which are relevant to reasonableness include any lawful purpose for which the animal is kept, and any lawful activity undertaken in relation to the animal.

## Rule of the road

In *Cruden v Fentham* (1798) Lord Kenyon told the jury that the law of the road was introduced for general convenience. The General Highways Act 1773 had recommended that horse traffic keeps to the left. Lord Kenyon said that it ought to be strictly adhered to at night. By the Highways Act 1835, s78, any driver of any waggon, cart, or other carriage or beasts of burden meeting any other waggon etc who does not keep to the left side and is convicted is liable for every such offence to forfeit any sum not exceeding level 1 on the standard scale.

## Testatrix barmy?

Mrs Seal had made her will leaving bonds for £50,000 to her daughter, Mrs Litchfield, and her flat to her other daughter and the latter's daughter, Miss Parker. In 2010 aged 90 she made her final will, leaving

the residue for her estate including the flat to Mrs Litchfield and modest legacies to her other daughter and Miss Parker, which Miss Parker challenged. The judge accepted the evidence of lay witnesses, including Mrs Litchfield, who remarked that having poor balance and the odd blackout does not make you barmy, and found that Mrs Seal had testamentary capacity: *Parker v Litchfield* (2014).

## Trustees & charity trustees

As a general definition trustees are persons, who holds property or powers on behalf of another. The Charities Act 2011 s177 defines charity trustees as "the persons having the general control and management of the administration of a charity". Almost certainly the members of a charity's committee are charity trustees but trustees, appointed as custodian of its property are not, while those in de facto control, as in *Cifci v Erbil* (2012), probably are. If general control is delegated to employees, they might be charity trustees, which would raise interesting questions about remuneration under ss 186, 187 of the CA 2011.

## Working day

SI 2005/3449 defines a "working day" as a day which is not a non-business day under s92 of the Bills of Exchange Act 1882, namely:

- a. Saturday, Sunday, Good Friday, Christmas Day;
- b. a bank holiday under the Banking and Financial Dealings Act 1971;
- c. a day appointed by Royal proclamation as a public fast or Thanksgiving Day; and
- d. a day declared under s2 of the 1971 Act to be a non-business day.

SI 2015/234 defines it as any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday in England under the 1971 Act.

## Zoonoses

The Animals Act 1981 (repealing the Diseases of Animals Act 1950) deals with the health and welfare of animals, albeit in relation to humans. Section 29 (Control of zoonoses) has "effect with a view to reducing the risk to human health from any disease of, or organism carried in, animals". The Act and regulations made under it and implementing Directive 2003/99/EC, enable other parts of the Act to be applied to the risks, require information from any person who knows or suspects that an animal (including poultry) is affected, enable veterinary inspectors to enter land to take tests and impose criminal sanctions.

NLJ