

# Law in 101 words

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



## Cub journalist

My friend Ilan was the editor of the Manchester Law Students' Society magazine, which attained its literary pinnacle at that time. His ambition was to find a part time job on qualifying as a solicitor, six months law and six months playing the saxophone on a tropical island. I submitted a piece to the magazine, and, in his rejection note, he wrote: Dear Roderick, I am sorry that I cannot accept your offering. To be blunt it is no good. In fact it was so bad that I had to correct it before I could throw it into my waste bin.

## Duplicates & counterparts

An instrument is executed in duplicate (or triplicate etc) if each part is executed by all the parties. Each part is an original. Alternatively one party, commonly a landlord, executes the principal document and the tenant executes a counterpart. If there is an inconsistency, the original prevails. Do not confuse this with the finding of fact in *English Bridge v HMRC* (2015), that most club and tournament play involves duplicate bridge in which the cards held by each player in each deal are preserved so that each partnership successively plays the same set of cards as their counterparts at other tables.

## Enlargement of long terms

By the Law of Property Act 1925 s153, a term

of years may be enlarged into a freehold if:

- ▶ not less than 200 of an original term of at least 300 years remains unexpired;
- ▶ there is no trust or right of redemption in favour of the reversioner;
- ▶ there is no or only a nominal rent or it has been released or ceased to be payable; and
- ▶ the term cannot be determined by re-entry for condition broken.

Where a rent of not over £1 has been paid for at least 20 years continuously, it is deemed to have ceased to be payable.

## Friendly societies

An FS is a mutual society, to which members subscribe for provident benefits or insurance, annuities etc. Some accumulate funds to pay benefits, some periodically divide any surplus after claims amongst their members and others apply part of members' subscriptions to individual accounts, which members may withdraw. The three types are: registered under the FS Act 1974; registered and incorporated under the 1992 Act; and unregistered. Registered and incorporated but not unregistered societies may be permitted to effect insurance contracts: Financial Services and Markets Act 2000, Pt 4A. An FS may register as a charity if poverty is qualification for benefits.

## Lawyers' friend

A rather difficult man went through two sets of solicitors and litigation in person, until finally, helped by an eager young accountant, he settled his dispute on the terms, which his former business partner had offered in the first place. When all the papers were signed and the bank draft handed over, he relaxed and joked to the other side's solicitor saying that this must have been a dreadful nuisance. The solicitor, no matter what his own client thought of it, replied: 'Not at all. I shall always think of you kindly as a friend and benefactor of the legal profession.'

## Nurturing talent

A junior typist on the late shift, an overnight corporate finance deal, took pizzas round the boardroom, where the senior partner and the clients were discussing terms. She returned to her boss in the powerhouse. 'Fiona,' she asked: 'Why are they talking up there about indemnities for the lease, when we have already got indemnities in the sale agreement?' Her boss explained, but afterwards was furious. 'None of the trainee solicitors ever show this degree of perception. Why do we keep bothering with these thickos who happen to have passed the right exams and not help the talent we already have?'

## Proof of harassment (civil)

By the Equality Act 2010 s26, A harasses B if A engages in unwanted conduct related to age, race, sex etc, and the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B, taking into account B's perception, other circumstances and whether it is reasonable for the conduct to have that effect. By s136 the court must, in the absence of any other explanation, hold that the contravention occurred, if there are facts from which it could so decide, unless A shows that A did not contravene the provision.

## Proof of harassment (criminal)

The penalty the offence of harassment is, on summary conviction, imprisonment not exceeding six months or a fine or both. By the Protection from Harassment Act 1997, s1, a person must not pursue a course of conduct, which amounts to or involves harassment of another, and which he knows or ought to know amounts to harassment of the other. He ought to know that it is harassment if a reasonable person with the same information would think the course of conduct is harassment. No offence is committed if in the particular circumstances the pursuit of the course of conduct was reasonable. **NLJ**

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