

Law in 101 words

Snippets from The Reduced Law Dictionary, by Roderick Ramage



10 pint hero

It is inexcusable to drive with ten pints of best bitter inside you, but, that apart, this client was a hero. In those pre-breathalyser days, the police had other ways to test the intoxication of a driver, eg touching your nose with your eyes closed and walking along a straight line. He passed them all and refused to give a urine sample. So they locked him in a cell for the night, with a urinal in the corner. He survived the night without passing a drop of his ten pints, so they let him free the following morning. He deserved it.

Case management

The most important lesson that I received about the practice of law was given by my uncle, Roderick Davies of Manchester, on my first day as an articled clerk in 1962. Another articled clerk, a supercilious type, described him as 'as thick as two short planks', overlooking the fact that he invariably came to the right answer and rarely lost a case or a negotiation. The invaluable advice was to pin on the file (or put in its pocket) a letter, document or note etc as soon as you receive it. The same applies today even if your filing is electronic.

Dorothy Sayers & the Property Act 1925

The motive for murder in *Unnatural Death* by Dorothy L Sayers, was that a young woman, as the great niece and only living relation of an old woman, who would not make a will, would inherit her fortune, but only if she died before 1 January 1926, when the new property law would come into force. The facts that there was no 'Property Act 1925' and that neither the abolition of the old forms of intestate inheritance by the AEA 1925 s45 nor the new rules in s46 and s47 would have disinherited her, should not spoil a good read.

Judicial or divine judgement

This story is told of Mr Justice Maule (1788 to 1858). The trial was of a man accused of a serious offence, and after the jury had returned a verdict of guilty, the prisoner dramatically shouted, 'May God strike me dead, my Lord, if I did it.' The Judge looked grave, and paused an unusually long time before he uttered a word. At length, amid the breathless silence of the whole court, he said, 'As Providence has not seen fit to interpose in your case, it now becomes my duty to pronounce upon you, the lighter sentence of the Law, etc.'

Mechanism implied by court

Courts may provide a mechanism to remedy a defective rent review clause instead of finding it void. In *Beer v Bowden* (1976) business premises were let for a term of ten years at a fixed rent for the first five and thereafter at such rent as the parties agreed. On their failure to agree a new rent, the landlord took proceedings to determine whether the rent should be a proper and reasonable rent having regard to the value of the premises. The judge agreed with the landlord that the tenant should pay such a rent. The CA rejected the tenant's appeal.

Picking is not mowing

Poppy straw is a class A controlled drug and is defined in schedule 2 part IV of the Misuse of Drugs Act 1971 as 'all parts, except the seeds, of the opium poppy, after mowing'. Mr Marwaha, who is a trader in dried flowers and had imported two consignments of decorative dried poppy heads from the Netherlands to satisfy orders from the USA, appealed against an order of condemnation on poppy flowers that the Border Agency had obtained. The QBD allowed his appeal in *Marwaha v UK Border Revenue Agency* (2017), finding that seedheads picked by hand had not been mown.

Sentencing

The jury, to the surprise of the court, had brought in a verdict of Guilty. Mr Justice Maule turned to the accused: 'Prisoner at the Bar, your counsel thinks you innocent, I think you innocent, but a jury of your own countrymen, in the exercise of such common sense as they possess, which does not appear to be much, have found you guilty, and it remains that I should pass upon you the sentence of the Law. That sentence is that you be kept in imprisonment for one day, and as that day was yesterday, you may go about your business.'

Who you know

Children are told to learn their lessons, only to have a more cynical relation inform them that what is important is not what you know but who you know. (Presumably the cynical relation, who freely, albeit inadvertently, declares his ignorance of, amongst other matters, the English language, meant *whom* you know.) This, like most aphorisms, is only a half truth. What matters is not just whom you know but what he knows. In my work, in which specialisation is the key to success, the best advice to a client is often: 'I don't know but I know a man who does.' **NLJ**

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