



Spring 2012

The Bill of

Middlesex

Official magazine of Middlesex Law Society



Potters Bar

Enfield

Brunel
UNIVERSITY
LONDON

Harrow

Middlesex
University

Middlesex
Guildhall

Wembley



Uxbridge

Ealing
UNIVERSITY OF
WEST LONDON



Hounslow



One step ahead



Putting clients first is our priority

CRM - our name and philosophy

Committed to proactive client relationship management and service excellence

Experienced team

Our skilled underwriters have an established track record of delivering solutions that respond to client's needs

Quality Products

Wide cover backed by good security

Sound reputation

Proven capacity of placing risks declined by others and particular expertise in placing large, complex risks with limits over £100m

Experts in bespoke solutions

Tailored residential and commercial development services include:

- Defective Title
- Restrictive Covenant
- Absence of Easements
- Development Risks (pre-planning and post-planning)
- Town & Village Green
- Judicial Review
- Rights of Light

Our Legal Indemnities Residential Self-Issue Policy Pack offers some of the most competitive premiums on the market. Covering all common conveyancing risks, it enables you to issue policies, not cover notes and is available as a pack or online at www.crminsurance.co.uk.

Contact us on 020 7256 3836 for more details.



Contents



PUBLISHER

Benham Publishing Limited
4th Floor,
Orleans House,
Edmund St,
Liverpool,
L3 9NG
Tel: 0151 236 4141
Facsimile: 0151 236 0440
email: admin@benhampublishing.com
web: www.benhampublishing.com

ADVERTISING AND FEATURES EDITOR

Anna Woodhams

DESIGN AND PRODUCTION

Fern Badman

ACCOUNTS

Joanne Casey

MEDIA No.

1269

EDITOR

Robert Drepaul

PUBLISHED

May 2012
© Bill of Middlesex - Benham Publishing Ltd

LEGAL NOTICE

© Benham Publishing Limited.
None of the editorial or photographs may be reproduced without prior written permission from the publishers. Benham Publishing Limited would like to point out that all editorial comment and articles are the responsibility of the originators and may or may not reflect the opinions of Benham Publishing Limited. No responsibility can be accepted for any inaccuracies that may occur, correct at time of going to press.

Benham Publishing cannot be held responsible for any inaccuracies in web or email links supplied to us.

Disclaimer.

The Middlesex Law Society welcomes all persons eligible for membership regardless of Sex, Race, Religion, Age or Sexual Orientation.

All views expressed in this publication are the views of the individual writers and not the society unless specifically stated to be otherwise. All statements as to the law are for discussion between member and should not be relied upon as an accurate statement of the law, are of a general nature and do not constitute advice in any particular case or circumstance.

Members of the public should not seek to rely on anything published in this magazine in court but seek qualified Legal Advice.

contents	
3	Contents
4	Officers for 2012-2013
4	Committee Members
local issues	
5	President's Page
7	Supreme Court exhibition to chart history of sport and the law
8	Dual-marker hair testing
10	Council Member's Report
12	Editorial
12	Members Application
14	Torch Bearer Street Route in Middlesex
18	Notices
social	
16	Universities Law Quiz Night for Charity
property	
20	End of insurance deal could leave conveyancers in deep water
professional issues	
22	Where there's a will there's the potential for charitable benefit
23	The Administration of an estate demands Intrinsic Best Practice
education	
24	Past President, Robert S Drepaul receives Honorary Masters of Law Degree from University of West London
film	
26	FILM AND THE LAW No 15: Horsie or Doggie?
book reviews	
28	Mergers and the Market for Corporate Control
29	Community Care Law and Local Authority Handbook 2nd Edition
ymg	
30	Middlesex Law Society Young Members Group



OFFICERS FOR 2012-2013

President:

SUSAN SCOTT-HUNT
Principal Lecturer in Law
Middlesex University
Middlesex University Business School
The Burroughs, Hendon NW4 4BT
(020 8411 6019)
e-mail: s.scott-hunt@mdx.ac.uk

Vice Presidents:

DARRELL WEBB
Bolt Burdon
Providence House, Providence Place
Islington, London N1 0NT
(020 7288 4795) (DX 122237 Upper Islington)
e-mail: darrellweb@boltburdon.co.uk

GURMEET KHARAUD

Fort & Co Solicitors
Saunders House, 52-53 The Mall, Ealing W5 3TA
(020 3170 8433) (DX 38201 Burnham)
e-mail: gk@fortsolicitors.com

Honorary Secretary:

MAURICE GUYER
Vickers & Co.
183 Uxbridge Road, Ealing W13 9AA
(020 8579 2559) (DX 5104 Ealing)
e-mail: mguyer@vickers-solicitors.co.uk

Honorary Treasurer:

DARRELL WEBB
Bolt Burdon
Providence House, Providence Place
Islington, London N1 0NT
(020 7288 4795) (DX 122237 Upper Islington)
e-mail: darrellweb@boltburdon.co.uk

Honorary Social Secretary & Editor:

ROBERT DREPAUL
Vickers & Co.
183 Uxbridge Road, Ealing W13 9AA
(020 8280 1095) (DX 5104 Ealing)
e-mail: rsdrepaul@vickers-solicitors.co.uk

Honorary Membership Secretary:

ANDREW LEE
Hoffman-Bokaei
Lithos House, 307 Finchley Road NW3 6EH
(020 7433 2380) (DX 38863 Swiss Cottage)
e-mail: andrewlee6783@aol.com

Council Members for the Middlesex Area:

Central & South Middlesex
MICHAEL GARSON
Kagan Moss
22 The Causeway, Teddington TW11 0HF
(020 8977 6633) (DX 35250 Teddington)
e-mail: michael.garson@kaganmoss.co.uk

North Middlesex

MICHAEL SINGLETON
Singletons Austin Ryder
2 Crossfield Chambers, Gladbeck Way,
Enfield EN2 7HT
(020 8367 0387) (DX 90604 Enfield)
e-mail: Michael.singleton@singletonsuk.com

The Law Society

113 Chancery Lane, London WC2A 1PL
(020 7316 5554) (DX 56 London/Chancery Lane)
Regional Manager: Morag Goldfinch
e-mail: morag.goldfinch@lawsociety.org.uk

COMMITTEE MEMBERS

IMMEDIATE PAST PRESIDENT:

RENUKA SRIHARAN
Sriharans Solicitors
223 The Broadway, Southall UB1 1ND
(020 8843 9974) (DX 119583 Southall 3)
e-mail: info@sriharanssolicitors.co.uk

Philip Benjamin

Yugin & Partners
Jubilee House, Merriem Avenue, Stanmore HA7 4RY
(020 8954 2410)
e-mail: PB@yuginlaw.com

Dr Rebecca Bates

Brunel Law School
Brunel University, Kingston Lane, Uxbridge UB8 3PH
(01895 67909)
e-mail: Rebecca.bates@brunel.ac.uk

Caroline Bruce

Iliffes Booth Bennett
Capital Court, 30 Windsor Street, Uxbridge UB8 1AB
(01895 207983) (DX 45105 Uxbridge)
e-mail: caroline.bruce@ibblaw.co.uk

Nirmala Chandrasena

Chands Solicitors
145 Cannonbury Avenue, Pinner, Middlesex HA5 1TR
(020 8933 8332) (DX 48001 Rayners Lane)
e-mail: n.chandrasena@btinternet.com

Professor Malcolm Davies

Head of Ealing Law School
University of West London, St. Marys Road,
Ealing W5 5RF
(020 8231 2226)
e-mail: malcolm.davies@tvu.ac.uk

Hardeep Dhillon

Desor & Co
768 Uxbridge Road, Hayes, UB4 0RU
(020 8569 0708) (DX 44657 Hayes 1 Middlesex)
e-mail: hardeep@desorandco.co.uk

Iskander Fernandez

Iliffes Booth Bennett
Capital Court, 30 Windsor Street, Uxbridge UB8 1AB
(01895 207863) (DX 45105 Uxbridge)
e-mail: iskander.fernandez@ibblaw.co.uk

Maria Fernandes

Fernandes Vaz
87 Wembely Hill Road, Wembely HA9 8BU
(020 8733 0123)
e-mail: info@fernandesvaz.com

Maralyn Hutchinson

Kagan Moss
22 The Causeway, Teddington, Middlesex TW11 0HF
(020 8977 6633) (DX 35250 Teddington)
e-mail: maralyn.hutchinson@kaganmoss.co.uk

Ariya Sriharan

Sriharans
223 The Broadway, Southall UB1 1ND
(020 8843 9974) (DX 119583 Southall 3)
e-mail: info@sriharanssolicitors.co.uk

Elisabeth van der Weir

Hameed & Co
4 Grand Parade, Forty Avenue,
Wembley Park HA9 9JS
(020 8904 4900)
e-mail: hameed@hameed.plus.com

Alan Williams

Hayes Law Solicitors
59 St Mary's Road, Ealing W5 5RG
(07973 622312) (DX 3504 Hounslow)
e-mail: creativewit@tiscali.co.uk

Honorary Members

Alured Darlington
Hanwell Chambers
110A Grove Avenue, Hanwell W7 3ES
(020 8840 8555) (DX5104 Ealing)
e-mail: aluredarlington@aol.com

Tom Cryan

4 West Drive Gardens, Harrow HA1 6TT
(020 8954 1647)
e-mail: tom@thecryans.fsnet.co.uk

PAST PRESIDENTS

R Garrod, J A S Nicholls, R C Politeyan, J Aylett,
K Goodacre, H J B Cockshutt, W Gillham,
L Lane Heardman, D Grove, L A Darke, C Beety,
Mrs L E Vickers, H Hodge, E G B Taylor,
A A M Wheatley, A H Kurtz, M J S Doran,
H B Matthissen, G Parkinson, HHJ R D Connor,
A Bates, J J Copeman-Hill, D B Kennett-Brown,
S B Hammett, Miss F A Shakespear, HHJ P E Copley,
A M Harvey, H R Hodge, G R Stephenson, B S Regler,
W J C Berry, A S Atchison, L M Oliver, S W Booth,
D D P Debidin, R E J Hansom, E H Lock, Mrs A Taylor,
Mrs N Desor, Ms M Hutchinson, M Guyer,
R S Drepaul, A Sriharan, Ms M Fernandes,
A Darlington, S Chhokar, Maria Crowley,
Professor M Davies, S Hobbs, Mrs R Sriharan.

FUNCTIONS

30 June
5-a-side Football, Goals, Hayes
24 July
Torch Relay Reception at UWL
Torch Relay Reception at Brunel University, Uxbridge
25 July
Torch Relay Reception at Middlesex University,
Hendon
7 October
Annual Dinner, Grim's Dyke Hotel
20 December (7pm)
Houses of Parliament event
TBA
Past Presidents Dinner

See Newsletter for ongoing events
Lunches for specialised interest groups will be
ongoing throughout the year. Contact our
Administrator or Hon. Social Secretary for details or
visit our website.

EDUCATION & TRAINING PROGRAMME 2012-2013

11 May Insolvency Update, Grange Tavern
15 May Advocacy Practice and Procedures in
Employment Tribunal, UWL, Ealing
18 May Conveyancing Update, UWL
22 May Stage 1 Management Course, (min. 8)UWL
23 May Stage 1 Management Course, (min. 8)UWL
24 May Conveyancing Update - UWL, Ealing
25 May Crime Update, UWL
30 May Compromise Agreements in Employment
Law, UWL Ealing
21 Sept Employment Update, UWL
TBA Compliance Workshops by Client Law at UWL,
Ealing and MU, Hendon
TBA Alcohol & Drug Testing, UWL
TBA Family Law Update, UWL
TBA Crime Law Update - UWL, Ealing

Visit our website for details. UWL is University of
West London (formerly TVU) - St Marys Road, Ealing
Campus. MU is Middlesex University - Hendon
Campus. BU is Brunel University - Uxbridge Campus.

COMMITTEE MEETINGS

2012
16 January
20 February
16 April
21 May
18 June
16 July
17 September
15 October
19 November

2013

21 January
18 February

AGM

20 March 2013

Parliamentary Liaison

Robert Drepaul



www.middlesex-law.co.uk

President's Page



It is a privilege to have been elected President of the Middlesex Law Society for the 53rd year of the society's service and I hope that I can be of some use in this role. I am conscious of the advantages I have both in following in the footsteps of our immediate past president, Renuka Sriharan, who has steered us well, and in having the support of experienced and able Officers and Committee Members who have agreed to stay on this year. I am also grateful to and look forward to working with those newly taking up these roles. As an academic lawyer, it will be especially important for me to have the guidance of practitioner members.

These are uncertain times for our profession, especially for the parts of the profession from which many of our members come. The combined effect of significant changes to Legal Aid, the introduction of Outcome Focused Regulation and COLPs and COFAs by the SRA, the recognition of Alternative Business Structures, efforts expand use of mediation services in an increasing variety of disputes and the pending Legal Education and Training Review have in total been called the equivalent of the 'big bang' which liberalised the financial services industry in the 1980s. Some aspects of this unprecedented tide of change are here, now, though they have not yet inundated the landscape of the legal professions. Others are breaking swells. It is clear that their ultimate effect may be to produce a legal professional landscape unrecognisable to us today.

Of all the recent and pending changes and developments in the profession, the Legal Education and Training Review currently taking place and expected to report in 2013, is one that will affect both law schools and the profession. The scope of the Review is likely to be broad and its recommendations are likely to be radical. Undoubted there is much common interest in feeding into the conclusions of the Review and it is my intention to follow the progress of the review closely, to convey information about it to members and to encourage discussion of the issues amongst members.

Periods of significant change increase the importance of faithfulness to the purposes of any organisation, but also call for flexibility and engagement. Our organisation has identified its chief purpose as being: to 'promote the interest of our members and make representations on their behalf'. Over the last four years in which I have served on the MLS Committee, I have been impressed not only with the depth and range of experience of our members and their dedication to providing a good service to clients and managing their firms in a challenging environment, but also with their dedication to the purposes of the MLS. As a local chapter of the Law Society for England and Wales, we need to continue to: speak out for our members' interests; inform our members about the changes in the profession; provide a forum for discussion and exchange of information; and provide opportunities for training and adaptation. It will be of immense assistance in this regard to have the continued services of our Law Society Council Member's (Michael Garson's) sweeping knowledge and



Renuka Sriharan hands over the Presidential chain to Susan Scott Hunt.



Maureen Miller from the Law Society and District Judge Tan Ikram with Susan Scott Hunt at the AGM at Ealing Cricket Club.

command of the complex regulatory issues that ever more affect solicitors. Having such an authoritative and fluent voice as Michael's at national level undoubtedly allows our smallish chapter to 'punch above its weight'.

We also need to continue efforts to mobilise and increase our membership in some parts of the Middlesex area, so that more solicitors in different types of practices have access to our events and activities and see us as an active, effective and supportive structure within a professional community. I think this effort is likely to begin with increasing and putting into useful form information about potential members' firms and interests. The area covered by Middlesex is large one, but I hope to encourage and find ways of getting a more detailed and current picture of how and where we can increase membership and participation in MLS.

Since joining the MLS committee as a representative of the Law Department at Middlesex University I have been heartened by the support of the MLS in involving law students in MLS activities through the Young Members Group. Law students are the future of the profession –

whatever that future looks like. In the coming year, I hope to continue to build on the active involvement of students from the three law schools in the Middlesex area through a variety of activities and opportunities. This has begun already with a very successful Universities Law Quiz Night held at the end of March and organised by the Middlesex University Student Law Society with the support of MLS. Staff and students from MU and University of West London, as well as lawyers participated and raised a good sum of money for charity. In the next year, I hope that we will be able both to continue to support more law student-led activities and to foster closer collaboration between academic members and practitioners.

It is generally agreed by the MLS Committee that our members appreciate and benefit from MLS's provision or joint sponsorship of educational and training opportunities that address the concerns of specific areas of practice, so it is a priority to continue to offer events of this nature that have been successful fixtures in the past. Recently a CPD event on the appointment of Compliance Officers has taken place at Ealing Law School. Further events planned to take place in May include those on Advocacy Practice and Procedure in the Employment Tribunal, Compromise Agreements in Employment Law and a Conveyancing Update lecture.

The social opportunities that we offer are also important. They provide good ways to network and build a sense of belonging and of common purpose. They are also enjoyable. The MLS Committee with shortly be considering what sorts of social events to offer throughout the year, which may take into account the holding of the Olympics in London, and which will likely culminate in the MLS Annual Dinner, 7 October at the Grim's Dyke Hotel, details on page 13. I look forward to meeting many more members at these events and I encourage members to contact me with suggestions for both educational and social events.

Susan Scott Hunt
Principal Lecturer
Middlesex University Law Department
s.scott-hunt@mdx.ac.uk

Supreme Court exhibition to chart history of sport and the law



The Supreme Court of the United Kingdom is teaming up with academics from De Montfort University (DMU) in Leicester and the British Association for Sport and Law (BASL) in preparation for the London 2012 Olympic and Paralympic Games, together mounting a free exhibition that will put a spotlight on a side of sport that is rarely highlighted.

The exhibition, 'Playing by the Rules' – which will open to the public as part of an official programme of events inspired by the London 2012 Games – will chart the history of sport and the law, looking at issues such as ethics, anti-doping, commercialisation, branding and the role of the Court of Arbitration for Sport (CAS).

Staged in the former Middlesex Guildhall building, the exhibition will seek to highlight how the historic county has contributed to the world of sport. It will also profile some of the many Olympians – including ski jumper Eddie the Eagle, Sir Menzies Campbell and rower Lord Moynihan – who started their careers in the legal profession.

"The role of the law in sport tends to only make the headlines when things go wrong," said Andy Gray, BASL Director and head of DMU's Sports Law Unit.

"When an athlete fails a doping test, there is intense media interest and the impact of a ban from competing can have a significant impact on a person's livelihood, so understandably, the lawyers are called in; when a football fan wearing a t-shirt - or an orange dress - promoting a rival product is broadcast on the big screen at a World Cup game, the official sponsors are straight on to their legal team."

"The legal and regulatory side of sport rarely captures the public's imagination, but it plays a key role – and this exhibition aims to tell that story."

The exhibition will comprise informative panels, interactive displays and a selection of interesting artefacts, including memorabilia from the 1908 and 1948 London Olympics. Topics explored will include the issue of sportspeople consenting to be injured in the course of the sporting activity, and the lawfulness of stringent penalties designed to enforce anti-doping rules.

'Playing by the Rules' has also been granted the prestigious Inspire mark by the London 2012 Inspire programme, which recognises innovative and exceptional projects that are directly inspired by the 2012 Olympic and Paralympic Games.

Jenny Rowe, Chief Executive of the Supreme Court, said: "We hope that this project will open people's eyes to the close and complex relationship between sport and the law – and how the highest court in the land has occasionally engaged in sporting disputes of one form or another for many decades. In essence this is the story of how the British sense of fair play has been formalised in different ways over time to support the development of sport, from the grass roots to festivals such as the Olympics."

Mel Goldberg, BASL chairman, said: "The Association is delighted to be involved in such an important exhibition highlighting the evolution of sport and the law over the years, especially as many of our member firms and individual sports lawyers have been personally involved in so many of these cases. There is a very strong British link with the development of sports law."

Professor Tony Collins, director of DMU's International Centre for Sports History and Culture, and his colleague, senior research fellow Dr Jean Williams, are researching and writing much of the content for the exhibition.

"It's been fascinating, researching this subject for the exhibition," said Professor Collins.

Dr Jean Williams added: "Since the formation of the Football Association in 1863 and the creation of the 'Laws of the Game' sport has used legal terms both for its development and regulation. The Olympic Games, first held in 1896, are a really good example of how the role of law in sport has grown significantly and moved out of the hands of a few enthusiastic administrators to become a mega event. We aim to tell the story of how a small Victorian sporting festival developed a legal framework to become one of the world's largest cultural celebrations."

The project is a joint initiative between the Supreme Court of the United Kingdom, DMU's Faculty of Business and Law, its International Centre for Sports History and Culture, and the British Association for Sport and Law.

The exhibition – which will take place at the Supreme Court in Parliament Square in London – will open to the public in July, a week before the Olympics get under way, and will be open to the public from 9.30am – 4.30pm on weekdays until the end of September. Admission will be free.

Organisations working in the area of sport and the law and interested in holding a reception or dinner around the exhibition are invited to contact the Supreme Court for details of available event packages.





Dual-marker hair testing sets industry standard for detection of alcohol abuse

Recent developments in the scientific and legal communities have highlighted the reliability of dual-marker hair testing for alcohol abuse, confirming the process as a valuable tool for any person or body seeking accurate data on alcohol abuse issues.



In March 2011, research by the Society of Hair Testing (SoHT), confirmed that dual-marker testing on hair for alcohol misuse provides accuracy rates of over 94%. This outcome represents a major advance in the evidential role that hair testing can play in court cases, particularly with regards to child protection.

The findings were presented at the annual symposium of the SoHT in Chamonix, France. The results showed that dual hair testing methodology runs less than a 1% risk of resulting in a false positive, and just a 5.75% risk of a false negative.

The SoHT analysis was performed by Professor Dr. Fritz Pragst and Dr. Silke Suesse, two of the leading pioneers in testing hair for substance misuse. The data set of approximately 2,000 samples, the largest of its kind in the world, was provided by Trimega Laboratories, a company that is well recognised for being a leader in the development of innovative techniques for testing for substance abuse.

Professor Pragst commented: "In the last few years, hair analysis for alcohol markers has become an important diagnostic tool in forensic and clinical cases." Hair testing can provide a picture of alcohol consumption of up to six months. In contrast, traditional forms of testing, of urine and blood, can cover only the previous three days and four to six weeks, respectively.

The results of hair testing were further validated in June, when a lawyer, Lorna Cservenka of Hanne & Co.,



who had used evidence provided by Trimega Laboratories, was named Family Lawyer of the Year at the Legal Aid Lawyer of the Year Awards.

In the case that saw Ms. Cservenka nominated for the award, she had used dual-marker hair testing technology to persuade the court that a mother had not been drinking, an outcome that was instrumental in reuniting the mother with her children. A previous single-marker test, conducted by another provider, had suggested that the mother had been drinking. An outcome of the court case was that the judge directed that dual-marker hair alcohol tests should be used for cases where hair analysis is applied.

At the time of the award, Douglas MacSween, General Manager of Trimega Laboratories, said: "The award contributes to what is now a wide acknowledgement of the importance of dual-marker hair alcohol tests in providing high levels of accuracy about alcohol consumption over several months by parents and guardians in child custody cases."

Trimega Laboratories commercialised the technological breakthrough of analysing human hair samples for alcohol, firmly believing that just as hair testing had become accepted by the industry as the gold standard for analysis of drug abuse, hair testing for alcohol would receive similar recognition once its accuracy rates had been widely demonstrated. One of Trimega's key achievements was being the first to market with dual-marker hair alcohol testing.

Trimega was responsible for the creation of a Hair Strand Scientific Advisory Board, the purpose of which is to analyse the fast growing database of information created from the 10,000 hair alcohol tests and 7,000 hair drug tests carried out on UK samples each year, of which Trimega is responsible for around 40%. The findings of the Board are shared with the Society of Hair Testing which will assist it in future decisions, particularly those relating to the setting of universal guidelines.

The technical aspect of dual hair testing consists of testing hair for ethyl glucuronide (EtG) and fatty acid ethyl esters (FAEE). As hair grows, it absorbs FAEEs and EtG into its structure. While FAEE markers get into the hair mainly by diffusion from an external sebum layer, EtG markers are formed almost exclusively in the liver and then deposited into hair mainly from sweat. The more markers there are, the more alcohol has been consumed.

SoHT and the UK courts advise that dual-marker tests should be conducted for hair alcohol analysis. However, the SoHT has stressed that hair testing should not be the sole determinant in cases of substance misuse. It should be one part of the overall evidential picture.

Nevertheless, dual testing sets the current benchmark for industry accuracy when testing for alcohol abuse. At the time of the 2011 SoHT conference, Professor Pragst said: "We continue to research the benefits of dual testing and are delighted that the results of our latest study show that together EtG and FAEE tests provide a far more accurate long-term view of alcohol abuse than other forms of analysis."

W: www.trimegalabs.com
E: info@trimegalabs.com
T: 0845 388 0124

SCAN & EXPLORE
Scan the barcode using your Quick Response enabled phone to discover more about Trimega Laboratories.



The Hair Alcohol Industry Innovator

Trimega Laboratories has always been a leader of the hair alcohol testing industry.

We were the first to market with the combined FAEE and EtG tests, and are the recognised thought leaders in this crucial advance in reliability.

It was no coincidence that our data was chosen to be presented at the Society of Hair Testing's annual conference in March to prove the 94% accuracy rate of dual hair alcohol tests, showing less than 1% risk of a false positive, and just 5.75% risk of a false negative.

Our laboratories in Germany are fully accredited to international standard ISO 17025.

And in February we launched a state-of-the-art £1 million laboratory in Manchester which operates to ISO 17025 standards and is being audited by UKAS with a view to receiving UK accreditation shortly, thereby 'onshoring' our European leadership capability.



Corporate Social Responsibility

This is the symbol of Trimega Laboratories' commitment to corporate social responsibility. This commitment aligns our core values & ethos to the PLO reforms and duty of care to public funds within the UK legal sector.

Call Us: 0845 388 0124 | www.trimegalabs.com





Council member's report

What's next?

Many tributes to the second Elizabethan era will reflect on dramatic and ever faster changes witnessed over the last 60 years. On the day of the coronation a generation of post war families gathered to watch the ceremony on small black and white televisions. That technology, when mass produced, was a catalyst for the expansion of communications and with it trading markets and consumer services to a global market place. Alongside commercial freedom has come growth in regulation and with that a new breed of regulators who now shape our professional lives. As fast as legislators produce still more areas seem to demand reform. The legal professions have expanded through specialisation in line with the growth of trade but planning and future prospects have been beset by uncertainties over the last ten years. What will the structure and role of solicitors and the legal profession become ten years on and what can we do to influence the practising environment?

The announcement of the first alternative business structures is a sign of things to come. It was typically symbolic that the SRA first authorised an insurance company, a traditional solicitors practice and a sole practitioner. The signal was sent that the new structures are for all and represent the future for traditional as well as new types of legal services provider. The benefits of corporate entities with layered governance and management coupled with funding and tax advantages feature highly rated for those who encourage the new models. Although it has stood the test of time the practice of the law through sole practice, chambers or through partnership is now projected as less fashionable.

The LSB was impatient for progress and has declared itself "delighted that after four years of hard work we see a major innovation in the way legal services are delivered to consumers". SRA were similarly delighted saying "The arrival of ABS should foster a more flexible and innovative market for legal services. By stimulating competition and encouraging innovation, we should see consumers' experiences enjoy a major boost."

The plan for deregulation was sold to the profession, and its leadership, on the basis that structural changes would provide a sensible rationalisation to the regulatory maze. Instead the question can be fairly put as to why the regulatory maze has created a modern Elizabethan knot garden. The regulators had more than enough to do when they started afresh in 2006 but rather than streamline and simplify processes they have embarked upon wholesale reinvention. Whilst exploring new and exciting territories, glaring weaknesses in routine regulation and enforcement have been exploited. Rampant fraud created by the property bubble and the flawed qualified lawyer transfer test meant that the growing numbers entering the profession both as students and as qualified solicitors brought problems that made headlines and demanded action.

The SRA response has in part been the transition to entity regulation. The next step yet to be completed is the establishment of compliance officers in every firm. The management of this, along with the introduction of LDPs and now ABS's has stretched the resources of the SRA as the legal sector's largest regulator. Accordingly demands for new modern equipment and technologies have brought their own problems - of which the online renewal process is just one very public demonstration. Little wonder that, while the regulators celebrate, things appear to be worse rather than better to practitioners. The Law Society has responded for its members with accreditation schemes such as CQS and the Advocacy Section, and the Risk and Compliance Section to provide initiatives, toolkits and training.

This is not enough: the profession relies crucially upon its regulators to act effectively. The Legal Services Board is driving the market to deliver lower prices for the buyers of legal services. The majority of the profession deliver high quality services to the standards required in the SRA Code and in order to ensure fair competition it is essential that SRA enforce all aspects of the Code evenly across the board. To do otherwise is to show a green flag to opportunism which will lead to short lived acclaim but will ultimately raise the cost of services in the future.

In order to thrive for the next generation the profession needs its regulator to perform with expertise and to be effective - giving priority to every aspect of professional regulation and particularly those standards and values that consumers cannot see and in which they have no immediate interest. After all anything non essential should by now have been scrapped.

The regulators have plenty to do but the question is who watches the regulator? Prices for consumers are easy to reduce if corners are cut and risks are absorbed. OFR encourages flexibility in delivery but that ought not to be allowed to mask non compliance. Over the coming years we need to see better mechanisms developed for assessment of SRA performance. The Law Society and its boards do attempt this but wider recognition is needed that making regulators accountable is a high priority.

The regulators may presently bask in sunlight but may soon be shrouded in storm clouds. I suggest that complication, confusion and chaos that results from the new regulatory regime will prompt a call for rationalisation. That review may involve the restructuring of regulation across the whole legal sector and total removal of the links with the professions. That objective has already been mooted in the course of the Education and Training review in which the LSB suggest that future generations of lawyers should not aspire to the qualification of solicitor or barrister but simply to accreditation for one or more of the types of legal activity that are reserved.

It is the regulators who have the power to shape our professional lives. The vision they offer is a new Elizabethan age of exploration and innovation. But it is as well to remember that any new entrant to the current market place and any new ones begins at a time when risks could not be greater. Operating costs are high, margins are low and regulators will dominate thinking and constitute perhaps the biggest risks to operators. Alongside financial and operational risks, regulatory risks can loom for some firms as the biggest with which they need to grapple.

For that reason I suggest that the pattern for the near future will be similar to the past. There has been a sea of change and the tide has turned; everyone is affected. History may not exactly repeat itself but cycles of history do. The rise and shifts in global economies will frame the landscape and a period of recession will be followed ultimately by a period of recovery. A period of consolidation will arrive but in the meantime 'time and tide waits for no one' - as ever we must get on with it.

Michael Garson
michael.garson@kaganmoss.co.uk

Copy Deadlines 2012/13

Summer Issue	1st June
Autumn Issue	31st August
Winter Issue	30th November
Spring Issue	9th March

Anyone wishing to advertise or submit editorial for publication in the Bill of Middlesex please contact Anna Woodhams, before copy deadline.

Email: anna@benhampublishing.com

Tel: 0151 236 4141

Levy + Partners Limited

86/88 South Ealing Road, Ealing, London W5 4QB

Established since 1964, our firm is structured into departments for Taxation, Audit, Accountancy, Book-keeping and Payroll, IT Systems and Company Secretarial Service.

Our Personnel are experienced in their disciplines and combine as a team to provide a full range of services for our clients.

We give a personal and friendly service with professionalism.

Our specialisations include Tax Investigations, Tax Planning, Charities, Solicitors, Family Businesses, IT, Business Plans and Due Diligence.

We make no charge for the first hour of an initial consultation.

Our office in Ealing, West London W5 4QB is situated adjacent to the South Ealing tube station and is well placed for London and its surrounding environs.



Call: Arvind Joshi FCA, CTA, DChA
tel: 020 8932 1932
fax: 020 8932 0122
info@levyandpartners.com
www.levyandpartners.com



Editorial

Another Ancient County

A parallel universe or alternative reality is a hypothetical self contained separate reality coexisting with one's own. Wikipedia states that Heaven, Hell, Olympus and Valhalla are all 'alternative universes' different from the familiar material reality.

In England, there is an Ancient County called Middlesex, stretching from Sunbury on the Thames River to Enfield in North London. The king's court (Curia Regis) was based in Westminster, which was then in Middlesex. In the sixteenth century, the Court's jurisdiction was extended to Defendants outside Middlesex by the use of the 'notorious' Bill of Middlesex. Within its ancient borders, Middlesex now hosts the United Kingdom's highest court, the Supreme Court (and Privy Council). It has three universities and Middlesex County Cricket Club play at Lords, the most famous cricket ground in the world.

In South America, there exists another 'Ancient County' called Berbice in former British Guiana, now Guyana. It was colonised by the British, Dutch and French at various times in its history when individual rights were minimal. The Ancient County of Berbice now has a Supreme Court building in its ancient capital, New Amsterdam. It now has one small university campus in the village of Tain and is the birth place of some internationally famous cricketers such as Alvin Kallicharan, an Olympic Ambassador.

In science fiction, the laws of a parallel universe such as gravity may be weaker or stronger. In a parallel county, the Rule of Law may be weaker or stronger. Enjoy the London 2012 Olympics, which started at Mount Olympus, an 'alternative universe'.



VICKERS & CO SOLICITORS

183 Uxbridge Road
Ealing, London W13 9AA
Tel: 0208 579 2559
Fax: 0208 567 6965
www.vickers-solicitors.co.uk

THE SOLICITORS WITH THE LOCAL CONNECTIONS

Contact: Robert Drepaul
07958 402626
robertdrepaul@yahoo.com

MOVING HOME
BUYING OR SELLING A BUSINESS
MAKING A WILL
WINDING UP AN ESTATE
DIVORCE AND FAMILY PROBLEMS
TROUBLE WITH THE POLICE
LANDLORD & TENANT DISPUTES
COUNTY OR HIGH COURT DISPUTES
LEGAL AID PUBLIC FUNDING
may be available for some matters

regulated by the Solicitors Regulation Authority

Middlesex Law Society

Annual Dinner

Sunday 7th October 2012
Dinner followed by Gilbert & Sullivan's
'Trial by Jury'
at the Grim's Dyke Hotel, Harrow

Reserve your places by contacting
President, Susan Scott Hunt - email: s.scott-hunt@mdx.ac.uk
or Robert Drepaul - e-mail: robertdrepaul@yahoo.co.uk

Places are limited
Sponsorship opportunities available



Middlesex Law Society (est. 1959) APPLICATION FOR MEMBERSHIP

Surname _____ Mr / Mrs / Miss / Ms

Forenames _____

Name of Firm or Organisation _____

Postal Address or DX no: _____

Telephone _____

Email _____

Status & Area of Work _____ Date of Admission _____

Would you be interested in joining the Committee? Yes/No

I wish to apply for FULL/FIRM/ACADEMIC/ASSOCIATE/STUDENT (YMG) membership of the Society (see below for details)

I enclose herewith my cheque for £ _____ for the current year, made payable to "Middlesex Law Society"

Signature _____ Date _____

Subscription Rates:

- Full Individual Membership: £50.00 per annum (more than 3 years admission)
£30.00 per annum (less than 3 years admission)
- Firm Membership: Partners/Solicitors 2-5 £125 per annum 6-10 £250 per annum more than 10 £500 per annum
- Academic Law Departments: £200 per annum
- Associate Membership: £15.00 per annum (Trainee Solicitors, ILEX members, Paralegals)
- Students: £5 per annum (Young Members Group)

Please return completed form and remittance to: The Membership Secretary, Middlesex Law Society,
Andrew Lee, Hoffman-Bokaei Solicitors, Lithos House, 307 Finchley Road NW3 6EH
Tel: 0207 433 2380 DX: 38863 Swiss Cottage e-mail: andrewlee6783@aol.com

End of an era at Brentford County Court

**HHJ Oppenheimer, District Judge Allen and
Court Manager Sue Knight retire**



Universities Law Quiz Night for Charity

29th March 2012, Middlesex University's Hendon Campus

Sixty five law students, law lecturers and lawyers participated in an enjoyable, often boisterous and competitive event to raise funds for the Solicitors Benevolent Association. The Universities Law Quiz Night, held at The Forum at Middlesex University's Hendon campus on the evening of March 29th, was organised by members of the Student Law Society at Middlesex University and supported by both the Middlesex Law Department and the Middlesex Law Society.

A variety of general, music-oriented, international-oriented and law based questions were posed by the able quiz master, Arron Laverty of the Law Department. Overall winners were a team from the Middlesex Law Department. Runners up were a team of barrister from family law set Coram Chambers, who impressively clawed their way to second place, even though they arrived late. Amongst the law students, a team from Middlesex University came first and second place went to a team from Ealing Law School. Students were competing for a record five work experience placements generously offered by solicitors firms and barristers chambers.

Three Law students from Middlesex University's winning team will take up work experience offers. Adam Green, a third year student, will spend two weeks working with Asylum & Immigration, Family and Conveyancing firm Sriharans Solicitors of Southall. Amalia Tsoli, a year two law student, goes to Criminal Defence firm, Hayes Law of Hammersmith. Joseph Ikpoh-Akah, of year three, will have the opportunity to work with 1 Pump Court Chambers, who specialise in Immigration, Social Welfare and Child Protection.

Two law students from Ealing Law School, University of West London will take up work experience offers from a barristers chambers and a law firm. Maria Lewis will work with Coram Chambers and Yvonne Adams has the opportunity to work with leading Criminal Defence, Immigration, Human Rights firm, Birnberg Peirce, of Camden.

Huge thanks go to all the firms and chambers which offered work experience to law students and to Maurice Guyer of Vickers & Co for suggesting the two barristers' chambers that supported the event. Alan Williams of Hayes Law has provided and will arrange for re-engraving of the quiz night cup. Thanks also for the efforts of main organisers of the event: Arron Laverty, Christiana Frantziz (Law Department Secretary) and Moses Misanya, outgoing President of the MU Student Law Society.

We all look forward to a re-match next academic year when hopefully, Brunel University will be joining the fun!

Susan Scott Hunt, President MLS





Meadow House Hospice 25th Anniversary Celebration Open Day

Wednesday 23 May 2012

Welcome Ceremony 12.00noon - Closing ceremony 6.pm

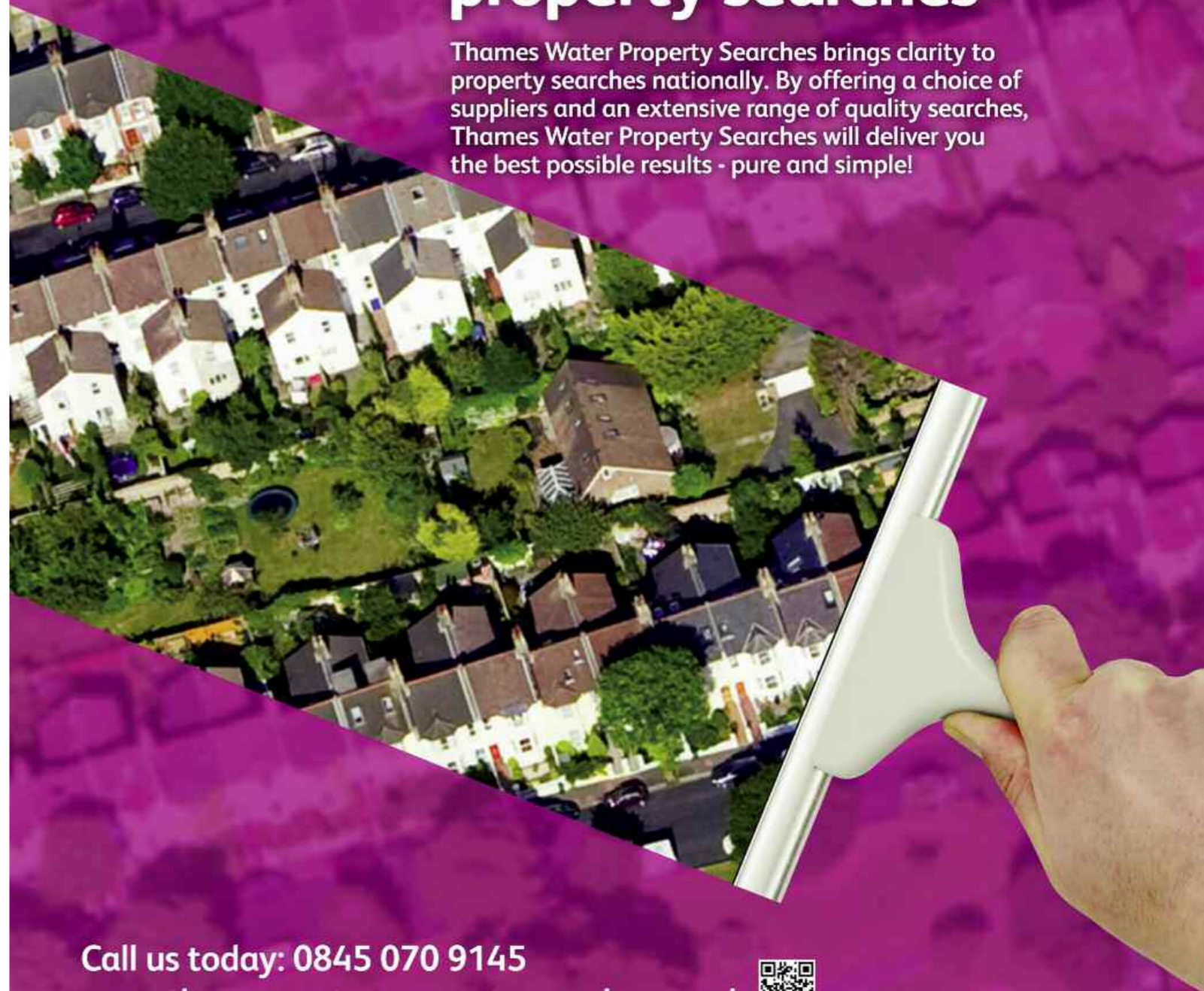
Meadow House Hospice
(behind Ealing Hospital) Uxbridge Road, Southall UB1 3HW
0208 967 5040
e-mail lynnemay@nhs.net



Your clear

partner for national property searches

Thames Water Property Searches brings clarity to property searches nationally. By offering a choice of suppliers and an extensive range of quality searches, Thames Water Property Searches will deliver you the best possible results - pure and simple!



Call us today: 0845 070 9145
www.thameswater-propertysearches.co.uk



Middlesex Law Society



House of Commons Reception

20 December 2012
@ 7.00pm

Register your interest
with Robert Drepaul,
robertdrepaul@yahoo.co.uk
or 07958402626

Middlesex Law Society

Missing Will

David Robert Byrne
(Deceased)

of Flat 3,
76 Beechmount Avenue,
Hanwell W7

should contact

Michael Annen

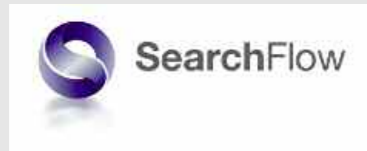
Richard Sedgley & Co. Solicitors,
22B/230 Old Christchurch Road,
Bournemouth, Dorset BH1 1PE

Tel: 01202556222

mike@rsedgley.co.uk



End of insurance deal could leave conveyancers in deep water



Any conveyancing professional worth their salt knows the vital importance of understanding flood risk. Few other hazards are as perennial, widespread and as expensive as floods. Failing to properly account for flood risk creates potentially huge liabilities and – to put it mildly – considerable inconvenience for clients.

In the south-east, those who suffered from the floods of 2007 will know their destructive capacity all too well. While the headlines were grabbed by the disastrous floods in Yorkshire and Gloucestershire, many properties around London were affected. Parts of south-west London were under two feet of water, more than one hundred flights were cancelled from Heathrow and landslips closed two rail lines in Croydon. Even floods that look relatively modest compared to the torrents that have become all too familiar sights on TV news can cause huge financial and logistical disruption.

Sadly, in south-east England, flooding is set to become an increasingly significant concern. Although most of the central London flood plain is, according to the Environment Agency's flood risk map at low risk of flooding (meaning there is a less than one in two hundred chance of flooding in any one year), the effectiveness of the barrier may in years to come become seriously compromised.

One reason for this is the surprising phenomenon of 'post-glacial rebound' – a hangover from the last ice age. Having been covered by a glacier for around 100,000 years, the north-western part of the British Isles is rebounding upward with the corresponding effect that the South East is sinking. Although this effect means changes of only a few millimetres per year, along with

predicted thermal expansion of the oceans, this translates to a rise in the high water level of between 20 and 88cm per century according to the Environment Agency. Within a few decades rising water levels could render London and the Thames estuary significantly more vulnerable to flooding.

Increasing flood risk will have adverse financial consequences. For instance, the Association of British Insurers estimates the total cost of the 2007 floods was in excess of £3bn. If major flooding were to occur in the London area this figure could be significantly larger. Fortunately, most of this cost was borne by insurers back in 2007 – but that may not be the case in future.

Currently, British insurers operate under an agreement with the government that they will provide flood insurance as a standard part of all their business and residential policies. The agreement is based on the assumption that if insurers are prepared to offer flooding cover to even the most at risk properties now, the government will by the expiry of the agreement invest in defences so the open insurance market will be able to provide flood cover to all. When the agreement was made, this process was expected would be completed before its expiry in June 2013. No provision has been made for the extension of the agreement beyond that date.

On the face of it, the public sector has made a considerable investment in flood defences. But unfortunately, it seems unlikely the current level of spending will be enough to fulfil the agreement's objective. According to the Environment Agency, in the last year £300m has been spent on building and maintaining flood defences around the country. Despite this, the agency states 43% of flood defences are in fair, poor or very poor condition – hardly the steadfast improvement expected when the agreement with the ABI was made.

Our own research, using data from the English Housing Survey and the Risk Management Solutions 1000 year flood map, shows around a quarter of the UK's housing stock –

worth more than £214bn – is at risk of flooding. Although £300m of investment sounds like a lot, when compared to this potential liability which could accrue as a result of widespread flooding in the UK, it is, as the current condition of UK flood defences shows, a rather paltry sum. With public sector investment in flood defence amounting to barely 0.14% of the total potential cost of flooding, it's quite possible many properties will become uninsurable in the next year.

An absence of flood insurance poses multiple problems. Firstly, it will force property owners to bear the cost of flood repair from their own pocket. Secondly and perhaps more troublingly, failure to acquire insurance could put mortgage borrowers in breach of their agreements. This would leave the lender with a choice between repossessing an uninsurable property whose value has plummeted, or sitting tight and crossing their fingers the property is not seriously damaged before the mortgage is paid off. For conveyancers, this means it is essential to comprehensively review the risks of flooding a property faces in order to ensure they look after their clients' best interests. Failing to do this exposes clients and lenders alike to what will be unsustainable losses.



Richard Hinton is business development director at SearchFlow



Transformational One revolution leads to another

Ten years ago, the online revolution transformed the conveyancing process. Now, 20 million NLIS searches later, the industry is facing a whole new set of challenges.

We pioneered the electronic search era at the start of the decade... and you can count on our technology to support you through the next.

Thousands of law firms trust SearchFlow to **deliver a seamless electronic connection** to all local authorities and data providers in England and Wales.

Tap in to the leading online search provider and transform the way you work to:

- speed up the conveyancing process
- reduce costs and improve efficiency
- free up fee earning time
- stay competitive.



To find out how we can help transform your workflow visit www.searchflow.co.uk, email info@searchflow.co.uk or call 0870 220 3088 today.

...the best way

Where there's a will there's the potential for charitable benefit

It is more than twelve months since Chancellor Osborne announced the introduction of legislation to reduce the rate of IHT for those leaving 10% or more of their net estate to charity. Draft legislation was published just before Christmas 2011 and, although the position may be more complex than first envisaged, for the very simple estates it should provide a real incentive for individuals seeking to help the charitable sector.

In its simplest form this is how it works:

Fred died in May 2012 leaving an estate valued at £1m to his only daughter, Susie. His wife had died some years earlier, leaving her entire estate to Fred.

Without the legacy:

HM Revenue & Customs	£140,000	[£1,000,000 less nil rate band £325,000, less spouse's nil rate band £325,000] x 40%
Susie	860,000	[£1,000,000 less £140,000 IHT]
	<u>£1,000,000</u>	

With the legacy:

HM Revenue & Customs	£113,400	[£1,000,000 less £35,000 legacy, less nil rate band £325,000, less spouse's nil rate band £325,000] x 36%
Susie	851,600	[£1,000,000 less £35,000 legacy, less £113,400 IHT]
Charity	35,000	
	<u>£1,000,000</u>	

For further information please speak to Tommy White (email: Tommy.white@wilkinskennedy.com), or Bob Johnson (email: Bob.johnson@wilkinskennedy.com) at the Egham office of Wilkins Kennedy (telephone: 01784 435561)

It has cost Susie £8,400 to enable the charity to benefit by £35,000. For Susie, her inheritance may be regarded as windfall to some extent; will the loss of £8,400 really be to her detriment?

The position becomes more complex where settled property or jointly owned assets are concerned, or perhaps where there may be a number of legacies, so some care is needed if you are planning to achieve the reduced rate in respect of most of your assets.

To date we have not seen much focus on the opportunities for using this new legislation, but we shall surely see, in the months ahead, the marketing consultants in the charitable sector, reminding us that we can really make a difference, if not when we are living, then when we move on to pastures new.

The Administration of an estate demands Intrinsic Best Practice

Publication of the second edition of STEP's Standard Provisions (England and Wales) will prove invaluable to avoiding gaps and inconsistencies in will drafting. However, the administration of estates can be as fraught and perilous as will preparation, so is it time for a code of best practice for estate administration?

From the moment a solicitor has been appointed to administer an estate, can they be sure that the will they are acting upon is indeed the most up to date? There are more than enough cases in which administration has already been proceeding for some time before a later will is located. Should there be a shadow of a doubt, following a reasonable will search, missing will insurance ought to be considered for the eventuality for a newer will coming to light.

An asset search can help a solicitor confirm they are aware of all of the Deceased's assets. Dormant bank and building society accounts are one thing. What about shares and unit and investments trusts? The Unclaimed Asset Register's poor success rateⁱ can surely not be enough to cover against liability. An executor's duties, as defined by s25 of the Administration of Estates Act 1925, include a duty of care to collect all of a deceased's assets and to pay all liabilities. It is well known that under *White v Jones*ⁱⁱ, a solicitor's duty to his client (in this case, the Testator), extends to beneficiaries under that Testator's will, and following *Chappell v Somers & Blake*ⁱⁱⁱ, the executor of the estate can bring a claim against a solicitor who negligently administered the estate on behalf of the estate as a whole, even though the executor hasn't suffered any loss directly.

Have you considered whether the correct beneficiaries are receiving their entitlement? Confirm your family tree, remembering that a professional genealogist will charge much less than your hourly rate – and should be able to finalise the matter in much less time, by having access to many resources not publicly available. Where insurance is needed, an established genealogist such as Fraser & Fraser will have their success reflected in preferential rates they can source from a number of different insurers, especially so if combining a Missing Will and Missing Beneficiary Insurance policy.

A solicitor is duty bound to sell any known property which forms part of the estate for its best possible market value – and not the "probate value" some estate agents suggest in order to achieve a quick sale. Using a firm offering property management services will shift this burden from sourcing and policing the empty property insurance, the maintenance company, the estate agents and so on to simply making decisions, allowing a solicitor's time and attention to focus on more demanding matters.

Finally, calculate correctly the exact proportion each beneficiary is entitled to. Despite the laws of intestacy being governed by the Administration of Estates Act 1925, in a poll of solicitors in 2007 relating to a simple distribution, surprisingly only two thirds of responses were correct, meaning that employing an expert can save you blushes – and liability – later on.

Have peace of mind when administering your estates with this simple checklist and a firm which can help fill in the gaps: Fraser & Fraser.

Footnotes

- i approx. 10% according to www.ThisIsMoney.co.uk, "Find your share of £15bn lost money", 23 March 2011
- ii [1995] AC 207
- iii [2004] Ch 19

WILKINS • KENNEDY

CHARTERED ACCOUNTANTS & BUSINESS ADVISERS

Services for Solicitors and your Clients:

- Audit and accounts
- Practice services
- Professional support
- Taxation

for a brighter future

Offices in Egham and Guildford
t: 01784 435561
e: wklaw@wilkinskennedy.com

www.wilkinskennedy.com

JOIN THE BEST PRACTICE REVOLUTION

Do you standardly undertake the following as part of your estate administration?

- Current Will Search
- Asset Trace
- HMRC-approved Probate Valuation (property and shares)
- Missing Beneficiary Search
- Place Legal Notices
- Property Management for optimum sales
- Obtain Missing Will / Missing Beneficiary Insurance
- Entitlement and Distribution Calculations
- Bankrupt Beneficiaries Check

We can help you tick the boxes

FRASER FRASER
GENEALOGISTS AND INTERNATIONAL
PROBATE RESEARCHERS

To find out how Fraser & Fraser can help, contact us:

Tel +44 20 7832 1400

Email Legal@lostkin.co.uk

Web www.lostkin.co.uk



Past President, Robert S Drepaul receives Honorary Masters of Law Degree from University of West London



Robert Drepaul (right) receives his Award from Vice Chancellor, Professor Peter John.

He dedicated the award to his late parents and family.

Robert Drepaul is the editor of the Bill of Middlesex, which he relaunched when he first joined the Middlesex Law Society committee.



Dr. Robert N. Drepaul Memorial Academy in the Ancient County of Berbice, Guyana, South America.
www.facebook.com/berbiceacademy

Benham Publishing

Contract Publishing & Customer Magazines



B2B publications, creatively designed to engage membership with passion and expertise for industry, government and commerce.

Benham Publishing is a renowned b2b technical contract publishing company and city centre walk in graphic design studio, we have worked with over 100 organisations in the UK. Our publications are produced for professionals working within health, utilities, transport, construction, commerce, finance, shipping, leisure, environment, biochemicals, education and planning.



benham publishing ltd
4th Floor, Orleans House,
Edmund Street, Liverpool L3 9NG
T: 0151 236 4141
F: 0151 236 0440
E: admin@benhampublishing.com
W: www.benhampublishing.com

For further information please call
Ian Fletcher on 0151 236 4141 or email
ianfletcher@benhampublishing.com

FILM AND THE LAW No 15

Horsie or Doggie?

The choice was between an over-indulged dog that did tricks or a horse forced to work in an unhealthy environment. The dog won, and so my film class was obliged to sit through 1 hour 40 mins of SILENCE as opposed to 2 hours 26 mins of Steven Spielberg's DEAFENING warfare.



By Vincent McGrath
vmfilmnite@googlemail.com
020 8579 5330
07877 551442



Steven Spielberg's Warhorse.

Far be it from me to have reservations about Pete Bradshaw's glowing review of *The Artist*, because after all, he is the *Guardian's* esteemed film critic and to boot a former guest speaker of Film Nite. Furthermore, that doyen of film scribes, Philip French also turned in a favourable piece two days later in the *Observer*. As long-serving Film Nite members will testify, my overriding consideration when choosing a film for viewing is not whether it is likely to be favourably received by the group, but rather, whether I have sufficient relevant material to sustain a two hour presentation the following Tuesday at SohoHouse. The Silent period of Hollywood clearly beckoned.

For those of you with little or no knowledge of *The Artist*, the story consists of a couple of silent screen stars, George and Peppy, and their attempts to survive the coming of sound. Furthermore it is true to say the film's director makes no secret of the fact that he purloined the experiences of Greta Garbo and John Gilbert - Tinsel Town's premier couple of the 1920's - to form the basis of the story. Though whilst it must be accepted George does bare a passing resemblance to Gilbert, Peppy and Greta are as alike as chalk and cheese.



Uggie the dog from THE ARTIST with Jean Dujardin.

Garbo and Gilbert, as every film buff knows, were the *Brangelina* of their day, although unlike today's equivalent goodies who are about to be ensconced in holy matrimony, the 1920's pair made no secret of the fact that they were living in sin. Mind you Gilbert, to his credit, tried his darndest to tie the knot. But despite Greta getting two invites to two of her own weddings, the lady saw fit not to attend on both occasions - a couple of juicy breaches of promise there, I hear you musing.



George & Peppy in THE ARTIST.

Of the extracts I screened to the class, the one that got the most incredulous response was *Queen Christina* (1933) dir: Reuben Mamoulian. Whilst Garbo & Gilbert had starred together in many highly successful silents, their transition to the talkies like George & Peppy's in *The Artist* was a troubled affair. "Garbo Speaks", the posters proclaimed and true to form the icon's seductive Swedish lilt wooed American and World audiences alike. Gilbert on the other hand, seemed to struggle, as it was put about that he had a squeaky voice, and would never make the transition. In fact he had fallen fowl of the studios who wanted him out. Just as Peppy insisted on alcohol dependent George, being in her latest film, so Garbo sweet-talked Mamoulian into casting Gilbert in the story of a cross-dressing 17th century Swedish Queen - to be played by Gilbert's erstwhile lover.



Garbo & Gilbert shaking hands in that bedroom.



Gilbert & Garbo. The grapes of wrath, they are not.

The film opens with Garbo being enthroned as the Queen of Sweden at the tender age of 6. We then cut to her in adult life, clonking around the court in boots, trousers and what could almost be mistaken for a cowboy hat. Her dissatisfaction is apparent, and she escapes by riding off into the snow to mingle with her people. She comes across the Spanish ambassador (Gilbert) stuck in the snow and proceeds to organise his rescue in a *work-man* like manner. Then with a wave of that hat the incognito queen rides off and stops at an inn. The innkeeper addresses his guest as Sir and gives him the last remaining room. Clearly when Gilbert arrives, there is no room at the inn but the innkeeper manages to persuade the two gentlemen to share. Fearful of appearing unsporting and maybe revealing her dual disguise, Garbo reluctantly agrees. There then follows perhaps the most sensuous 25 minutes of celluloid ever to hit the silver screen.

The year is 1933 and the infamous **Hayes Code** is about to be enforced. If the film had been made subsequently we would be looking at a very different product. Instead we have been bequeathed a source of wonderment and for that we are grateful to the feminist film critics who re-discovered it in the 1970's.

To continue

Female Garbo is disguised not only as one of her subjects but also as a *man*. She finds herself about to share a one-bed-bedroom with another man (Gilbert) who finds her intriguingly attractive even though he perceives her to be a fellow chap - just like himself. **The Hayes Code** frowned not only on men & women sharing a bed, married or not, but also they would have thrown the book at any studio depicting two men slyly ensconced under the duvet. The way the scene is shot clearly reveals that the director had his roots in the silent period when stories were told visually and without the constant clatter of dialogue. The film was a passion project for both the star and her confidante, the script writer Salka Viertel, who was privy to Garbo's relationships with women and her dissatisfaction with the scripts Hollywood was giving their most successful leading lady.

The film that actually made it to the screen is somewhat different to what Garbo and Viertel had intended. Although elements of the true story of the monarch's relationship with her lady-in-waiting can be detected through their looks and glances, most of it ended up on the cutting room floor. However the film is still a maelstrom of ambiguity that is a glory to behold. No cutsie little doggie to charm the audience. Just a very adult story of passion and sensuousness that has its roots four centuries ago in snow covered Sweden. Clearly if **The Hayes Code** had been given teeth upon its creation we would never have had this masterly study of ambivalent emotions, that is **QUEEN CHRISTINA**.



No cutsie little doggie to charm the audience.



Garbo (right) as Queen Christina in that hat.



Queen Christina with her lady in waiting.

Join a friendly group of film enthusiasts!

TUESDAY 7-9pm for 11 week term



at the exclusive
**SohoHouse
Media Club**

NEXT TERM:

2nd Oct: Acclaimed film-maker, KIM LONGINOTTO
talks about her amazing documentaries
on female oppression
9th Oct: Brit film expert RICHARD DACRE
on Norman Wisdom's lost masterpiece
THERE WAS A CROOKED MAN

Fee: £135.00 includes:-

- presentation/discussion on 4 recent film releases
- champagne/canapés reception @ SohoHouse
- GUEST SPEAKERS



**BEST VALUE
IN TOWN!**



e: vmfilmnite@googlemail.com

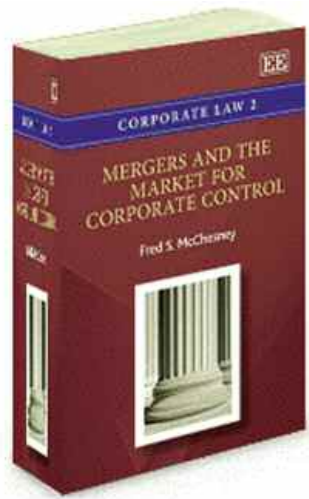
t: 020 8579 5330

m: 07877 551442

twitter: tues_FilmNite

Facebook: Film Nite Group

Mergers and the Market for Corporate Control



By Fred S. McChesney

ISBN: 978 1 84980 136 2

Edwards Elgar Publications

www.e-elgar.com

MERGERS, ACQUISITIONS AND OTHER TAKEOVERS: AN HISTORICAL OVERVIEW

An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers

Who controls the company? In unenlightened lay terms — why, for example, should predatory outside interests wrest control of a company from an ownership which does not wish to relinquish control – in a hostile takeover, in other words?

These and a host of other economic, legal and historical issues centering on corporate control comprise the often complex subject matter of this particular volume, which should offer an engrossing treasure trove of information, insights and opinions on the subject to researchers and academicians in economics, company law and indeed, business studies.

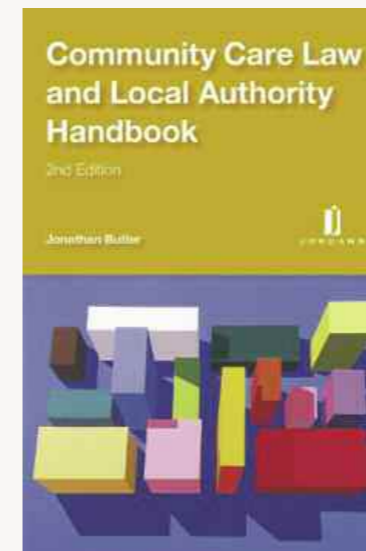
Part of Edward Elgar's estimable 'Corporate Law' series, this publication in hardback brings together a selection of learned articles (all of which have appeared in authoritative academic publications up to 2009), by no less than 17 academicians, all acknowledged experts in this field. Chapter 1, for example, contains the now famous article by Ronald Coase, which in part earned him the Nobel Prize in Economics.

'His explanation of why firms exist,' explains editor Fred S. McChesney, 'has given rise to a whole literature on the issue, much of which is reflected in later chapters in this volume.'

This, then, is actually an overview of what is essentially an evolution in understanding of corporate control function, described in the book's introduction basically as 'triangular', i.e. – shareholders, management and outsiders seeking to take over the target company. In the words of the editor the book does much to reveal *'the extraordinary amount of work done concerning mergers and the market for corporate control...and the sea change in economists', lawyers' and others' thinking about corporate control transactions'*.

Here then, is much of the theory behind the practice of corporate decision-making and corporate governance, a great deal of which has influenced and will continue to influence the continuing changes in regulatory environments worldwide. If you're involved in any way with law, economics, or finance, this book will undoubtedly enhance your understanding of the forces and phenomena than can and do impact on company law.

Community Care Law and Local Authority Handbook 2nd Edition



By Jonathan Butler

Jordans

ISBN: 978 1 84661 293 0

www.jordanpublishing.co.uk

A PRACTICAL GUIDE FOR THE PRACTITIONER: THE TOOLS YOU NEED TO DEAL WITH COMMUNITY CARE LAW

An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers

Providing community care services to the public by local authorities and the responsibilities that go with that obligation is a complex and diverse subject; so diverse that the barrister or solicitor advising on such matters is faced with a formidable task.

According to author, Jonathan Butler, an acknowledged specialist in this area, community care law has been described variously by judges with words like 'piecemeal', 'labyrinthine' and 'exceptionally tortuous.' Fortunately for lawyers and non-lawyers alike who are charged with understanding or advising in this often fraught area of law, the *'Community Care Law and Local Authority Handbook'* has just been published by Jordans in a second edition.

The book is certainly a boon to busy barristers, not to mention social and health care professionals. Here, in one handy and portable volume of over five-hundred pages, all the diverse statutory materials that go to make up the legal framework are brought together. Also included are such materials as Local Authority Circulars and extracts from leading judgments.

Among a host of topics, this indispensable handbook provides detailed coverage of the law and practice relating to disabled and vulnerable adults and children, capacity... accommodation... finance and charging... mental health... community care... and health and social care.

New material in this second edition includes two new chapters on Social Housing and Asylum Support. All this is supported by expert commentary on, for example, the way in which the various statutes interrelate and how they have been interpreted by the courts.

Also new: the major changes in respect of 'Capacity and the Court of Protection', including recent case law. The Mental Health chapter deals with the new code of Practice and there is a Capacity chapter which examines Deprivation of Liberty.

So, as a guide through what has been referred to as 'the legislative maze' of community law, the book works superlatively well! With research resources that include tables of cases, statutes and statutory instruments and logically laid out and detailed table of contents and index, it's not too likely that you won't be able to find whatever you want to know.

We like Butler's quote from Dr. Johnson (as reported by Boswell) in the preface: 'Knowledge is of two kinds: we know a subject ourselves or we know where we can find information upon it'. If you seek information or insight from within the tangled web of community law, this book is where you know you can find it. The law is stated as at December 2011.

Middlesex Law Society Young Members Group



Young Members Group attend AGM at Ealing Cricket Club.



Treasurer Darrell Webb sells a tie to a future President!



Students chat to Judge Tan Ikram at the AGM.

**MLS
Football
Competition
on 30 June 2012
at Goals in Hayes**

Register with Alan Williams
creativewit@tiscali.co.uk



The Middlesex Law Society Young Members Group is open to students who are members of their Universities student law society. Contact the President of your student law society for details.

We're known for our total **reliability**

Our customers turn to us time and again because they know what to expect and when.

We're knowledgeable.

We've got substantial experience and expertise in our industry, which makes a real difference to our customers. What we know has been gained over time and we have a reputation for always pushing the boundaries of what is possible. We understand the market and we know what works.

We're innovative.

We've developed robust systems and technology intended to give our customers a commercial advantage. We are always challenging ourselves to evolve and shape our service and products so that we never stand still. We understand the market and we know what works but we'll continue to pursue excellence in all that we do.



To find out how reliable we are, call **0844 249 9200** or visit www.tmggroup.co.uk





REUTERS/Denis Simakov

WE'VE DONE ALL THE HUNTING, SO YOU DON'T HAVE TO.

We scour through full-text Case Reports, select the most important information and present it to you in simple easy-to-read Case Analysis Documents, saving you much needed researching time and effort.

We've gone ahead and done the hard work for you, with each analysis highlighting **Where Reported**, giving a **Case Digest** and **Appellate History** as well as **Related Cases** and **All Cases Cited** including **Significant Cases**. You can also view **All Cases Citing**, **Legislation Cited**, **Journals**, **Books** and **Looseleafs**.

Westlaw UK also provides you with active links to connected cases, legislation, journal articles and commentary titles mentioned, giving you one-click access to all the authority you need. Plus with our helpful visual status icons you can quickly assess whether a case is good law.

With close to 400,000 Case Analysis documents and counting, covering UK, Scottish, Welsh, Northern Irish and EU case law decisions you have unprecedented access to look beyond the facts and understand what a decision really means.

Just another way we are helping you to increase productivity, efficiency and success.

For more information on Westlaw UK

Call **0800 028 2200**, email customer.service@westlaw.co.uk or visit westlaw.co.uk