

Keenan and Riches'
BUSINESS LAW

eleventh edition

Sarah Riches & Vida Allen

Keenan and Riches'
BUSINESS LAW

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Eleventh Edition

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Sarah Riches and
Vida Allen

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Guided tour

Chapter 4 An introduction to types of business organisation

Learning objectives

- After studying this chapter you should understand the following main points:
- the different types of business organisation, including advantages and disadvantages;
 - the nature and consequences of the use of juristic personality in relevant organisations;
 - methods of financing the organisations and the securities a lender may require;
 - the publicity requirement placed on relevant organisations in terms of public disclosure;
 - the nature of other criminal offences which may be relevant to business, such as fraud and insider dealing.

A business can be run in what is called the private sector of commerce and industry through any one of three types of business organisation:

- The sole trader.
- The partnership.
- The company.

It is important to be able to identify and understand the difference between types of business. An introduction is provided below. The nature of each type of business will be examined in Chapter 5 (on sole traders and partnerships) and Chapter 6 (on companies). Business law, as a policy area, falls under the remit of the Department for Business, Innovation and Skills (BIS). BIS is a creation after the merger between BERR and the Department for Innovation, Universities and Skills (DIUS) in 2009. The key role of BIS is 'to build Britain's capabilities to compete in the global economy'. It was hoped that the merger and reorganisation would create a regulatory environment that encourages 'enterprise, skilled people, innovation, and world-class science and research'. The importance of business to the UK economy cannot be underestimated. According to the World Bank Economic Rankings (see World Bank Doing Business

Project benchmarked to July 2011), the UK is currently ranked seventh in the world and third place in Europe for ease of doing business. It should also be noted that, a few years ago, the UK was ranked fifth in the world and first place in Europe (see BIS website). While it is desirable to ensure that the regulatory environment is and remains conducive to the starting and operating of a local company, the integrity of the regulatory environment is equally important.

Classification of business organisations and liability of the proprietors

The private sector

The sole trader

This means going it alone with a one-person business. A sole trader owns all the assets and takes all the profits out of the business. However, a sole trader is liable for the debts of the business to the extent of everything he owns. Even his private possessions may be ordered to be

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Learning objectives

Located at the start of each chapter the Learning objectives highlight the key points you should understand following your reading of the chapter

Case Summaries

Summaries and commentary of selected cases throughout highlight the key facts, legal principle, and context underlying important cases

Part 2 Business organisations

methods that allow some deferral of payment of tax. These matters are beyond the scope of this book and are not considered further.

Capital gains tax

So far as 'business' is concerned, the taxation implications of this tax are likely to arise in a situation outside the scope of this book, i.e. business transfers. If we assume that a sole trader or a partnership is to transfer the business and its assets to a limited company with the sole trader or partner becoming the major shareholders in the new company, then in so far as certain of the assets may have been purchased some years ago, e.g. land and buildings, and are now valued at a higher price than when purchased, a charge to capital gains tax may arise on the transfer. There are somewhat complicated provisions called tapering under which account is taken of the fact that some of the gain may be merely inflation and this element is deducted from the gain.

Partial assumption of rights

It is not necessary to assume all of the rights of the thief; it is enough if one or more of those rights is assumed, as the following cases show.

R v Morris (1984)

Morris took some tins from the shelves of a supermarket and replaced the correct labels with others showing a lower price. He went through the checkout paying the lower price.

Anderdon v Burnside (1963)

The defendant took a loaf of a pint of meat and put it on a more expensive piece of meat. This was discovered before he reached the checkout.

Comment: In both cases the House of Lords held that theft had been committed. The defendants had assumed rights in the owner's labels and this was adverse interference. Furthermore, since the offence was committed when the appropriation took place, it was irrelevant that Burnside had not left the store. There is no appropriation after a contract of sale has been made because the property in the goods will normally have passed to the buyer and the goods will not 'belong to another'.

Crimes relevant to business

Of the considerable number of criminal offences, students of business law may find it useful to have knowledge of the following areas:

Theft

The Theft Act 1968 applies and s1(1) of that Act provides: 'A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.'

A person who buys property in good faith only to find out later that it was stolen is not guilty of theft if he or she assumes rights in the property which he or she believed they had acquired under the transaction permanently depriving the other of it.

Authorised appropriation

If the appropriation is authorised, then theft is not committed, as the following case illustrates:

Eddy v Niman (1981)

The defendant went to a supermarket with every intention of stealing. Accordingly, he put some goods in a basket but then decided not to go ahead with the theft and left the store. It was held that he had not appropriated the goods for the purpose of theft because he was only doing what the supermarket had by implication authorised him to do, i.e. put goods in the basket prior to going to the checkout.

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Part 2 Business organisations

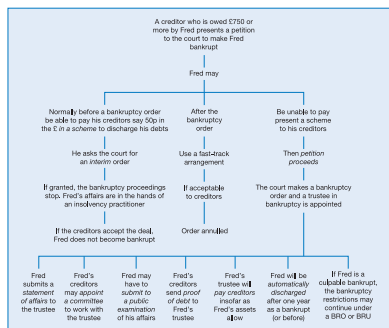


Figure 5.1 The personal insolvency of Fred Smith: an outline of the main Insolvency Act 1986 procedures

The ordinary partnership

Having considered the legal position of sole traders, we now turn to the legal environment of the ordinary partnership. The provisions relating to limited and limited liability partnerships will be considered later in this chapter.

Definition and nature of a partnership

The Partnership Act 1890 sets out the basic rules which apply to this type of business organisation. All section

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references in this chapter are to that Act unless reference is given to some other Act.

In addition, the 1890 Act codified the case law on partnership which there had been up to 1890. Some of the cases we quote are earlier than the 1890 Act. We use them because the 1890 Act was based upon them and they are, therefore, examples of what the Act was trying to achieve and presumably has achieved. The cases after 1890 are interpretations of the words used in the Act following its being passed by Parliament.

The legal environment of the ordinary partnership is much more complex than that of the sole trader and the two environments have little in common except that in both cases the corporate structure is not used. There are similar restrictions on the choice of name, but since a

Figures and diagrams

Illustrative figures and diagrams can be found throughout chapters as visual aids, strengthening your understanding of complex legal processes and areas in Business Law

Realia
Documents are reproduced throughout to give you a sense of how the law looks and feels in practice, offering you real examples encountered in the business world

Chapter 8 Non-corporate organisations – sole traders and partnerships

Model form of ordinary (or unlimited) partnership deed

An AGREEMENT made this 4th day of June two thousand and seven between John Jones of 10 Oak House, Barchester, Chartered Accountant and Jane Jones of 15 Acacia Avenue, Barchester, Chartered Accountant and William Pitt of 33 Elm Terrace, Barchester, Chartered Accountant

IT IS HEREBY AGREED AND DECLARED AS FOLLOWS

- The said John Jones, Jane Jones and William Pitt shall become and remain partners in the business of Chartered Accountants for a term of five years from the date of this deed if they shall so long live.

Comment The period of five years ensures that it is not a partnership at will. We do not want a partnership at will because it can be terminated by notice at any time thus allowing a partner to leave the firm with ease so that years of work are brought to an end at the will of one partner.

- Although the partnership constituted by this deed is for a period of five years nevertheless it is the intention of the parties hereto to continue in partnership from five-year period to five-year period subject only to the occurrence of death or retirement.

Comment Since a fixed term has been agreed, there should be provision for it to be continued upon the same terms on the expiry of the fixed term. It is better to include this in the deed so that there is no doubt what will happen at the end of each term of five years. In any case, of course, s 27 would apply and the partnership would be at will but on the same terms as the fixed partnership which had just expired.

- The death, retirement, acquisition or bankruptcy of a partner shall not terminate the partnership between the partners but without prejudice to the generality of this clause the parties hereto shall review the provisions of this deed whenever the admission of a new profit-sharing partner into the partnership is being contemplated.

Comment This clause is inserted to make sure, for example, that the death of a partner does not cause a dissolution as between those partners who remain and that the business continues under the remaining partners. If this clause was not included, there would be an automatic dissolution under s 30(1) on the death of a partner.

- The partners shall practice in partnership under the firm name of Jones, Jones, Pitt & Co. for such other name as the partners may hereafter agree.

- The business of the partnership shall be carried on at 10 Oak House, Barchester and/or such other place or places as the partners may from time to time decide.

- All the bankers of the firm shall be the Barchester Bank plc or such other bankers as the partners shall agree upon both for the money of clients for the time being in the keeping of the partnership and for the expense of the partnership.

(iii) All partnership money shall be paid to the bankers of the partnership to the credit of the partnership and the partners shall make such arrangements as they may from time to time see fit for opening, operating or closing the bank accounts of the partnership and for providing the money required for current expenses.

Chapter 7 Forming business contracts

Example
A agrees to buy B's car for £3,000, with the purchase price to be paid to C. B owes A money under a completely unrelated contract. A and B agree to an express term in the contract for the sale of the car that allows A to raise in any claim brought by C any matter which would have given A a defence or set-off in a claim brought by B. So if C brought a claim for the purchase price, A would be able to set off the money owed by B.

3 The promisee will also have available to him a defence or set-off, or any counterclaim arising from the contract, but which is owed to the third party (s 3(4)).

Example 1
A enters into a contract with B whereby A will pay C £1,000. C already owes A £600. A has a set-off to a claim by C and need only pay £400.

Example 2
C induces A to enter into a contract with B by misrepresentation, but B is unaware of the misrepresentation. A may have a defence (or a counterclaim for damages) if sued by C, which would not have been available if the action had been brought by B.

4 The contracting parties may include an express provision to the effect that the promisee cannot raise any defences, set-offs or counterclaims that would have been available to the promisee had the third party been party to the contract (s 3(5)).

Example
B agrees to buy a painting from A, an art dealer, for his daughter C's birthday. C is expressly given the right to enforce delivery of the painting. B already owes a considerable amount of money for other works of art he has purchased. B is concerned that C's right to enforce the contract is unaffected and so A and B agree that A cannot raise against C any defences or set-offs which would have been available to A in any action by B.

Enforcement by the promisee (s 4)

This section makes it clear the rights given to third parties under the Act are in addition to any rights that the promisee has to enforce the contract. This means that in

a contract between A and B for the benefit of C, B can sue on behalf of C.

Protection against double liability (s 5)

This section provides that where the promisee has already recovered damages from the promisee in respect of the third party's loss, in a claim against the promisee by the third party, any award will be reduced to the amount of sums already recovered. This section is designed to protect the promisee against double liability.

Exceptions (s 6)

This section excludes certain kinds of contracts from the operation of the Act. Third parties acquire no rights of enforcement in relation to the following contracts:

- contracts on a bill of exchange, promissory note or other negotiable instruments;
- contracts under s 18 of the Companies Act 2006, by which a company's constitution is deemed to constitute a contract between the company and its members;
- contracts of employment; without this provision, employees taking lawful industrial action would be at risk of being sued for breach of their contracts of employment by customers of any employer;
- contracts for the carriage of goods by sea; however, third parties will be able to take advantage of any exclusion or limitation clauses made for their benefit in such contracts.

The application of the Act to exemption clauses will be discussed in more detail in Chapter 9.

Supplementary provisions (s 7)

This section clarifies that any existing rights or remedies available to a third party are not affected by the Act. It also prevents a third party from invoking s 2(2) of the Unfair Contract Terms Act 1977 to contest the validity of an exemption clause which purports to exclude or limit liability for negligently caused loss and damage (other than death or personal injury). The Unfair Contract Terms Act will be considered in more detail in Chapter 8.

Intention

So far we have established two requirements for a binding contract: agreement and consideration. The law demands, in addition, that the parties intended to enter

Examples
Practical examples in each chapter illustrate the outcomes to possible scenarios, demonstrating how the law operates in the real world

Preface

This book is designed for students studying Business Law at a variety of levels as part of a more general Business Studies course.

We have assumed that the reader has no previous knowledge of English law; our starting point is basic principles and, when specialist legal terms are used, we have given clear ‘jargon free’ explanations. The book is designed to give the reader an understanding of the changing legal framework within which modern business organisations must operate. The emphasis is on law in its business context. Thus a range of business documents has been included, enabling the reader to relate the principles of business law to the real world of business.

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The teaching and learning strategies for higher level courses stress the development of a variety of learning activities, with students increasingly taking greater responsibility for their own learning. At the end of each chapter we have provided a selection of self-test questions and activities related specifically to the material introduced in that chapter and a number of specimen examination questions. Students and lecturers may also register for access to MyLawChamber at www.mylawchamber.co.uk which features regular updates on new legislative and case developments and outline answers to selected self-test questions in the book, as well as the Pearson eText version of the book and powerful learning tools Case Navigator and Virtual Lawyer. Lecturers who adopt the book can also access masters of diagrams in the book and outline answers to the specimen examination questions.

The rate of legal change has continued apace since the last edition. The text has been thoroughly updated to incorporate changes in business law and in response to feedback from practitioners, especially the following:

- European Union Act 2011
- Parliamentary Voting System and Constituencies Act 2011
- Fixed Term Parliaments Act 2011
- Renumbering Treaty Article references to incorporate the Consolidated Version of the Treaty on European Union and the Treaty on the Functioning of the Union
- Proposals for reform of business law including aspects of the Unfair Terms in Consumer Contracts Regulations, competition law, consumer rights and defamation
- Equality Act 2010
- Changes in financial regulation that may affect companies.

We have used the terminology introduced by Lord Woolf’s civil justice reforms throughout the text. For example, we have used the term ‘claimant’ for all cases to describe the person with a complaint, even though the person was described as ‘plaintiff’ before the changes in civil procedure on 26 April 1999.

We wish to thank Mary Keenan for her continued support for *Business Law*. Sarah Riches extends her thanks to Ciaran and Brian McCaughey. Vida Allen would like to express sincere thanks to her family and Fiona Tolmie.

Our thanks go to those who were closely involved with this edition, in particular Christine Statham, Gabriella Playford, Philippa Fiszson and other members of staff at Pearson Education. Our thanks also go to those who set, printed and bound the book. For errors and omissions we are, of course, solely responsible.

Sarah Riches
Vida Allen

Legal study skills

Business Law is designed to provide a clear, easy to understand text for those who are new to the study of law or who may be studying law as part of a more general business course. We recognise that embarking on legal study for the first time may be a frightening prospect, but if you read this section before starting your studies you may find things a little easier. We have five useful study skills tips for success in law. Some of the tips covered in this section relate specifically to the study of law, but others can be applied to a range of subjects. We can't guarantee success if you follow the tips – that's largely up to the amount of effort you put into your studies – but we believe that if you adopt a few of our suggestions you will find studying law easier and possibly even enjoyable.

Study skills tips

1 Find out what is on the syllabus for your business law module or unit. A syllabus is a statement about a course of study. It usually includes an outline of the topics to be covered in the course, the learning objectives, the methods of assessment and an indicative reading list. Business law is a general title for a wide range of modules and units which cover the law relating to business. We have tried to cover many of the topics covered in 'Business Law' courses in our textbook but there are some topics which we cover in outline only (e.g. some torts such as defamation) or do not cover at all (e.g. the law of international trade). Our focus is on the introductory aspects of English law and the English legal system; the law relating to business organisations, namely sole traders, partnerships and companies; legal aspects of business transactions, covering contract, tort, sale and supply of goods and consumer law; the law relating to business resources, including an outline of the law governing the use of business property and employment law.

At the start of each chapter we have set out the learning objectives of that chapter. A learning objective is a statement of what you should understand when you have completed the chapter. You may find it useful to match the learning objectives of each chapter against the syllabus for your business law course. This will help you

to identify and concentrate your efforts on the sections of *Business Law* which are directly relevant to your course of study.

2 Make the most of the contact time with your tutor.

The learning time for a module or unit can be divided up into time where you have *direct scheduled contact with a tutor*, either in the form of lectures, seminars or tutorials, and *independent study time*, which can be used to prepare for classes, read more widely on a topic, complete assessments or prepare for exams. Although the balance between tutor-led and independent study may vary considerably depending on the level and method of delivery, it is important to understand that both kinds of learning are crucial for success.

Let's explore these different learning methods in more detail.

(a) Tutor-led learning: formal contact time with your tutor will probably be divided up into:

- **Lectures:** in which your tutor takes the lead in introducing a topic, outlining the main legal principles and their source, e.g. legislation, case law. You will be expected to take notes of what your tutor says and you should try to develop a system of abbreviating key words and phrases to save you time, e.g. cl for 'claimant' or def for 'defendant'.
- **Seminars:** although still tutor-led, you are expected to play a much more active role in proceedings. They are designed to increase your understanding of a topic by setting you tasks or questions which you must research in advance. The seminar may take the form of a group discussion led by your tutor on pre-prepared questions or you may be asked to present a topic and lead the resulting discussion. You will get the most out of this kind of learning if you prepare the topic thoroughly by reading over your lecture notes, reviewing the relevant chapter of your textbook and researching primary and secondary sources of information. (A primary source of information is an Act of Parliament or a decided case; a secondary source of information is a textbook or journal articles.)

- *Tutorials*: you may get an opportunity for a one-to-one discussion with your tutor, either to discuss your general progress or perhaps to get feedback on assessed work. Make the most of any tutorial sessions offered, particularly if you are having difficulty understanding any aspects of a topic. Your tutor may be able to explain the concept or principle in a different way or may be able to direct you to other texts or sources of information.
- (b) *Independent study time*: your tutor should advise you about the amount of time you need to spend outside class time for personal study. This time can be used for preparing for:
 - lectures, by reading in advance the chapter in your textbook or other materials provided by your tutor on the topic in question;
 - seminars, by reading about the topic in more depth or exploring related topics, or by preparing answers to problem questions;
 - assessment, by researching primary and secondary sources of information, to help you develop your answer for an assignment, or by revising topics for examinations.

It is better to set aside a regular amount of time each week for personal study rather than trying to make up for lost time just before an assessment.

3 Prepare for assessment. Assessment of business law modules or units may either be in the form of in-course assignments or examinations. Whatever the method of assessment, there are some simple rules to remember.

- In the case of assessment by examination, get hold of copies of past papers to give you an idea of the format of the examination and the type of questions you will face. Check with your tutor that the past papers are a reasonable guide to the kind of examination that you will sit. Find out whether the examiners have published reports on the previous papers. ILEX, for example, publishes answers to their exams and examiners' reports. Using the past papers, practise answering questions under exam conditions.
- If you are sitting an exam, check in advance what materials you can bring into the exam room. You may be able to bring, for example, a copy of a statute book into the exam room. If this is the case it is best to get hold of a copy in good time and become familiar with the content.
- Read the instructions very carefully. If in an exam you are asked to answer *three* questions including *one* from Section A and *one* from Section B, and you answer *four* questions from Section A, you will only receive marks for two of your answers. Similarly, if an assignment brief asks you to write no more than 2,000 words, and you submit a 'brilliant' answer but in 4,000 words, you should not be surprised if you are penalised. If you are asked to write a report or draft a letter, then it is likely that there will be marks allocated for setting your answer out in the requested format.
- Work out how much time you have to complete the assessment. If you are given a number of weeks to complete an in-course assessment, don't wait until the last minute to start work on your submission. You will need to do some background research and time to absorb the information and understand how to apply it to the assignment brief. You may need to work on several drafts of your answer before you hand it in. In an exam, you should work out how much time you can afford to spend on each question and leave some time at the end to read through your answer. Try to stick to the time you've allocated yourself otherwise you may find you've run out of time and cannot do justice to each of the questions.
- Read the question slowly and carefully. Identify the key elements of the question and make brief notes on what you know about the topic, e.g. main principles of law, legislation and cases. Prepare a plan for answering the question, marshalling your notes in a logical order. You should include an introduction, a paragraph for each main issue you intend to discuss, and finish with a conclusion.
- Find out the criteria by which you will be assessed. In other words, do you know what the person marking your work is looking for? Although it is difficult to generalise, the following criteria are likely to be included:
 - Identification of the main issues or problems raised by the question/task.
 - Description of the main principles of law which apply to the issue or problem, including the definition of key concepts.
 - Authority for the legal principles, e.g. legislation, case law, delegated legislation. (You should not recite the facts of the cases you are using as authority, unless the facts are directly relevant to the issue or problem you are analysing. The marker is more interested in your understanding of the legal

Legal study skills

principles established by the case you have cited than your knowledge of the facts.)

- Analysis of the issue or the problem. This is your opportunity to show off the results of your research to demonstrate that you have acquired a thorough understanding of the topic. But make sure you do not stray off the point of the question.
- Application of the legal principles to the problem or issue, so as to reach a conclusion or recommendation. It is more important to explain to the person marking your work how you arrived at your conclusion rather than the conclusion itself.
- Ensure you understand the academic rules and conventions which apply in particular to in-course assessments. You should always include a bibliography which records all the sources of information you used to complete your assignment. It is also good practice to list separately the Acts of Parliament, statutory instruments and cases you have referred to in your answer. The main body of your answer should include clear references to and acknowledgements of the sources of information you have used. There are two main systems of referencing: the numeric (or footnote system) and the Harvard (or author/date) system. You should check with your tutor which system they would prefer you to use.
- Obtain feedback from your tutor after your work has been assessed. Your tutor may provide you with written or oral feedback on the strengths and weaknesses of your work. You should make use of your tutor's comments to help you improve your performance for the next assessment.

4 Make good use of the learning resources available to you. There will be a wide range of resources to assist your studies. They include:

- Your tutor's lectures and notes.
- Your recommended textbook.
- Other textbooks, either on business law, or on specific aspects of business law such as contract or company law.
- Journals, which may have articles on new developments in the law or an in-depth analysis of a particular issue.
- Electronic resources, e.g. legal databases such as LexisNexis and LAWTEL, CD-ROMs and the World Wide Web. We have included references to helpful websites at the end of each chapter. You should be careful to confine your searches to English law, unless you have been specifically asked to research the international dimension of a topic.
- Your own notes on the topics covered in lectures and seminars.

The volume of information now available especially since the advent of the World Wide Web can seem quite overwhelming. Seek advice from your tutor or from your librarian about how to make best use of the resources available for your module or unit.

5 Try to keep up to date. One of the themes of our book is that the law is always changing. There is a constant stream of legislation being enacted by Parliament and cases being decided by the courts. You can help keep yourself up to date by reading a quality newspaper, most of which have (weekly) law and (daily) business sections, and by listening to news features on the TV or radio. At www.mylawchamber.co.uk/richesallen you will find regular updates to the law so that you can remain up to date with new legislation and developments in case law.

Case names, citations and law report abbreviations

Case names

Every case which comes before a court is given a name, based on the names of the parties.

1 Civil cases. An example of a case name in a civil action would be *Carlill* (the claimant or plaintiff) v *Carbolic Smoke Ball Co* (the defendant). The 'v' is an abbreviation of 'versus' but if you are talking about the case (rather than writing about it), you would say 'Carlill and [the] Carbolic Smoke Ball Company' or, if it is a well-known case, 'Carlill's case'. If the case is appealed, then the name of the appellant (the person bringing the appeal) will come first. There are some variations from the general principle of naming civil cases. For example, in judicial review cases the interests of the state in the proceedings are reflected in the title, e.g. *R v Secretary of State for Employment, ex parte the Equal Opportunities Commission*. 'R' stands for Regina, Latin for the Queen (or Rex if there is a King on the throne) and 'ex parte' means 'by or for one party'. In family or probate cases the case name will usually consist of the family name: for example, *Re McArdle* or *In re McArdle*. 'Re' means 'in the matter of'. If the case involves a ship, then it is usually known by the name of the vessel: for example, *The Moorcock*.

2 Criminal cases. In criminal cases proceedings are brought in the name of the Crown and this is reflected in the name of the case: for example, *R* (the prosecutor) v *Brown* (the accused or defendant). 'R' stands for Regina, the Queen, or Rex, the King. If you were speaking about the case you would refer to it as 'The Crown against Brown' or simply 'Brown'. Sometimes the cases will be brought by the Law Officers (the Attorney-General and Solicitor General) or the Director of Public Prosecutions, and this will be reflected in the name of the case: for example, *A-G v Brown* or *DPP v Brown*.

When you are referring to cases in your written work you should make the case name stand out by using underlining, bold or, as we have done in this textbook, putting the name in *bold italics*.

Citations

When we have referred to cases in the main body of the text we have just used the case name and the date of the case. If you look at the Table of cases, you will see that in addition to the case name we have also given you a law report reference which will enable you to read the full report of the case. These references are known as case citations. The box below explains the different elements of the citation for *Lewis v Averay* [1971] 3 All ER 907.

<i>Lewis</i>	The name of the claimant or plaintiff.
v	versus
<i>Averay</i>	The name of the defendant.
[1971]	The year will be enclosed in square brackets if it is necessary for finding the case. So in this example the case is reported in the All England Law Reports for 1971. If the report series is not collected in years but is numbered sequentially, the year is given in round brackets as additional information.
3	The volume number. Some law reports may have two or more volumes each year.
All ER	This is the abbreviation for the All England Law Reports. Other abbreviations are given below.
907	The page number where the report of the case starts.

Case names, citations and law report abbreviations

The increased availability of case reports via the Internet has led to the introduction of a neutral citation system for England and Wales and the United Kingdom.

The formats for neutral citations are:

- Court of Appeal – year, court, division, case number: e.g. [2006] EWCA Civ 13.

- High Court – year, court, case number, division: e.g. [2006] EWHC 13 (Ch). A unique case number is allocated to each case. There are no page numbers but paragraph numbers are used instead to help the reader locate a section of the judgment more precisely. A paragraph reference is cited as *Jones v Brown* [2006] EWCA Civ 13 at [45]. The abbreviations for neutral citation are as follows:

UKHL	House of Lords (2001–2009)
UKSC	Supreme Court (from 2009)
UKPC	Judicial Committee of the Privy Council
EWCA Civ	Court of Appeal Civil Division
EWCA Crim	Court of Appeal Criminal Division
EWHC (Admin)	High Court (Administrative Court)
EWHC (Admlty)	High Court (Admiralty Court)
EWHC (Ch)	High Court (Chancery Division)
EWHC (Comm)	High Court (Commercial Court)
EWHC (Fam)	High Court (Family Division)
EWHC (QB)	High Court (Queen’s Bench Division)
EWHC (Pat)	High Court (Patents Court)
EWHC (TCC)	High Court (Technology and Construction Court)

Law report abbreviations

The following sets out the abbreviations used when citing the various series of certain law reports which are in common use, together with the periods over which they extend:

AC	Law Reports, Appeal Cases 1891–(current)
ATC	Annotated Tax Cases 1922–1975
All ER	All England Law Reports 1936–(current)
All ER Rep	All England Law Reports Reprint, 36 vols 1558–1935
App Cas	Law Reports, Appeal Cases, 15 vols 1875–1890
BCLC	Butterworths Company Law Cases 1983–(current)
B & CR	Reports of Bankruptcy and Companies Winding-up Cases 1918–(current)
CLY	Current Law Yearbook 1947–(current)
CMLR	Common Market Law Reports 1962–(current)
Ch	Law Reports Chancery Division 1891–(current)
Com Cas	Commercial Cases 1895–1941
Fam	Law Reports Family Division 1972–(current)
ICR	Industrial Court Reports 1972–1974; Industrial Cases Reports 1974–(current)
IRLB	Industrial Relations Law Bulletin 1993–(current)
IRLR	Industrial Relations Law Reports 1971–(current)
ITR	Reports of decisions of the Industrial Tribunals 1966–(current)
KB	Law Reports, King’s Bench Division 1901–1952
LGR	Local Government Reports 1902–(current)
LRRP	Law Reports Restrictive Practices 1957–(current)

Case names, citations and law report abbreviations

Lloyd LR <i>or</i>	Lloyd's List Law Reports 1919–(current)
Lloyd's Rep (from 1951)	
NLJ	New Law Journal
P	Law Reports, Probate, Divorce and Admiralty Division 1891–1971
P & CR	Planning and Compensation Reports 1949–(current)
PIQR	Personal Injuries and Quantum Reports
QB	Law Reports Queen's Bench Division 1891–1901; 1953–(current)
STC	Simon's Tax Cases 1973–(current)
Sol Jo	Solicitors' Journal 1856–(current)
Tax Cas (or TC)	Tax Cases 1875–(current)
WLR	Weekly Law Reports 1953–(current)

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- Carlill *v* Carbolic Smoke Ball Co [1893] 1 QB 256 xxi,
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- Carmichael *v* National Power plc [2000] IRLR 43 474
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- Casey's Patents, *Re*, Stewart *v* Casey [1892] 1 Ch 104 226
- Cassidy *v* Ministry of Health [1951] 1 All ER 574 358
- Catherall *v* Michelin Tyre [2003] ICR 28 545
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- Central London Property Trust Ltd *v* High Trees House
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- Century Insurance Co *v* Northern Ireland Road Transport
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- Cerberus Software Ltd *v* Rowley [1999] IRLR 690 569
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- Chappell & Co Ltd *v* Nestlé Co Ltd [1959] 2 All ER
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- Clark *v* TDG Ltd (t/a Novacold) [1999] 2 All ER 977 543
- Clay Cross (Quarry Services) Ltd *v* Fletcher [1979]
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- Clyde Marine Insurance Co *v* Renwick & Co (1924) 17 Ll L Rep 287 [311](#)
- Coales *v* John Wood & Co (Solicitors) [1986] IRLR 129 [477](#), [497](#)
- Cobb *v* Great Western Railway Co [1894] AC 419 [353](#)
- Cobley *v* Forward Technology Industries plc [2003] ICR 1050 [551](#)
- Coca-Cola Trade Marks [1986] 2 All ER 274 [455](#)
- Coleman *v* Attridge Law [2008] All ER (EC) 1105 [543](#)
- Coleman *v* Skyrail Oceanic Ltd (1981) 131 NLJ 880 [531](#)
- Colen *v* Cebrian (UK) Ltd [2003] EWCA Civ 1676 [473](#)
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- Consorzio del Prosciutto di Parma *v* Asda Stores Ltd Case C-108/01 [2003] ECR I-5121 [32](#)
- Cook *v* Broderip (1968) 112 SJ 193 [447](#)
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- Deyong *v* Shenburn [1946] 1 All ER 226 [498](#)
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- Etam plc *v* Rowan [1989] IRLR 150 [538](#)
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- European Commission *v* United Kingdom Case C-484/04 [2006] 3 CMLR 1322 [525](#)
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Lovell *v* Blundells and Crompton & Co Ltd [1944]
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Luce *v* Bexley London Borough Council [1990]
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- M & J Polymers Ltd *v* Imerys Minerals Ltd [2008] EWHC
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MacCulloch & Wallis Ltd *v* Moore (2003) EAT/51/02/
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- MacDonald v Attorney-General for Scotland and Pearce v Governing Body of Mayfield School [2003] UKHL 34; [2004] 1 All ER 339 539
- McGuigan v T & G Baynes (1999) 622 IRLB 11 561
- McLoughlin v O'Brien [1982] 2 All ER 298 355, 356
- McRae v Commonwealth Disposals Commission (1951) 84 CLR 377 243
- Mair v Wood (1948) SLT 326 129
- Majrowski v Guy's and St Thomas's NHS Trust [2005] EWCA Civ 251 522, 541
- Maple Flock Co Ltd v Universal Furniture Products (Wembley) Ltd [1934] 1 KB 148 337
- Maritime National Fish Ltd v Ocean Trawlers Ltd [1938] AC 524 297
- Marleasing SA v La Comercial Internacional de Alimentacion SA Case C-106/89 [1990] ECR I-4135 34
- Marley v Forward Trust Group Ltd [1986] IRLR 369 476
- Marshall v Industrial Systems and Control Ltd [1992] IRLR 294 550
- Marshall v Southampton & SW Hampshire Area Health Authority (No 2) Case C-271/91 [1993] 4 All ER 586 36
- Marshall v Southampton & SW Hampshire Area Health Authority (Teaching) [1986] 2 All ER 584 33, 35, 36
- Marshalls Clay Products Ltd v Caulfield [2003] IRLR 552 527
- Marulsens v Leon [1919] LJ KB 10 569
- Massey v Crown Life Insurance Co [1978] 2 All ER 576 545
- Matthews v Munster (1887) 20 QBD 141 313
- Mattis v Pollock (t/a Flamingo's Nightclub) [2004] 4 All ER 85 510
- Mawdsley v Cosmosair plc [2002] EWCA Civ 587 428
- Meah v Roberts [1978] 1 All ER 97 419
- Mears v Safecar Security [1982] 2 All ER 865 487
- Meikle v McPhail (Charleston Arms) [1983] IRLR 351 552, 553, 561
- Mercantile Credit Co Ltd v Garrod [1962] 3 All ER 1103 127, 131
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- Mersey Docks and Harbour Board v Coggins & Griffiths (Liverpool) Ltd [1946] 2 All ER 845 470
- Microbeads v Vinhurst Road Markings Ltd [1975] 1 All ER 529 323
- Midtown Ltd v City of London Real Property Co Ltd; Joseph v City of London Real Property Ltd [2005] EWHC 33 (Ch) 439
- Miles v Clarke [1953] 1 All ER 779 132
- Miles v Wakefield Metropolitan District Council [1987] 1 All ER 1089 484
- Miliangos v George Frank (Textiles) Ltd [1976] 3 All ER 801 24
- Millars of Falkirk Ltd v Turpie (1976) SLT (Notes) 66 326
- Miller v Hamworthy Engineering Ltd [1986] IRLR 461 484
- Miller v Harry Thornton (Lollies) Ltd [1978] IRLR 430 495
- Milner and another v Carnival plc (trading as Cunard) [2010] 3 All ER 701 300
- Mitchell (George) (Chesterhall) Ltd v Finney Lock Seeds Ltd [1983] 2 All ER 737 283
- Moncrieff v Jamieson [2007] UKHL 42 440
- Montgomery v Johnson Underwood Ltd (2001) Times, 16 March 472
- Moorcock, The (1889) 14 PD 64 xxi, 272
- Moore & Co and Landauer & Co, Re [1921] 2 KB 519 324
- Morgan v Morgan Insurance Brokers Ltd [1993] BCLC 676 179
- Morgan Crucible Co plc v Hill Samuel Bank Ltd [1991] 1 All ER 142 366
- Morris v C W Martin & Sons Ltd [1965] 2 All ER 725 512
- Morris v Murray [1990] 3 All ER 801 374
- Moss v Elphick [1910] 1 KB 846 136
- Mountford v Scott [1975] 1 All ER 198 220
- Mugford v Midland Bank plc (1997) 568 IRLB 13 561
- Muir v Keay (1875) LR 10 QB 594 22
- Muirhead v Industrial Tank Specialities Ltd [1985] 3 All ER 705 360
- Mullins v Laughton [2003] 4 All ER 94 138
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- Munkenbeck & Marshall v Harold [2005] EWHC 356 (TCC) 288
- Murphy v Bord Telecom Eireann [1988] IRLR 267 535
- Murray v Foyle Meats Ltd [1999] 3 All ER 769 557
- Murray v LeisurePlay Ltd [2005] IRLR 946 299
- Nash v Inman [1908] 2 KB 1 240
- National Coal Board v Galley [1958] 1 All ER 91 570
- National Employers Mutual Insurance Association Ltd v Jones [1987] 3 All ER 385 333
- National Westminster Bank plc v Morgan [1985] 1 All ER 821 252
- Nationwide Building Society v Lewis [1997] 3 All ER 498, reversed [1998] 3 All ER 143 123
- Nationwide New Pty v Copyright Agency Ltd [1996] 136 ALR 273 452
- Navy, Army and Airforce Institutes v Varley [1977] 1 All ER 840 534

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- Neptune (Vehicle Washing Equipment) Ltd, *Re* [1995] 3 All ER 811 [192](#)
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- Newspaper Licensing Agency v Marks and Spencer plc (2000) *The Times*, 15 June [451](#), [452](#)
- Newtons of Wembley Ltd v Williams [1964] 3 All ER 532 [333](#)
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- Noakes & Co Ltd v Rice [1902] AC 24 [87](#)
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- North East Coast Ship Repairers v Secretary of State for Employment [1978] IRLR 149 [558](#)
- North Ocean Shipping Co Ltd v Hyundai Construction Co Ltd [1978] 3 All ER 1170 [251](#)
- Norton Tool Co v Tewson [1973] 1 All ER 183 [556](#)
- Nottingham Patent Brick and Tile Co v Butler (1886) 16 QBD 778 [248](#)
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- OBG Ltd v Allan; Douglas v Hello! Ltd (No 3); Mainstream Properties Ltd v Young [2007] UKHL 21 [373](#)
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- Office of Fair Trading v Abbey National plc [2008] EWHC 2325 (Comm), [2009] 1 All ER (Comm) 717 [288](#)
- Office of Fair Trading v Ashbourne Management Services Ltd and others [2011] EWHC 1237 (Ch) [423](#)
- Office of Fair Trading v Foxtons Ltd [2009] EWHC 1681 (Ch) [289](#)
- Office of Fair Trading v IBA Health Ltd [2004] 4 All ER 1103 [261](#)
- Office of Fair Trading v Lloyds TSB Bank Ltd [2008] 1 All ER 205, HL [400](#)
- Olley v Marlborough Court Ltd [1949] 1 All ER 127 [278](#)
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- O'Neill v Symm & Co Ltd [1998] IRLR 233 [542](#), [544](#)
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- Panesar v Nestlé Co Ltd [1980] IRLR 64 [533](#)
- Pankhania v London Borough of Hackney [2002] All ER (D) 22 (Aug) [249](#)
- Panorama Developments v Fidelis Furnishing Fabrics [1971] 3 All ER 16 [197](#), [313](#)
- Paradine v Jane (1647) 82 ER 897 [295](#)
- Partridge v Crittenden [1968] 2 All ER 421 [216](#)
- Payne v Cave (1789) 3 Term Rep 148 [217](#)
- Pearce v Brooks (1866) LR 1 Exch 213 [253](#)
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- Pepper v Hart [1993] 1 All ER 42 [22](#), [23](#)
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- Pfizer Ltd v Eurofood Link (UK) Ltd [1999] All ER (D) 1412; [2001] FSR 17 [458](#)
- Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd [1953] 1 QB 401, [1953] 1 All ER 482, CA [216](#), [265](#)**
- Phillips v Brooks [1919] 2 KB 243 [245](#), [246](#)
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- Photo Production Ltd v Securicor Transport Ltd [1980] 1 All ER 556 [280](#), [281](#)
- Pickfords Ltd v Celestica Ltd [2003] EWCA Civ 1741 [219](#)
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- Pickstone v Freemans plc [1986] ICR 886 [535](#)
- Pilling v Pilling (1887) 3 De GJ & S 162 [131](#)
- Pinnel's Case (1602) 5 Co Rep 117a [228](#), [231](#)
- Pitman Training Ltd v Nominet UK [1997] CLY 4875 [163](#), [458](#)
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- Pitts v Jones [2007] EWCA Civ 1301 [225](#)
- Planché v Colburn (1831) 5 Car & P 58 [295](#), [306](#)
- Pocton Industries Ltd v Michael Ikem Horton (2000) Lawtel CCH, New Law 2000 59503 [459](#), [504](#)
- Poplar Housing and Regeneration Community Association Ltd v Donoghue [2001] 4 All ER 604 [39](#)
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- Posner v Scott-Lewis [1986] 3 All ER 513 [305](#)
- Post Office v Foley, HSBC Bank plc (formerly Midland Bank plc) v Madden [2001] 1 All ER 550 [548](#), [572](#)**
- Post Office v Liddiard [2001] EWCA Civ 940 [550](#)
- Post Office v Union of Post Office Workers [1974] 1 All ER 229 [499](#)
- Potter v Jackson (1880) 13 ChD 845 [139](#)
- Poulton v London & South Western Railway Co (1867) LR 2 QB 534 [513](#)
- Poussard v Spiers (1876) 1 QBD 410 [270](#)
- Powdrill v Watson [1994] 1 BCLC 386 [565](#)

- Power v Regent Security Services [2007] EWCA Civ 1188
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- Price v Civil Service Commission [1977] 1 WLR 1417 532
- Printers & Finishers v Holloway (No 2) [1964]
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- Proffit v British Railways Board (1984) *The Times*,
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- Proform Sports Management Ltd v Proactive Sports
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- Prudential Assurance Co Ltd v Exel UK Ltd [2009]
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- Pubblico Ministero v Ratti Case C-148/78 [1979]
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- Publishers' Association v Commission of the European
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- R v Mara (1986) 83 LS Gaz 519
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- R v Secretary of State for Transport, *ex parte* Factortame
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- R v Wootton [1990] Crim LR 201 96
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- RTS Flexible Systems Ltd v Molkerei Alois Müller GmbH
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- Racing UK Ltd v Doncaster Racecourse Ltd [2004] EWHC
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- Raffles v Wichelhaus (1864) 2 H & C 906 244
- Rafsanjan Pistachio Producers Co-operative v Kauffmans
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- Rand (Joseph) Ltd v Craig [1919] 1 Ch 1 511
- Ratcliff v McConnell [1999] 1 WLR 670 448
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- Ritchie (J & H) Ltd v Lloyd Ltd [2007] UKHL 9 338
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- Robinson v Graves [1935] 1 KB 579 322
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- Stevenson and Sons Ltd v AK für Cartonnagen Industrie [1918] AC 239 [136](#)
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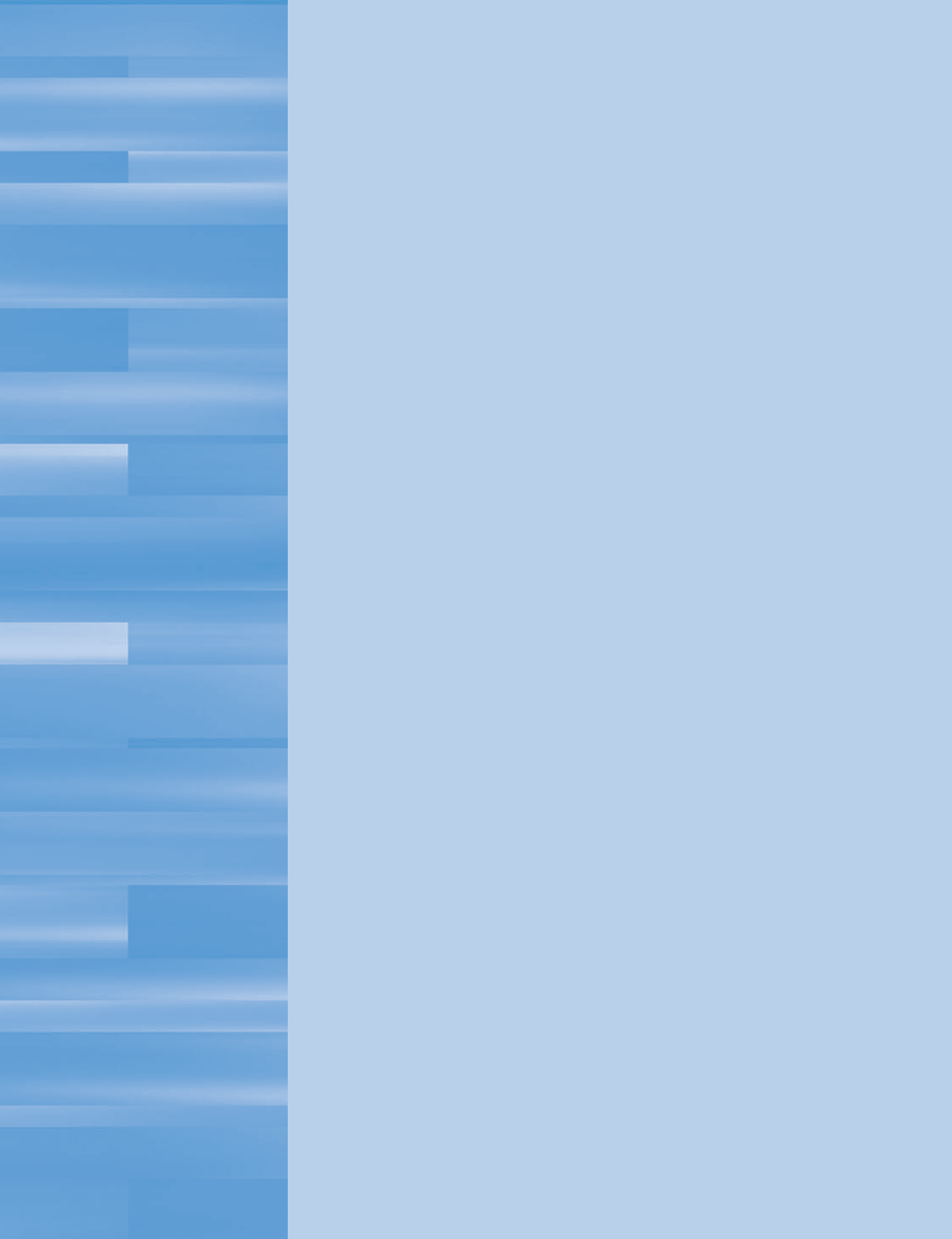
Part 1

INTRODUCTION TO LAW

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The first part of this text is designed to provide a brief introduction to the English legal system to equip readers with an understanding of the legal context within which the law relating to business operates. In the first chapter we consider what is 'law' and how it can be distinguished from other kinds of rules. We look at the main ways in which law can be classified, e.g. public and private law, civil and criminal law, and how the common law developed after the Norman Conquest and the emergence of equity to supplement the common law and mitigate its harsher consequences. We conclude the chapter by outlining the basic principles under which an individual or business may incur liability under the criminal or civil law. In the next chapter we set out the main sources and characteristics of English law including law made by Parliament and under its authority (Acts of Parliament and various forms of delegated legislation) and law made by judges in deciding cases in the courts and setting precedents for future cases, which is known as case law or common law. We consider the impact of UK membership of the European Union on our legal system and the incorporation of the European Convention on Human Rights into English law through the enactment of the Human Rights Act 1998. Finally, in this part of the text, we look at the sources of professional legal advice and assistance available to individuals and businesses and how legal disputes are settled, whether through the courts or tribunals or the growing number of alternatives to litigation known as 'alternative dispute resolution' (ADR).





Learning objectives

After studying this chapter you should understand the following main points:

- the nature of law;
- the ways in which the law may be classified, including the differences between public and private law, civil and criminal law and common law and equity;
- the development of English law including the emergence of the common law and equity;
- the basic principles of legal liability, such as the distinction between civil and criminal liability.

The law affects every aspect of our lives; it governs our conduct from the cradle to the grave and its influence even extends from before our birth to after our death. We live in a society which has developed a complex body of rules to control the activities of its members. There are laws which govern working conditions (e.g. by laying down minimum standards of health and safety), laws which regulate leisure pursuits (e.g. by banning alcohol on coaches and trains travelling to football matches), and laws which control personal relationships (e.g. by prohibiting marriage between close relatives).

So, what is 'law' and how is it different from other kinds of rules? The law is a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another. As individuals we encounter many 'rules'. The rules of a particular sport, such as the off-side rule in football, or the rules of a club, are designed to bring order to a particular activity. Other kinds of rule may really be social conventions, such as not speaking ill of the dead. In this case, the 'rule' is merely a reflection of what a community regards to be appropriate behaviour. In neither situation would we expect the rule to have the force of law and to be enforced by the courts.

In this book we are concerned with one specific area of law: the rules which affect the business world. We

shall consider such matters as the requirements that must be observed to start a business venture, the rights and duties which arise from business transactions and the consequences of business failure. In order to understand the legal implications of business activities, it is first necessary to examine some basic features of our English legal system. It is important to remember that English law refers to the law as it applies to England and Wales. Scotland and Northern Ireland have their own distinct legal systems.

Classification of law

There are various ways in which the law may be classified; the most important are as follows:

1 Public and private law. The distinction between public and private law is illustrated in Figure 1.1.

(a) Public law. Public law is concerned with the relationship between the state and its citizens. This comprises several specialist areas such as:

(i) Constitutional law. Constitutional law is concerned with the workings of the British constitution. It covers such matters as the position of the Crown, the composition

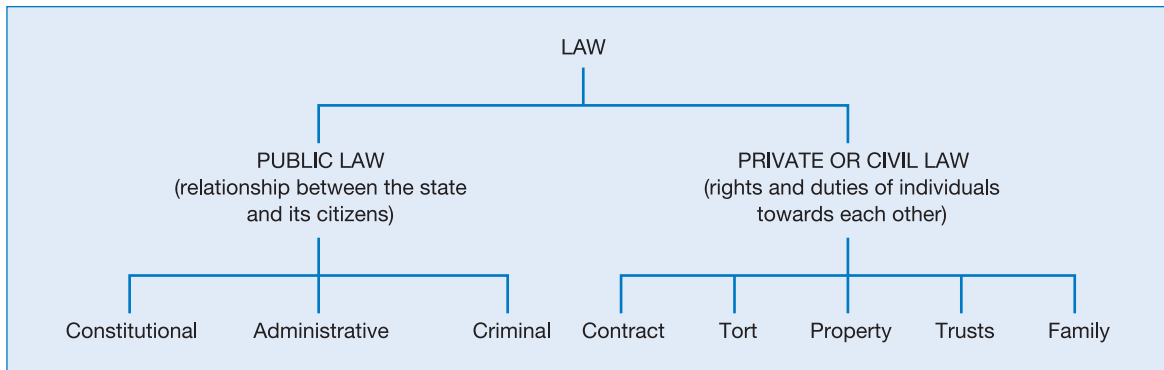


Figure 1.1 The distinction between public and private law

and procedures of Parliament, the functioning of central, devolved and local government, citizenship and the civil liberties of individual citizens.

(ii) *Administrative law.* There has been a dramatic increase in the activities of government during the last hundred years. Schemes have been introduced to help ensure a minimum standard of living for everybody. Government agencies are involved, for example, in the provision of a state retirement pension, income support and child benefit. A large number of disputes arise from the administration of these schemes and a body of law, administrative law, has developed to deal with the complaints of individuals against the decisions of the administering agency.

(iii) *Criminal law.* Certain kinds of wrongdoing pose such a serious threat to the good order of society that they are considered crimes against the whole community. The criminal law makes such anti-social behaviour an offence against the state and offenders are liable to punishment. The state accepts responsibility for the detection, prosecution and punishment of offenders.

(b) *Private law.* Private law is primarily concerned with the rights and duties of individuals towards each other. The state's involvement in this area of law is confined to providing a civilised method of resolving the dispute that has arisen. Thus, the legal process is begun by the aggrieved citizen and not by the state. Private law is also called civil law and is often contrasted with criminal law.

2 Criminal and civil law. Legal rules are generally divided into two categories: criminal and civil. It is important to understand the nature of the division because there are fundamental differences in the purpose, procedures and terminology of each branch of law.

(a) *Criminal law.* The criminal law is concerned with forbidding certain forms of wrongful conduct and punishing those who engage in the prohibited acts. Criminal proceedings are normally brought in the name of the Crown and are called prosecutions. In 1985 responsibility for the process of prosecution passed from the police to a newly created independent Crown Prosecution Service under the direction of the Director of Public Prosecutions (Prosecution of Offences Act 1985). It should be noted that prosecutions may also be undertaken by bodies, such as the trading standards department of the local authority, and by private individuals, e.g. a store detective prosecuting a shoplifter. In **criminal cases** you have a **prosecutor** who **prosecutes** a **defendant** in the **criminal courts**. The consequences of being found guilty are so serious that the standard of proof is higher than in civil cases: the allegations of criminal conduct must be proved **beyond a reasonable doubt**. If the prosecution is successful, the defendant is found **guilty (convicted)** and may be **punished** by the courts. The Criminal Justice Act 2003 sets out for the first time in legislation the purposes of sentencing adult offenders, which are punishment, crime reduction, the reform and rehabilitation of offenders, and reparation. Punishments available to the court include imprisonment, fines, or community orders such as an unpaid work requirement. If the prosecution is unsuccessful, the defendant is found **not guilty (acquitted)**. A businessperson may find themselves in breach of the criminal law under such enactments as the Companies Act 2006, the Consumer Protection from Unfair Trading Regulations 2008 and the Health and Safety at Work etc. Act 1974.

(b) *Civil law.* The civil law deals with the private rights and obligations which arise between individuals. The

purpose of the action is to remedy the wrong that has been suffered. Enforcement of the civil law is the responsibility of the individual who has been wronged; the state's role is to provide the procedure and the courts necessary to resolve the dispute. In **civil proceedings** a **claimant** sues a **defendant** in the **civil courts**. The claimant will be successful if he can prove his case on the **balance of probabilities**, i.e. the evidence weighs more in favour of the claimant than the defendant. If the claimant wins his action, the defendant is said to be **liable** and the court will order an appropriate remedy, such as damages (financial compensation) or an injunction (an order to do or not do something). If the claimant is not successful, the defendant is found **not liable**. Many of the laws affecting the businessperson are part of the civil law, especially contract, tort and property law. The main differences between civil and criminal law are illustrated in Figure 1.2.

The distinction between the criminal and civil law does not depend on the nature of the wrongful act, because the same act may give rise to both civil and criminal proceedings. Consider the consequences of a typical motor accident. Julie is crossing the road at a zebra crossing when she is struck by a car driven by Gordon. An ambulance takes Julie to a local hospital where it is discovered that she has sustained a broken leg. Meanwhile, the police have arrived at the scene of the accident and they breathalyse Gordon. The result is positive and Gordon is charged with a criminal offence based on driving with excess alcohol. He appears before the local magistrates' court and is convicted. He is disqualified from driving for 18 months and fined £400. The fine is paid to the court: it does not go to compensate the victim of the criminal act. However, a criminal court now has a limited power to order an offender to pay compensation for any 'personal injury, loss or damage'

	<i>Criminal law</i>	<i>Civil law</i>
Concerns	Offences against the state	Disputes between private individuals
Purpose of the action	To preserve order in the community by punishing offenders and deterring others	To remedy the wrong which has been suffered
The parties	A prosecutor prosecutes a defendant Prosecutions are brought in the name of the Crown, signified by R for Rex (King) or Regina (Queen) Case title: <i>R v Smith</i>	A claimant sues a defendant Case title: <i>Jones v Patel</i>
Where the action is heard	The criminal courts, i.e. magistrates' court or Crown Court	The civil courts, i.e. county court or High Court
Standard and burden of proof	The prosecutor must prove his case beyond a reasonable doubt	The claimant must establish his case on the balance of probabilities
Decision	A defendant may be convicted if he is guilty and acquitted if he is innocent	A defendant may be found liable or not liable
Sanctions	Imprisonment, fine, community order	Damages, injunction, specific performance, rescission
Examples	Murder, theft, driving with excess alcohol, engaging in an unfair commercial practice	Contract, tort, trusts, property law

Figure 1.2 The differences between criminal and civil law

Part 1 Introduction to law

caused to the victim of his offence (under s 130 of the Powers of Criminal Courts (Sentencing) Act 2000). Julie must pursue a separate civil action against Gordon to remedy the personal wrong she has suffered. She sues Gordon in the tort of negligence, seeking damages for the injuries she has sustained. The case is heard in the county court where Gordon is found liable. He is ordered to pay £6,000 in damages. Normally, the loser in a civil action pays the winner's costs. So Gordon is ordered to pay Julie's costs in bringing the action.

3 Common law and equity. Legal rules may also be classified according to whether they form part of the common law or equity. The distinction between these two systems of law is rooted in history and can only be understood properly by examining the origins of English law. English legal development can be traced back to 1066 when William of Normandy gained the crown of England by defeating King Harold at the Battle of Hastings. Before the arrival of the Normans in 1066 there really was no such thing as English law. The Anglo-Saxon legal system was based on the local community. Each area had its own courts in which local customs were applied. The Norman Conquest did not have an immediate effect on English law; indeed, William promised the English that they could keep their customary laws. The Normans were great administrators and they soon embarked on a process of centralisation, which created the right climate for the evolution of a uniform system of law for the whole country.

The common law

The Norman kings ruled with the help of the most important and powerful men in the land who formed a body known as the Curia Regis (King's Council). This assembly carried out a number of functions: it acted as a primitive legislature, performed administrative tasks and exercised certain judicial powers. The meetings of the Curia Regis came to be of two types: occasional assemblies attended by the barons and more frequent but smaller meetings of royal officials. These officials began to specialise in certain types of work and departments were formed. This trend eventually led to the development of courts to hear cases of a particular kind. The courts which had emerged by the end of the 13th century became known as the Courts of Common Law and they sat at Westminster. The first to appear was the

Court of Exchequer. It dealt with taxation disputes but later extended its jurisdiction to other civil cases. The Court of Common Pleas was the next court to be established. It heard disputes of a civil nature between one citizen and another. The Court of King's Bench, the last court to appear, became the most important of the three courts because of its close association with the king. Its jurisdiction included civil and criminal cases and it developed a supervisory function over the activities of inferior courts.

The Normans exercised central control by sending representatives of the king from Westminster to all parts of the country to check up on the local administration. At first these royal commissioners performed a number of tasks: they made records of land and wealth, collected taxes and adjudicated in disputes brought before them. Their judicial powers gradually became more important than their other functions. To begin with, these commissioners (or justices) applied local customary law at the hearings, but in time local customs were replaced by a body of rules applying to the whole country.

When they had completed their travels round the country, the justices returned to Westminster where they discussed the customs they had encountered. By a gradual process of sifting these customs, rejecting those which were unreasonable and accepting those which were not, they formed a uniform pattern of law throughout England. Thus, by selecting certain customs and applying them in all future similar cases, the **common law** of England was created.

A civil action at common law was begun with the issue of a writ which was purchased from the offices of the Chancery, a department of the Curia Regis under the control of the Chancellor. Different kinds of action were covered by different writs. The procedural rules and type of trial varied with the nature of the writ. It was essential that the correct writ was chosen, otherwise the claimant would not be allowed to proceed with his action.

Equity

Over a period of time the common law became a very rigid system of law and in many cases it was impossible to obtain justice from the courts. The main defects of the common law were as follows:

- The common law failed to keep pace with the needs of an increasingly complex society. The writ system was

slow to respond to new types of action. If a suitable writ was not available, an injured party could not obtain a remedy, no matter how just his claim.

- The writ system was very complicated, but trivial mistakes could defeat a claim.
- The only remedy available in the common law courts was an award of damages. This was not always a suitable or adequate remedy.
- Men of wealth and power could overawe a court, and there were complaints of bribery and intimidation of jurors.

It became the practice of aggrieved citizens to petition the king for assistance. As the volume of petitions increased, the king passed them to the Curia Regis and a committee was set up to hear the petitions. The hearings were presided over by the Chancellor and in time petitions were addressed to him alone. By the 15th century the Chancellor had started to hear petitions on his own and the Court of Chancery was established. The body of rules applied by the court was called **equity**.

The early Chancellors were drawn from the ranks of the clergy and their decisions reflected their ecclesiastical background. They examined the consciences of the parties and then ordered what was fair and just. At first, each Chancellor acted as he thought best. Decisions varied from Chancellor to Chancellor and this resulted in a great deal of uncertainty for petitioners. Eventually, Chancellors began to follow previous decisions and a large body of fixed rules grew up. The decisions of the Court of Chancery were often at odds with those made in the common law courts. This proved a source of conflict until the start of the 17th century when James I ruled that, in cases of conflict, equity was to prevail. For several centuries the English legal system continued to develop with two distinct sets of rules administered in separate courts.

Equity is not a complete system of law. Equitable principles were formulated to remedy specific defects in the common law. They were designed to complement the common law rules and not to replace them. Equity has made an important contribution to the development of English law, particularly in the following areas:

1 Recognition of new rights. The common law did not recognise the concept of the trust. A trust arises where a settlor (S) conveys property to a trustee (T) to hold on trust for a beneficiary (B). The common law treated T as if he were the owner of the property and B's claims were ignored. The Court of Chancery, however, would require

T to act according to his conscience and administer the trust on B's behalf. Thus, equity recognised and enforced the rights of a beneficiary under a trust. The Court of Chancery also came to the aid of borrowers who had mortgaged their property as security for a loan. If the loan was not repaid by the agreed date, the common law position was that the lender (mortgagee) became the owner of the property and the borrower (mortgagor) was still required to pay the outstanding balance. Equity gave the mortgagor the right to pay off the loan and recover his property even though the repayment date had passed. This equitable principle is known as the equity of redemption. It will be considered in more detail in Chapter 4 ➔.

2 Introduction of new remedies. The new equitable rights were enforced by means of new equitable remedies. In the field of contract law, the Court of Chancery developed such remedies as the injunction, specific performance, rescission and rectification which will be examined in Chapters 7 and 9 ➔. These remedies were not available as of right like common law remedies: they were discretionary. The Court of Chancery could refuse to grant an equitable remedy if, for example, the claimant had himself acted unfairly.

By the 19th century the administration of justice had reached an unhappy state of affairs and was heavily criticised. The existence of separate courts for the administration of common law and equity meant that someone who wanted help from both the common law and equity had to bring two separate cases in two separate courts. If a person started an action in the wrong court, he could not get a remedy until he brought his case to the right court. The proceedings in the Court of Chancery had become notorious for their length and expense. (Charles Dickens satirised the delays of Chancery in his novel *Bleak House*.) Comprehensive reform of the many deficiencies of the English legal system was effected by several statutes in the 19th century culminating in the Judicature Acts 1873–75. The separate common law courts and Court of Chancery were replaced by a Supreme Court of Judicature which comprised the Court of Appeal and High Court. Every judge was empowered thenceforth to administer both common law and equity in his court. Thus, a claimant seeking a common law and an equitable remedy need only pursue one action in one court. The Acts also confirmed that, where common law and equity conflict, equity should prevail. These reforms did not have the effect of removing the distinction between the two sets

Common law	Equity
Developed by circuit judges from English customary law applying the principle of <i>stare decisis</i>	Developed by Chancellors, in dealing with petitions addressed to the king from citizens complaining about the rigidity of the common law
Complete system of law	Complements the common law, but could not replace it
Does not recognise the existence of equity	Acknowledges the common law and tries to provide an alternative solution
Upholds rights irrespective of the motives or intentions of the parties	Originally, a court of conscience which ordered the parties to do what was just and fair. These principles are contained in equitable maxims, e.g. 'He who seeks equity must do equity' and 'Delay defeats equity'
Remedies available as of right	Discretionary remedies

Figure 1.3 Differences between the common law and equity

of rules: common law and equity are still two separate but complementary systems of law. A judge may draw upon both sets of rules to decide a case. See, for example, the decision of Denning J in the *High Trees Case* in Chapter 7 [➔](#).

The differences between the common law and equity are summarised in Figure 1.3.

Some basic principles of legal liability

Before we consider the specific areas of law governing the activities of business organisations, we must first of all consider the branches of law which are most likely to affect those in business and certain basic principles of legal liability.

It is a basic function of the law to set out the circumstances in which a person may be required to answer for his actions. Legal liability describes a situation where a person is legally responsible for a breach of an obligation imposed by the law. Such obligations may arise from the operation of either the civil or criminal law. The activities of business organisations are subject to a wide range of potential liability. So, before we consider the law governing the formation, operation and dissolution of business organisations, we must first examine in

outline the nature and scope of legal liability for wrongful acts.

Civil liability

As we have already seen, the civil law is concerned with the rights and duties which arise between private individuals. The aim of taking legal action is to put right a wrong which has occurred, often by means of an award of compensation. The areas of civil liability which have the greatest impact on businesses are liability in contract and tort.

Contractual liability

Contractual liability arises when two or more persons enter into a legally enforceable agreement with each other. The law of contract is concerned with determining which agreements are binding, the nature and extent of the obligations freely undertaken by the parties and the legal consequences of breaking contractual promises.

Every type of business transaction, from buying and selling goods and services to employing staff, is governed by the law of contract. Contractual arrangements are so important to the conduct of business they are examined in more detail in later chapters. (See, in particular, Chapter 7, Forming business contracts [➔](#); Chapter 8, The terms of business contracts [➔](#); Chapter 9, Ending business contracts [➔](#); Chapter 10, Law of agency [➔](#);

Chapter 11, Contracts for the supply of goods and services ➔; Chapter 16, Employing labour ➔.)

Tortious liability

A tort consists of the breach of a duty imposed by the law. The law of tort seeks to compensate the victims of certain forms of harmful conduct by an award of damages or to prevent harm occurring by granting an injunction. Examples of torts include negligence, nuisance, trespass, defamation (libel and slander) and conversion. These torts, along with others which are relevant to business, will be studied in more detail in Chapter 12 ➔.

Criminal liability

A crime is an offence against the state. The consequences of a criminal conviction are not confined to the punishment inflicted by the court. For example, if a person is convicted of theft, his name will probably appear in the local papers causing shame and embarrassment and he may even lose his job. The sanctions are so severe that the criminal law normally requires an element of moral fault on the part of the offender. Thus, the prosecution must establish two essential requirements: *actus reus* (prohibited act) and *mens rea* (guilty mind). For most criminal offences, both elements must be present to create criminal liability. If you pick someone's umbrella up thinking that it is your own, you cannot be guilty of theft, because of the absence of a guilty mind. There are, however, some statutory offences where Parliament has dispensed with the requirement of *mens rea*. Performance of the wrongful act alone makes the offender liable. These are known as crimes of strict liability. Selling food for human consumption which fails to comply with food safety requirements contrary to the Food Safety Act 1990 is an example of an offence of strict liability. The prosecutor is not required to show that the seller knew that the food did not comply with food safety requirements. He will secure a conviction by establishing that the food was unsafe and that it was sold. The seller may be able to defend himself by showing that he

has taken all reasonable precautions and exercised due diligence to avoid commission of the offence.

Law of property

The law of property is concerned with the rights which may arise in relation to anything that can be owned. Thus, property covers land, goods and intangible rights such as debts, patents or the goodwill of a business. The legal implications of acquiring, using and disposing of business property will be studied in more depth in Chapter 15 ➔. In order fully to understand other principles of business law which you will encounter before then, it is necessary to consider the relationships which may arise between persons and property, namely, the rights of ownership and possession.

1 Ownership. Ownership describes the greatest rights that a person can have in relation to property. An owner enjoys the fullest powers of use and disposal over the property allowed by law. The owner of this book, for example, has the right to read it, lend it to a friend, hire it out, pledge it as security for a loan, or even tear it into shreds. An owner does not enjoy absolute rights; restrictions may be imposed to protect the rights of other members of the community. The ownership of a house does not entitle the occupants to hold frequent wild parties to the annoyance of neighbours.

2 Possession. Possession consists of two elements: physical control and the intention to exclude others. For example, you have possession of the watch you are wearing, the clothes in your wardrobe at home and your car which is parked while you are at work. Ownership and possession often go hand in hand, but may be divorced. The viewer of a hired TV enjoys possession of the set, but ownership remains with the TV rental firm. If your house is burgled, you remain the owner of the stolen property, but the burglar obtains (unlawful) possession.

Self-test questions/activities

- 1 What is law and why is it necessary?
- 2 Explain the difference between the following pairs:
 - (a) public law and private law;
 - (b) civil law and criminal law;
 - (c) contract and tort;
 - (d) common law and equity;
 - (e) ownership and possession.
- 3 Consider the following legal actions and indicate whether civil or criminal proceedings would result:
 - (a) Ann decides to divorce her husband, Barry, after 10 years of marriage;
 - (b) Colin is given a parking ticket by a traffic warden for parking on double yellow lines;
 - (c) Diane returns a faulty steam iron to the shop where she bought it, but the shop manager refuses to give her a refund;
 - (d) Eamonn drives at 50 mph on a stretch of road where there is a 30 mph limit. He fails to see Fiona, who is crossing the road. She is knocked down and sustains severe injuries;
 - (e) Graham takes a copy of *Business Law* from the reference section of the library, with the intention of returning it when he has finished his first assignment. He finds the book so valuable that he decides to keep it;
 - (f) Hazel returns to England after working abroad for three years. While abroad, she rented her flat to Ian. She now gives him notice to quit, but he refuses to move out.

Specimen examination questions

- 1 Explain why equity developed and how it differs from the common law.

What is the present relationship between the two systems?
- 2 David, a farmer, supplies organic free range eggs on a regular basis to the Peak Park Hotel and Country Club. David's hens, and the eggs they produce, have become infected with salmonella. The hotel uses the infected raw eggs to prepare a mayonnaise for Ian and Janet's wedding reception. Many of the guests are taken ill after the reception and Sybil, Janet's 90-year-old grandmother, dies.
 - (a) Identify the different types of legal proceedings which might arise from these facts.
 - (b) For each type of legal action you have identified in (a), discuss the nature of the legal liability and the purpose or objective of taking legal action.
- 3 'The prosecution in a criminal case must prove both *mens rea* and *actus reus* to establish the defendant's guilt, unless it is a crime of strict liability.'

Explain and discuss.

Website references

<http://www.kent.ac.uk/lawlinks> This excellent site is basically an annotated set of links to legal information compiled by the Law Librarian at the University of Kent, Sarah Carter. It is a good starting point for legal research.

<http://www.legalabbrevs.cardiff.ac.uk> The Cardiff index to legal abbreviations provides a searchable database of abbreviations of law publications, which can be searched either from abbreviation to title or title to abbreviation.

<http://www.venables.co.uk> A 'gateway' to legal resources in the UK and Ireland for the general browser, including free legal advice on the Internet. There is a section of the site especially for students: <http://www.venables.co.uk/students.htm>.

<http://www.infolaw.co.uk> Infolaw is the oldest established legal portal. It is an excellent starting point for anyone looking for legal information. Lawfinder provides free access to a wide range of legal resources, including key law sites.