

## SUBSCRIBER UPDATE – AUTUMN 2010

### ADJUDICATION

### ADMINISTRATIVE COURT DIGEST

### AGENCY LAW

### AGRICULTURAL LAW, TAX AND FINANCE

### AIRCRAFT FINANCE; REGISTRATION, SECURITY AND ENFORCEMENT

As well as the specialist chapters on international conventions, Anglo-American conflict of law, problems relating to the conveyance of aircraft, and aviation insurance, the work's country-by-country coverage is expanded to include new content on Serbia and Slovenia.

### AIRCRAFT LIENS AND DETENTION RIGHTS

### ANTI MONEY LAUNDERING GUIDE

This work will be revised to reflect the latest available information on international money laundering procedures, with planned additional commentary on the regulatory sector in light of the impending review of the operation of the 2007 Money Laundering Regulations. The Anti Money Laundering Guide is a 1 volume Looseleaf consisting of 3 releases each year (reduced from 4), the service includes a CD that publishes 3 times a year and the EAMZ Newsletter that published 4 times a year.

It is a comprehensive and practical service which provides law and practice information for both the UK and key financial jurisdictions around the world.

### ARBITRATION

Following its focus in recent months on Scotland, Ireland and marine arbitration, the coming year will see the work turn its attention to Australia and the Middle East.

### ARCHBOLD: CRIMINAL PLEADING, EVIDENCE AND PRACTICE 2010

With the 2011 Archbold service users can access the free *Archbold e-update* service.

It comprises a weekly email which shows which parts of Archbold have been affected by changes in law and practice and outlines the changes for use alongside the book and latest supplement. The changes are presented in the style of Archbold and users can see exactly which parts of Archbold are affected as the same chapter and paragraph numbers are used. And, each week's email is

consolidated on a website, organised in chapter and paragraph order, so that checks for any changes affecting Archbold content can be made in the confidence that the latest information is being used.

What's more, the emails will be an indication of the content that will be provided and expanded upon in each new supplement.

Thoroughly revised and updated, Archbold 2011 covers in depth the latest developments in legislation, case law, SIs, practice directions and guidelines including:

#### Statutes

*Bribery Act 2010*

*Coroners and Justice Act 2009*

*Crime and Security Act 2010*

*Policing and Crime Act 2009*

#### Statutory instruments

*Coroners and Justice Act 2009 (Commencement No 1 and Transitional Provisions) Order 2009* (SI 2009 No 3253)

*Coroners and Justice Act 2009 (Commencement No 4, Transitional and Saving Provisions) Order 2010* (SI 2010 No 816)

*Costs in Criminal Cases (General) (Amendment) Regulations 2009* (SI 2009 No 2720)

*Criminal Defence Service (Contribution Orders) Regulations 2009* (SI 2009 No 3328)

*Criminal Defence Service (Financial Eligibility) (Amendment) Regulations 2009* (SI 2009 No 2878)

*Criminal Defence Service (Funding) (Amendment) Order 2009* (SI 2009 No 1843)

*Criminal Defence Service (Funding) (Amendment No 2) Order 2009* (SI 2009 No 2086)

*Criminal Defence Service (Interest of Justice) Regulations 2009* (SI 2009 No 2875)

*Criminal Defence Service (Recovery of Defence Costs Orders) (Amendment) Regulations 2009* (SI 2009 No 3352)

*Criminal Defence Service (Representation Orders) (Amendment) Regulations 2009* (SI 2009 No 3331)

*Criminal Defence Service (Representation Orders: Appeals etc) (Amendment) Regulations 2010* (SI 2010 No 1186)

*Criminal Justice and Immigration Act 2008 (Commencement No 13 and Transitory Provision) Order 2009* (SI 2009 No 3074)

*Criminal Procedure and Investigations Act 1996 (Notification of Intention to Call Defence*

*Witnesses) (Time Limits) Regulations 2010 (SI 2010 No 214)*  
*Criminal Procedure Rules 2010 (SI 2010 No 60)*  
*Criminal Procedure (Amendment) Rules 2010 (SI 2010 No 1921)*  
*Misuse of Drugs Act 1971 (Amendment) Order 2010 (SI 2010 No 1207)*  
*Misuse of Drugs Act 1971 (Amendment No 2) Order 2010 (SI 2010 No 1833)*

### Codes of practice, etc

*PACE Code E (audio recording of interviews)*  
*PACE Code F (visual recording of interviews)*  
*Code for Crown Prosecutors 2010*

### Practice direction

*Consolidated Criminal Practice Direction (Amendment No 24) (Criminal Proceedings: Witness Anonymity Orders (2); Forms)*

### Sentencing guidelines

On attempted murder  
On corporate manslaughter and health and safety offences resulting in death  
On statutory offences of fraud  
On the sentencing of offenders who are under 18 years of age

### Attorney-General's Guidelines

Attorney-General's guidelines on the acceptance of pleas

### Cases

Abandonment of appeal against sentence; whether or not the appeal hearing has commenced; *R (Goumane) v Canterbury Crown Court and CPS*  
*Affray*; *Leeson v DPP*  
Alternative verdicts; *R v Hodson*  
Appeal; conduct of trial judge; *Michel v The Queen*  
Appeal; consequences of failure of prosecution to discharge their duty; *McInnes v HM Advocate*  
Appeals by prosecution; *R v Arnold*; *CPS v C, M and H*; *R v NT*  
Assisting offenders; *R v Zaman*  
Attempt; "more than merely preparatory"; *Mason v DPP*  
Bad character; "cut-throat" defence; *R v Ramirez*  
Bad character; directing the jury; *R v Lafayette*  
Bad character; evidence having "to do with the alleged facts of the offence with which the defendant is charged"; *DPP v Agyemang*  
Bad character; meaning; *R v Fox*  
Bad character; propensity; *R v Clements*  
Blackmail; *R v Lambert*  
Cartel offence; *R v George, Burns, Burnett and Crawley*

Case management; ambush defences; expert evidence; inferences from failure to give evidence; *R v Ensor*  
Competence of a child; *R v Barker*  
Confiscation; combined with discharge; *R v Magro*  
Confiscation; valuation of realisable assets; *R v Modjiri*  
Costs; amount payable under defendant's costs order; *R (Law Society) v Lord Chancellor*  
Costs; court's discretion to refuse to make a defendant's costs order following a successful appeal against sentence; *R (Pluckrose) v Snaresbrook Crown Court*  
Costs; who should pay where there have been several defendants; *R v Nevins*  
Crediting of time on remand subject to qualifying curfew condition; *R v Irving*; *R v Squires*  
Dangerous driving; evidence as to consumption of alcohol; *R v Mari*  
Diminished responsibility; *R v Ramchurn*  
Discharge of single juror after retirement of jury; *R v Carter (David)*  
Disclosure; material held outside European Union; *R v RF*  
DNA evidence; *R v Reed and Reed*; *R v Garmson*  
Evidence of identification; expert evidence on facial mapping; *R v Atkins*  
Excess alcohol; evidential specimens; *DPP v Wilson*  
Expert evidence; *Leo Sawrij Ltd v North Cumbria Magistrates' Court*  
Failure to give evidence; *R v Charisma*  
False accounting; *R v Lancaster*  
Financial Services Authority's power to prosecute; *R v Rollins*  
Harassment; *R v Curtis*  
Hearsay; absent witness; *R v Seton*  
Hearsay; admissibility where witness is dead; *R v Gian and Mohd-Yusoff*  
Hearsay; right to a fair trial; *R v Horncastle*; *R v Marquis*; *R v Carter*  
Involuntary manslaughter; sentencing where victim died after offender has completed a custodial sentence for non-fatal offence against the person; *R v Owen*  
Jury irregularities; *R v Thompson*; *R v Crawford*; *R v Gomulu*; *R v Allen*; *R v Kasunga*; *R v Blake*  
Jury notes; how to deal with where jury express a view as to the facts of the offence or the culpability of the offender; *Att-Gen's Reference (No 1 of 2009) (R v Booth)*  
Jury; trial on indictment by judge alone; *R v KS and R v J, S and M*  
Memory refreshing; *R v Mangena*  
Murder; liability of secondary parties; *R v Mendez*  
Provocation; *R v Evans (John Derek)*  
Recommendation for deportation; *R v Kluxen*; *R v Rostas and Adam*

Sentence; co-operation with prosecuting authorities as mitigation; *R v Bevens*  
 Sentence; credit against for time spent on bail; *R v Barrett*  
 Sentence; credit for guilty plea; *R v Girma*  
 Sentence; credit for time on remand; *R v Floriman*  
 Sentence; dangerous offenders; fixing the minimum term; *R v Delucca*; *R v Murray*; *R v Stubbings*  
 Sentence; dangerous offenders; robbery with a firearm; *R v Gore*  
 Sentence; fine; *R v Thames Water Utilities Ltd*  
 Sentence; domestic violence; wishes of the victim; *R v Fazli*  
 Serious crime prevention orders; *R v Hancox (Practice Note)*  
 Serious Fraud Office; sentence; joint submissions; *R v Innospec Ltd*  
 Sex offender notification requirements; *R (F) v Secretary of State for the Home Department*; *R (Thompson) v Same*  
 Special arrangements for vulnerable defendants; *R (C) v Sevenoaks Youth Court*  
 Summing up; comment on failure to call defence witness; power of judge to call a witness; *R v Campbell*  
 Summing up; jury unanimity and necessity for a *Brown* direction on charge of dangerous driving; *R v Budniak*  
 Terrorism; *R v Y (A)*  
 Theft in breach of trust; applicability of sentencing guideline; *R v Hakimzadeh*  
 Violent disorder; *R v W (N)*

#### **ARCHBOLD: CRIMINAL APPEAL CASES INDEX**

#### **ARCHBOLD MAGISTRATES' COURTS CRIMINAL PRACTICE 2011**

A host of new legislation in the area of criminal law is all covered in the 2011 edition, including:

- All relevant changes brought about by the *Coroners and Justice Act 2009*, the *Policing and Crime Act 2009* and the *Crime and Security Act 2010* as they affect bail, evidential matters, sexual offences and police powers
- All the various changes implemented by the *Criminal Justice and Immigration Act 2008* to date are included.
- The appendices have been updated with the full copy of the *Criminal Procedure Rules 2010* and also the new *Code for Crown Prosecutors*. The *PACE Codes* are also printed in an up-dated and revised version to incorporate changes relating to digitally recorded interviews etc.
- A new appendix which consists of the *Sentencing Guidelines Council* definitive

guideline on the overarching principles to be applied in the sentencing of youths and the general approach at Appendix J.

- There continues to be considerable case law on the evidential provisions of the *Criminal Justice Act 2003* as regards bad character evidence and hearsay and a selection of the most important developments are included

#### **ASSET AND PROJECT FINANCE: LAW AND PRECEDENTS**

#### **BEST VALUE LAW AND PRACTICE**

#### **BRITISH COMPANY LAW LIBRARY**

#### **BRITISH TAX REVIEW**

Among the topics the Review will be including over the coming years are

- The Finance Acts in 2011
- Analysis of the findings of the review by the Office for Tax Simplification of tax reliefs and business taxes
- Coverage of new developments relating to anti-avoidance, foreign domiciles, the statutory residence test
- Further amendment to the Inheritance Tax Act seeking to close loopholes

#### **BUILDING CONTRACT DISPUTES: PRACTICE AND PROCEDURE**

The implementation in 2011 of the Local Democracy, Economic Development and Construction Act 2009 will be covered by this work, with the relevant provisions clearly explained.

#### **BUTLER AND MERKIN'S REINSURANCE LAW**

As always, the looseleaf will be updated to cover significant changes in reinsurance law and, in particular, it will cover:

- Coming into force of the Rome I Regulation
- Third Parties (Rights against Insurers) Act 2010
- Law Commissions' draft bill on consumer insurance 2009

#### **CHARITIES: THE LAW & PRACTICE**

During the coming year new and revised content will cover relevant changes in primary and secondary legislation, decisions of the courts and tribunals and guidance issued and decisions made by, amongst others, the Charity Commission and Her Majesty's Revenue and Customs. As well as the continued "refreshing" of the commentary in the light of 16 years' updates, particular developments are likely to include:

A new accounting regime for charities  
The judicial interpretation of "public benefit"  
The consolidation of much of the primary legislation relating to charities  
The becoming available of the charitable incorporated organisation  
New rules regarding Gift Aid and major donors  
The coming into force of the Equality Act 2010 with its provisions relating specifically to charities  
The Big Society, including the setting-up of a Big Society Bank

## **CIVIL JUSTICE QUARTERLY**

### **COHABITATION: LAW AND PRECEDENTS**

Elizabeth Darlington, who has written extensively on the area of the law relating to cohabitation and is in private practice in Leeds, is to be the work's new General Editor

The work will be fully up-dated to include important decisions following the House of Lords in *Stack v Dowden*. These include cases involving purchases of property in one party's sole name, for example, *James v Thomas* [2007] EWCA Civ 1212 and *Morris v Morris* [2008] EWCA Civ 257 in which the Court of Appeal found that in the absence of an express post-acquisition agreement, a court will be slow to infer from conduct alone that the parties intended to vary existing beneficial interests established at the time of acquisition.

The analysis also covers cases involving purchases of property in the parties' joint names, including the recent important Court of Appeal decision of *Jones v Kernott* [2010] EWCA Civ 578. In that case, the Appellant had moved out of the property and made no contribution towards it, including mortgage payments, improvements or other outgoings for 12 years. The Court of Appeal nevertheless decided that the parties' shares were equal.

Additionally, the Occupation of the Home chapter will be comprehensively up-dated to cover the most recent developments in respect of licences, tenancies, succession on death, occupation orders and transfer of tenancies.

Coverage of Welfare Benefits and Tax Credits will have a new author, Phillip Barber, who will bring his experience as a Judge of the First Tier Tribunal (Social Entitlement) Chamber to the Chapter.

The Children chapter will be updated to cover Brussels II revised impact on unmarried parents, separate representation of children, Hague Convention 1996, international transportation of

parental responsibility, new powers of the courts, mediation and Cafcass.

Expected developments in areas affecting Immigration will be closely monitored and content will keep practitioners up to date on these changes – changes that are likely to be critical for many individuals.

### **COLINVAUX AND MERKIN'S INSURANCE CONTRACT LAW**

The sections on Directors' and Officers' Insurance and on defence costs have all been rewritten and updated. The chapter on motor insurance is going to be rewritten to take account of the consolidation of the EU's Motor Insurance Directives. The looseleaf will also include updates to cover:

- Coming into force of the Rome I Regulation
- Third Parties (Rights against Insurers) Act 2010
- Law Commissions' draft bill on consumer insurance 2009

### **COLLECTIVE INVESTMENT SCHEMES**

### **COMMERCIAL ENVIRONMENTAL LAW AND LIABILITY**

### **COMMERCIAL LITIGATION: PRE-EMPTIVE REMEDIES**

### **COMMERCIAL TRANSACTIONS CHECKLISTS**

### **COMMERCIAL LAWS OF EUROPE**

### **COMMERCIAL PROPERTY DEVELOPMENT PRECEDENTS**

### **COMMERCIAL TRANSACTIONS CHECKLISTS**

### **COMMON MARKET LAW REPORTS**

### **COMMON MARKET LAW REPORTS: ANTI TRUST REPORTS**

### **COMMONHOLD LAW**

### **COMMUNITY DESIGNS HANDBOOK**

### **COMMUNITY TRADE MARK HANDBOOK**

### **COMPANY DIRECTORS LAW AND LIABILITY**

### **COMPANY LAWYER**

Among the topics and issues covered in forthcoming issues will be analysis of the FSA's immunity from damages liability, Lehman Brothers collapse in Hong Kong, US Sub Prime mortgage crisis, and Systemic Risks for Financial Regulation. International coverage will include South African Close Corporation under new companies Act, Avenues for Assistance to Administrators in Australia, Class Actions in India, Foreign Investment Poland, and Minority Shareholders in Hong Kong.

## COMPANY PRECEDENTS

### COMPLIANCE OFFICER BULLETIN

Forthcoming issues of the Bulletin will deal with The Financial Services Act 2010; Intellectual Property Issues for Financial Institutions; Funds Update; the MiFID Review; and Client Assets. Looking further ahead, there will coverage of the proposals for new regulatory structures in the UK and at the European level.

### COMPUTER AND TELECOMMUNICATIONS LAW REVIEW

### CONSTRUCTION AND ENGINEERING PRECEDENTS

Upcoming releases will cover Sub-Contracts Revision 2 (SBC, DB, IC and MW families), Five Warranties Revision 2009, PC, MTC, RM and FIDIC Silver Book.

### CONSTRUCTION LAW JOURNAL

### CONVEYANCER AND PROPERTY LAWYER

### COPYRIGHT AND DESIGNS LAW

The impact of the Digital Economy Act 2010 and its effect on internet use and copyright infringement is among the changes that new and revised content will cover over the coming months.

### CRIMINAL APPEAL REPORTS

### CRIMINAL APPEAL REPORTS - SENTENCING

### CRIMINAL LAW REVIEW

Among forthcoming articles, in 'Assisted Suicide and Identifying the Public Interest in the Decision to Prosecute', Roger Daw and Alex Solomon examine on how the CPS drafted its policy on assisted suicide following the decision in Purdy; whilst David Hamer contributes 'Trying Delays: Forensic Disadvantage in Child Sexual Assault Trials'

Upcoming case commentaries include:

- *R. v Sheppard; R. v Whittle* on jurisdiction for offences on the internet
- *R v Reed* on DNA evidence
- *R v Lancaster* on false accounting
- *R v Chrysostomou and R v Bains* on the definition of hearsay
- *R v ABCD; R v Willets; R v Mendez and R v Lewes* on liability for joint enterprise
- *R v JSM* on judge only trials
- *R v Brewster; R v Braithwaite and R v Miller* on bad character of non-defendant witnesses

### CRIMINAL LAW WEEK

Criminal Law Week will continue to provide digests of the latest cases from a list of some 30 sources as well as all legislation relevant to the criminal practitioner, such as the Bribery Act 2010 and Crime and Security Act 2010.

### CROSS ON LOCAL GOVERNMENT LAW

Forthcoming releases will cover a range of recent Acts, including the Children, Schools and Families Act 2010 and the Flood and Water Management Act 2010, and further delegated legislation made in the course of the implementation of earlier local government legislation.

The coalition Government's programme includes the following relevant Bills, which will be covered in due course: Energy Security and Green Economy Bill; Academies Act; Education and Children's Bill; Police Reform and Social Responsibility Bill; Public Bodies (Reform) Bill; Decentralisation and Localism Bill; Local Government Bill.

Releases will also cover the steady stream of case law that arises across the many specialist areas within local government law.

Finally, a new chapter on Economic Development and Regeneration is also scheduled for inclusion.

### CURRENT SENTENCING PRACTICE

The amended dangerous offender provisions and the case law to which they give rise will be covered by this work, together with all other current developments as existing legislation (such as the Mental Health Act 2007 and the Criminal Justice and Immigration Act 2008) is brought into force as well as new legislation which is passed.

The implementation of the Coroners and Justice Act 2009 provisions relating to the new Sentencing Council will also be dealt with as and when they come into effect.

Changes in sentencing practice following the introduction of Sentencing Guidelines Council Definitive Guidelines for various offences will be discussed. Newly emerging topics, such as abuse of process in relation to confiscation orders will be included.

Furthermore, the latest trends from the Court of Appeal on drugs offences, diminished responsibility, insider dealing, and youth justice will also be included. The work will continue to offer comprehensive coverage of current developments in sentencing law, together with necessary coverage of earlier legislation which continues to apply to offences committed before the repeal of that legislation.

Additionally, latest developments are reported in *Current Sentencing Practice News*.

## **DATA PROTECTION LAWS OF THE WORLD**

### **DERIVATIVES: LAW AND PRACTICE**

### **DISCRIMINATION IN EMPLOYMENT**

Included in the updating to this work are the changes made by the Equality Act 2010, which will be clearly explained and thoroughly analysed.

### **DOING BUSINESS IN EUROPE**

A new feature for the work is the addition for each jurisdiction covered of an 'at a glance' summary of the key facts relating to taxation, company law, insolvency, employment, and intellectual property. Also be added is a new chapter on doing business in Serbia.

## **DOMAIN NAMES: GLOBAL PRACTICE AND PROCEDURE**

### **DOUBLE TAXATION CONVENTION**

### **DUE DILIGENCE LAW AND PRACTICE**

The growing area of companies undertaking an in-house due diligence review in order to 'stress test' their own corporate governance, compliance and contractual relationships is explored in this work.

It will inform company how to undertake such a review, and to develop a programme to cover any gaps in these important areas.

International coverage continues to expand, with chapters for Middle East and Eastern European countries – Poland, Czech Republic and the Baltic States - being added.

### **DYMOND'S CAPITAL TAXES**

Coverage will be added of the new coalition Government's efforts to tackle tax avoidance including new rules and the extension of existing measures relating to anti-avoidance. There will also be analysis of new rules and guidance relating to foreign domiciles and the statutory residence test.

The ongoing consultation by the Government into bringing inheritance tax on trusts within the Disclosure of Tax Avoidance Schemes regime will also be considered.

## **EC COMPETITION LAW REPORTER**

### **EU PUBLIC PROCUREMENT LAW AND PRACTICE**

The flow of EU legislation on procurement continues unabated, including a major evaluation of the EU procurement rules, as well as new provisions on concessions.

In the UK, new rules on procurement in the defence sector are waiting to be implemented and full coverage will be provided in a new part to the work.

A full revision will begin of those parts of the work which provide guidance on the application of the EU procurement rules in the context of UK policy and legislation. This will be a rolling process as the new government unfolds its approach. Among other things it will provide guidance on the EU rules in the context of the deficit reduction programme, including efficiency and public sector reform programmes in central and local government.

### **EMMET AND FARRAND ON TITLE**

All the developments in conveyancing law and practice will be covered by Emmet and Farrand, including the end of Home Information Packs, the effect of the new planning regime announced by the coalition Government, and changes to Land Registry forms and practice.

## **EMPLOYEE SHARE SCHEMES**

Among the changes and developments being reflected in new and revised content in the coming months are:

- Ongoing coverage of employee share Schemes in the new tax environment
- Consideration of the consequences of the new 50% tax rate and the phased withdrawal of personal allowances
- Analysis of the new higher rate of CGT
- The operation of government sponsored option schemes and other employee share schemes

## **EMPLOYMENT PRECEDENTS AND COMPANY POLICY DOCUMENTS**

### **ENCYCLOPEDIA OF COMPETITION LAW**

#### **ENCYCLOPEDIA OF COMPULSORY PURCHASE AND COMPENSATION**

The Encyclopedia has been the subject of very substantial changes in recent months, largely due to relevant provisions of the Housing and Regeneration Act 2008 and the Planning Act 2008, both of which have detailed annotations in this work. The impact of these important items of legislation is still being felt as relevant statutory instruments continue to be issued.

The Government has indicated that it will dispense with the Infrastructure Planning Commission established under the Planning Act 2008, though it is not yet clear what future arrangements are to be made for nationally significant infrastructure projects.

Forthcoming anticipated changes include:

Issue of new rules regulating proceedings in the Upper Tribunal (Lands Chamber) and replacement of the Lands Tribunal Rules 1996

Issue of new Practice Directions relevant to proceedings in the Upper Tribunal (Lands Chamber), which will replace the current Interim Practice Directions and Guidance

A further Planning Act

Ongoing updates to coverage of cases

### **ENCYCLOPEDIA OF CONSUMER CREDIT LAW**

#### **ENCYCLOPEDIA OF CONSUMER LAW**

Recent cases added to the Encyclopedia can now be found in the dedicated Cases part, rather than appearing as various annotations in the Statutes part. New material includes the Supreme Court decision on the core provisions in the Unfair Terms in Consumer Contracts Regulations 1999: *OFT v Abbey National*.

Two important cases, *McGuffick* and *Carey* on the unenforceability of consumer credit agreements

also appear in this part - both related to the creditors' duty to give debtors copies of their agreements.

Additionally, there is an extensive general note on the Consumer Protection from Unfair Trading Regulations 2008 as well as the Consumer Credit Directive 2008, which will come into force in February 2011.

## **ENCYCLOPEDIA OF DATA PROTECTION AND PRIVACY**

### **ENCYCLOPEDIA OF ENVIRONMENTAL LAW**

#### **ENCYCLOPEDIA OF ENVIRONMENTAL HEALTH LAW AND PRACTICE**

Major new legislation on water management has been enacted, and will be fully annotated in the Encyclopedia as and when it comes into force. Allied to this is the ongoing introduction of various provisions of the Water Act 2003, which is gradually amending parts of the Water Industry and Water Regulation Acts.

Additionally, there is new legislation relating to the regulation of sun beds, which will be fully annotated in the Encyclopedia as it comes into force in 2011.

The revised regime for environmental permitting is another of the major developments during 2011 which the Encyclopedia will be following.

All relevant legislative and other proposals emerging from the new coalition Government will be tracked, and areas that look likely to be scrutinised, such the potentially controversial divide between public regulation and privately organised arrangements, will be subject to comment by the editors, particularly ahead of any resulting legislative changes.

### **ENCYCLOPEDIA OF EUROPEAN COMMUNITY LAW**

#### **ENCYCLOPEDIA OF EUROPEAN UNION LAW**

Following the coming into force of the Lisbon Treaty in December 2009, the Encyclopedia is in the ongoing process of being rewritten to reflect the new dynamics of the European Union and the impact the Treaty has had.

#### **ENCYCLOPEDIA OF FINANCIAL SERVICES LAW**

The Financial Services Act 2010, amending FSMA 2000, to give effect to the proposed reforms to financial regulation announced by the Treasury in 'Reforming Financial Markets' will be covered in the coming year. Amongst the changes are:

- The creation of a new Council for Financial Stability (CFS) - Replacing the less formal

Memorandum of Understanding between the Tripartite Authorities (TPA)

- Strengthening the governance arrangements and statutory framework of the FSA
- Enhancing the FSA's rule-making, information gathering and enforcement powers
- Expanding the role of the Financial Services Compensation Scheme (FSCS)
- Extending the scope of FSA regulation

The changes to the regulatory architecture in the Financial Services Regulation Bill will also be anticipated

#### **ENCYCLOPEDIA OF HIGHWAY LAW AND PRACTICE**

#### **ENCYCLOPEDIA OF HOUSING LAW AND PRACTICE**

Major forthcoming developments affecting this work include:

- The coming into force of the Housing and Regeneration Act and the new regulatory standards from the Tenant Services Authority
- Expanded coverage of the National Assistance Act 1948, the Children Act 1989, and various provisions dealing with housing support for asylum seekers
- Ongoing significant re-writing of the commentary to the Housing Act 1996, parts 6 and 7

This service includes HousingVIEW, the weekly e-mail bulletin providing updates on housing law – to receive this, subscribers should register at: <http://housingview.thealerter.co.uk/alerters/housingview/subscribe.jsp>

#### **ENCYCLOPEDIA OF INFORMATION TECHNOLOGY LAW**

The work is being enhanced by the inclusion of a new chapter on Procurement authored by a team from Pinsent Mason LLP.

There is also major rewrite and updating by a team from Herbert Smith DLP of the Telecommunications chapter, the International Communications chapter will be completely rewritten as will the Crime chapter.

#### **ENCYCLOPEDIA OF INSURANCE LAW**

Principal updates in the Encyclopedia over the coming months will be the Third Parties (Rights against Insurers) Act 2010 and updating and expansion of coverage dealing with regulation by the FSA

#### **ENCYCLOPEDIA OF LOCAL GOVERNMENT LAW**

Over the coming months, there will be coverage of the further delegated legislation that will

implement changes introduced by previous legislation. The coalition Government's legislative programme includes the following relevant Bills, which will be covered in due course: Decentralisation and Localism Bill, which will include major changes, including the introduction of a power of general competence, and the Local Government Bill, to stop uncompleted plans to create unitary councils.

#### **ENCYCLOPEDIA OF PLANNING LAW AND PRACTICE**

The Encyclopedia continues to cover all the latest developments in planning, which is going through a revolutionary period:

- More decisions than ever before are being challenged in the courts, and those with legal significance are first included in the monthly *Bulletins* so that they can be quickly assimilated, before being incorporated in the commentary in the main work in succeeding releases
- There are also changes to the system itself – for example, Regional Spatial Strategies have gone, bringing policy making to a local level
- The system for approving nationally significant infrastructure projects (such as major transport projects, nuclear reactors, etc) is to change and, in the short term, there are going to be many new National Policy Statements

#### **ENCYCLOPEDIA OF PROFESSIONAL PARTNERSHIPS**

Updates will be made to chapters on regulating vets, surveyors and solicitor partnerships.

#### **ENCYCLOPEDIA OF RATING AND LOCAL TAXATION**

A number of future developments are anticipated, including:

Further statutory instruments and guidance fleshing out the Business Rate Supplements scheme

New Tribunal Procedure Rules for the Upper Tribunal (Lands Chamber)

New primary legislation to cancel backdated business rates liabilities for certain categories of rateable property following reconstitution - this is principally intended to address the political controversy resulting from the recent review and reconstitution of statutory ports hereditaments. Following an earlier announcement in the June budget, on 20 July 2010 the DCLG announced that new legislation might be expected by the end of 2011. In the interim, there will continue to be a deferred payments scheme and regulations which "freeze" liability to pay backdated rates on certain categories of hereditament. These new legislative arrangements will be covered as they arise

New Valuation Tribunal for England Practice statements

## **ENCYCLOPEDIA OF ROAD TRAFFIC LAW AND PRACTICE**

## **ENCYCLOPEDIA OF SOCIAL SERVICES AND CHILD CARE LAW**

Following on from coverage of the Child Poverty Act 2010, a range of further developments affecting social services and child care law will be covered by the work's updating during the next 12 months, including:

Mental Health

A number of decisions of the Upper Tribunal concerning the operation of the First-tier tribunal (Mental Health) are anticipated

Mental Capacity

Delegated legislation made under the Mental Capacity Act, including the Court of Protection Rules and the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations, will be incorporated

Community Care

The major amendments made to the regulation of social care provision by the Health and Social Care Act 2008 will be fully covered

Children

- New case updates on adoption proceedings
- Updates on Children and Young Persons Act 2008 and Safeguarding Vulnerable Groups Act 2006
- Amendments to Children Act 1989

## **ENCYCLOPEDIA OF UNITED KINGDOM AND EUROPEAN PATENT LAW**

## **ENERGY LAW AND REGULATION IN THE EUROPEAN UNION**

## **ENTERTAINMENT LAW REVIEW**

Analysis of the changes brought about by the Digital Economy Act 2010 and the provisions it makes, amongst others, in relation to online infringement of copyright and penalties for infringement of copyright and performers' rights, the Video Recordings Act 1984 and public lending right in relation to electronic publications will feature in the Review's pages.

## **ENTERTAINMENT AND MEDIA LAW REPORTS**

## **ENVIRONMENTAL LAW REPORTS**

## **EU FOCUS**

## **EUROPEAN COMMERCIAL CASES**

## **EUROPEAN COMMUNITY CASE**

## **EUROPEAN COMPETITION LAW REVIEW**

## **EUROPEAN COPYRIGHT AND DESIGN REPORTS**

## **EUROPEAN CROSS BORDER ESTATE PLANNING**

A new editorial advisory board from STEP's Cross Border Group will be advising on content development and the title is endorsed and supported by STEP. This will include a focus on new and proposed EU legislation on cross border tax issues.

## **EUROPEAN CROSS BORDER INSOLVENCY**

## **EUROPEAN HUMAN RIGHTS LAW REVIEW**

## **EUROPEAN HUMAN RIGHTS REPORTS**

## **EUROPEAN INTELLECTUAL PROPERTY REVIEW**

The Review will continue to look at the impact of the Digital Economy Act 2010 An relating to online infringement of copyright and penalties for infringement of copyright and performers' rights, internet domain registries, and the Video Recordings Act 1984.

## **EUROPEAN LAW REVIEW**

## **EUROPEAN NEWSLETTER**

## **EUROPEAN PATENT DECISIONS**

Going into 2011, the final release of each year will be expanded to be a full cases release, with digests on the major decisions to come out of the European Patent Office to date. The frequency increase in the case releases will mean they will more speedily reflect the high volume of decisions coming out of the EPO throughout the year and provide more of the content which gives the work its practical value to users.

## **EUROPEAN UNION LAW REVIEW**

## **EUROPEAN PATENT HANDBOOK**

## **EUROPEAN PATENT OFFICE REPORTS**

## **EUROPEAN PATENT SOURCEFINDER**

## **EUROPEAN TRADE MARK REPORTS**

## **FINANCIAL PROVISION IN FAMILY MATTERS**

## **FLEET STREET REPORTS**

## FRANCHISING LAW AND PRACTICE

## GAMMIE & DE SOUZA: LAND TAXATION

## GLOBAL COMPETITION LITIGATION REVIEW

## GLOBAL TELECOMMUNICATIONS LAW AND PRACTICE

## GREENSLADE ON COSTS

The change in government means not only changes in the law but also changes in the administration of justice and its costs. The expected year of austerity that lies ahead will have profound implications for all areas of the legal system. *Greenslade on Costs* will be answering the many questions that are arising, including: financing legal aid; closure of county courts; redundancies affecting the court system; and if and how Lord Justice Jackson's recommendations will be implemented. Releases to *Greenslade* and its Bulletins will cover how these matters unfold.

Among other matters to be covered are:

- Fixed costs in fast track trials
- Possible end of recoverable success fees in claims funded under Conditional Fee Agreements (the client's damages may have to finance them instead)
- Insurance fees: if you are an insurer, expect to pay 10% more in damages as the quid pro quo for not having to pay your opponent's ATE insurance premium or success fee; and if the indemnity principle is abolished, how will this affect the recovery of legal costs?
- The coalition Government's follow-through on taking forward the Jackson proposals after a consultation process in the autumn
- The Insolvency (Amendment) Rules 2010

*Greenslade* will also be covering the changing law and judicial decisions that govern business between solicitors and their clients.

## HANDBOOK OF DILAPIDATIONS

## HANDBOOK OF LAND COMPENSATION: LAW AND VALUATION

## HANDBOOK OF RENT REVIEW

## HANDBOOK OF RESIDENTIAL TENANCIES

## HEYWOOD AND MASSEY: COURT OF PROTECTION PRACTICE

## HOUSING LAW

In the final release of 2010, the implementation of the Housing and Regeneration Act 2008 will be covered in Chapter 1, and Chapter 19 on possession will be completely reordered and updated.

The implementation of the Equality Act 2010 (it is expected to come into force in October 2010, although there is some doubt as to whether the Government will implement it all) will be covered in the first release of 2011.

## HOUSING LAW AND PRECEDENTS

## HOUSING LAW REPORTS

## HOUSING LAW SERVICE CD-ROM

Major forthcoming developments affecting this CD service include:

- The coming into force of the Housing and Regeneration Act and the new regulatory standards from the Tenant Services Authority
- Expanded coverage of the National Assistance Act 1948, the Children Act 1989, and various provisions dealing with housing support for asylum seekers
- Ongoing significant re-writing of the commentary to the Housing Act 1996, parts 6 and 7

This service includes HousingVIEW, the weekly e-mail bulletin providing updates on housing law – to receive this, subscribers should register at: [http://housingview.thealterter.co.uk/alerters/housingview/subscribe\\_.jsp](http://housingview.thealterter.co.uk/alerters/housingview/subscribe_.jsp)

## HUMAN RIGHTS PRACTICE

## INSOLVENCY

An experienced author team headed up by Gabriel Moss QC and Nick Segal will provide continuously updated material, including coverage of the Insolvency (Amendment) Rules 2010 and the final provisions of the Companies Act 2006.

## INSOLVENCY INTELLIGENCE

## INSURING FOREIGN RISKS

## INTELLECTUAL PROPERTY QUARTERLY

## INTERNATIONAL ARBITRATION LAW REVIEW

Key issues concerning arbitration law will continue to be addressed, with contributions on:

- Practical developments to the UNCITRAL Model Law
- US Arbitration Law
- Arbitration in Asia
- The Energy Charter Treaty

There will also be a special issue dedicated to the views of leading young practitioners on current topics in arbitration law and future developments, providing a showcase of new talent and new ideas in the field.

#### **INTERNATIONAL BUSINESS LAW JOURNAL**

#### **INTERNATIONAL COMPANY AND COMMERCIAL LAW REVIEW**

#### **INTERNATIONAL COMPUTER AND INTERNET CONTRACTS AND LAW**

Changes in contract law in USA, India, Australia and Japan have resulted in major revision of all the precedents, and new jurisdictional coverage of China is being added. Furthermore, there is expansion of the sections on electronic signatures, and online dispute resolution. An additional enhancement sees the Precedents on Disc totally reformatted to so that their presentation more closely reflects the print product.

#### **INTERNATIONAL CONTRACT MANUAL**

#### **INTERNATIONAL ENERGY LAW REVIEW (IELR)**

(Previously known as International Energy Law and Taxation Review (IELTR))

#### **INTERNATIONAL INTELLECTUAL PROPERTY LITIGATION**

#### **INTERNATIONAL LITIGATION PROCEDURE**

#### **INTERNATIONAL SPORTS LAW REVIEW**

#### **INTERNATIONAL TRADE LAW AND REGULATION**

#### **INTERNATIONAL TRUST PRECEDENTS**

The continuing expansion of the work sees new chapters on Barbados and St Kitts & Nevis.

#### **JOURNAL OF BUSINESS LAW**

#### **JOURNAL OF HOUSING LAW**

The Journal will follow the new developments from the Coalition Government.

It will also cover the decisions of the Supreme Court in the case of *Pinnock v Manchester CC* and the European Court of Human Rights in *Kay v*

*Lambeth*, both of which are expected during the coming Autumn and deal with the impact of article 8 of the European Convention on Human Rights on possession proceedings.

#### **JOURNAL OF INTERNATIONAL BANKING LAW AND REGULATION**

#### **JOURNAL OF PERSONAL INJURY LAW**

#### **JOURNAL OF PLANNING AND ENVIRONMENT LAW**

The Journal will continue to provide expert coverage and informed discussion of the latest developments in planning and environmental law and practice – including the changes being implemented by the new Coalition Government, such as the Devolution and Localism Bill and the Local Government Bill.

It will also provide full reports of the most important new cases, together with expert commentary, and summaries of additional cases, as well as full reports of a selection of significant Ministerial planning decisions and of important Lands Tribunal decisions.

Forthcoming Articles include:

Carbon Capture and Storage: An Environmental Assessment—Martha Grekos

Keeping Off-roaders on Track: Addressing the Misuse of Off-road Vehicles in Urban and Rural Settings—Victoria Jenkins and Stuart Macdonald

Failing to Adduce Sample Evidence: An Abuse of Process?—Neil Parpworth and Katharine Thompson

The Contaminated Land Regime: Still Suitable for Use?—Steven Vaughan

The 10-Year Rule and Breaches of Condition—Annabel Graham Paul

Planning and Human Rights—Robert Lewis

The Environmental Information Regulations 2004—An Update—David Altaras

How Effective is Policy in Setting Boundaries for Decision-makers?—Richard Honey

The New Latest Last Word on the Relevance of ECHR Article 8 to Possession Proceedings—Ian Loveland

Mistakes in the Application of Planning Control in England—Michael P. Collins

Compulsory Purchase: Is there a General Right to Judicial Review to Challenge the Decision to Vest Land the Subject of a Confirmed Compulsory Purchase Order?—Jonathan Ferris

Recent Developments in Planning Case Law—John Pugh-Smith

Alternative sites in Planning Law—Robert McCracken QC and Cain Ormondroyd

The Advance Payments Code and Private Streets—  
Tom Grahams  
Establishing Lawfulness by Deception—Claire  
Fallows

### **JOURNAL OF SOCIAL SECURITY LAW**

The Journal covers the latest developments in law, policy and practice across the field of social security law (including tax credits). Forthcoming issues are scheduled to include:

- Overpayments of social security benefits
- Welfare reform in the UK and in Australia
- Social security rights of third country nationals
- The Welfare Reform Act 2009
- An Analysis of *Secretary of State for Work and Pensions v Sister IS & Sister KM*

The Journal will continue to give detailed coverage to the many legislative developments, which are likely to increase in view of the new coalition Government's intended welfare reforms.

It will also continue to focus on case law developments, including the decisions of the Upper Tribunal (Administrative Appeals Chamber). The impact of the Tribunals, Courts and Enforcement Act 2007 changes to the appeal system, including the First-tier Tribunal (Social Entitlement) Chamber, and of the migration of Incapacity Benefit claims towards Employment and Support Allowance, will be monitored. The Journal remains committed to evaluating the impact of the Human Rights Act 1998 and European Law in the field of social security.

### **KEATING ON JCT CONTRACTS**

The releases in 2011 will provide commentary for the Revision 3 contracts which will be amended in the course of 2011 starting with the top eight contract families (IC, ICD, MW, MWD, DB, SBC/Q, SBC/AQ and SBC/XQ) and then focusing on Short Sub, Sub Sub, CE, CEP, MP, MTC, PCC and RM. The contract releases will reproduce all Revision 3 contract under the new name JCT 2011 Edition (JCT11).

### **KEMP & KEMP PERSONAL INJURY LAW, PRACTICE AND PROCEDURE**

Adding to the work's comprehensive guidance on the best way to proceed with a personal injury case, is a new chapter on dishonest claims.

This analyses whether a party bringing fraudulent claims to court can face civil claims arising out of their false evidence and whether all witnesses still enjoy the blanket witness immunity established in pre Human Rights Act cases.

### **KEMP & KEMP: QUANTUM OF DAMAGES**

Amongst the changes being made throughout Kemp & Kemp are:

- Revision of the chapter on Causation and Remoteness to take account of the decision of the Court of Appeal in *Smith v Youth Justice Board* [2010] EWCA Civ 99 and also summarise valuable analysis of causations by Laws LJ in *Rahman v Arearose* [2001] QB 351
- The latest judicial guidance on harassment claims is being dealt with in the Non-pecuniary Losses chapter
- A new discussion on discounts for multipliers is featured in the chapter on Principles of Assessing Pecuniary Loss
- The Cost of Investment Management chapter has been entirely rewritten to address all issues in relation to the court's decision on the most appropriate award
- There is new analysis of *Chewings v Williams* in the Interim Payments chapter
- A new chapter on Mentally Incapable Claimants explains the developing practice in the Court of Protection and the 2007 Rules
- The criminal injuries compensation coverage has been expanded to include updated figures for the cap on loss of earnings and the CICA's approach to Ogden 6 and lump sum awards for loss of earning capacity

### **LANDLORD AND TENANT FACTBOOK**

### **LANDLORD AND TENANT REPORTS**

### **LANDLORD AND TENANT REVIEW**

### **LAW OF LOANS AND BORROWING**

As well as continuing to incorporate latest case law, statutory developments will be covered, chief of which is the Financial Services Act 2010 and associated proposals by the FSA, OFT and FOS to identify emerging risks and enhance consumer protection, are being monitored and will be incorporated as appropriate.

The material on assets as security is being revised, and new material on the Financial Services Compensation Scheme is being added.

### **LAWYER'S FACTBOOK**

### **LEASEHOLD LAW**

### **LICENSING PROCEDURES AND PRECEDENTS**

### **LITIGATION PRACTICE**

### **LOCAL AUTHORITY LICENSING AND REGULATION**

The provisions of the Crime and Security Act 2010 which relate to the sale and supply of alcohol will be included among the changes and developments which this title will incorporate in the coming months.

#### **LOCAL GOVERNMENT FINANCE: LAW AND PRACTICE**

This service will cover the Coalition Government's proposed reforms to local government finance law, the outcome of the recently ended consultation on the Housing Revenue Account, and the Localism and Decentralisation Bill which is planned for autumn 2010.

#### **LOCAL GOVERNMENT PRECEDENTS AND PROCEDURES**

New and revised material will include coverage of new case law and the provision of new precedents, and checklists as required by legislation; and the planned major revisions of material on highways and planning law, as well as the TUPE and tendering chapter.

#### **MELVILLE: FORMS AND AGREEMENTS ON INTELLECTUAL PROPERTY AND INTERNATIONAL LICENSING**

#### **MITCHELL, TAYLOR AND TALBOT ON CONFISCATION AND THE PROCEEDS OF CRIME**

#### **MONROE & KNOCK: STAMP DUTIES**

#### **MUIR HUNTER ON PERSONAL INSOLVENCY**

#### **NEGOTIATING INTERNATIONAL JOINT VENTURE AGREEMENTS**

#### **OCCUPATIONAL ILLNESS LITIGATION**

#### **PALMER'S COMPANY LAW**

The largest overhaul of company law brought about by the Companies Act 2006 has been quickly and thoroughly covered by Palmer's. The Act has now come fully into force with the exception of Part 13 dealing with resolutions and meetings, due to the delayed implementation of the Bankruptcy and Diligence etc (Scotland) Act 2007. This will be covered in upcoming updating as well as other developments such as issues which have arisen from the 2006 Act and new case decisions.

#### **PALMER'S CORPORATE INSOLVENCY**

Two new sections are being added to this work which will give subscribers an overview of EU

Insolvency Regulation and the UNCITRAL Model Law.

#### **PATENT COOPERATION TREATY HANDBOOK**

#### **PENSIONS LAW AND PRACTICE WITH PRECEDENTS**

#### **PERSONAL INJURIES AND QUANTUM REPORTS**

#### **PFI AND MAJOR STRATEGIC PROCUREMENT IN LOCAL GOVERNMENT**

#### **PLANNING APPEAL DECISIONS**

#### **PLANNING CONTROLS AND THEIR ENFORCEMENT**

Forthcoming releases will include:

- New material to explain the Community Infrastructure Levy Regulations and the statutory limitations on section 106 agreements
- New sets of Regulations relating to infrastructure planning
- Alterations to the General Permitted Development Order - expansion of permitted development and Article 4 directions
- Amendments to the General Development Procedure Order - appeal time limits, publicity requirements, design and access statements, and statutory registers
- Alterations to publicity requirements for listed building and conservation area consents
- Changes in the Use Classes Order
- Coverage of the latest cases, dealing with such matters as certificates of lawful use, environmental assessments, a review by the Court of Appeal on the meaning of "person aggrieved" in s 288 of the Planning Act, and the legality of policies on affordable housing
- A new Order effective from October 2010, listing ecclesiastical exemptions from listed building and conservation area controls in England
- The forthcoming Localism Act
- Abolition of the Infrastructure Planning Commission by 2012

#### **PLANNING LAW: PRACTICE & PRECEDENTS**

Future releases will include a rewrite of the chapter on Planning Policies and the Prospects of Obtaining Planning Permission, and a new edition of the companion precedents paperback

#### **POTTER & MONROE'S TAX PLANNING WITH PRECEDENTS**

#### **PRACTICAL CIVIL COURT PRECEDENTS**

## **PRACTICAL COMMERCIAL PRECEDENTS**

## **PRACTICAL CONVEYANCING PRECEDENTS**

## **PRACTICAL FOOD LAW MANUAL**

## **PRACTICAL INTELLECTUAL PROPERTY**

## **PRACTICAL INTELLECTUAL PROPERTY PRECEDENTS**

### **PRACTICAL LEASE PRECEDENTS**

Updating releases in the coming months will complete the re-write of the forms, specifically the chapter containing precedents for miscellaneous leases and licences, such as those for lock-up garages, car parking spaces and rooms to view a procession. This chapter also contains precedent clauses for variations to different types of lease – leases to joint tenants, leases to tenants in common, leases to partners in business etc.

There will also be a re-structure the presentation of the library of clauses, which go to make up the forms, in a way that will give subscribers more information, both about the underlying law and logic, but particularly about the choices available when drafting the lease.

### **PRACTICAL LENDING AND SECURITY PRECEDENTS**

Richard Hardwicke and Jonathan Lawrence, of K&L Gates, are the new general editors of this work which will continue to monitor developments law and practice and provide new and revised clauses for loan and finance agreements wherever necessary.

### **PRACTICAL MATRIMONIAL PRECEDENTS**

Alongside the usual updating of the precedents to keep abreast of the law, the new releases in 2011 will be providing greater guidance on civil disclosure (“freeze, squeeze and seize”) as is now required following the recent Court of Appeal decision in *Imerman v Tchenguiz*. Continuing with the need for greater civil law awareness we will also be embracing the substantial shift towards civil standards of compliance in relationship generated agreements as advertised in *MacLeod* and *Radmacher v Granatino*.

There is also a substantial review of Part III applications following *Agbaje* and a new section setting out when and how child maintenance can be recovered from the Courts rather than through the CSA / CMEC.

### **PRACTICAL TRUST PRECEDENTS**

Anticipated changes to the taxation of trusts in the 2011 Finance Act will be reflected in new and

revised content, with subsequent amendments made to the trust documentation and supporting commentary.

### **PRACTICAL WILLS PRECEDENTS**

How trusts are affected by expected Finance Act changes will be covered, and those will documents which set up trusts will be revised accordingly.

### **PRECEDENTS FOR THE CONVEYANCER**

As a result of the re-organisation of the two Vendor & Purchaser sections, which deal with registered land and general property precedents such as declarations of trust and assignments, a range of new precedents will be added in the coming months.

### **PRIVATE CLIENT BUSINESS**

#### **PRIVATE EQUITY TRANSACTIONS**

A wide range of topics will be updated in the coming months, debt finance, the manager's position as shareholder, buyouts involving public companies, and venture capital trusts.

#### **PROBATE PRACTICE MANUAL**

The expected changes to the non-contentious probate rules, which follow a review started in 2009 by the Non-Contentious Probate Rules Committee and which have not been updated since 1987, will be included in the work's updating releases.

#### **PROFESSIONAL NEGLIGENCE AND LIABILITY REPORTS**

#### **PROPERTY, PLANNING AND COMPENSATION REPORTS**

#### **PROPERTY LAW BULLETIN**

#### **PUBLIC LAW**

#### **PUBLIC PRIVATE PARTNERSHIPS**

This title will cover the impact of the coalition Government's agenda on public private partnerships and the private finance initiative.

#### **PUBLIC PROCUREMENT LAW REVIEW**

Among the forthcoming articles appearing in the Review will be:

- The Liability of International Development Banks in Procurement Proceedings: The Example of the International Bank for Reconstruction and Development (IRBD), the European Bank for Reconstruction and

Development (EBRD) and the Inter-American Development Bank (IADB): Dr Bertrand Malmendier

- Direct Award of Public Contracts: The New Portuguese Public Contracts Code in Light of EU Law: Miguel Assis Raimundo
- A New Type of Exemption from the EU Rules on Public Procurement Established: "In-Thy Neighbour's House" Provision of Public Interest Tasks: Mustafa T Karayigit
- EU Primary Law Requirements in Practice: Advertising, Procedures and Remedies for Public Contracts Outside the Procurement Directives: Adrian Brown

## REGULATION OF INSURANCE

### ROAD TRAFFIC REPORTS

*Road Traffic Reports* provides full text reports of decisions in higher courts on road traffic law including many cases not reported elsewhere. Key topics covered in upcoming issues will include:

- Police negligence
- Goods vehicle offences
- Death by careless driving
- Alcohol-related driving offences
- Highway maintenance

### ROWLEY AND BAKER: INTERNATIONAL MERGERS – THE ANTITRUST PROCESS

#### RUOFF & ROPER: REGISTERED CONVEYANCING

Included in the developments being covered over the coming months, the chapter on Adverse Possession will be updated to take account of the decision of the Grand Chamber of the ECHR in *Pye v UK*.

The introduction of electronic transfers that can be signed electronically either by the parties to the transfer or their duly authorised conveyancers is thought likely in 2011. It will also be possible to use electronic legal charges. This major conveyancing revolution will be introduced by the proposed Land Registration (Electronic Conveyancing) Rules 2011, with the revocation of the Land Registration (Electronic Conveyancing) Rules 2008.

The changes brought about by these new Rules are expected to result in extensive revision of chapters relating to transfers, legal charges and electronic conveyancing.

Appeal cases are starting to appear challenging the decisions and jurisdiction of the Adjudicator to HM Land Registry. The two latest, *Silkstone v Tatnall*

and *Franks v Bedward*, will be dealt with, and the result of any appeals (if there are any permitted) and any further challenges will be follow accordingly.

### SCHOFIELD'S ELECTION LAW

Electoral law in the United Kingdom has undergone a decade of considerable change and it is anticipated that there will be no let up in the foreseeable future.

The third looseleaf edition of this definitive work on election law and referendums is regularly updated and revised when new legislation is introduced. The five volumes contain commentary on election law and procedures for elections to Parliament, the European Parliament, the National Assembly for Wales and all other local government authorities in England and Wales, together with relevant Acts of Parliament, Statutory Instruments, selected Circulars from the Electoral Commission, a section of specimen forms and important Election Case reports.

### SECURITIES TRANSACTIONS IN EUROPE

#### SWEET AND MAXWELL'S CONVEYANCING PRACTICE

Conveyancing Practice will continue to reflect the up to date position of the law and practice relating to conveyancing. The impact of the new planning regime announced by the coalition government, the scrapping of Home Information Packs and other relevant statutory changes will all be covered, as will significant case law developments. Changes to HM Land Registry forms and practice and Law Society and Council for Licensed Conveyancers advice will also be covered, as well as other relevant practice notes and guidance.

#### SWEET & MAXWELL'S ENCYCLOPEDIA OF EMPLOYMENT LAW

This coming year the Encyclopaedia will keep subscribers up-to-date with the impact of the Equality Act 2010 and its implementation. And, as usual, subscribers can expect a refresher on the impact of EU law and any changes to Tribunal practice.

#### SWEET & MAXWELL'S LAW OF PENSION SCHEMES

#### SWEET & MAXWELL'S PLANNING LAW SERVICE CD-ROM

This CD service will continue to cover all the latest developments in planning, which is going through a revolutionary period:

- More decisions than ever before are being challenged in the courts, and those with legal

significance are first included in the monthly *Bulletins* so that they can be quickly assimilated, before being incorporated in the commentary in the main work in succeeding releases

- There are also changes to the system itself – for example, Regional Spatial Strategies have gone, bringing policy making to a local level
- The system for approving nationally significant infrastructure projects (such as major transport projects, nuclear reactors, etc) is to change and, in the short term, there are going to be many new National Policy Statements

#### **TAXATION OF COMPANIES AND COMPANY RECONSTRUCTIONS**

As well as coverage of the simplification of group capital gains tax, new and revised content will take into account the worldwide debt cap rules. The new Corporation Tax regime will also be the subject of ongoing coverage.

#### **TRADE MARK HANDBOOK**

#### **TRADE MARKS, TRADE NAMES AND UNFAIR COMPETITION**

#### **TRANSFER OF UNDERTAKINGS**

#### **UNITED KINGDOM OIL & GAS LAW**

As well as covering changes and developments in the law relating to the exploration, production, offshore pipeline transportation and sale of domestically produced oil and gas, the work will also see new chapters being included on underground gas storage and Third Party Access

#### **WATER AND DRAINAGE LAW**

New legislation to be covered in forthcoming releases includes:

- Flood and Water Management Act 2010
- Marine and Coastal Access Act 2009
- Environmental Permitting Regulations
- Regulatory Enforcement and Sanctions
- There will be re-writes of the chapters on Reservoirs and Fisheries and continuing coverage of the latest case law

#### **WEINBERG AND BLANK ON TAKEOVERS AND MERGERS**

#### **WHITEMAN AND SHERRY ON CAPITAL GAINS TAX**

Ongoing rewrites of the residence sections within those chapters dealing with CGT where there is a foreign element involved, to reflect recent changes

made to the rules via the Finance Act 2009, will form part of the updating over the coming months. Additionally, a new chapter will be added on Companies.

#### **WHITEMAN AND SHERRY ON INCOME TAX**

New developments relating to anti-avoidance, foreign domiciles and the statutory residence test will be chief amongst the changes being explained and assessed. And, there will be a new chapter on Transfer of Assets Abroad.

#### **WIPO JOURNAL: ANALYSIS AND DEBATE OF INTELLECTUAL PROPERTY ISSUES**

#### **WOODFALL: LANDLORD AND TENANT**

#### **WURZBURG AND MILLS: BUILDING SOCIETY LAW**

Amongst developments to be covered through 2010/2011 are:

- The Financial Services Act 2010
- Implementation of the Payment Services Regulations 2009 and BCOBS
- Developments arising out of the FSA's mortgage market review
- Proposed changes to capital adequacy requirements (including the Treasury discussion paper on building society capital)
- Proposed changes to the regulatory system (including the effective dismantling of the FSA) discussion of recent case-law, including the Supreme Court's decision in the bank charges case and new cases on unfair relationships