

**October – December 2013**

**JUDGMENTS**

ASE Metals NV v Exclusive Holiday of Elegance Ltd.  
JMCA 27.09.2013

Assets recovery Agency v Andrew Hamilton, Dorothy Hamilton, Andre Hamilton, Andrew Hamilton  
Construction Ltd. Andrehan Seafoods Co. Ltd., Devon Lleary, Janet Ramsay, Paulette Higgins and  
Annmarie Cleary  
JMSC 30.09.2013

Bailey-Latibeaudiere, Viralee v Minister of Finance and Planning, Financial Secretary, Public Service  
Commission and Attorney General of Jamaica  
JMSC 19.09.2013

Baker, Ralston v R  
JMCA 19.07.2013

Beagle, Dennis v R  
JMCA 25.09.2013

Beckford, Clifton v Winston Blackwood  
JMSC 9.07.2013

Bennett, Desmond v Jamaica Public Service Co. Ltd. and Clarence Bailey  
JMCA 19.07.2013

Bennett, Hugh and Jacqueline Bennett v Michael Williams  
JMSC 22.11.2013

Billone, Nadine v Experts 2010 Co. Ltd.  
JMSC 31.07.2013

Bowen, Norman W.N. v Shahine Robinson, Rupert Brown, Danville Walker and Attorney General of  
Jamaica  
JMSC 23.10.13

Brown, Alromeo v Transport Authority, S/Constable K. Gordon and Attorney General of Jamaica  
JMSC 15.11.2013

Brown, Bartholomew and Bridgette Brown v Jamaica National Building Society  
JMCA 14.10.2013

Brown, Reginald (Father and near relation of Demory Brown, deceased) and Alberta Tugman (Mother  
and near relation of Demory Brown, deceased) v Balford Douglas, Andre Douglas and Deborah Douglas  
JMSC 15.11.2013

Buchanan, JEHOIDA V Adrian Smith and Phyllis Hinds  
JMSC 15.11.2013

Cameron, Calvin v Security Administrators Ltd.  
JMSC 26.06.2013

Cameron, Jermaine v R  
JMCA 29.11.13.2013

Campbell, Percival v R  
JMCA 10.10.2013

Capital & Credit Merchant Ltd. v Real Estate Board  
Real Estate Board v Jennifer Messado & Co.  
JMCA 19.07.2013 [Consolidated]

Caribbean Cement Co. Ltd. v Freight Management Ltd.  
JMCA 02.10.2013

Careif Ltd. and Anthony Tharpe v Jamaica Observer Ltd.  
JMSC 30.07.2013

Caribbean Steel Co. Ltd. v Price Waterhouse (a Firm)  
PC 09.07.2013

Carib Ochi Rios Apartment v Proprietors Strata Plan No. 73 and Trevor Carby  
JMCA 31.07.2013

<The>Chairman, Penwood High School's Board of Management and Attorney General of Jamaica v  
Loana Carty  
JMCA 25.07.13

Chambers, Kerry-Ann v Cecil Ricardo Mack  
JMSC 01.11.2013

Chang, Ronald and Natasha Chang v Frances Rookwood and Nevado Listz  
Ronald Chang and Natasha Chang v Frances Rookwoo, Nevado Listz, Felicia Vassell and Ayesha  
Maxwell  
Ronald, Chang and Natasha Chang v Frances Rookwood  
JMCA 04.10.2013 [Consolidated Appeals]

Chang, Roshena v R  
JMCA 04.10.2013

Commissioner of Lands v Thomas Lazurus Anderson  
JMSC 31.07.2013

Customer Information Order (POCA), Re  
JMCA 31.07.2013

Cybervale v Cable & Wireless Jamaica Ltd  
JMSC 16.09.2013

Douglas, Myrna v Easton Douglas and Jacqueline Brown  
JMSC 20.09.2013

Dunkley, Nichola Marsha v Dave Anthony Dunkley  
JMSC.01.11.3013

Edwards, Odane v Attorney General  
JMSC 23.08.2013

Exclusive Holiday of Elegance Ltd. v ASE Metals NV  
JMCA 19.07.2014

Farrington, Thelma Rose v Reinford Walters  
JMSC 01.11.2013

Fletcher, Kevin v R  
JMCA 16.10.2013

Forbes, Adrian (By next friend Rohan Christopher Wong) Toshana Forbes (In her own right, and as representative of the Estate Everald Washington Forbes, Deceased) and Elaine Jackson-Forbes v Calvin Goldman-Forbes and Maureen Forbes  
JMSC 20.09.2013

Fullerton, Jermaine v Peta Gaye Powell  
JMSC 18.10.2013

Gayle, Lloyd and Cedric Gayle v Sylvia Gayle (as the Executrix of the estate of Clifford Gayle, deceased)  
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Gaynair, Vincent, Charles Ross and Neville Henry v Negril Beach Club Ltd. , Negril Interval Ownership Club, Raz Ofer, Ofer Helfman, Margaret Causewell, Michael Causewell and Julian Edwards  
JMCA 05.07.2013

General Legal Council v Barrington Frankson  
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Grant, Nickoy v R  
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Grant, Washington v national Solid Waste Management Authority and Attorney General  
JMSC 31.07.2013

Gregory, Hoip v Vincent Armstrong  
Hoip Gregory and O'Brien Kennedy  
JMCA 31.07.2013

Hall, Erlin v Commissioner of Corrections and Attorney General for Jamaica  
JMSC 05.07.2013

Hamilton, Chester v Commissioner of Police  
JMCA 31.07.2013

Insurance Co. of the West Indies Ltd. v Margaret Forrest Duncan  
Margaret Forrest Duncan v Insurance Co. of the West Indies Ltd. and BINOC Visions Investigations Ltd.  
JMSC 16.09.2013

Johnson, Pauline (Administratrix for the estate of Garfield Gregory, deceased v Dwight Bennett, Merrick Moulton, Linval tenant and Attorney General  
JMSC 20.09.2013

Laing, Lyndel and Dawn Llewelyn McNeil v Lucille Rodney (Executor of estate Sandra McLeod deceased and Sandi Beach Hotel Ltd.  
JMCA 15.07.2013

Lawson, Alvin v Professor Claude Packer and Board of Directors of the Mico University College  
JMCA 25.07.2013

LD v EF  
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Ledgister, John, Trevor Ledgister, Karlene Ledgister, Selena Ledgister, Hugh Ledgister and Sunnycrest Enterprises v Bank of Nova Scotia Jamaica Ltd.  
JMCA 05.07.2013

Ledgister, John and Sunnycrest Enterprises Ltd. v Jamaica Redevelopment Foundation Inc.  
JMCA 07.10.2013

Leiba, Charles Leopold v Beverley Valetta Warren  
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Mahtani, Rajkumar v Lavina Mahtani  
JMCA 13.07.2013

McKnight, Adurrazaq v Kingston Wharves Ltd.  
JMCA 15.08.2013

McLean, Gloria v Attorney General of Jamaica  
JMCA 04.09.2013

Miller, Tesha v R  
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Moore, Kevin v Symsure Limited  
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Myles, Radcliffe (Claiming on behalf of the Estate of Winston Myles) v Attorney General of Jamaica  
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Myrie, Shanique v State of Barbados and State of Jamaica  
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National Commercial Bank Jamaica Ltd. v Garey Whittaker  
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Palmer, Kemar v R  
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Phillips, David George and Tanya Susanne Phillips v RBC Royal Bank (Jamaica) Ltd.  
(Formerly known as RBTT Bank Jamaica Ltd.)  
JMCA 17.07.2013

Sandcroft, Agatha v Ernest Sandcroft  
JMCA 29.11.2013

Simpson-Miller, [*Hon. Mrs.*] Portia, Mr. Robert Pickersgill, Mr. Collington Campbell, Mr. Phillip Paulwell, Mr. Norton Hinds, Attorney general of Jamaica and Director of Public Prosecutions  
JMSC 20 09.2013

Smith, Dathilda (Administrator in the estate of Robert McCarthy, deceased, intestate) and Clifford McCarthy  
(Administrator in the estate of Robert McCarthy, deceased, intestate) v Leonard Sullivan and Mavis Jadoo  
JMSC 16.09.2013

Wallace, Mavis v Vernal Clarke  
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## LEGISLATION

### Bahamas

#### Acts

30/2013	Criminal Procedure Code (Amendment) Act
31/2013	Evidence (Amendment) Act
36/2013	Insurance (Amendment) Act
33/2013	International Business Companies (Amendment) Act
35/2013	International Tax Cooperation (Amendment) Act
40/2013	Majority Rule Public Holiday Act
39/2013	National Training Agency Act
38/2013	Pharmacy (Amendment) Act
34/2013	Segregated Accounts Companies (Amendment) Act
37/2013	Stem Cell Research and Therapy Act
32/2013	Supreme Court (Amendment) Act

### Jamaica

#### Acts

27/2013	Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act
30/2013	Church of Haile Selassie I (Incorporation and Vesting) Act
28/2013	Commissions of Enquiry (Amendment) Act
24/2013	Committal Proceedings Act
23/2013	Crown Property (Vesting) Act
31/2013	Defamation Act
26/2013	Proceeds of Crime (Amendment) Act
25/2013	Terrorism Prevention (Amendment) Act
29/2013	United Nations Security Council Resolutions Implementation Act

### St. Christopher and Nevis

#### Acts

10/2013	Bankruptcy and Insolvency Act
11/2013	Immigration (Amendment) Act
05/2013	Income Tax (Amendment) Act
09/2013	National Assembly Elections (Amendment) Act
12/2013	Protection of Employment (Amendment) Act
06/2013	Succession to the Crown Act
04/2013	Value Added Tax (Amendment) Act

## LAW REPORTS

Law Reports of the Commonwealth 2013 Vols. 4 & 5  
New Zealand Law Reports 2013 Vol. 2  
<The>West Indian Reports Vol. 82

## TREATISES, DIGESTS ETC.

Atkin's Court Forms. 2<sup>nd</sup> ed. 2013 Issue  
Vol. 13 Costs  
Vol. 17(2) Education KN351.A88

Encyclopaedia of Forms and Precedents. 5<sup>th</sup> ed. 2013 Reissue  
Vol. 4(1) Banking, Bills of Exchange, Bills of Sale and Bonds  
Vol. 5 Building and Engineering  
Vol. 26(3) Mines, Minerals and Landfill  
Vol. 33 Power of Appointment, Rectification and Confirmation of Deeds  
KN74.1.E51

## SERIALS

### ABA Journal Vol.99 No. 10 October 2013

#### President's message

Legal Access Job Corps will place law grads in areas with unmet legal needs *James R. Silkenat*

#### Opening statements

Summer camp offers adults a detox from their digital device *Leslie Gordon*

New York Starbucks workers sue over the company tip policy *Sherry Karabin*

Law prof creates a textbook and a class around the hit show *The Wire*. /Scorned as a "copyright troll," a poet takes to verse to fight her detractors *David L. Hudson Jr.*

Short takes and fast facts on the law *William C. Smith*

#### Docket

NATIONAL PULSE: Miami-Dade County's overburdened public defender's office may decline new clients, Florida court says *L. Jay Jackson*

SUPREME COURT REPORT: Campaign funding and affirmative action come back before the justices *Mark Walsh*

NATIONAL PULSE: Merchants say prohibiting credit card "swipe fee" violates their First Amendment rights *David L. Hudson Jr.*

## **Practice**

ETHICS: Federal district court cautions lawyers to be careful about repeating the nice things judges say about them

*David L. Hudson*

WORDS: Remember Lindley Murray, an inspirational lawyer-grammarian

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## **Business of Law**

LAW PRACTICE: Labor lawyer lands a labor of love – advancing mediation overseas with his Foundation for Sustainable Rule of Law Initiatives

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PROBONO: The ABA is looking for a few good lawyers to help members of the military

*James Podgers*

LAW BY THE NUMBERS: It's looking like a rough winter ahead in terms of law firm growth

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WORK-LIFE BALANCE: Attorney meshes her yoga and law practices to support both herself and her clients

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SOLOS & SMALL FIRMS: Some say advertising in the Yellow Pages is still worth it

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## **Your ABA/Annual Meeting Report**

Attorney General's speech reflects ABA push against overcriminalization

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Legal education council offers a choice on law professors' job security

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Hilary Clinton calls for protection and restoration of voting rights

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House of Delegates support a key measure to fight human trafficking

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New ABA President James Silkenat sets his agenda

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Technology advances will put mobility into trials. / Former ABA leader Bert Early dies at age 91.

*Stephanie Francis Ward*

## **ABA Journal Vol.99 No. 11 November 2013**

### **President's message**

ABA programs aim to ensure that all Americans can participate in our democracy

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### **Opening statements**

Cash and Carry: Montana joins other states in legalizing consumption of roadkill

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Ex-New Jersey attorney general works to reform the pretrial process with a Texas foundation's backing

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Joint degree programs help combine the disciplines of law and technology	<i>Anna Stolley Persky</i>
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NATIONAL PULSE: Food truck vendors dig in for a piece of street turf	<i>Deborah L. Cohen</i>
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Association urges Congress to restore remedies in the Voting Rights Act to offset impact of Supreme Court ruling	<i>Rhonda McMillion</i>

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Self-defence for Institutions *Nick Barber*



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**Columbia Journal of Law and Social Problems      Vol.47 No. 1      Fall 2013**

Prior judicial findings of police perjury: when hearsay presented as character evidence might not be such a bad thing	<i>Peter Walkingshaw</i>
Reacting to the judicial revolt: applying innovations in narcotics sentencing to Federal non-production child pornography cases	<i>John T. Hughes</i>
A farewell to arms (And Legs): The legal treatment of artificial limbs	<i>Bayard Brown</i>

**Interights Bulletin      Vol. 17 No. 3      Autumn 2013**

Lawyering on the margins: How lawyers are becoming important tools for advancing health and human rights of the most marginalised	<i>David Scamell et al.</i>
Sex workers united against violence and <i>Kiselbach v Canada</i> : An Innovative approach to strategic litigation on behalf of marginalised communities	<i>Darcie Bennett et al.</i>
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Right to know: True or false?	<i>Mikhail Golichenko &amp; Tatyana Margolin</i>
Piece by piece: The approach of sex work litigation in South Africa	<i>David Scamell et al.</i>

**International Journal of Evidence & Proof      Vol. 17 No. 4      2013**

Better the devil you know? ‘Real rape’ stereotypes and the relevance of a previous relationship in (mock) juror deliberations	<i>Louise Ellison and Vanessa E. Munre</i>
Justifying the proof structure of criminal trials	<i>Richard L. Lippke</i>
Hearsay evidence in South Africa: should courts add the ‘sole and decisive rule’ to their arsenal?	<i>Jamil Ddamulira Mujuzi</i>

**International Review of the Red Cross      Vol. 94 No. 887 Autumn 2012**

Business actors in armed conflict: towards a new humanitarian agenda	<i>Hugo Slim</i>
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The Caribbean Criminal Law Digest (CCLD)

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Manifest excess of powers as a ground for the Annulment of ICSIC Awards

*Laurens J. E. Timmer*

Hermeneutic reflections on the specific purpose of umbrella clauses

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The arbitrator as a Lawmaker: Jurisgenerative processes in investment arbitration

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Cotton-4 and the cotton subsidies issue: a litmus test for the WTO's benefits to least-developed countries

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Developing democracy on Facebook through integration of 3D arbitration

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The Vienna Convention as authority for the use of Precedent as customary practice in international arbitrations of oil concessions and investment disputes in North Africa and the Gulf Arab States; or a *lex mercatoria* for a *lex petrolea*

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On reaching the 500 mark

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Political risk insurance and bilateral investment treaties: Making the connection

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Handle with care: Umbrella clauses and MFN treatment in investment arbitration

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Investment and trade in biofuels: Will there be a market in the US for developing country ethanol?

*Alphanso Williams and William A. Kerr*

Leveraging the trade preference program to secure a state's compliance with international law obligations

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Distinction between treaty and contract – the principle of proportionality in state contractual actions in investment arbitration

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**New Law Journal Vol. 163 No. 7574 September 6, 2013**

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*Roger Smith* assesses the impact of legal aid cuts on both sides of the Atlantic

**Employment:** *Roderick Ramage* queries whether the employee shareholder system can succeed

**Family:** *Claire Sanders* reports on orders for costs against non-parties

**Property:** *Katherine Waller* provides an update on notices to complete

**Consumer:** *Peter Stevens* outlines proposals to enhance collectively redress mechanisms

**Regulatory:** *Michael Shrimpton* revisits the case of the metric martyr

**New Law Journal**      **Vol. 163 No. 7575**      **September 13, 2013**

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*Jon Robins* takes little solace from the government's U-turn on legal aid reform

**Employment:** *Chris Bryden & Michael Salter* revisit old ground: naming respondents in discrimination claims

**Economic crime:** *Polly Dyer & HHJ & Michael Hopmeier* assess the role & impact of DPAs at home & abroad

**New Law Journal**      **Vol. 163 No. 7576**      **September 20, 2013**

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Post-*Mitchell*, it's time to take budgeting seriously, says *Murray Heining*

**Employment:** *John McMullen* investigates the changing landscape of collective redundancy law

**Property:** If someone fails to bur land by the agreed date, when can the other party terminate the contract? *Daniel Gatty* reports

**Family:** How far will warring couples go to secure the jurisdiction of their choice, asks *Anna Heenan*

**Public:** *Nicholas Dobson* revisits the Highways Act regarding overlapping powers

**New Law Journal**      **Vol. 163 No. 7577**      **September 27, 2013**

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*Dominic Regan* considers the road ahead for whiplash claims

**Personal injury:** Escape from fixed costs in the fast track will prove difficult, says *Patrick Allen*

**Property:** The law on repudiation has been given welcome clarification, as *Siobhan Jones* reports

**Arbitration:** Balancing interim orders under both Arbitration Act & the Senior Courts Act is a tough task, say *Rian Matthews & Tom Cameron*

**New Law Journal**      **Vol. 163 No. 7578**      **October 4, 2013**

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With our banking system perking up in the recovery ward, *Peter Thompson QC* believes UK taxpayers deserve an amnesty

**Employment:** *Ian Smith* reflects on compensation for unfair dismissal

**Family:** *Ed Heaton* reviews the current child support system & outlines developments over the last 12 months

**Personal injury:** *Keith Patten* investigates the complex area of law surrounding statutory employment & common law negligence

**Property:** *Oliver Radley-Gardner* considers recent cases on residential service charge regulation, to see where the risks now lie

**Commercial:** When it comes to forum shopping, every little (fact) counts, says *Richard Marshall & Clare Arthurs*

**New Law Journal**      **Vol. 163 No. 7579**      **October 11, 2013**

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The Law Society is feeling the heat, notes *Jon Robins*

**Family:** *Robert Hines* examines the family court's approach to making orders in respect of offshore assets

**Property:** *Nicholas Asprey* tackles the issue of the Crown & compulsory purchase

**Energy/EU:** *Charles Wood & Jennifer Pattison* gear up for Tender Round 3

**New Law Journal**      **Vol. 163 No. 7580**      **October 18, 2013**

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*Roger Smith* foresees a potentially uneasy celebration for the Lord Chancellor

**Employment:** *Charles Pigott* explains why cost awards are on the up

**Family:** *David Burrows* reviews the bases for appeal in care proceedings

**Public:** *Nicholas Dobson* reports on the "evils" of resident parking permits

**Wills & probate special**

Are parents being left out Inheritance Act claims, asks *Sarah Playforth*

*Michael Tringham* follows families at war over intestacy claims

*Whiters LLP* provides an update on gifts, undue influence & negligence

**Commercial:** *Bernard Pressman* reports on retrospective orders in relation to service

**New Law Journal**      **Vol. 163 No. 7581**      **October 25, 2013**

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*Christopher Stephens* charts the move towards a new & improved judiciary

**Employment:** *John McMullen* investigates the differing interpretations of collective bargaining

**Family:** *Geraldine Morris* tracks recent attempts to clarify cohabitation

**Personal injury:** *Richard Scorer* discusses the heated issue of kitling

**Property special**

*Brie Stevens-Hoare* QC explains how concurrent registration trumps adverse possession

The use of ADR in property disputes: a new way to solve an old problem? *Mair Coombes Davies*

**Public/Human rights:** *Robert Wintemute* reflects on the “married couples only” rule

**Professional negligence:** Have the courts muddied the water with their approach to professional liability cases, asks *Tim Hirst*

**New Law Journal**      **Vol. 163 No. 7582**      **November 1, 2013**

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*Thomas Ogg* relays the legal pitfalls of opening a Free School

**Employment:** *Ian Smith* ponders on relaxed harassment laws, TUPE transfers, parental leave & the meaning of trade union

**Family:** *Stephen Smith* warns practitioners to keep an eye on the tax consequences of disposals set aside under s 37 of MCA 1973

**Commercial:** *Khawar Qureshi QC* puts ethics in international arbitration under the spotlight

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Should we scrap the oath, asks *Mark Solon*

**Family:** *Jonathan Herring* considers vaccinations & the right to refuse

**Property:** How does Art 8 sit with a property owner’s right to possession when his land is occupied by trespassers, ask *Adam Rosenthal & Joseph Ollech*

**Commercial:** In the second of two leading articles, *Khawar Qureshi QC* puts ethics in international arbitration under the spotlight

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*Roger Smith* examines the latest legal; & political conflict

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What does the future hold for the concept of habitual residence, asks *Clare Renton*

**Commercial:** *Peter Vaines* navigates the stormy waters of tax

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*Thierry de Poerck & Paul Haggett* tap into the latest surveillance developments

**Family:** *Ed Heaton* explores the rights of cohabitants

**Data privacy/ FOI:** *Tom Morrison* catches up on key developments in data protection & freedom of information

**Regulatory:** Ofgem already has power to prevent non-transparent pricing mechanisms, *Chloe Carpenter* argues

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