

## CIVIL PROCEDURE RULES— UPDATE 45

The 45th Update of the Civil Procedure Rules [CPR] will be implemented in October. The update sees a number of important changes.

Part 46 will be amended to see the first increase in the amount of costs a court can award for an advocate in a fast track trial since the original inception of the CPR 8 years ago. The £350 fee is increased to £485, £500 increased to £690 and £750 increased to £1,035.

Part 47 will be amended to extend the time period for appealing an order following a detailed assessment of costs from 14 days to 21 days. This amendment now brings Part 47 in line with the

existing provisions relating to appeals generally in Part 52.

The amendments to Part 21 do away with the term “patient” and replaces it with the term “protected party” when dealing with parties suffering from a

### **FIXED FAST TRACK BARRISTERS FEES FROM OCTOBER WILL BE;**

<u>Value of Claim (£)</u>	<u>Fee</u>
No more than 3,000	£485
3,000—10,000	£690
10,000—15,000	£1035

mental disability. It goes further to reflect the new concepts of mental capacity arising from the Mental Capacity Act 2005. The new test under this act sets out a single clear test for assessing

whether a person lacks capacity to take a particular decision at a particular time. It is a “decision-specific” test. No one can be labelled ‘incapable’ as a result of a particular medical condition or diagnosis. Section 2 of the Act makes it clear that a lack of capacity cannot be established merely by reference to a person’s age, appearance, or any condition or aspect of a person’s behaviour which might lead others to make unjustified assumptions about capacity.

Full details of the latest CPR update can be obtained from the Ministry of Justice website;

[www.justice.gov.uk](http://www.justice.gov.uk)

## ACAS ANNUAL REPORT REVEALS REGIONAL VARIATIONS

The ACAS Annual Report for the period 1 April 2006 to the 31 March 2007, has shown that in the Eastern Region there were a total of 5,326 claims submitted to the Employment Tribunal. Of those, 2,501 were for unfair dismissal.

Sex discrimination topped the figures for discrimination with 511 claims, followed by disability discrimination with 362, race discrimination with 182

and age discrimination with only 53. Interestingly there were more age discrimination claims in the Eastern Region than in any of the other regions excluding London. There were only 226 equal pay claims in the Eastern Region, compared with roughly 9,000 in each of Scotland and the North East.

Claims for unpaid wages were comparatively few in the Eastern Region at

only 491, compared to for example the East Midlands which had over 1,000 such claims.

The total number of claims received in 2006/7 in the Employment Tribunals was 105,177, of which 35,583 were unfair dismissal. Equal pay claims amounted to 24% at 25,264.

Nationally, age discrimination claims total 394, far fewer than had been predicted.



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## HOLIDAY CALCULATOR

The Department of Business Enterprise and Regulatory Reform, formerly the DTI, has now set up a very handy holiday entitlement ready reckoner on their website. It is designed for employers to calculate the statutory entitlement to holiday for a member of staff, taking into account the increases in statutory holiday entitlement that are going to come into effect on the 1 October 2007 and the 1 April 2009.

The ready reckoner can be found at:-

<http://www.berr.gov.uk/employment/holidays/page40455.html>

## COURT FEES ON THE RISE

The Civil Proceedings Fees

(Amendment)(No.2) Order 2007 will come into force on 1st October 2007 and will have the effect of changing the current level of fees charged by the High Court and County Court.

This change does not represent an increase across all level of fees. In fact many court issue fees have been reduced. For example a case between £1,000 and £1,500 will cost £70 to issue as opposed to the current fee of £120. There is no doubt however that the change

in structure will give rise to more expensive fees the further down the litigation process a case progresses. Allocation fees have doubled, and while fees payable upon the filing of a listing questionnaire will come down to £100 there is an additional fee is payable when the court provides a trial date —£500 on the fast-track and a staggering £1000 on the multi-track. The new fee structure sends out a clear message to litigants - you will be rewarded for early settlement but penalised heavily for settling a case at the 11th hour.

## Our People

### Employment Law

Whether acting for a large international firm or a local sole trader, you can be assured that we offer unrivalled expertise and comprehensive services. From simple contractual advice to TUPE guidance and from preliminary contentious action to representation before the Employment Appeal Tribunal, we are proud to say that we can be there to address all your Employment needs. All the lawyers in the team are specialists in their field and full members of the Employment Lawyers Association.

#### Richard Cassel



Head of Employment Department. Richard specialises in all aspects of employment and discrimination law.

He is a highly regarded advocate appearing in the Employment Tribunals on a regular basis, and less frequently in the Employment Appeal Tribunal. Richard is has been a Part-Time Chairman of the Employment Tribunals since 1993 and has a considerable experience of Tribunal practice and procedure.

Contact Tel: 01603 214205

#### Sally Davenport



Sally joined the employment team at Hatch Brenner in 2006. Originally from Cheshire, Sally took a Modern Languages degree at Oxford University, and worked in international banking before pursuing her legal career. She worked as a commercial litigation solicitor with Theodore Goddard, one of the largest London law firms, before moving abroad with her family and developing her own

business as a legal translator. Sally is fluent in Spanish, German and French. Since returning to the UK she has completed a Masters Degree in Employment Law at the University of East Anglia with distinction. She is a Fellow of the Chartered Institute of Arbitrators and is an advisor at a local Citizens Advice Bureau.

Contact Tel: 01603 214205

#### Jo Chimes

Jo joined Hatch Brenner in June 2002, having been admitted as a solicitor in 1989. She completed her legal training in Norwich before leaving in 1998 to read for a PhD in History at the University of Manchester. At this time Jo also worked with the peer review pilot for the Legal Services Commission, and has continued to peer review in employment law, most recently for the Carter Review on behalf of the Law Society. She is highly active within the profession as a member of the Employment Law Association and also works as a freelance trainer – designing and delivering specialist employment training. She sits on the Law Society employment law committee. Her current practice focuses on complex discrimination matters in employment.

Contact Tel: 01603 214205

### Civil Litigation and Personal Injury

We have a well established Civil Litigation department at Hatch Brenner which is headed by Rosemary Escott, partner. For Personal Injury cases we can offer a free initial consultation when we can advise on a range of funding options (including no win — no fee) ensuring each individual client's circumstances are taken into account. We also have specialist legal advisers dedicated to providing an efficient and comprehensive service covering a wide range of commercial disputes including arbitration/mediation/ADR, County and High Court litigation.

#### Rosemary Escott



Head of Civil Litigation Department. Rosemary is a Personal Injury specialist in fatal and serious injury

claims, arising out of road traffic accidents, accidents at work, clinical negligence and sexual abuse. Member of the Law Society's Specialist Personal Injury Panel since 1995.

Contact Tel: 01603 674539

#### Mark Fitch



Experienced in a wide range of disputes; enjoys particularly professional negligence claims, contested probate matters and claims against the police. He qualified as a mediator in 2005 becoming one of the youngest members of the Mediators in East Anglia Group.

Contact Tel: 01603 674552

#### Colin Cook

Colin was previously a partner at a firm in Chancery Lane in London where he dealt with a wide range of personal injury claims for both Claimants and

Defendants.

He deals with all aspects of personal injury including road traffic accidents, accidents at work, criminal injuries, trips and slips. He is an Accredited Senior Litigator of the Association of Personal Injury Lawyers.

Contact Tel: 01603 674544

#### John Cushing

John is well-placed to assess landlord and tenant claims from both perspectives, having acted for either side in a number of possession actions, rent collection matters and

damages claims. He also deals with other property-related matters including boundary and neighbour disputes, building disputes, and professional negligence claims. He is highly experienced in debt collection, and regularly appears before the district judges in the local county courts.

Contact Tel: 01603 674525