



# THE REPORT

CITY OF WESTMINSTER AND HOLBORN LAW SOCIETY NEWS

NO.41 MARCH/APRIL 2006

## THE PRESIDENT'S COLUMN



CHARLES FRASER

My last report seems such a long time ago, as so much has happened since! By far the most important event was our annual dinner at Middle Temple Hall on 7 March. I was delighted by the turnout, and it was wonderful to see so many familiar faces, and to see some of you who do not usually come to the annual dinner. I hope that you all enjoyed the dinner, and will come again next year! I would like to give my special thanks to our generous sponsors, Alexander Forbes, and to Robert Venables who kindly stepped into the breach, so to speak, when the Rt Hon David Mellor QC was unable to come to the dinner or be the guest speaker due to illness. Robert was fantastic to be able to deliver his speech at such short notice. There are some photos later in this edition of *The Report*, which give you a small taste of the event.

Our next major event is the Legal Charities Garden Party on 14 June, although there are, of course, our regular lectures, which are now being held at Nabarro Nathanson's offices.

The Law Society's consultation paper "Have Your Say" was published in January and the deadline for responses is 21 April. The response form takes only 10 minutes to fill in, and I would urge you to complete it. It is YOUR LAW SOCIETY, so HAVE YOUR SAY. So many solicitors complain that the Law Society does not offer the services they want, or appears to do nothing for them as solicitors. I can't agree with those comments since there is so much good that the Law Society does for the profession, tackling

government plans and initiatives and not only regulating the profession but also representing the profession's interests both at home and abroad. Many comments are, however, due to a perception that not enough is being done, perhaps due to a lack of communication. This is your chance to give feedback. If you want the Law Society to do something, or not to do something, say so. It is only with your input that the Law Society will change and deliver what is wanted, as opposed to what it thinks the profession wants. The consultation paper can even be completed online. The link is [http://www.opinion-8.com/secure/websurvey.php?survey\\_id=6](http://www.opinion-8.com/secure/websurvey.php?survey_id=6)

As mentioned in my last report, the Wig & Pen prize is taking place again this year for solicitors with under 5 years PQE. Nominations have already opened and must be submitted by 13 April. Further details can be obtained from [www.ysg.org](http://www.ysg.org). I hope that there will be many excellent applications from the City of Westminster and Holborn. Be proud of the work that you do Pro Bono, for the good of the community, or for the good of your clients. Stand up and be counted.

At the main committee meeting in February the Legislative and Regulatory Reform Bill was drawn to the committee's attention. I did write to *The Times*, objecting in the strongest possible terms regarding this far reaching piece of legislation that effectively gives a Minister powers to amend or repeal Acts of Parliament without much parliamentary scrutiny at all. Unfortunately my letter was not

published; however, we will continue to press the Law Society and government to prevent this bill from becoming law.

Lastly, I would like to mention that the Stamp Taxes office will be closing its counter service at Bush House from 30 March. From that date there will be no counter service available in England and Wales for the payment of Inheritance Tax and receipting the D18. Having spoken to HM Revenue & Customs, Capital Taxes, I understand that the target for them to turn the application around is less than a week, and many applications are said to be acknowledged within a couple of days. However, if you have an urgent application due to potential hardship, or in other exceptional circumstances, then you should give full details in a covering letter, and your application might then be given priority!

## DIARY 2006

### APRIL

- 24 Lecture - Money Laundering Update
- 26 Committee meeting

### MAY

- 15 London Legal Sponsored Walk
- 22 Lecture - The Finance Bill
- 31 Committee meeting

### JUNE

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- 19 Lecture - Stamp Duty Land Tax Update
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- 10 Lecture - Trusts and Probate
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# DISABILITY WITHIN THE LAW

DAVID MERKEL



I qualified as a solicitor in 1976. It is all right everyone, you are not about to read another job application. By the way, I am also visually impaired. Disability is never easy, certainly as to how it is perceived.

Qualifying in the 1970s, at Lancaster Gate, was no easy task. Along with others, variously disabled, we had lots of goodwill but very little meaningful support. Yes, we were allowed extra time to sit our examinations but that was all. Thankfully, times have changed. Law students today can expect their colleges to be up to date on disability issues. They must know about the relevant law, in particular, the Disability Discrimination Act 1995 (DDA) as amended, and the assistance schemes available from government departments.

The DDA came into full force in October 2004. Many firms are still, unfortunately, unaware of this legislation and the requirements it makes of them. Making adjustments to accommodate clients with impairments is foremost amongst the Act's provisions. Practice managers need not be scared at having to make adjustments. With lateral thinking and advice, these can be achieved easily and at relatively slight cost. For example, simply moving a

meeting to a ground floor location can solve a host of problems.

Dealing with hidden forms of "disability" can be challenging. However, advice is readily available from national organisations, government and local authority departments as how to deal with visual and hearing impairments (large print, braille and loop systems), as well as conditions such as dyslexia. Law students and disabled members of the profession can benefit from the mentoring schemes run by various organisations, including the Law Society's groups.

The spin off from adopting good practices will prove worthwhile. Clients with impairments, however slight, appreciate the efforts made to accommodate their needs. They become and remain loyal clients and a good source of publicity.

For the disabled community, persuasion is still the name of the game. Society has started to realise that there are many within its bounds who are less able and in need of various forms of support. In this context, our own national Law Society inaugurated an equality and diversity programme in 2002. Much good work has been done. A whole raft of procedures has been written and 113 Chancery Lane can

rightfully claim to be a shining example of best practice in the delivery of services to the disabled community.

However, there is still much work to be done. Fine words and award schemes do not equate with delivery. To achieve full progress on the ground, perceptions and mindsets as to disability issues and needs must change. There is still the rest of the mountain to climb.

For the last four years, I have represented disabled lawyers on the Law Society's Council. I see my role as challenging the 'powers that be' on all issues relating to "disability" and the profession. It is an uphill struggle. There are so many important matters jockeying for position; equality and diversity are often neglected.

Where is all this heading? The Law Society and the profession face a myriad of changes. How disability issues will fare remains unknown. Certainly attitudes must change, and misconceptions must be eliminated.

*David Merkel is a Law Society Council Member. He can be contacted on 020 8977 7649 and merkeld@mac.com. The Group for Solicitors with Disabilities can also be contacted via the Law Society and has its own website: [www.gsdnet.org.uk](http://www.gsdnet.org.uk)*

## TAX DEDUCTIBILITY OF SUBSCRIPTIONS PAID TO THE CITY OF WESTMINSTER AND HOLBORN LAW SOCIETY

Members in salaried posts are able to deduct the amount of their subscriptions to the Society to arrive at their taxable income. The two former Societies, City of Westminster and Holborn, were both approved under Section 201 (c) of the Income and Corporation Taxes Act 1988. I have been attempting for a long time to have the amalgamated Society (in both unincorporated and incorporated form) entered on the register. I have at last succeeded in obtaining this. The reference that should be quoted is 951/C1314WW.

Timothy Drabble (Honorary Treasurer)

# REVENUE COMMITTEE

JEREMY DE SOUZA



## The Budget

This has had to be composed before Budget Day. Consultations have, however, taken place on a number of major issues which will feature in the Budget, and our responses to those on REITs and PGS have (as indicated in the January/February issue) been placed on the Society's website.

At the end of January, HMRC published draft clauses for their projected alignment of the income tax and CGT rules and this Committee submitted a response drawing attention to a number of technical issues.

- The proposal to allow trusts run by professional trustees to elect for non-resident status is to be welcomed. But bear in mind that EU State Aid consent will have to be obtained before this can be brought into operation. This can take a considerable time (and indeed for disadvantaged areas capital allowances has still not been obtained).
- But one major area of general concern is the proposal to bring all capital gains made within all settlements (including those extant before Budget Day) in which one or more of the settlor's minor unmarried children are beneficiaries within the settlor-assessment concept. As trustees are now assessed at 40%, one has to wonder why this has been thought to be worthwhile. The answer seems to be to deprive the trust of its (half) annual exemption (in which context, it should also be noted that the £500 additional rate income tax mitigation now has to be shared where a settlor has made more than one trust!).

The Committee is also writing to the Rewrite Team, who have just published the final draft of Bill No. 4. This contains 43 changes which are admitted to be adverse to some taxpayers. On principle, these are issues which should be addressed in a Finance Bill.

## Stamp Duty Land Tax

Between October and January, Gerald Moran (of the Land Law and

Conveyancing Committee) and I have been part of the Stamp Duties Practitioners Group negotiating team. Crispin Taylor, the Assistant Director in charge of SDLT Policy, has sought to exclude from the scope of SDLT normal private client transactions which were not previously subjected to stamp duty.

It has been possible to agree that the following additional transactions are free of SDLT:

- liability for inheritance tax arising on a failed PET under a Deed of Indemnity expressed to be in favour of the donor's PRs; and
- refinancing a loan charged on land between death and Assent;

but legislative solutions would need to be produced for some of the situations for which an "interpretation" solution has not been thought permissible under the current statutory wording, including:

- gifts of homes with a rack rent leaseback (in order to come outside the gift with reservation code); and (perhaps)
- appointments out of trust where the CGT charge has to be funded by the appointee.

## Promoting renewable energy production

The Renewables Obligation rules are being changed to reduce the acceptable purity content of biomass from 98% to 90%. It is envisaged that this will reduce the annual amount of wood going to landfill by 2-3 m tonnes. At the same time the combined heat and power (CHP) criteria are being changed to facilitate this. Revisitation of the abandoned biomass plants for the Thames Valley must now be on the cards, with significant potential consequences for farmers under the single farm payment regime.

One might well ask how it is that biomass can be classed as a renewable. The official line is that it is "neutral" because the carbon sink effect of the growing phase balanced out the emissions damage from the combustion process. Nothing has, however, been heard about this since the release of data suggesting that non-carbon emissions take place

during the growing phase. Furthermore, no real attempt has ever been made to justify CHP other than on the grounds of efficiency and convenience.

## Getting further and further away from simplicity

One would have thought that a self-assessment collection system ought to involve simplicity of calculation. Unfortunately nothing could be further than the case. Between 1997 and 2005, this Government introduced (inter alia):

- different rates of income tax for dividends, interest and other income;
- different rates of capital gains tax for assets with different or mixed attributes; and
- a child tax credit system which can only operate on a current year basis with a £25,000 tolerance.

In the run-up to the Budget two further unpublicised gems were added:

- SI 2006/222 extends child tax credit to those in full time education between 19 and 20, while disqualifying those who take a "gap year" of more than six months; and
- SI 2006/243 brings the pension deferral bonus into tax on the basis that, for PAYE purposes, it is ignored for the purposes of calculating the marginal rate.

## Funding the PM's Rebate abatement

In my January/February issue article, I drew attention to the likely effect of the changed attitude of the ECJ upon the American-style class actions which threaten to cost UK taxpayers billions. In this issue, it would be appropriate to pay tribute to the contribution of the House of Lords in two recent cases:

- In *Pirelli Cable Holding NV v. IRC* [2006] UKHL 4, the basis upon which the computation of damages for non-UK parent companies which might have exercised the group income election to avoid paying ACT on dividends received from their UK subsidiaries has been undermined, perhaps fatally in many cases.

- In the earlier *Autologic Holdings plc v HMRC* [2005] UKHL 54, the attempt to by-pass the normal appeals process was ruled out of order.
- In the intervening *Boake Allen Ltd v HMRC* [2006] EWCA Civ 25, the Court of Appeal had recourse to what, in the events which have happened, looks like Morton's Fork:
  - a reference to the ECJ on the basis that the claims between 1995 and 1997 have to be abandoned, or
  - running the gauntlet of the House of Lords.
- And at the end of February, Advocate General Geelhoed effectively buried the *Class IV ACT* action with his Opinion in C-374/04.

#### The new concept of VAT input recovery "abuse"

In my May/June 2005 article, I summarised the Advocate General's composite Opinion in three UK ECJ

references. The Court pronounced on 21 February, but chose to do so in discrete judgments limited to the concepts necessary to determine the issues in each case. Thus in *BUPA*, C-419/02, it sufficed to rule that a general pre-payment was ineffective to generate an input recovery. In *University of Huddersfield*, C-223/03, a waived leasing case, it was only felt necessary to say that, in deciding whether a tax motivated but genuine transaction should be treated as economic activity, an objective test had to be applied, with the result that the leases had so to be treated. The Court did not go on to add the paragraphs in *Halifax*, C-255/02, an interposed head contractor case in which it ruled that, because the right to an input credit should not be claimed in a manner which undermined the "neutrality" of the VAT system, it could not be claimed in an "abusive" manner.

Where such circumstances have been found to exist by the National Court

under national rules of evidence, "the transactions involved must be redefined so as to re-establish the situation that would have prevailed in the absence of the transactions constituting that abusive practice." This seems to be very similar to *Furniss v Dawson* [1994] STC 153. Under Lord Brightman's formulation, *Halifax* would seem to be very vulnerable, but *Huddersfield* probably in the clear. Is the way in which the ECJ has chosen to express its rulings perhaps indicative of that as the outcome envisaged by the judges? HMG will have to await the outcome of the re-hearings in the "national courts" before ascertaining how much of their "missing" £300m is in fact recoverable.

#### Corporate Residence

Members' attention is drawn to the Court of Appeal's affirmation of Park J.'s reasoning in *Wood v Holden* [2005] EWCA Civ 26, and especially to the analysis in para 27 of Chadwick L.J.'s judgment.

## THE LEGAL CHARITIES GARDEN PARTY

Wednesday, 14 June 2006-  
North Lawns, Lincoln's Inn

Members of CWHLs are encouraged to support this traditional annual event, the proceeds of which benefit all the principal legal charities (The Solicitors Benevolent Association, The Barristers Benevolent Association, The Institute of Barristers' Clerks, United Law Clerks Society, The Institute of Legal Executives Benevolent Fund and LawCare).

### NEW MEMBERS

<b>Ambrose Appelbe:</b>	Mrs L M Sleeman
<b>Bevans:</b>	Guy Hollebon
<b>Bircham Dyson Bell:</b>	Mrs J A Chilton, Miss G Groves
<b>Farrer &amp; Co:</b>	C Belcher, Miss V J Exelby, Ms A L Gregory, Miss S M A Hedley-Dent, J A L Price
<b>Glovers:</b>	Masoud Zabeti
<b>Hunters:</b>	D J Lingham, Mrs P Y Richards, Ms Philippa Wyldbore-Smith
<b>John Lewis Partnership:</b>	G W Walton
<b>Lee &amp; Pembertons:</b>	J R Whately
<b>McKenna-Donnelly &amp; Co:</b>	Mrs E S M McKenna-Donnelly
<b>Peters &amp; Peters:</b>	Ms Emma Hollway, Tony Lewis
<b>Rochman Landau:</b>	Alan Langleben
<b>Royds:</b>	Ms A B Chism
<b>William Sturges:</b>	Miss S L M Breakwell, J J Hannon, T A Walshe
<b>Witham Weld:</b>	Miss P Bakshi

### ASSOCIATE MEMBERS: TRAINEES:

<b>Ambrose Appelbe:</b>	A J Clissold, J E R Freemantle, Miss R Z Hayward
<b>E D F Energy:</b>	Anthony Gallagher
<b>Maples Teesdale:</b>	Miss L-J Atkins, Mrs Monica Dabasia, Miss E Ferguson
<b>Peters &amp; Peters:</b>	Fergus Buckley, Ms Anna Odby
<b>Sharpe Pritchard:</b>	R J Desai, Aymen Khoury, Miss K A O'Connor, Miss G R Smith
<b>Vizards Tweedie:</b>	C McCarthy, A J Hall
<b>Winckworth Sherwood:</b>	Miss K J Fleay

# ANNUAL DINNER

Photographs by



Chris Alderman



The Society is very grateful to Alexander Forbes Professions for their generous sponsorship of the Society's Annual Dinner.

Alexander Forbes Professions is recognised as a leading Lloyd's insurance broker specializing in professional indemnity insurance, risk management and quality assurance for UK law firms.

# COUNCIL MEMBER'S REPORT

## COUNCIL MEETING 2 MARCH 2006

SUE NELSON



This was an odd meeting, having been arranged in haste after an outcry when the January meeting was cancelled by the President due to 'lack of work for Council to do'. We last met in early December.

Regrettably little real work had been identified for Council this time and the majority of the papers simply asked Council to agree 'to note' the contents. This is immensely frustrating and had a tendency to reduce Council to a mere talking shop rather than to enable it to play its key role in governance decision making.

The event of the day (planned to last from 11 a.m. to 3 p.m.) was the appearance of both new Board Chairs to answer Council's questions. At the conclusion of this session it was clear that such a Q and A session was unlikely ever to take place again in quite the same way. It overran by a wide margin, pushing back close of business to closer to 5 p.m. In the past Council members have never sought to subject their Council colleagues who chaired Boards to a 'Paxman-like' grilling even when the complaints backlog (or work in progress, as we have been taught to call it) rose and rose or when the predecessors of the Regulatory Board took five years to write the new practice rules.

Now, however, Council members were no longer dealing with colleagues but with hired Nolan-approved Chairs on £60,000 p.a. (3 days a week) plus the usual benefits. So there is an upside to separation – the dynamic had changed forever! The Chair of the Regulation

Board produced no surprises and, in my view, had already mastered the art of the non-answer. Anything you wanted improved had 'staffing implications', anything not yet achieved was 'being looked at' and anything which was 'cause for concern' was indeed cause for concern 'but was under consideration'. One was left wondering what had happened since the new chaps were appointed last July.

The Chair of the Consumer Complaints Board, Professor Saggat, caused considerable agitation when he declared that his Board had agreed that one of the four aims of his Board would be:

to increase the confidence of consumers and the public in the Consumer Complaints Service.

He rejected out of hand the idea that the profession's confidence in the CCS should also be addressed by his Board as a key aim. Solicitors are right to be concerned about how complaints against them are considered – the current service often serves them poorly despite being funded handsomely by them. Perhaps we need to present ourselves to Professor Saggat's Board as consumers of their services to get a look in? It will be interesting to see how Council reacts when it receives the anticipated cry for 'more money' from the CCS Board. Perhaps a bit of separation is indeed a good thing? It may make saying 'no' easier. Whereas we need to demonstrate that regulation is safe in our hands, complaints handling will move to a new body if the ideas in

the White Paper are implemented. Perhaps, therefore, there won't be quite the same tolerance of their insatiable demand for funds in future.

Otherwise, there were the twin 'grumble-fests' of the Carter review of public funded legal services and our own reforms of the Society. In relation to Carter we 'noted' the position but re-affirmed our opposition to price-competitive tendering. On the (non) progress on reform, this just drags on and on and on... We spent four months designing a consultation paper for the profession to respond to and will spend a further three months consulting on the paper. The answers are almost entirely predictable. The opportunity to reflect on the result of the consultation process and make decisions will no doubt be reduced to the shortest possible time – say 40 minutes after lunch on a heavy agenda in a heat wave with no air conditioning at the last Council meeting of the year with the porters hurrying to get us out of the Chamber to reset the room for the AGM. In any event we will then be a further nine months away from starting the process of reinventing the non-regulatory side of the Society; the new Boards will have skipped away with the bulk of the PC fee and we still won't have devised a mechanism for ensuring that they are 'independent yet accountable'. I predict that we are likely to have lost our Chief Executive by July – is that related to the delay in getting on with implementing a reform package, I wonder?

# LAW SOCIETY CONSULTATION

Following CWHLS' Response (<http://home.btconnect.com/cwhls/cons.html>) to the Department for Constitutional Affairs White Paper, *The Future of Legal Services: Putting Consumers First*, CWHLS continues to consider issues relevant to the future governance of the Law Society, in whose consultation ("Have Your Say") members are encouraged to take part (the consultation ends on 21 April and the paper can be accessed on the Law Society website:

<http://www.lawsociety.org.uk/newsandevents/news/whatsnew/view=newsarticle.law?NEWSID=264294>.

## Statement of Principles

CWHLs' statement of principles on governance is as follows:

That

1. There should be one national "Law Society for England and Wales".
2. It should be led and controlled by solicitors as long as membership is restricted to solicitors.
3. It should be governed by the elected Officers and a Council.
4. The Council should be elected democratically by the membership and answerable to the membership on all matters to do with the activities of the Law Society.
5. An effective Council will be both large enough to be representative

and small enough to enable informed debate to take place.

6. The Law Society should be responsible for maintaining the standards of the solicitors' branch of the legal profession and for representing the views of its members in any matter that touches upon the remit of the profession.
7. The guiding principle of the Law Society should be to support the fair administration of justice in England and Wales.

## Commentary on Consultation

CWHLs has produced a commentary on the Law Society consultation. The commentary deals with the representational arm of the Law Society only. It suggests that the profession would be best served by a single national Law Society, which must be the watchdog for the profession in relation to the new Regulatory Board as well as continuing its valuable work in influencing legislation and public policy (recent examples include the areas of SDLT, market opening in China, Sabanes Oxley and Guantanamo Bay).

**Governance.** On the vital matter of governance, CWHLs believes that it is fundamental that the profession should be in charge of the Law Society. Council must be accountable to the profession (some 100,000 members); it must be effective and economically efficient. That

suggests a Council of between 50 and 70 elected members; this means a smaller Council, so that some seats will have to be given up. The Committee of CWHLs favours (although not unanimously) geographical constituencies. Numbers could be reduced, perhaps by reducing the number of metropolitan seats but giving their votes extra weighting (to reflect greater numbers of members than in the very large constituencies existing in some areas of England and Wales). Another option is for the whole membership of the Law Society to vote on each seat from a national list. Each alternative excludes "section" constituencies, but their valuable specialist input could be utilised by giving a right to attend Council and speak on matters of direct concern to them. The result aimed for is a smaller, less costly and more efficient Council.

**Methods of selection.** After considering methods of selection of the Officers – election by the Council, election by all members of the Law Society (with only Council Members standing), election by all members (with freedom for any member to stand) – the Committee of CWHLs favours election by the Council. There is a need for a good leadership "team", consistency of approach from year to year, awareness of and responsiveness to the needs of all members, and credibility in talking to the Government and important organisations.

## IT SOLUTIONS

The most influential source of information about legal IT systems for solicitors is now available. Now in its eighth edition, the **Software Solutions Guide 2006** will help solicitors make informed choices about their IT and legal software. The Guide profiles fifteen suppliers who have impressed a selection panel and received positive feedback in rigorous market research into the standard of service they currently offer solicitors. Free copies are being sent to every law firm and it can also be downloaded from [www.it.lawsociety.org.uk](http://www.it.lawsociety.org.uk)

# MONEY LAUNDERING OFFICER



The news that a Money Laundering Reporting Officer (MLRO) is being prosecuted for breaches of the Proceeds of Crime Act 2002 will doubtless cause consternation amongst those saddled with this onerous responsibility up and down the country.

Now would be an opportune time for firms to review their internal anti-money laundering procedures, and to ensure that they are being adhered to. Monitoring internal processes and procedures to ensure compliance is crucial. The provisions of the Proceeds of Crime Act and the Money Laundering Regulations have been in force for a little while now, and the temptation may creep in to cut corners on the basis that nothing will go wrong and it "could never happen to me". *Bowman v Fels* may also have caused lawyers to drop their guard a little. They do so at their peril and the peril of the MLRO.

The proceedings do not involve a law firm; however, the allegation that the

MLRO proceeded with a transaction before receiving permission from the National Criminal Intelligence Service is a scenario that could arise in any law firm.

The position of the MLRO is one that carries a great deal of responsibility. The MLRO must have a detailed knowledge of the legislation and the regulations in order to enable him or her to discharge their function without fear of criminal prosecution. It therefore follows that they must keep up to date with, and fully understand, recent case law and developments concerning the legislation.

An individual with sufficient seniority should be appointed and it is not a role that should be delegated or imposed on an individual without their consent. The MLRO must have sufficient authority within the firm to police compliance effectively. If individuals within the firm are ignoring the procedures and jeopardising the firm's reputation then they need to be dealt with whether it is a paralegal or the senior partner.

Appointing a partner as the MLRO whilst he or she is on holiday is not acceptable. The MLRO needs to be fully aware of the implications of accepting the role. It is a common feature of any regulation that an individual has to be appointed who will be accountable for compliance within the firm. Often it is that individual who will be taken to task personally, in the event of a breach of the relevant regulations. This may involve criminal sanctions as in the case of Anti-Money Laundering and Data Protection regulation, ranging from fines to custodial sentences. It is not an area of risk within a firm that should be disregarded or put at the bottom of the "to do" pile.

*This article was prepared by Alexander Forbes Professions, a division of Alexander Forbes Risk Services Limited, which is authorised and regulated by the Financial Services Authority. A Lloyd's broker.*

## LONDON LEGAL SPONSORED WALK - 15 MAY 2006

The London Legal Sponsored Walk will take place on Monday 15 May starting at 5.30p.m. in the Royal Courts of Justice main hall.

In last year's walk, 330 London lawyers raised nearly £40,000 in aid of London's legal charities such as Law Centres.

This year's walk will be led by the **Lord Chief Justice, the Master of the Rolls, the President of the Law Society and the Chair of the Bar.**

The walk is 10km long from the RCJ, round London's legal landmarks and finishing at the Common Room of the Law Society in Chancery Lane, where there will be refreshments, a disco and a live band.

Individuals are very welcome to register to walk but the most fun and

productive way to participate is if your firm or chambers organises a team. Team organisation is simple. Just nominate a walk co-ordinator for your firm/chambers/organisation and e-mail the Trust at [walk@londonlegalsupporttrust.org.uk](mailto:walk@londonlegalsupporttrust.org.uk)

Let us know:

The name of your firm/chambers/organisation; the name of the coordinator; e-mail address; and, if you are raising funds for a nominated legal agency rather than for the Trust, the name of the agency.

We will then send the brief organiser's pack, which contains a letter from me to send to everyone asking them to walk and telling them how to register. I do urge you to join in the walk. It is fun

and it raises much needed funds for the work of London's legal charities. If you require further information feel free to e-mail me personally at [bobnightingale@yahoo.co.uk](mailto:bobnightingale@yahoo.co.uk) or look on the Trust's website at [www.londonlegalsupporttrust.org.uk](http://www.londonlegalsupporttrust.org.uk)

I look forward to seeing you on 15 May.

Bob Nightingale

Chair, London Legal Support Trust

*The LONDON LEGAL SUPPORT TRUST*

*101a Tooting High Street  
London SW17 0SU*

*Tel: 020 8682 9160 Fax: 020 8767 2711  
secretary@londonlegalsupporttrust.org.uk*

*www.londonlegalsupporttrust.org.uk*

*Patron: Cherie Booth Q.C.*

*Chair: Bob Nightingale M.B.E.*

# ACTIONS FOR DAMAGES IN COMPETITION LAW

Joint Working Party of the Bars and Law Societies of the United Kingdom on Competition Law.

**Friday 7 April 2006 The Law Society, 113 Chancery Lane, London WC2**

6 hours CPD Cost £150 plus vat

Opportunities to pursue litigation before the domestic courts based on EC competition law are set to grow over the coming years. This conference will examine the barriers to bringing competition law actions for damages in the UK and the EU.

The European Commission is consulting on a Green Paper and seeks views on how to tackle the obstacles that exist to bringing such actions in the domestic courts. Such moves to facilitate future litigation will undoubtedly present a growth area for competition lawyers and litigators alike.

Speakers from a number of EU countries will discuss the experience in their jurisdictions, looking at issues such as rules on evidence and disclosure; damages; the passing on defence and rules on standing; and the relationship with leniency programmes. Commission representatives will also set out their position and participate in the panel discussions.

The conference will offer participants the opportunity to:

- raise their awareness of the growing field of competition law litigation
- feed their views into the European Commission's future policies in this field

Keynote speaker: Philip Lowe, Director General of DG Competition, European Commission

This conference is hosted by the Joint Working Party of the Bars and Law Societies of the United Kingdom on Competition Law in association with the European Young Bar Association. Kindly supported by the Law Society.

## Programme

- 8.45am Registration  
9.15am Welcome: *Kevin Martin, President of the Law Society*  
9.20am Introductory remarks by the Chair of the morning session *Katherine Holmes, Richards Butler*  
9.30am Findings and implications of the Ashurst study *Denis Waelbroeck, Ashurst*  
10.00am Keynote Speech: *Philip Lowe, Director General of Competition, European Commission, Brussels*  
10.30am Presentation on the Green Paper "Actions for Damages" *Donncadh Woods, Deputy Head of Unit, Antitrust Policy and Strategic Support, European Commission, Brussels*  
11.15am Refreshments  
11.30am Experience from and issues in different jurisdictions:
  - The US perspective *Scott S. Megregian, McDermott Will & Emery*
  - The UK perspective *Nicholas Green QC, Brick Court Chambers*
  - The German perspective *Dr Peter Niggemann,*

*Freshfields Bruckhaus Deringer*

- The Hungarian perspective *Lajos Wallacher, Head of the Legal Department, Hungarian Competition Authority*

Question and answer session

1.00pm Lunch

2.15pm Introductory remarks by the Chair of the afternoon session *Nicholas Green QC*

Panel discussion sessions on issues raised in the Green Paper

1. Cause of Action (including barriers to actions, title to sue)
2. Evidential Issues (disclosure, privilege issues, evidence held by competition authorities, evidence held by third parties)
3. Damages - how should damages be calculated? Is there any scope for (rebuttable) rules of thumb as to causation or quantum? Should there be punitive damages?
4. The "Passing on Defence" and indirect purchasers
5. Interaction between Public and Private Enforcement. The legal effect of decisions by the Commission or NRA. Should those granted leniency receive any protection?

There will be a refreshment break during this session

5.00 pm Close

**To register, please complete and return this form together with a cheque for £150 plus VAT made payable to *The Law Society*, to:**

**Kim Skinner, The Law Society, 113 Chancery Lane, London, WC2A 1PL**

**Tel: +44 (0) 20 7320 5752**

**Fax: +44 (0) 20 7320 5974**

**[kim.skinner@lawsociety.org.uk](mailto:kim.skinner@lawsociety.org.uk)**

**Places are limited and will be allocated on a first come, first served basis. Unfortunately we cannot invoice you for this event.**

# YSG PRO BONO AWARDS AND WIG & PEN PRIZES 2006

As stated in the last issue, applications are invited for the annual Wig & Pen prizes. Nomination packs are available from [www.ysg.org](http://www.ysg.org) and the closing date for nominations is **13 April**.

The awards ceremony for these and for the other Young Solicitors' Group Pro Bono Awards will take place on **5 June** at the Law Society, at the start of National Pro Bono Week.

The YSG Pro Bono Awards recognise projects across England and Wales, with awards made in many categories: solicitors in firms of various sizes, in-house, CPS, the voluntary sector and so on. The aim is to recognise and celebrate the large amount of valuable work done by young solicitors in providing free legal services in the community and to applaud publicly the outstanding achievements of individuals and groups.

This year there is a new award – the Trainee Solicitor award. This category is for individual trainees or students who have made outstanding contributions to pro bono work.

For details and nomination forms, please visit the above-named website; for further information, contact [yvonne.treacy@lawsociety.org.uk](mailto:yvonne.treacy@lawsociety.org.uk) or telephone 020 7320 5794.

## CWHLS LECTURES

**PLEASE NOTE THAT THE SOCIETY'S LECTURES THIS YEAR WILL BE HELD ON MONDAYS IN THE OFFICES OF NABARRO NATHANSON, LACON HOUSE, 84 THEOBALD'S ROAD, WC1X 8RW**

<b>24 April</b>	<b>MONEY LAUNDERING UPDATE</b>	Louise Delahunty
<b>22 May</b>	<b>THE FINANCE BILL</b>	Christopher Sokol
<b>19 June</b>	<b>STAMP DUTY LAND TAX UPDATE</b>	Patrick Cannon
<b>10 July</b>	<b>TRUST AND PROBATE UPDATE</b>	Victoria Cook

These lectures will be held at the offices of **Nabarro Nathanson** at Lacon House, 84 Theobald's Road, WC1X 8RW. They begin at 6.15 pm with a drink available from 6.00 pm. One hour of CPD is available (ref: JC/CWHLS) – please give your roll number when attending.

TO: Mrs E J Beesley, CWHLS, 25 Rotherwick Road, London NW11 7DG DX 33801 Golders Green  
Please send tickets for the following lectures: £20 per ticket for members and £30 per ticket for non members

	Member	Non member
Money Laundering Update	_____	_____
The Finance Bill	_____	_____
Stamp Duty Land Tax	_____	_____
Trust and Probate Update	_____	_____

I enclose a cheque for £ \_\_\_\_\_ payable to the City of Westminster and Holborn Law Society

Name \_\_\_\_\_ Name of Firm \_\_\_\_\_

Address \_\_\_\_\_

DX \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_