Harvey on Industrial Relations and Employment Law

This Bulletin covers material available to **1 February**.

Bulletin Editor
Ian Smith MA, LLB (Cantab); Barrister
Emeritus Professor of Employment Law at the Norwich Law School, University of East Anglia.

DIVISION AI CATEGORIES OF WORKERS

Employees; definition; personal service and substitution

AI [17]

***Chatfield-Roberts v Phillips UKEATl0049l18* (*4 September 2018, unreported*)**

This judgment of Judge Barklem in the EAT is an interesting example of two points made in the text, namely: (1) that an element of substitution in a contract of employment or a more informal working arrangement will not always be fatal to employee status; and (2) that a key to this issue may well be found in the judgment of the Court of Appeal in *Pimlico Plumbers Ltd v Smith* [2017] EWCA Civ 51, [2017] IRLR 323, rather than in the later judgment in the Supreme Court which did not add anything on this aspect of the case (see **AI [17.01]**).

The claimant was introduced by an agency to the first respondent to work as a carer for his 'difficult' elderly uncle. In the beginning this was to be for six months full-time (an unusual arrangement for the agency which normally arranged for a team of different carers) but in the event lasting for three years. As it turned out, the uncle's house was the claimant's only residence, she was allowed to take a weekly day off and paid holidays and was paid for one episode of jury service; there was no agreement for sick pay, but in fact she was never sick. She was, however, paid gross wages and looked after tax and NI herself. When she was dismissed and claimed unfair dismissal, these matters had to be weighed in deciding the preliminary question whether she was an 'employee', initially of either the first respondent or the agency, but effectively only in relation to the former.

The ET held that on balance she was indeed an employee and that decision was upheld by the EAT. At the latter hearing, the question of substitution

assumed importance. As stated above, she did have some time off, holidays and time spent on jury service and the key point here was that on those days it was the *agency* that provided the necessary stand-in carer; she did not have to do so. The EAT was satisfied that this arrangement came on the side of the divide on substitution that meant that it did *not* prejudice personal service and the resulting employee status. At [38] the judgment puts it thus:

> 'Looking at the third example cited by Etherton (MR) set out in the extract of *Pimlico Plumbers* above, I find apt the passage "a right of substitution only when the contractor is unable to carry out the work will, subject to any exceptional facts, be consistent with personal performance." In the present case, other than when she was taking leave, no substitute was ever sought; hardly surprising given the requirement or insistence by the First Respondent or his sister that the initial engagement be a commitment by the Claimant for six months … It was on that basis that the Claimant took the job and certainly suggests a requirement by the First Respondent for personal performance. Had the Claimant been able to arrange substitutes as and when she chose, the six-month requirement would have been meaningless. However, in any event, the key finding by the Employment Judge … was that the Claimant was not providing a substitute for herself. She was taking advantage of an arrangement between the First and Second Respondents whereby she would notify the Second Respondent of an intended absence and the Second Respondent would provide a replacement from a carer on its books.'

DIVISION CIII WHISTLEBLOWING

Qualifying disclosure; the six statutory categories; failure to comply with a legal duty

CIII [52]

***Ibrahim v HCA International UKEAT/0105/18* (*13 September 2018, unreported*)**

The claimant was an interpreter working for a private hospital. Rumours spread alleging that he had breached patient confidentiality. He raised grievances about these rumours and their effects on his reputation. When his engagement was terminated, he could not bring an ordinary unfair dismissal action because he had not been an 'employee'; however, he had been a 'worker' and so complained that he had been dismissed for whistleblowing. The question arose whether he had made qualifying disclosures through his grievances. He relied on the ERA 1996 s 43B(1)(b) **Q [668.02]**, namely that 'a person has failed … to comply with any legal obligation to which he is subject'. The ET held that this was not satisfied on the facts here.

On appeal, however, Judge Stacey in the EAT reversed that holding on the basis that what the claimant was complaining about (even though he had not used the specific term) was that he had been *defamed* by whoever started the rumours. Sub-s (1)(b) is in very broad terms and is capable of covering the

commission of a tort such as defamation or breach of statutory duty. His grievances here had thus been about a failure to comply with a legal duty (not to defame him). However, his case still failed because the EAT went on to uphold the ET's second finding that he had not had a subjective belief that he was acting in the public interest because at the time he had only been concerned to rectify his personal position within the hospital.

DIVISION K EQUAL PAY

Common terms of employment; EU law and single source; direct effect

K [364], K [380]

ASDA Stores Ltd v Brierley [2019] EWCA Civ 44

In this group action, about 7,000 ASDA female store workers are claiming equal pay on the basis of equal value with male distribution workers in entirely separate premises. The aspect of their case concerning multiple use of the same ET1 has also been considered by the Court of Appeal this month (see Division PI below). That point was resolved in their favour and in the instant case the Court of Appeal has upheld the decisions in their favour by the ET and EAT.

They rely on the EqA 2010 s 79(4) **Q [1521]** which permits a cross-establishment comparison if 'common terms apply at the establishments (either generally or as between A and B)'. One immediate point of law to note is that the court agreed with the EAT that, although this wording is slightly different from that previously in the EqA 1970, the *meaning* remains unaltered. Thus, the significant case law on the old legislation remains fully authoritative. In the light of that, the judgment of Underhill LJ considers in some detail the leading cases of *Leverton v Clwyd County Council* [1989] IRLR 28, [1989] ICR 33, HL, *British Coal Corpn v Smith* [1996] IRLR 404, [1996] ICR 15, HL and in particular *North v Dumfries and Galloway Council* [2013] UKSC 45, [2013] IRLR 737, [2013] ICR 993, which is considered at **K [370]**. This was particularly important because on the facts here there was little or no prospect of a distribution worker working in a store or a store worker working in a distribution centre; the case therefore depended on the application of what is known as the '*North* hypothetical', ie what *would* have happened in such an unlikely event. In spite of much subtle argument on behalf of the company, the court decided that the ET had come to a permissible conclusion that there was sufficient commonality of distribution terms for distribution workers and store terms for store workers, the correct hypothetical, without straying into the *later* question of comparison *between* them.

At [66]–[73] the judgment then very helpfully sums up the existing domestic law in seven basic propositions, which may well be a crib sheet for the future. The application of these to the facts here is explained at [104]–[106]:

> 'It may be worth stepping back from the specifics of Asda's challenge and taking a broader view. The essential reason why in my view the

Judge's conclusion was open to him – indeed I believe right – is that for both classes (i.e. retail workers and distribution workers) Asda applied common terms and conditions wherever they work. The effect of the case-law, and of *North* in particular, is that in such a case "wherever they work" extends even to a workplace where they would never in practice work because the nature of its operations is so different, as it was in both *Leverton* and *North* itself. The contrast is with a situation where there were no common "distribution terms", so that what terms a distribution worker enjoyed would depend on where they worked. If that had been the case here (as it may have been pre-2003) the outcome would be different, because it would be impossible to say "if a distribution worker worked in a store these are the terms that would apply to him".

I appreciate that it may seem artificial to say that common terms and conditions apply between depots and stores on the wholly hypothetical basis that if a distribution worker worked (as a distribution worker) in a store distribution terms would apply to him; but the Supreme Court in *North* confronted that very issue and explained why its conclusion was justified, both on the language of the statute and in policy terms (as to which see in particular para. 34 of Lady Hale's judgment).

One consequence of this conclusion is that much of the detailed evidence and argument in the ET was in my view beside the point. The preliminary issue could have been decided on the straightforward basis that Asda's terms for retail workers and for distribution workers both applied wherever they worked. It would in truth be no credit to the law if the kind of elaborate and confusing exercise which the Judge was encouraged to undertake were required in order to establish whether comparison were permitted.'

Of course, an equal pay claim may also be considered under EU law and in particular art 157 of the TFEU. However, here the matter was resolved under domestic law and so EU law was only relevant either as a confirmation or if domestic law reached a conclusion inconsistent with it. The court went on to hold obiter that on the facts here the EAT had been right to hold that the cross-establishment comparison was also validated under EU law because of the existence of a 'single source' for the two sets of terms and conditions under *Lawrence v Regent Office Care Ltd:* C-320/00, [2002] IRLR 822, ECJ (see **K [380]**). The company had stressed that wage determination was devolved within the different parts of the organisation, but it was held that it was enough that the ASDA board could ultimately intervene and change such determinations.

One final point was left undecided because it was not necessary for the court's decision – could art 157 be directly effective here? This arises because, although EU law has long held that its predecessors can have direct effect, this has been in the context of equal work or work rated equivalent; there is no authority on the question whether that also applies (as here) to a claim for equal *value*. The court declined to rule on this point, largely accepting that there are some subtle arguments here and it is not *acte claire*.

DIVISION L EQUAL OPPORTUNITIES

Burden of proof; initial burden on claimant

L [806.01]

Royal Mail Group v Efobi [2019] EWCA Civ 18

The text explains at **L [806.01]** that in this case at EAT level Laing J had taken a fundamentally new approach to the burden of proof provision in the EqA 2010 s 136 **Q [1548]** by holding that its wording departed from the previous legislation and radically decreased the initial burden on the claimant, but that this had been disapproved and orthodoxy reinstated by the Court of Appeal in *Ayodele v Citylink Ltd* [2017] EWCA Civ 1913, [2017] IRLR 114. In this appeal to the Court of Appeal by the employer, the claimant therefore had to accept that the EAT decision in his favour was wrong in law and that the traditional initial burden lay on him. However, he defended the EAT's second ground of judgment, namely that even on that traditional view, he had satisfied his burden on the facts. However, the Court of Appeal have now overturned that element of the judgment too and allowed the employer's appeal. The basis for this was that on those facts the claimant had only shown a large number of rejections for promotion but not any smoking gun as to possible reasons. Thus, his case was restricted to mere *allegations* which are not enough under s 136.

DIVISION NII INDUSTRIAL ACTION

The right to strike; recognition as a fundamental human right

NII [109]

Ognevento v Russia [2019] IRLR 195, ECtHR

This is a further decision of the ECtHR on the question whether laws against strike action violate art 11 of the European Convention **Q [1088.27]**. The claimant was a Russian railway worker who was dismissed for taking part in strike action. Russian legislation made such action unlawful by certain categories of railway workers, including him. He maintained that this infringed art 11 on freedom of association. The ECtHR upheld his claim, holding that:

(1) strike action is 'protected by art 11', citing its decision in *National Union of Rail, Maritime and Transport Workers v United Kingdom* [2014] IRLR 467 (see **NII [112.02]**);

(2) there was a breach of art 11(1);

(3) the right is not unqualified, in the light of art 11(2) ('necessary in a democratic society') which can include restrictions on essential services;

(4) for that exception to apply, there must be a pressing social need;

(5) however, international laws and opinions are to the effect that transport generally and rail transport in particular are not themselves such an essential service, necessary to the life and health of the population;

(6) a strike in such an industry may of course have serious economic consequences, but these are not in themselves enough to constitute an essential service;

(7) thus, there was a breach of art 11(1) which was not justified under art 11(2).

The learned editor of the IRLR suggests that this judgment may have an effect in UK domestic law – the Trade Union Act 2016 introduced extra strike balloting requirements (40% of those eligible to vote) for important public services, which include rail transport (see **R [3300]**). The question is whether this inclusion could be challenged under art 11.

DIVISION PI PRACTICE AND PROCEDURE

The claim; multiple claims in one document; waiving an irregularity

PI [293.02], PI [655.02]

Brierley v ASDA Stores Ltd; Ahmed v Sainsbury's Supermarkets Ltd; Fenton v ASDA Stores [2019] EWCA Civ 8

These three joined appeals are the further appeal against Lewis J's judgment in what was *Farmah v Birmingham City Council* [2017] IRLR 785, [2018] ICR 921, EAT, which is considered at **PI [293.02]** on the r 9 joinder point and at **PI [655.02]** on the r 6 waiver of irregularity point.

What the cases had in common is the question whether multiple equal pay claims can be brought in one ET1. Of course, what lay behind this at the time was the ET fees regime, under which considerable amounts of fees could be saved if individual ET1s did not have to be used. Now that the fees regime has been removed, the point has lost much of its sting (unless of course they are to be brought back in some other form …).

Each case raised two questions before the different ETs: (1) were these claims irregular under r 9 **R [2766]** which only allows multiple claims on one form if they are 'based on the same facts'? (the problem being that the very large numbers involved meant that many claimants were engaged on different jobs); and (2) if the claims were irregular, should the ET waive that irregularity under its general power to do so in r 6 **R [2763]**?

In *Brierley* the ET held that the claims were irregular but that the irregularity should be waived. In *Fenton* the ET held that they were irregular but that irregularity should not be waived and the claims were struck out; in *Ahmed* the ET held that they were not irregular and should proceed to a hearing. In the EAT, it was held that these claims were all irregular, but that the ET in *Brierley* had not considered waiver properly. Thus, *Brierley* was remitted on waiver, *Fenton* was confirmed and *Ahmed* was remitted on both irregularity and waiver.

The judgment of the Court of Appeal was given by Bean LJ with a short concurring judgment on waiver by Longmore LJ. On the principal point of r 9, the court agreed with the EAT and held that these claims were all irregular. At [27] the judgment states:

> 'Multiple claims are allowed under Rule 9 where (whatever the titles attached) it is asserted by the claimants that their roles and the work they do are either the same, or so similar to one another that the claims can properly be said to be based on the same set of facts. It would be advisable in future for claimants' solicitors to err on the side of caution and issue multiple claims which comply with this interpretation of Rule 9, applying if appropriate at the stage of case management for more than one multiple claim to be heard together.'

Like the judge in *Brierley*, the court said it did not come to that conclusion easily, but said that it was the result of applying the plain meaning of r 9, which was not to be altered by the overriding objectives in r 2 or arguments for the avoidance of technicalities. Two subsidiary points of interpretation were made:

(1) a 'piggy back claim' by men doing the same work as the claimant women is unlikely to pass the r 9 'same facts' test;

(2) on the other hand, there is no requirement under r 9 that the comparators must also be the same or sufficiently similar, provided the claimants are.

On the second question of waiver, the court allowed the claimants' appeal in *Brierley* from the EAT's decision, holding that the ET had not misapplied r 6 to these facts. Thus, the overall result was that *Brierley* was allowed to proceed to a hearing of the merits, *Fenton* remained struck out and *Ahmed* remained remitted to the ET on both irregularity and waiver.

Procedure at the hearing; conduct of members; apparent bias

PI [919]

***Balakumar v Imperial College of Health Care NHS Trust UKEAT/0252/16* (*25 September 2018, unreported*)**

The text at **PI [919]** makes the point that the fact that a judge shows irritation or hostility towards an advocate does not mean that there is a real possibility that it will affect their impartiality and fairness. This decision of the EAT under Lady Wise is an interesting example of that, in the context of a genuine mistake by the EJ that was immediately rectified.

On the third day of a difficult hearing, the ET (EJ and members) rejected applications by the claimant's lawyer to admit certain documents and in any event to recuse itself (having turned down several other applications previously). The lawyer asked for a short adjournment to explain this to her client. On resuming, she then asked for an adjournment to appeal to the EAT.

Misconstruing this, the EJ thought that the reason previously given for the adjournment was false, commenting that 'there is no need to lie'. This led to an appeal on the ground of bias.

Of course, the term 'lying' can have a particular resonance (indeed, there is an interesting parallel with parliamentary procedure, where an allegation of 'being economical with the actualité' might be forgiven but an allegation of 'lying' seldom is). Here, however, the EAT held that the claimant had not made out the case of apparent bias. Having cited the leading case law on bias generally, the claimant relied particularly on *El Faraghy v El Faraghy* [2007] EWCA Civ 1149, [2007] 3 FCR 711 (a non-employment case) where Ward LJ found such a case made out because of remarks made during a hearing by Singer J (whose obituary was fortuitously in this month's *Times*). Here, however, the EAT distinguished that case because it had involved several unnecessary and sarcastic remarks about a party by the judge, not addressed to any issue in the case. By contrast, in the instant case the EJ was considering a relevant issue, in the context of a fractious hearing in a room with poor acoustics, where the lawyer had been simultaneously combative and softly spoken. Moreover, what the EJ was actually trying to say (albeit in an unfortunate way) was that the ET would *not* have taken offence at a straightforward application to appeal (do you remember, gentle reader when, as a baby law student learning Tort, you were given the ancient assault case of *Tuberville v Savage* (1669) 1 Mod 3 where the remark 'Were it not assize time, I would not take such language from you' was held to mean that, as it *was* assize time, the defendant was *not* going to attack the plaintiff?). Thus this remark, although using something of a taboo word, was in context short of the *El Faragy* level of unacceptable comment. To any legal historian, it might also be said that it was well towards the bottom end of the Judge Jeffreys scale.

Privacy and restrictions on disclosure; anonymity orders; protecting Convention rights of non-parties

PI [950]

***Ameyaw v PricewaterhouseCoopers Services Ltd UKEAT/0244/18* (*4 January 2019, unreported*)**

A v Secretary of State for Justice [2019] IRLR 108, EAT

These two EAT decisions raised different aspects of the rules on anonymity orders contained in SI 2013/1237 r 50 **R [2807]**. *Ameyaw* concerned a judgment in an open preliminary hearing which contained material critical of the claimant's conduct at an earlier preliminary hearing (in spite of which the ET refused to strike her case out). This judgment was entered on the online register of judgments (r 67). Over a year later, the claimant applied to have the judgment removed from the register and/or an anonymity order made under r 50. The ET declined both of these and Judge Eady in the EAT upheld that judgment. There were three grounds for this:

(1) there is no power to remove a judgment once entered on the register under r 67 (subject only to a specific exception in r 94 relating to national security cases);

(2) contrary to the claimant's main argument, her art 8 right was not engaged because there could be no expectation of privacy in relation to a judgment at an open hearing;

(3) the question therefore came down to whether a r 50 order should have been made. After citing old authority that the fact that open information might be 'painful, humiliating or a deterrent' is not generally enough to establish that it should not be made public, the EAT considered whether the ET had operated the necessary balancing act between open and fair justice and privacy rights, and held that it had, accepting that open justice remains a powerful factor. The judgment cites particularly the judgment of Simler P in *Fallows v News Group Newpapers Ltd* [2016] IRLR 827, [2016] ICR 801, EAT (see **PI [957.01]**), helpfully summarising her guidance to ETs as follows:

> 'In carrying out the balancing exercise thus required, the ET will be guided by the following principles derived from the case-law (helpfully summarised by Simler P at paragraph 48, *Fallows*): (i) the burden of establishing any derogation from the fundamental principle of open justice or full reporting lies on the person seeking that derogation; (ii) it must be established by clear and cogent evidence that harm will be done by reporting to the privacy rights of the person seeking the restriction on full reporting so as to make it necessary to derogate from the principle of open justice; (iii) where full reporting of proceedings is unlikely to indicate whether a damaging allegation is true or false, the ET should credit the public with the ability to understand that unproven allegations are no more than that; and (iv) where such a case proceeds to judgment, the ET can mitigate the risk of misunderstanding by making clear it has not adjudicated on the truth or otherwise of the damaging allegations.'

A v Secretary of Justice makes an important point about *whose* interests are protectable under r 50. The claimant had been an officer in a bail hostel, where she had had a brief but difficult relationship with an offender, giving birth to a child as a result. She was disciplined for this and related matters and dismissed. She brought proceedings for unfair dismissal, which were covered initially by an anonymity order. When her claim failed, the ET made a restricted reporting order but discharged the anonymity order. She appealed the latter decision, as a result of which Judge Tucker in the EAT reimposed the order. She held that, while the EJ had properly considered the essential balance with the importance of open justice and freedom of expression, he had done so in relation to the claimant herself and to a lesser extent the offender, *but* had overlooked the wording of r 50(1) which refers to protecting the Convention rights of *any* person, which here included the rights of the child not to have to read or otherwise come across the details of

the case. One particularly telling point in the judgment is that, if these had been proceedings about these facts in the Family Court, there would almost certainly have been anonymity in the child's interests, and the judge saw no reason for a different approach in an ET.

EAT; extension of time; limitation on EAT computer capacity; effect of medical condition

PI [1444], PI [1447.02], PI [1528]

J v K [2019] EWCA Civ 5

Underhill LJ started his judgment by saying that this is 'yet another' case on how to operate the power to extend the usual 42-day time limit for appealing from an ET decision. This has certainly been a fruitful area for litigation. This case concerned both a very specific problem with the EAT's own system for online appeals and also a much more general issue as to the effect of a medical condition, on which the court gave an element of (non-exhaustive) guidance.

The claimant's deadline for appealing was 4pm on 30 September 2016. At 3.55pm he sent an email with the necessary attachments, but this exceeded the EAT's server capacity of 10MB. It was rejected. He resent it all as smaller attachments, but this took until 5pm and was treated as received the following day. When his claim was rejected, he applied for an extension of time. This was rejected by the Registrar. He appealed this to the EAT, mentioning for the first time his mental problems of depression due to HIV infection, though he included no medical evidence, only Internet information about this sort of problem. The EAT rejected his appeal.

On further appeal, the Court of Appeal approached the first (IT) issue on the basis of a finding of fact by the EAT that he had *not* received the usual covering letter and booklet which would have directed him expressly to document T 440 which contains a warning about the 10MB maximum. The Registrar and EAT had considered that that document was still discoverable on the internet and so there was no excuse. However, the Court of Appeal (while accepting that a claimant who did receive the usual documentation would be expected to know of the limit) held that on these particular facts it was reasonable for the claimant not to have known (the point being that T 440 was discoverable *if* you knew to look for it). This pointed in the claimant's favour, but it raised another classic problem here – what about the fact that he had waited until the very last moment? This will often count against the putative appellant, *but* the judgment makes a distinction. In the case law on this, the reason for failure is normally something extraneous, such as a postal failure, Internet outage or a problem with the party's own computer, but here the problem was *internal to the EAT*, making it an exceptional case where an extension should be granted (indeed, at [31] the judgment calls for either better IT capacity or clearer information).

That was enough to determine the appeal in the claimant's favour, but the court was prevailed upon to give at least *general* guidance on the wider question of the relevance of medical problems here. Para [39] is worth setting out in full:

'(1) The starting-point in a case where an applicant claims that they failed to institute their appeal in time because of mental ill-health must be to decide whether the available evidence shows that he or she was indeed suffering from mental ill-health at the time in question. Such a conclusion cannot usually be safely reached simply on their say-so and will require independent support of some kind. That will preferably be in the form of a medical report directly addressing the question; but in a particular case it may be sufficiently established by less direct forms of evidence, e.g. that the applicant was receiving treatment at the appropriate time or medical reports produced for other purposes.

(2) If that question is answered in the applicant's favour the next question is whether the condition in question explains or excuses (possibly in combination with other good reasons) the failure to institute the appeal in time. Mental ill-health is of many different kinds and degrees, and the fact that a person is suffering from a particular condition – say, stress or anxiety does not necessarily mean that their ability to take and implement the relevant decisions is seriously impaired. The EAT in such cases often takes into account evidence that the applicant was able to take other effective action and decisions during the relevant period. That is in principle entirely acceptable, and was indeed the basis on which the applicant failed in *O'Cathail* (though it should always be borne in mind that an ability to function effectively in some areas does not necessarily demonstrate an ability to take and implement a decision to appeal). Medical evidence specifically addressing whether the condition in question impaired the applicant's ability to take and implement a decision of the kind in question will of course be helpful, but it is not essential. It is important, so far as possible, to prevent applications for an extension themselves becoming elaborate forensic exercises, and the EAT is well capable of assessing questions of this kind on the basis of the available material.

(3) If the Tribunal finds that the failure to institute the appeal in time was indeed the result (wholly or in substantial part) of the applicant's mental ill-health, justice will usually require the grant of an extension. But there may be particular cases, especially where the delay has been long, where it does not: although applicants suffering from mental ill-health must be given all reasonable accommodations, they are not the only party whose interests have to be considered.'

Applying this to the facts here, the court held that it would *not* have upheld the claimant's appeal on this ground.

REFERENCE UPDATE

479	*Kaur v Leeds Teaching Hospital NHS Trust*	[2019] ICR 1, CA
479	*UNITE the Union v Nailard*	[2019] ICR 28, CA

480	*Morris v Metrolink RATP Dev Ltd*	[2019] ICR 90, CA
481	*Lancaster & Duke Ltd v Wileman*	[2019] IRLR 112, [2019] ICR 125, EAT
482	*Tarn v Hughes*	[2019] ICR 76, EAT
484	*British Council v Jeffrey*	[2019] IRLR 123, CA
485	*BA plc v Pinaud*	[2019] IRLR 144, CA
485	*Sindicatul Familia Constanta v Directia de Asistenta Sociala Constanta*	[2019] IRLR 167, ECJ

Subscription and filing enquiries should be directed to LexisNexis Customer Services Department (tel: +44 (0)84 5370 1234; fax: +44 (0)20 8662 2012; email: customer.services@lexisnexis.co.uk).

Correspondence about the **content** of this Bulletin should be sent to Nigel Voak, Analytical Content, LexisNexis, FREEPOST 6983, Lexis House, 30 Farringdon Street, London, EC4A 4HH (tel: +44 (0)20 7400 2500).

Published by LexisNexis