

ARDL

ASSOCIATION OF REGULATORY & DISCIPLINARY LAWYERS

QUARTERLY BULLETIN – WINTER 2015/2016



CONTENTS

- Page 1: 'The Senior Managers' Regime: the end of the 'regulate/de-regulate' cycle?, Jenny Higgins and Julie Matheson, Kingsley Napley LLP
- Page 4: ARDL Seminar List 2016
- Page 5: Legal Update, Kenneth Hamer
- Page 7: Marion Simmons QC Essay Prize
- Page 8: Book Review: The Law of Legal Services by John Gould, with contributions from Tom Bradford, Michael Stacey, Michael Colledge, and Andrew Donovan. Andrew Davies, Henderson Chambers

New format for the ARDL Bulletin

Welcome to the ARDL Bulletin Winter 2015/2016. This is the first edition using our new format which has been designed in line with our website and ARDL branding.

Congratulations

ARDL is delighted to congratulate its former Chair, Timothy Dutton QC, for his inclusion in the New Year's Honours list 2016. Tim's achievements in the field of law have been recognised with an award of CBE. ARDL's warmest congratulations go to Tim.

'The Senior Managers' Regime: the end of the 'regulate/de-regulate' cycle?

Jenny Higgins, Associate and Julie Matheson, Partner, Kingsley Napley LLP

In recent times, the regulatory spotlight has been focused strongly on the UK's financial industry. The global financial crisis in 2008 not only caused turmoil in the markets and the world economy; it also led to many questions about regulation and accountability. Questions of who was responsible within banks; why did the regulators not step in; and how can such an event be prevented in the future were aired frequently.

Since that time, there has been a huge change in the regulation of banks and financial institutions in the UK.

In April 2013 there was a move towards ‘twin peaks’ regulation: under the Financial Services Act 2012, the Financial Services Authority was replaced with the Financial Conduct Authority (FCA), which is responsible for the regulation, supervision and conduct of banks and financial institutions. The Prudential Regulation Authority (PRA) was also created, which is responsible for the prudential soundness of the firms it regulates.

Now, nearly eight years on from the peak of the global financial crisis, one of the biggest changes in financial regulation to date is afoot. The catalyst for change was the recommendations included in the Parliamentary Commission for Banking Standards (PCBS), entitled “Changing Banking for Good”, which set out proposals for legislative and other action to improve professional standards and culture in the UK banking industry. This was followed by legislation in the form of the Banking Reform Act 2013, which had the effect of imposing significant change for banks, credit unions and PRA-designated investment firms, as it imposed a new regulatory framework for individuals working within them.

The implementation of the Banking Reform Act has been at the forefront of regulatory scrutiny since it was passed by Parliament. The most notable changes under the Act are the introduction of the Senior Managers’ Regime (SMR), Certification Regime and Conduct Rules which replace the existing Approved Persons regime. We examine here the existing Approved Persons regime, the changes imposed, and what effects we believe these may have on the industry as a whole.

The current Approved Person regime

What then is the current regime? Approved Persons are those within the industry who carry out ‘Controlled Functions’, which can be either customer facing functions, or ‘Significant Influence Functions’, for example being the director of a firm, overseeing systems and controls or being responsible for compliance. Approved Persons must meet the requirements of the FCA’s ‘Fit and Proper’ test and comply with the FCA’s Statements of Principle and Code of Practice. Although firms are expected to carry out their own due diligence when an application for Approved Person status is being made, the granting of Approved Person Status is ultimately the responsibility of the FCA. The perceived difficulty with the regime is a

lack of individual accountability for alleged regulatory breaches: without clear parameters of responsibilities falling within each role, the root cause of issues has been difficult to identify.

The new SMR and Certification Regime are aimed at remedying those perceived deficiencies. They come into effect on 7 March 2016; however, preparations for grandfathering into the regimes are currently ongoing. The regimes are aimed at promoting individual responsibility and will include the following:

- The SMR will focus on individuals who hold key roles and responsibilities in relevant firms, for example the Board (excluding certain Non Executive Directors without key responsibilities), and other senior individuals who hold significant responsibilities within the firm. Firms will be required to prepare Responsibilities Maps detailing the requirements of each role and Statements of Responsibility will be required for individuals carrying out Senior Management Functions. Individuals falling under this regime will still be required to be pre-approved by the regulators, but firms will also need to have systems in place to assess the applicant’s fitness and propriety upon application and on a yearly basis thereafter. Specific provisions of the new Conduct Rules will apply to the Senior Managers. The regulatory scrutiny of those individuals is therefore high.
- The Certification Regime covers staff who do not fall within the SMR, but who still pose a risk of significant harm to the firm or any of its customers. This category will cover a number of those individuals who previously held Approved Person status. The principal shift from a regulatory perspective is that firms themselves will be required to put in place systems for assessing the fitness and propriety of staff; this will no longer be the domain of the regulator. This assessment will be required on a yearly basis. This is an onerous responsibility for firms, who will then have to make difficult decisions about whether an individual’s conduct is sufficiently serious to be deemed to fall foul of the Conduct Rules. Consistency in decision making across firms may be an issue, although

there will be guidance in place to assist with this. A Senior Manager will ultimately be responsible for imposing consistency in decision making; whether a defensive or 'no tolerance' approach might be adopted by firms, for fear of being too lenient, is yet to be seen.

- The implementation of the Conduct Rules has extended the scope of regulation to not just those falling within the SMR and the Certification Regime, but to all staff, apart from those in ancillary functions. Employees in more junior roles are now potentially subject to proceedings if it is deemed that their actions fell below the prescribed conduct in the Rules. The Conduct Rules will apply to SMR and Certified persons from 7 March 2016; however, firms will have until 7 March 2017 to prepare for the wider application of the Conduct Rules to other staff.

The enforcement of regulatory action

How then will proposed regulatory breaches be pursued? When the contents of the Banking Reform Act were first published, there was considerable concern and disquiet about the imposition of a 'presumption of responsibility', which, arguably, effectively reversed the burden of proof. The proposal was that, in order to prove that a Senior Manager had committed misconduct, the FCA merely had to show that there had been a contravention by the firm and that the Senior Manager in question was responsible for the activities in relation to which the contravention occurred. The Senior Manager could only be absolved if he or she could satisfy the regulators that he/ she had taken such steps as a person in [the Senior Manager's] position could reasonably be expected to take, to avoid the contravention occurring or continuing. This was a significant move away from the current and established procedure, whereby the burden to prove its case lies exclusively with the regulator.

However, when the Treasury introduced the Bank of England Financial Services Bill on 15th October 2015, as well as extending the SMR and Certification Regime to cover all investment companies, insurers, asset managers and consumer credit firms by 2018, it contained a notable u-turn on the imposition of such a presumption of responsibility. The Government has

instead decided to introduce a statutory duty on Senior Managers to take reasonable steps to prevent regulatory breaches in their areas of responsibility – the so-called "duty of responsibility".

Whilst the "duty of responsibility" will require management to take appropriate steps to prevent a regulatory breach from occurring, the burden of proving this misconduct will fall on the regulators, as with other regulatory enforcement actions. Whether this represents a watering down of the impact of the SMR is yet to be seen. The FCA has been keen to downplay the shift in approach; as Tracy McDermott, acting CEO of the FCA stated: "While the presumption of responsibility could have been helpful, it was never a panacea". However, it is clear that this shift will make proving misconduct more difficult.

Timetable for change

Compliance departments in banks and financial institutions are facing a very a very busy 18 months. Grandfathering into the new regime takes place over the early part of 2016, with the commencement date for the SMR and Certification Regime being 7 March 2016. The work does not stop there: the first annual submission to the FCA notifying it of breaches of the Conduct Rules must take place by the end of October 2016, while the application of the Conduct Rules to staff who do not fall within the SMR or Conduct Rules commences on 7 March 2017, with a similar report on their breaches of the Conduct Rules to take place in October 2017. The remit of the regimes are then extended in 2018 to cover investment companies, insurers, asset managers and consumer credit firms.

The impact of change

The impact on firms, although, as yet, unmeasured, is likely to be significant. Not only will firms need to invest to ensure they meet their new responsibility to assess fitness and propriety, they will also need to be flexible and reactive to change. Roles and responsibilities will change organically; Responsibilities Maps will need to be updated regularly and scrutinised to make sure that no responsibilities are left uncovered. The assessment of fitness and propriety will raise its own problems. One firm's attitude to a potential breach of the Conduct Rules may differ to another's; the regulators will need to provide guidance to avoid a

divergence of approaches and a consequent lack of consistency.

The new regime also shines the spotlight on financial professionals as individuals, with an estimated 15,000 Senior Managers expected to be affected by the proposals, rising to 60,000 when the regime is widened in 2018. Financial professionals are likely to feel more exposed, with Senior Managers being keen to ensure their responsibilities are clearly defined. In addition, more junior employees, who previously fell under the radar, will have to adhere to the new Conduct Rules.

Tracy McDermott has spoken recently of a drive to eradicate the “short-termism” view adopted by financial institutions; she has also spoken of the desire for sustainable regulation and a move away from the “regulate/ de-regulate cycle”. With those key themes in mind, it is hoped that the regulators will provide the financial world with time, guidance and a little breathing space to learn through experience and adopt the new regimes fully. Will these measures provide the long term stability and effective self-regulation that was hoped when the Banking Reform Act 2013 was drafted? Only time will provide the answer to that question.

ARDL Seminar List

The benefits of ARDL membership include our free legal seminars, all of which qualify for CPD with the SRA, the BSB and the LSS. ARDL is delighted to announce a packed programme of seminars for 2016. We have selected topics which were requested by the membership as part of the recent membership survey and we are holding them in various locations in the UK. Flyers with full details of the topics, speakers and venues will be sent out for each seminar nearer the time.

We were delighted to welcome our Junior ARDL members to the “Beat the January Blues” drinks at Vinoteca on 28 January.

1. **Topic:** Rationality & Proportionality in JR.
Date: 21st January 2016.
Venue: London, Fieldfisher.
Speakers: Timothy Dutton QC; Bankim Thanki QC & Pia Dutton.
Chair: Lord Justice Jackson

2. **Topic:** Dishonesty.
Date: 10th March 2016.
Venue: London, Pennington Manches.
Speaker: Paul Ozin QC.
Chair: Mostyn J
3. **Topic:** Standard of proof.
Date: 17th March 2016.
Venue: Edinburgh, Anderson Strathern.
Speakers: Iain Miller (Bevan Brittan), Roddy Dunlop QC; Christine O’Neill (Brodies) + 1 other TBC
4. **Topic:** Reform of the Regulation of Healthcare Professionals.
Date: 19th April 2016.
Venue: London, Nabarro.
Speaker: Joanna Glynn QC + panel
5. **Topic:** Public Inquiries.
Date: 16th June 2016.
Venue: London, Bevan Brittan.
Speakers: Christina Lambert QC, Martin Smith, (Fieldfisher); Tom Kark QC
6. **Topic:** Dishonesty.
Date: June 2016.
Venue: Manchester, Deans Court Chambers.
Speaker: Paul Ozin QC
7. **Topic:** Financial Services.
Date: Sept 2016.
Venue: London, Blake Morgan.
Speakers: Vikram Sachdeva QC + 1 TBC
8. **Topic:** Legal Services.
Date: October 2016.
Venue: TBC.
Speakers: TBC

Legal Update

Kenneth Hamer, Henderson Chambers



Vaux v. Solicitors Regulation Authority [2015] EWHC 1365 (Admin)

The appellant had earlier failed to comply with an unless order made by the court, and consequently his appeal stood to be struck out and dismissed. That being so, the court considered whether the appellant should be granted relief from sanction under CPR rule 3.9(1) applying the principles in *Denton v. TH White Limited* [2014] EWCA Civ 906. The court would refuse relief.

Sarfraz v. Disclosure and Barring Service [2015] EWCA Civ 544

In this case the Court of Appeal held that there was no jurisdiction to grant permission to appeal against the refusal by the Upper Tribunal of permission to appeal to itself. The appellant, a former doctor, whose name had been erased from the medical register, sought to appeal to the Upper Tribunal a decision by the Disclosure and Barring Service (formerly the Independent Safeguarding Authority) to continue to include his name in the Children's and Adults' Barred lists. The appellant sought permission to appeal against this decision from the Upper Tribunal, which was refused on 8th October 2014. By a decision dated 14th November 2014, the Upper Tribunal refused permission to appeal to the Court of Appeal. Held, the Court of Appeal did not have the power to grant permission to appeal against a refusal of permission to appeal by the Upper Tribunal against a decision of the Disclosure and Barring Service.

Gosalakkal v. General Medical Council [2015] EWHC 2445 (Admin)

G, a consultant paediatric neurologist appealed against a decision of a fitness to practise panel directing that his registration be suspended for six months. The hearing took place over 43 days. The GMC called 15 witnesses and G's evidence lasted six days. G represented himself

with assistance from a friend. On appeal G contended that the interventions by the chair of the panel were procedurally improper. G complained that during his cross-examination of GMC witnesses, the chair interjected on many occasions with questions that were leading or accusatory and appeared to be taking over the function of the GMC. In dismissing G's appeal, Sir Stephen Silber said that the issue on which the chair interjected was at the forefront of the GMC's case; that the transcript showed that G was an articulate and intelligent witness who was able to put forward his case; that it was not said, either at the time of the hearing or subsequently, that the conduct of the chair meant the appellant was unable to give in evidence his version of events; and finally the appellant did not complain at the time that he was unable to give his account. Thus, the appellant had failed to show a serious procedural irregularity, which caused injustice as required by CPR 52.11(3). That in itself would be a good answer to the head of complaint, but there was an additional reason why it must fail and that is because all the interventions from the chair were relevant as well as being fairly and properly worded. The interventions sought to obtain vital information from the appellant who was a very intelligent witness and who was able to stand up for himself. Many of the instances of allegedly improper interventions related to matters in respect of which the chair was quite properly seeking to obtain relevant information.

Nursing and Midwifery Council v. Harrold [2015] EWHC 2254 (QB)

Following H's dismissal by her Trust where she was employed as a nurse, and being struck off by the NMC on the grounds that her conduct was found to be fundamentally incompatible with being on the register, H brought a series of claims against the Trust and the NMC including claims in the Employment Tribunal. Granting the NMC and the Trust a general Civil Restraint Order (CRO), Hamblen J said he was satisfied that the High Court had an inherent jurisdiction to make a CRO covering proceedings before the Employment Tribunal. The Employment Tribunal is regarded as being an inferior court for the purposes of section 42 of the Senior Courts Act 1981 and for the purposes of making committal orders under RSC Order 52. The High Court's supervisory jurisdiction in relation to inferior courts extends to the grant of CROs.

McCarthy v. Bar Standards Board 13 July 2015

In ordering a re-trial of disciplinary proceedings, the Visitors (Stewart J chairman) said that it was helpful to take account of the approach of the criminal courts, whilst being aware of certain potential differences in specific areas; see e.g. *R v. Graham and others* [1997] 1 Cr App R 302, *R v. Bell* [2010] 1 Cr App R 407 and *Bowe v. R* [2001] UKPC 19. It was clear that in relation to whether or not to order a re-hearing the Visitors must take account of the public interest. The Visitors recognised that in *Porter v. Magill* [2002] 2 AC 357 the House of Lords made it clear that there was no requirement to demonstrate specific prejudice in order to establish a breach of the right to trial within a reasonable time. Nevertheless, as Lord Bingham of Cornhill said in *Dyer v. Watson* [2004] 1 AC 379 at [52]: “The threshold of proving a breach of the reasonable time requirement is a high one, not easily crossed.” Delay by itself is not a reason for staying a prosecution. The only question is whether a fair trial is still possible. In the instant case, in the Visitors’ judgment a fair trial was possible.

Re C (a child) (Application by Dr X and Y) [2015] EWFC 79

Dr X, a psychiatrist, together with Y ran a private clinic. In the course of care proceedings, Dr X produced a report concerning C and C’s mother. Dr X was not merely instructed as an expert witness; he was also at the time the mother’s treating physician. C’s mother subsequently reported Dr X to the General Medical Council where he faced a fitness to practise hearing. Of the seven allegations Dr X faced, two were withdrawn by the GMC and the other five were found not proved by the panel. In these proceedings, Dr X and Y sought disclosure and permission to use papers from the care proceedings and the fitness to practise proceedings in order to rebut inaccurate press reporting by C’s mother and internet postings. Dr X and Y stated it was not their intention to provide the documents to any third party, merely to have the source material available and if necessary to quote from that source material. In dismissing the application relating to the care proceedings, Sir James Munby P identified eight key factors, namely (1) what was proposed was disclosure into the public domain; (2) the application related essentially to medical records of the most intimate and personal nature, relating in particular to the mother’s

mental health; (3) disclosure was sought by someone who was not merely a court-appointed expert but also at one time the mother’s treating clinician; (4) despite the public interest arguments, the application was driven by Dr X’s desire to vindicate his reputation; (5) the disclosure extended far beyond anything previously permitted by the court such as in *Re X, Y and Z (Expert Witness)* [2011] EWHC 1157 (Fam), [2011] 2 FLR 1437; *Doncaster MBC v. Haigh, Tune and X (by The Children’s Guardian)* [2012] 1 FLR 577, and *A v. Ward* [2010] EWHC 16 (Fam), [2010] 1FLR 1497; (6) the proposed disclosure was without any of the safeguards or protections required by the Strasbourg jurisprudence and by domestic practice; (7) disclosure was adamantly opposed by the mother; and (8) there was good reason to fear that the disclosure sought would be inimical to C’s welfare. Accepting, which the learned judge was prepared to for the purposes of argument, that Dr X had been traduced and defamed by the mother, his former patient, that did not, of itself, liberate him from his continuing duties of confidentiality nor, of itself, justify removing the limitations on the use of family court documents. The same principles applied in relation to the GMC documents. Those were provided to Dr X by the GMC on a confidential basis and on the footing that they would be used by him only in connection with the fitness to practise proceedings. Moreover the court lacked jurisdiction to grant relief against the GMC; see *A Health Authority v. X (Discovery: Medical Conduct)* [2001] 2 FLR 673, paras 64-65, and *Re D (Minors) (Wardship: Disclosure)* [1994] 1 FLR 346. Accordingly, both applications were dismissed.

Enemuwe v. Nursing and Midwifery Council [2015] EWHC 2081 (Admin)

E, a registered midwife, was working as an agency midwife at St Thomas’ Hospital in London and attended the labour and subsequent giving of birth by a patient. Following complaints by the patient and her husband, who had been present at the birth, an investigation was carried out by a Supervisor of Midwives appointed to the London Local Supervisory Authority. The investigator was a senior and experienced midwife who produced a report which extended to 31 pages. Allowing E’s appeal and sanction of a caution order for 12 months, the High Court held that the NMC Conduct and Competence Committee ought to have declined to admit any evidence by any means of the outcome of the supervisory investigation, and they should have treated

the findings and decision of the Supervisor of Midwives as completely irrelevant and excluded it from their consideration by operation of rule 31(1) of the NMC Rules 2004. In this sort of situation where there has been a prior investigation and prior findings by a local disciplinary or investigatory person or body, the findings of that person or body are not, and should not be, normally admissible in proceedings before the NMC, nor put before the Committee: [38] and [81]. In *R (Squier) v. GMC* [2015] EWHC 299 (Admin) the court, in allowing a previous judgment to be adduced of background was dealing with an analytically different situation. In the present case, the report of the Supervisor of Midwives and the role and task of the committee at the fact-finding stage was identical, namely, to decide whether or not E had said or done the various things alleged against her. Whilst a committee may need to be informed that a registrant has been suspended or dismissed, there is a world of difference between their knowing that there has been some past investigation, and their actually paying regard to the factual outcome of the investigation in reaching their own findings and conclusions on disputed issues of fact. Normally the findings of fact made at some earlier investigation by another panel or another person are not admissible in proceedings before the conduct and competence committee.

Schodlok v. General Medical Council [2015] EWCA Civ 769

The panel had decided that S had been guilty of four instances of serious misconduct and six instances of misconduct which did not amount to serious misconduct. S's appeal against the panel's factual determination of the four instances of serious misconduct was allowed. The issue then was whether the six instances of non-serious misconduct could collectively amount to serious misconduct. Held (Vos and Moore-Bick LJ) that in theory, at least, a panel could be asked to say that the non-serious misconduct charges, though not serious individually, amounted together to serious misconduct. However, whilst the charge concluded in the usual way by saying that by reason of the matters set out in the allegation, the practitioner's fitness to practise was impaired because of misconduct, had the GMC wished to rely on S's supposed "serious behavioural problem" or her inability generally to deal properly with colleagues and staff, it would have been far better to have charged that

expressly as an incident of misconduct and it did not do so. In these circumstances, it was not open to the panel in this case to rely on the findings of non-serious misconduct. The possibility of a series of non-serious misconduct findings, taken together, being regarded as serious misconduct would be a very unusual case but should not be ruled out. In the normal case, a few allegations of misconduct that are held individually not to be serious cannot or should not be regarded collectively as serious misconduct. Beatson LJ, while concurring in dismissing the appeal, stated he was less sceptical about whether a series of non-serious misconduct findings could, when taken together, be regarded as serious misconduct which impairs a doctor's fitness. Provided it is clear from either the charge brought by the GMC or the way the case against the doctor is presented at the hearing, that any adverse findings by the panel on that as identified in the charge might be cumulated in this way, so that the doctor is aware this is a possibility, such an approach should in principle be open to the panel. The learned judge recognised that a small number of allegations of misconduct that individually are held not to be serious misconduct should normally not be regarded collectively as serious misconduct. Where, however, there are a large number of findings of non-serious misconduct, particularly where they are of the same or similar misconduct, the position is different. In such a case, it should in principle be open to a panel to find that, cumulatively, they are to be regarded as serious misconduct capable of impairing a doctor's fitness to practise.

Marion Simmons QC Essay Prize

ARDL is delighted to announce that the annual Marion Simmons QC essay prize is now open to entrants, with the following title:

What determines – and what should determine - whether an occupation should be regulated by fitness to practise procedures?

The first prize is £2,000, the second £1,000 and the third £500. The judges will include leading academics in the field of regulation and members the ARDL Committee.

The essay competition was set up in memory of the late Marion Simmons QC, who sadly died on May 2, 2008, aged 59. Marion was a barrister, recorder, arbitrator

and, latterly, chairman of the Competition Appeal Tribunal. Her areas of practice covered a wide range of financial and commercial law, including competition and regulation. Marion served on ARDL's Committee for two years and was committed in her support of young lawyers.

Competition Terms and Conditions:

To be eligible, an entrant must fall into at least one of the following categories:

- undergraduates or postgraduates in study at a recognised educational establishment in the United Kingdom;
- trainee solicitors in the UK;
- pupil barristers in the UK;
- those training in the UK as part of a Chartered Institute of Legal Executives' approved training programme;
- solicitors who qualified in the UK and who have been so qualified for fewer than three years;
- barristers called in the UK fewer than three years ago;
- those who qualified with Cilex in the UK and who have been so qualified for fewer than three years;
- those who are taking a period of up to sixteen months as a sabbatical or "gap year" within their undergraduate or postgraduate study or after such study and before starting a confirmed place as a pupil barrister in the UK, trainee solicitor in the UK or Cilex training in the UK.

Entries must be no longer than **3,000 words** (word count includes footnotes but excludes bibliography) and should be type-written in the English language. The judges' decision will be final. Essays must be submitted so as to be received by **5pm on Thursday 31 March 2016** by post or email to: Nicole Curtis, Penningtons Manches LLP, 125 Wood Street, London EC2V 7AW; nicole.curtis@penningtons.co.uk

Book Review

The Law of Legal Services by John Gould, with contributions from Tom Bradford, Michael Stacey, Michael Colledge, and Andrew Donovan



Andrew Davies, Henderson Chambers

The Law of Legal Services is a comprehensive and accessible single volume guide designed for individual lawyers in all branches of the legal profession. The expertise of its author, John Gould, senior partner of Russell-Cooke, and contributors, is evident from the range of the topics covered and the depth of analysis.

The book is organised by theme rather than professional title. The first section explains the regulatory, compliance and disciplinary systems. It includes useful and insightful chapters on misconduct by lawyers and the tribunal systems in operation in each branch of the profession. The remainder of the book gives detailed consideration to key themes running through legal practice, including the client contract, fiduciary duties, negligence, indemnity insurance, fees, the business of practice, and lawyers' insolvency.

The emphasis of the book is on the identification and mitigation of risk by legal practitioners who are not themselves specialists in the areas which it covers. In pursuit of that objective, the maze which represents the current systems of regulation and service provision is clearly and efficiently negotiated, while the content is manageable and admirably concise. Of particular assistance is the clear and practical emphasis on principles and decided cases.

The book is supported by an online portal, the Legal Services Law Resource (LSLR), which will provide updates and direct links to publicly available materials, such as rules and regulations.

The Law of Legal Services is justly described in its foreword by Lord Neuberger of Abbotsbury as authoritative, full and user-friendly. It is an invaluable point of reference for practitioners seeking an accessible, clear, and up to date guide to legal practice.