

# Lawtel on Westlaw UK.

# User guide.

# Contents

4
6
8
10
12
13
15
17

## LAWTEL ON WESTLAW UK

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#### □ > 1. OBG Ltd v Allan

House of Lords 🔹 [2007] UKHL 21 🔹 2 May 2007

Positive/Neutral Judicial Consideration (Significant)

Subject: Torts; Intellectual property; Insolvency; Media and entertainment

Note the Case Status Icon to see if your case is good authority.

Keywords: Breach of confidence; Causing loss by unlawful means; Celebrities; Conversion; Economic torts; Intention; Interference with contracts; Procuring breach of contract; Publishing; Receivers' liabilities; Trade secrets

Case Analysis | [2007] UKHL 21 | [2008] 1 A.C. 1 [2] | [2007] 2 W.L.R. 920 [2] | [2007] 4 All E.R. 545 | [2008] 1 All E.R. (Comm) 1 | [2007] Bus. L.R. 1600 [2] | [2007] 5 WLUK 21 | [2007] I.R.L.R. 608 | [2007] E.M.L.R. 12 [2] | [2007] B.P.I.R. 746 | (2007) 30(6) I.P.D. 30037 | [2007] 19 E.G. 165 (C.S.) | (2007) 151 S.J.L.B. 674 | [2007] N.P.C. 54 | Jimes, May 3, 2007 | Times, May 4, 2007 | Judgment

#### □ > 2. Douglas v Hello! Ltd (No.6)

Court of Appeal (Civil Division) • [2005] EWCA Civ 595 • 18 May 2005

Obtain the case Judgment as part of your Lawtel subscription. Law reports require a subscription to Westlaw UK.

## Negative Judicial Consideration

Subject: Media and entertainment; Torts; Human rights; Restitution; Intellectual property; Damages

Law (if within your subscription).

Keywords: Breach of confidence; Causing loss by unlawful means; Conspiracy to injure; Economic torts; Freedom of expression; Inconvenience; Licences; Mental distress; Press; Privacy; Right to respect for private and family life; Trade secrets

Case Analysis | [2005] EWCA Civ 595 | [2006] Q.B. 125 🛐 | [2005] 3 W.L.R. 881 📡 | [2005] 4 All E.R. 128 | [2005] 5 WLUK 429 | [2005] E.M.L.R. 28

Table of Contents	; «		
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Case Digest		Douglas v Hello! I td	
Appellate History	$\langle \rangle$	Also known as: OBG Ltd v Allen	
Related Cases	$\langle \rangle$	Significant	
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+ Practical Law References		from the tort of inflicting harm by unlawful means, although in some factual	View Graphical History
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	Table of Contents "			
	Table of Contents «	Landlord and Tenant Act 1954 c. 56		
	Arrangement of Act	S. 48 Amendments as to limitations on tenant's right to compensation.		
	Act Details	Ø s. 49 Restrictions on contracting out.	ž	
	Primary References	S. 50 Interpretation of Part III.		
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	The commentary references	S. 51 Extension of Leasehold Property (Repairs) Act 1938.		/
	Practical Law References	□ 🔮 s. 52 Amendment of Law of Property Act 1925, s. 84.		
		Ø s. 53 Jurisdiction of county court where lessor refuses licence or consent.	🛛 🖪 🚩	
		S. 54 Determination of tenancies of derelict land.	>	
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		1950, etc. pending or has been repealed.		
		S. 60A Welsh Development Agency premises.	1	
		S. 60B Development Board for Rural Wales premises.		

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lance of probabilities; Bribery; Charte	rparties; Hearsay evidence; Torture; Weight of evidence
leenan	
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	Date

Subject: Sport; Criminal law

Keywords: Bribery; Football; Qatar; Russia; Sporting events; Sports governing bodies

# Balance of probabilities test applies only to the crucial facts and evidence obtained by torture is inadmissible

Bryan Heaney

## Abstract

Discusses Shagang Shipping Co Ltd (In Liquidation) v HNA Group Co Ltd (SC) that there was no rule that if the use of torture had not been proved on the balance of probabilities, the court had to ignore a serious possibility that a confession statement had been obtained by torture in estimating the weight to be given to that statement.

## **Cases cited**

Shagang Shipping Co Ltd (In Liquidation) v HNA Group Co Ltd [2020] UKSC 34; [2020] 8 WLUK 16 (SC)

> Cross refer to any primary law cited and note the journal article citation to find the article in full from your library resources.

## Case Comment

Civil Practice Bulletin 🛈

Civ. P.B. 2020, 154, 8

Subject

Civil evidence

## Keywords

Admissibility; Admissions; Balance of probabilities; Bribery; Charterparties; Hearsay evidence; Torture; Weight of evidence



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### **Recent Legislation**

Industrial Training Levy (Engineering Construction Industry Training Board) Order 2020 (SI 2020/972)

Legislation - SI - September 10, 2020 15:37 (BST)

Use the Key Dates widget to find out about editorially significant developments and to place an entry in your calendar.



#### Improving outcomes for members of defined contribution pension schemes Official Publication - UK | September 11, 2020

Consultation Document: Approval of Home Childcare Providers (Wales) Scheme 2021 Official Publication - UK | September 11, 2020

Official Publication - UK | September 11, 2020 12:41 (BST)

Construction Industry Training Board) Order 2020 (SI 2020/972) Legislation - SI | September 10, 2020 15:37 (BST)

Coronavirus (COVID-19) testing: guidance for employers and third-party healthcare providers Official Publication - UK | September 10, 2020

#### Key Dates: Employment and work





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Case Analysis | [2020] EWHC 2334 (Ch) | [2020] 8 WLUK 216 | Judgment

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Table of Contents	x		
	B (A Child) (Abduction: Habitual Residence), Re		•
Case Analysis			*
Case Digest			-
Judgment	Case Digest	$\odot$	jet
Primary References	Summary	No Substantial Judicial Treatment	<b>1</b>
	Despite the brevity of her stay, a child was habitually resident in France, to where	Court	GÐ
	the family had moved and where her father lived. The judge had erred in taking solely the situation of the mother into account rather than that of the whole family. In an obiter judgment, the court determined that the Hague Convention on the Civil Aspects of International Child Abduction 1980 permitted a court to order that a child be "returned" to a third state. Abstract	Court of Appeal (Civil Division)	
		Judgment Date	
		10 September 2020	
		Where Reported	
		[2020] EWCA Civ 1187	
	A father appealed against the dismissal of his application under the Hague Convention on the Civil Aspects of International Child Abduction 1980 for an	[2020] 9 WLUK 86 Judgment	
	order that the parties' child (B) be returned to France.	Subject	
	On 2 December 2019 the family moved from Australia, where they had been	Family law	

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On 2 December 2019 the family moved from Australia, where they had been living for a number of years including since B's birth, to live in France. Although the mother's employment in Australia remained open for her to return until January 2021, she had not worked there for more than 2 years prior to the move to France. On 20 December the family traveled to England and Wales to stay with the mother's family over the Christmas holidays. The father returned to France on 27 December to commence his new job. On 3 January 2020 the mother told the father that she and B would not be returning to France. The father's application for B's return under the Convention was dismissed because the judge determined that she was habitually resident in Australia, not France, at the date of the mother's retention of her in England and Wales and therefore the 1980 Convention did not apply. The judge did not determine whether the mother had established either acquiescence, or the existence of a grave risk under art.13(b), both of which she relied upon.

#### Family law

#### Keywords



#### Counsel

For the appellant: Richard Harrison QC, Katy Chokowry.



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## □ > 1. Quasi-easements

**Overview Article** 

Author(s): Samuel Laughton | 10 Old Square

Introduction: A quasi-easement is a "right" habitually exercised by a landowner over one parcel of his own land (the "quasi-servient land"), and in favour of another parcel of his own land ("the quasi-dominant land"), which would be an easement if the two parcels were in separate ownership. Such a right has the potential to become a true easement if the two parcels become held by two separate owners, usually when the quasi-dominant land is conveyed to a third party. In such circumstances, it is possible for the new "dominant owner" to assert that he enjoys a true easement in the nature of the previous quasi-easement.

#### □ > 2. Easements

**Overview Article** 

Author(s): Samuel Laughton | 10 Old Square

Introduction: An easement is a private right enjoyed by one property owner ("the dominant owner") over land belonging to another ("the servient owner"). As such it imposes a burden on a piece of land ("the servient land") and constitutes a corresponding benefit to another piece of land ("the dominant land"). Easements are to be distinguished from other legal concepts, such as a public right of way, a restrictive covenant or a profit à prendre. Common examples of such rights are a private right of way, a right to light and a right of support. A positive easement (such as a right of way) involves a landowner going onto or making use of something in or on a neighbour's land. A negative easement is essentially a right to receive something (such as light or support) from the land of another without obstruction or interference. An easement constitutes a property right in the servient land, and as such it is generally enforceable against a subsequent owner of the servient land. It is described as...



6

## LAWTEL ON WESTLAW UK

Author details.	« Easements
Table of Contents	re Last date of review: 06 August 2020 Last update: General updating.
Overview of Topic     Egislation     Key Cases     Reading	An easement is a private right enjoyed by one property owner ("the dominant owner") over land belonging to another ("the servient owner"). As such it imposes a burden on a piece of land ("the servient land") and constitutes a corresponding benefit to another piece of land ("the dominant land"). Easements are to be distinguished from other legal concepts, such as a public right of way, a restrictive covenant or a profit à prendre. Common examples of such rights are a private right of way, a right to light and a right of support. A positive easement (such as a right of way) involves a landowner going onto or making use of something in or on
Land     Agriculture and rural     Boundaries     Commons and green	Iand       a neighbour's land. A negative easement is essentially a right to receive comething (such as light or support).         Iand       from the land of another without obstruction or servicet land, and as such it is generally enforced described as "appurtenant" to the dominant land. Any occupier (such use of the easement.       Navigate through the article, cross refer to cited authority and discover additional reading identified by the author.         s       use of the easement.
<ul> <li>Easements and cover Forestry</li> <li>Housing</li> <li>Interests in land</li> <li>Land registration</li> </ul>	nants       The following lower-level article deals with specific issues:         • Quasi-easement         • Right of support and easements (England)         • Right of support and servitudes (Scotland)
<ul> <li>Landlord and tenant</li> <li>Mines and quarries</li> <li>Sale of land</li> </ul>	Overview of Topic Requirements for an <mark>easement</mark>

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# Personal Injury.

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Quickly locate relevant primary law, journal abstracts and other Book titles. Selected Resources Legislation Books Personal Injuries (Civilians) Scheme (Amendment) Order 2019/420 McEwan and Paton on Damages for Damages (Personal Injury) Order 2017/206 Personal Injury in Scotland Personal Injuries (NHS Charges) (Amounts) Regulations 2015/295 Author: The Rt Hon. Lady Paton QC Mesothelioma Act 2014 Out of plan Damages Act 1996 Road Traffic Accidents (Payments for Treatment) Order 1995/889 **Occupational Illness Litigation** GCCDADA BLANK UTCOM Fatal Accidents Act 1976 General Editors: Allan Gore, QC; Simon Kilvington, QC Law Reform (Personal Injuries) Act 1948 Law reports Out of plan Personal Injuries and Quantum Reports (P) Personal Injury Pleadings 6th Ed. Personal Injuries and Quantum Reports (Q) Author: Patrick Curran | Publication Date: May 2019 Journals Out of plan Journal of Personal Injury Law Journal of Personal Injury Litigation Personal Injury Practice in the Sheriff Court 4th Ed. Author: Ronald E Conway | Publication Date: Nove 2019 Out of plan

## Searching for quantum.

Use the quantum search template to explore the Lawtel & Kemp quantum library (appropriate subscription to Kemp required). This template provides useful options to locate the authority you need:

					Show Terms and Connector	s		
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	Q							
			<ul> <li>&gt; 2. RF v W (2017)</li> <li>Quantum Report Type: Lawtel</li> <li>Kemp Classification: G Upper limb injuries; N Injuries resulting from clinical negligence</li> <li>PSLA Damages (RPI): £48,047</li> <li>Award Type: Out of Court Settlement   3 August 2017</li> </ul>			Use the PSLA		
	Kemp Classification	+			Calculator to find out the			
	Total Injury Duration	+				average, minimum,		
	Award/Settlement Date	+				maximum & median		
	Gender	+	<ul> <li>&gt; 3. G v FARMER (2017)</li> <li>Quantum Report Type: Lawtel</li> <li>Kemp Classification: F Spine and ribs; G Upper limb injuries</li> <li>PSLA Damages (RPI): £6,775</li> <li>Award Type: Out of Court Settlement   3 February 2017</li> </ul>			awards.		
×	Age at Injury	+						
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		+	> 4. B v W (2016)					
	PSLA Damages (RPI)	+	Quantum Report Type: Lawtel Kemp Classification: C Psychiatric injuries; D Injuries to the head; G Upper limb injuries					
	Report Type	+	PSLA Damages (RPI): £19,885 Award Type: Out of Court Settlement   4 November 2016					
Filter your cases to na	arrow							
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