

# Editorial News

## New Legal Year

By the time you read this issue of the *Business Law Review*, the New Legal Year will have commenced with the usual procession of judges arriving at Westminster Abbey from Temple Bar for a religious service, followed by the Lord Chancellor's 'breakfast' at Westminster Hall in the Houses of Parliament.

This service dates back to the Middle Ages when judges prayed for guidance at the start of the legal term. One wonders if that is not even more necessary today than it was then. Some of the complications faced by judges today, in both criminal and civil courts, would never have been contemplated even 20 years ago. The defendant conducting his own defence is nothing new, but the shielding of the victim and the witness is now in the public conscience and no doubt a senior policeman of the Thames Valley police is right in suggesting the introduction of new rules, such as those protecting the defendant before the police, so that everyone knows where they stand.

From the business point of view, arbitration or dispute resolution, rather than litigation is the current emphasis. The Centre for Dispute Resolution has announced that a former litigation partner, Eileen Carroll has joined the Centre as director of corporate development. Ms Carroll was one of the original lawyers involved in launching CEDR at the CBI in 1990 and has the right background in international litigation to follow the aim of the CEDR "to deepen the legal profession's familiarity and regard for ADR as a practice tool whilst also making commercial and public sector clients aware of ADR's track record in delivering added value results compared to the 'alternatives'."

## LIBS

Now we can all 'surf' the net, perhaps we need some help in finding useful material. The Law Division of mi2g Ltd has announced the launch of LIBS (Latest Information for Barristers and Solicitors). LIBS, we are told, has been created to save time and effort in locating legal information on the Web. Its aim is to rationalise and present information which exists on the Web in a coordinated form so as to prove useful and accessible to a diversity of users. LIBS covers "all the best Web resources on UK, Commonwealth and European law". For those of my readers who are up to date with technology and would find this useful, please contact: mi2g at The Glassmill, 1 Battersea Bridge Road, London, SW11 2BG; tel: 0171 924 2980, Fax: 0171 924 2991; solutions@mi2g.com <http://www.mi2g.com> and good luck!

## Consumer Guarantees

The DTI has published a consultation document on the European Commission proposal for a directive on consumer guarantees. The proposed directive would harmonise Member States' legislation on the legal guarantee (the consumer's "statutory rights") for the sale of consumer goods.

The draft directive which follows a Green Paper published by the Commission in November 1993,

contains the following main provisions:

- a one year right to reject faulty goods or have them replaced (which would have to be exercised within a month of the defect having been detected;
- a right to free repair or compensation for defects appearing for two years after delivery;
- a presumption that defects appearing within six months were present at the time of the delivery;
- a requirement that information about commercial guarantees (*ie* manufacturers' own, usually free, guarantees) should be available before purchase.

A copy of the draft directive is attached to the consultation document, which also explains the current position on consumer guarantees under UK sale of goods law.

Copies of the document are available from and responses to the document should be made, by 15 November, to:

Peter Deft  
Consumer Affairs and Competition Policy  
Directorate  
DTI, room 4.H.25  
1 Victorial Street  
London SW1H 0ET  
Tel: 0171 215 0353

## Time Limits on Repayment of VAT

Draft clauses on changes to time limits on the repayment of VAT and statutory interest are now available. Comments are invited on the technical aspects of these clauses.

A consultation paper, clauses and commentary is being sent to bodies represented on Customs and Excise's Joint VAT Consultative Committee, and can be obtained by other interested parties from:

Mrs M Campion  
Customs and Excise  
Input Tax branch  
4th Floor central  
22 Upper Ground  
London SE1 9PJ.

The government announced on 18 July that it would introduce a three year limit for retrospective refund claims for VAT and other indirect taxes, and to associated statutory interest. It was also announced that changes to the current unsatisfactory law on unjust enrichment would be proposed and that draft legislation would be published shortly and included in the 1997 Finance Bill. Details of the government's announcement were given in Customs News Release 42/96 of 18 July.

There will be a separate news release when the draft clause on other indirect taxes is available.