

## Editorial News

### New Laws on Fireworks

Better late than never - new regulations controlling fireworks have been introduced by the government. Nigel Griffiths, Consumer Affairs Minister has announced the toughest-ever crackdown on dangerous fireworks and firework misuse.

The first of the changes came into effect on 15 October as follows:

- a requirement that fireworks intended for the public must comply with BS7114;
- a permanent ban on the supply to the public of category 3 bangers (including flash-bangers and Chinese Crackers) and fireworks with erratic flight;
- an increase in the minimum age of persons who can be supplied with fireworks to 18 (supply of caps, cracker snap, novelty matches, party poppers, serpents or throwdowns to be exempt from this change and remain subject to a minimum age of 16);
- a prohibition on retailers splitting retail boxes of fireworks (*ie* boxes pre-packed by the original supplier and intended to be sold complete).

Further changes will come into effect on 31 December 1997 as follows:

- a prohibition on the supply to the public of category 2 bangers (all bangers will then be covered);
- a prohibition on the supply of mini-rockets except for the purpose of special effects in the theatre, film and TV;
- imposition of size limits for supply to the public of certain fireworks which have not previously been subject to such controls (including Roman Candles, mines, batteries (*eg* a cake of Roman Candles), wheels and combinations);
- a requirement for sparklers to carry an additional warning - "not to be given to children under 5 years of age";
- a requirement for all fireworks not suitable (as defined in the regulations) for use by the general public to bear a warning to that effect.

Let us hope that the new regulations will have an effect this year and even more so after December 1997.

### The UK and Overseas Personal Injury Claims

According to Press Information issued by solicitors Davies Arnold Cooper, a recent House of Lords decision may lead to a flood of litigation claims against UK based multi-national companies by employees of subsidiary companies overseas. If cases come before the courts in the UK, it will mean a significant burden for British industry, insurers and taxpayers via legal aid.

Anne Ware, the head of the Product Liability and Mass Tort Group at Davies Arnold Cooper has warned:

"By suing parent companies instead of the employer at home, plaintiffs are in effect 'shopping around'

for the best legal climate to take out a law suit. UK based multi-national companies, particularly those with subsidiary companies in third world countries, and insurers of such companies, should be made aware of this attempt to create a new area of law."

Factors which may determine whether courts decide if the case can be heard here or not include the availability of legal aid or conditional fee agreements. If a claimant could only sue in this country due to a lack of financial resource, this may be taken into account according to the House of Lords. Many countries do not have sophisticated legal systems and few have legal aid provisions for those on low incomes. The level of perceived 'justice' in other countries may also be considered.

Plaintiffs' lawyers will also attempt to break down the legal barrier which exists between the limited liability of a parent company for its subsidiaries.

#### Background to the Case

Mr Connelly was an employee of RUL, registered in Namibia, between 1977 and 1982. RUL is a member of the RTZ (now Rio Tinto) group. Mr Connelly worked in Namibia, but brings a claim for personal injuries against two English registered RTZ companies. The High Court and Court of Appeal originally held that Namibia was the most appropriate country for the case to be heard as it had the closest connection with the events surrounding the claim.

Mr Connelly's action in England was stayed in 1995 and he withdrew his application for legal aid. His solicitors then agreed to take his case on a conditional fee basis.

In May 1996, the Court of Appeal held that the conditional fee agreement was a material change to his circumstances because it enabled him to proceed with his case in England when he could not fund the claim in Namibia. The stay on his claim was lifted.

In a landmark decision, the House of Lords has now held that even though England is not the most appropriate place for the case to be heard, Mr Connelly can start a claim here against UK companies which were not his employers.

Amanda Honley or Anne Ware of Davies Arnold Cooper are willing to give further information on 0171 936 2222.