#### 225

### Index - Volume 35 - January - December 2014

# Index of Contributors

[excluding book reviews]

- Aravpalli Krishna Thej, 'Class Actions under the Indian Companies Act 2013: A Critique', 177
- Baltrusch, Victoria S., 'A Comparative Study of Automatically Renewable Contracts in Europe', 93
- Barrett, Brenda, 'Risk Assessment: Whose Responsibility? Whose Risk? Is the Law Effective?', 124
- Caddy, Victor, 'What's all the Flap About?', 110
- Dallemagne, Ugo, 'A Comparative Study of Automatically Renewable Contracts in Europe', 93
- Dine, Janet, 'Multinational Companies and the Allocation of Environmental Risk in International Investment Treaties', 164
- Dodsworth, Timothy J., 'A Comparative Study of Automatically Renewable Contracts in Europe', 93
- Donnellan, Laura, 'A Storm in a Tea Cake? Lees of Scotland Ltd & Thomas Tunnock Ltd v. HMRC', 181
- Field, Sarah, 'Are Directors Getting Away With Manslaughter? Emerging Trends in Prosecutions for Corporate Manslaughter', 158
- Flint, David, "Linking to Liability', 108
- Flint, David, 'Are All Modern Currencies Not Virtual? – The Bitcoin Phenomenon', 60
- Flint, David, 'Brought to Book?', 24 Flint, David, 'Patently Obvious', 185 Flint, David, 'Staying Connected!', 141
- Gardner, Pete, 'Consumer Regulations The Consumer Strikes Back', 214
  Hasani Mohd Ali, 'A Legal Perspective of Hostile Takeover Defensive Measures in China and Malaysia', 47
- Jones, Lucy, 'Are Directors Getting Away With Manslaughter? Emerging Trends in Prosecutions for Corporate Manslaughter', 158
- Kuye, Goke, 'Post-merger Consolidations in Nigeria: Some Legal Considerations', 132
- Laskowska, Magdalena, 'Monopoly and Public Policy', 207

- Leighton, Patricia, 'Harassment at Work: Isn't It Really a Matter for Health, Safety and Well-Being Law?', 15
- Leighton, Patricia, 'The Rise of Europe's Independent Professionals: But Why the Reluctance to Embrace Them?', 84
- Liu Kai, 'A Legal Perspective of Hostile Takeover Defensive Measures in China and Malaysia', 47
- Mandaraka-Sheppard, Aleka, 'New Trends in Piercing the Corporate Veil – the Conservative Versus the Liberal Approaches', 2
- Mason, Lee, 'Order of Precedence Clauses: An Automatic Means of Resolving Discrepancies Between Contract Documents?', 106
- Medeiros, Dagmar Topf Aguiar de, 'A Comparative Study of Automatically Renewable Contracts in Europe', 93
- Nikhil Suresh.Pareek 'Enforceability of Share Transfer Restrictions in India: Momentous Regulatory Shift', 101
- Ritankar Sahu, 'An Insight into Bankable Feasibility Studies', 38
- Simmons, Natasha, 'Forget Me Not? Europe's 'Right to be Forgotten' in the Google Age', 202
- Soham Banerjee, 'Enforceability of Share Transfer Restrictions in India: Momentous Regulatory Shift', 101
- Upadhyay, Saman Narayan, 'Legal Consequences of a Minor's Agreement in India', 136
- Walden, Roger M., 'Vicarious Liability for Intentional and Wrongful Acts by Employees: The Case of *Vaickuviene* – Highlighting Lacunae in the 'Close Connection' Test?, 207
- Yeoh, Peter, 'Financial Reporting: Standards and Issues', 47

# Index of **Publications**

[Bold type indicate a book review]

- Adolfo, Ebenezer, Letters of Credit: The Law and Practice of Compliance, 111 Barnett, Daniel, Cooper, Samantha and Palka, Kate, Costs in Employment Tribunals, 2nd edition, 215
- Birds, John and Boyle, A.J., Boyle and Birds' Company Law, 9th edition, 215

- Blair, Michael, Walker, George and Willey, Stuart (eds), Financial Markets and Exchanges Law, 2nd edition, 26
- Calnan, Richard, *Taking Security*, 3rd edition, 64
- Cartwright, John, Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer, 2nd edition., 112
- Courtney, Wayne, Contractual Indemnities, 146
- Davis, Paul, Hopt, Klaus J., Nowak, Richard and Solinge, Gerard van (eds), Corporate Boards in Law and Practice: A Comparative Analysis in Europe, 26
- Edelman, Colin, and Burns, Andrew, *The Law of Reinsurance*, 2nd edition, 27
- Faber, Dennis, Vermunt, Niels, Kilborn, Jason, and van der Linde, Kathleen (eds), *Treatment of Contracts in Insolvency*, 63
- Faure, Michael and Xinzhu Zhang, (eds), The Chinese Anti-Monopoly Law: New Developments and Empirical Evidence, 112
- Flohr, Eckhard and Martinek, Michael (eds), European Distribution Law: A Commentary, 113
- Fosbrook, Deborah and Laing, Adrian C., *The A-Z of Contract Clauses*, 6th edition, 145
- Frese, Michael J, Sanctions in EU Competition Law: Principles and Practice, 146
- Haedicke, Maximilian and Timmann, Henrik, *Patent Law: A Handbook*, 113
- Harding, Simon, Employment Guide to Procedures, 216
- Iglesias-Rodriquez, Pablo, The Accountability of Financial Regulators: A European and International Perspective, **188**
- Impey, David, and Montague, Nick, Running a Limited Company, 8th edition, 65
- Jacob, Robin, Alexander, Daniel and Fisher, Matthew, *Guidebook to Intellectual Property*, 113
- Keay, Andrew, Directors' Duties, 2nd edition, 64
- Koehler, Mike, The Foreign Corrupt Practices Act In A New Era, 146
- Kramer, Adam, The Law of Contract Damages, 146
- Lew, Julian D.M., Bor, Harris, Fullelove, Gregory and Greenaway, Joanne (eds), Arbitration in England with chapters on Scotland and Ireland, 111

## Index – Volume 35 – January - December 2014

- Lomas, Paul and Kramer, Daniel J (eds), Corporate Internal Investigations, 2nd edition, 26
- Loose, Peter and Griffiths, Michael, Loose & Griffiths on Liquidators, 8th edition, 145
- Mayer, T., Bitcoin Beginner's Guide, 144 McColgan, Aileen, Discrimination, Equality and the Law, 145, 188
- Mellor, John, *Practical Corporate* Governance, 2nd edition, 64
- Mullen, Mark and Lewison, Josh, Companies Limited by Guarantee, 4th edition, 65
- O'Brien, Justin and Gilligan, George (eds), Integrity, Risk and Accountability in Capital Markets: Regulating Culture, 114
- O'Dea, Geoff, Long, Julian and Smyth, Alexandra, Schemes of Arrangement: Law and Practice, 26
- O'Donoghue, Robert and Padilla, A. Jorge, *The Law and Economics of Article 102 TFEU*, 2nd edition, 113
- Pollard, David, The Law of Pension Trusts, 63
- Roth, Günter H. and Kindler, Peter, The Spirit of Corporate Law: Core Principles of Corporate Law in Continental Europe, 114
- Ryley, Michael, *TUPE: Law and Practice*, 2nd edition, 215
- Sasso, Lorenzo, Capital Structure and Corporate Governance. The Role of Hybrid Financial Instruments, 111
- Scordamaglia-Tousis, Andreas, EU Cartel Enforcement: Reconciling Effective Public Enforcement with Fundamental Rights, 112
- Simpson, Edwin and Stewart, Miranda (eds), *Sham Transactions*, 63
- Wang Jiang Yu, Company Law In China: Regulation of Business Organizations in a Socialist Market Economy, 147

### **Table of Legislation**

#### Statutes

#### 2013

Enterprise and Regulatory Reform Act 2013, Part 2, 28 Enterprise and Regulatory Reform Act 2013, Part 3, 28 Enterprise and Regulatory Reform Act 2013, Part 5, 29, 31, 33 Enterprise and Regulatory Reform Act 2013, Part 6, 28, 33 Financial Services (Banking Reform) Act 2013, 66

#### 2014

Intellectual Property Act 2014, 148 Pensions Act 2014, 154

#### Statutory Instruments

#### 2013

- Alternative Investment Fund Managers (Amendment) Regulations 2013, 73
- and Savings) Order 2013, 29
- Authorised Investment Funds (Tax) (Amendment) (No. 2) Regulations 2013, 121
- Automatic Enrolment (Miscellaneous Amendments) Regulations 2013,
- Capital Allowances (Energy-saving Plant and Machinery) (Amendment) Order 2013, 80
- Capital Allowances (Environmentally Beneficial Plant and Machinery) (Amendment) Order 2013, 80
- Capital Requirements (Country-by-Country Reporting) Regulations 2013, 118
- Capital Requirements Regulations 2013, 117
- Civil Procedure (Amendment No.6) Rules 2013, 71
- Civil Procedure (Amendment No.7) Rules 2013, 71
- Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013, 29
- Companies (Receipt of Accounts and Reports) Regulations 2013, 69
- Companies (Revision of Defective Accounts and Reports) (Amendment) (No.2) Regulations 2013, 69
- Companies (Revision of Defective Accounts and Reports) (Amendment) Regulations 2013, 68
- Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013, 68
- Companies and Limited Liability Partnerships (Forms, etc.) Amendment Regulations 2013, 68
- Companies and Partnerships (Accounts and Audit) Regulations 2013, 67
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, 116
- Copyright and Duration of Rights in Performances Regulations 2013, 76
- CRC Energy Efficiency Scheme (Allocation of Allowances for

- Payment) Regulations 2013, 115 Credit Rating Agencies (Civil Liability) Regulations 2013, 31
- Employment Appeal Tribunal (Amendment) Rules 2013, 72
- Employment Code of Practice (Settlement Agreements) Order 2013, 29
- Employment Tribunals (Interest on Awards in Discrimination Cases)(Amendment) Regulations 2013, 29
- Employment Tribunals (Interest) Order (Amendment) Order 2013, 29
- Enterprise Act 2002 (Part 8 EU Infringements) Order 2013, 117
- Enterprise and Regulatory Reform Act 2013 (Commencement No. 1, Transitional Provisions
- Enterprise and Regulatory Reform Act 2013 (Commencement No. 2) Order 2013, 29
- Enterprise and Regulatory Reform Act 2013 (Commencement No. 3, Transitional Provisions and Savings) Order 2013, 67, 70, 71, 72, 75, 76
- Enterprise and Regulatory Reform Act 2013 (Health and Safety) (Consequential Amendments) Order 2013, 33
- Exchange Gains and Losses (Bringing into Account Gains or Losses)
  (Amendment) Regulations 2013,
- Finance Act 2013, Schedule 2, Paragraph 31 (Enterprise Management Incentives) (Appointed Day) Order 2013, 121
- Finance Act 2013, Schedule 23 (Employee Shareholder Shares) (Appointed Day) Order 2013, 79
- Finance Act 2013, Section 66 (Appointed Day) Order 2013, 80
- Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) (No. 3) Order 2013, 73
- Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) (No.4) Order 2013, 117
- Financial Services Act 2012 (Consumer Credit) Order 2013, 70
- Financial Services and Markets Act 2000 (Consumer Credit) (Transitional Provisions) Order 2013, 116
- Financial Services and Markets Act 2000 (Designated Consumer Bodies) Order 2013, 119
- Financial Services and Markets Act 2000 (Over the Counter

### Index - Volume 35 - January - December 2014

- Derivatives, Central Counterparties and Trade Repositories) (No. 2) Regulations 2013, 74
- Financial Services and Markets Act 2000 (Qualifying EU Provisions) (No. 2) Order 2013, 118
- Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2013,
- Health and Safety (Miscellaneous Revocations and Amendments) Regulations 2013, 32
- Health and Safety at Work etc. Act 1974 (Civil Liability) (Exceptions) Regulations 2013, 33
- Insolvency (Amendment) Rules 2013,
- Insurance Companies (Amendment to Schedule 17 to the Finance Act 2012 (Transitional Provision)) Regulations 2013, 81
- Investment Trust (Approved Company) (Tax) (Amendment) Regulations 2013, 34
- Large and Medium-sized Companies and Groups (Accounts and Reports) (Amendment) Regulations 2013, 69
- Loan Relationships and Derivative Contracts (Disregard and Bringing into Account of Profits and Losses) (Amendment) Regulations 2013, 121
- Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2013,
- Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013,
- Occupational Pensions (Revaluation) Order 2013, 120
- Packaging (Essential Requirements) (Amendment) Regulations 2013,
- Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2013, 78
- Pensions Act 2004 (Code of Practice) (Governance and Administration of Occupational Defined Contribution Trust-Based Pension Schemes) Appointed Day Order 2013, 120
- Pensions Act 2004 (Codes of Practice) (Reporting Late Payment of Contributions) Appointed Day Order 2013, 78
- Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2013, 72

- Registered Pension Schemes (Authorised Payments) (Amendment) Regulations 2013,
- Registered Pension Schemes (Provision of Information) (Amendment) Regulations 2013,
- Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013, 78, 81
- Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Amendment) Regulations 2013,
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, 31
- Small Companies (Micro-Entities' Accounts) Regulations 2013, 115
- Stamp Duty and Stamp Duty Reserve Tax (Collective Investment Schemes) (Exemptions) Regulations 2013, 34
- Tax Treatment of Financing Costs and Income (Excluded Schemes) Regulations 2013, 121
- Taxation of Regulatory Capital Securities Regulations 2013, 122
- Trade Marks (Fast Track Opposition) (Amendment) Rules 2013, 77
- Trade Marks (Fees) (Amendment) Rules 2013, 77
- Trade Marks (International Registration) (Amendment No. 2) Order 2013, 77
- Unfair Dismissal (Variation of the Limit of Compensatory Award) Order 2013, 72
- Unregistered Companies (Amendment) Regulations 2013,
- Value Added Tax (Amendment) (No. 2) Regulations 2013, 81
- Value Added Tax (Finance) Order
- Van Benefit and Car and Van Fuel Benefit Order 2013, 122

- Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014, 222
- Building Societies (Accounts and Related Provisions) (Amendment) Regulations 2014, 191
- Charities (Exception from Registration) (Amendment) Regulations 2014, 192 Civil Procedure (Amendment No. 2)

- Rules 2014, 220
- Civil Procedure (Amendment) Rules 2014, 193
- CMA Registers of Undertakings and Orders (Available Hours) Order
- Co-operative and Community Benefit Societies and Credit Unions (Investigations) Regulations 2014,
- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Commencement No. 2) Order 2014, 191
- Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014, 194
- Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014, 217
- Competition and Markets Authority (Penalties) Order 2014, 218
- Consumer Credit Act 1974 (Green Deal) (Amendment) Order 2014,
- Consumer Protection (Amendment) Regulations, 214
- Copyright and Duration of Rights in Performances (Amendment) Regulations 2014, 197
- Employment Rights (Increase of Limits) Order 2014, 196
- **Employment Tribunals (Constitution** and Rules of Procedure) (Amendment) Regulations 2014,
- Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014, 195
- Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2014, 196
- Enactment of Extra-Statutory Concessions Order 2014, 198
- Enterprise Act 2002 (Merger Fees and Determination of Turnover) (Amendment) Order 2014, 218
- Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014,
- Enterprise Act 2002 (Publishing of Relevant Information under section 188A) Order 2014, 218
- Enterprise and Regulatory Reform Act 2013 (Commencement No. 5, Transitional Provisions and Savings) Order 2014, 195
- Enterprise and Regulatory Reform Act 2013 (Commencement No. 6,

## Index – Volume 35 – January - December 2014

- Transitional Provisions and Savings) Order 2014, 192
- Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Employment) Order 2014, 196
- Financial Services (Banking Reform) Act 2013 (Commencement No. 1) Order 2014, 191
- Financial Services (Banking Reform) Act 2013 (Commencement No. 2) Order 2014, 220
- Financial Services (Banking Reform) Act 2013 (Commencement No. 4) Order 2014, 221
- Financial Services and Markets Act 2000 (Appointed Representatives) (Amendment) Regulations 2014, 196
- Financial Services and Markets Act 2000 (Consumer Credit) (Designated Activities) Order 2014, 193
- Financial Services and Markets Act 2000 (Consumer Credit) (Miscellaneous Provisions) (No. 2) Order 2014, 219
- Financial Services and Markets Act 2000 (Consumer Credit) (Miscellaneous Provisions) Order 2014, 192
- Financial Services and Markets Act 2000 (Consumer Credit) (Transitional Provisions) Order 2014, 193
- Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2014, 197
- Health and Safety (Miscellaneous Repeals and Revocations) Regulations 2014, 221
- High Court and County Court Jurisdiction (Amendment) Order 2014, 220
- Industrial and Provident Societies (Increase in Shareholding Limit) Order 2014, 191
- Industrial and Provident Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, 191
- Insolvency (Commencement of Proceedings) and Insolvency Rules 1986 (Amendment) Rules 2014, 221
- Insolvency Proceedings (Fees) (Amendment) Order 2014, 221
- Investment Transactions (Tax) Regulations 2014, 223
- Measuring Instruments (EEC Requirements) (Fees) (Amendment) Regulations 2014, 224

- National Minimum Wage (Amendment) Regulations 2014, 220
- National Minimum Wage (Variation of Financial Penalty) Regulations 2014, 220
- Non-Domestic Rating (Collection and Enforcement) (Amendment) (England) Regulations 2014, 223
- Non-Domestic Rating (Small Business Rate Relief) (England) (Amendment) Order 2014, 198
- Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2014, 223
- Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2014, 222
- Patents (Amendment) Rules 2014, 222
- Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2014, 197
- Stamp Duty and Stamp Duty Reserve Tax (European Central Counterparty N.V.) Regulations 2014, 198
- Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014, 195
- Value Added Tax (Amendment) Regulations 2014, 224
- Value Added Tax (Increase of Registration Limits) Order 2014, 223

#### **Table of Cases**

- [Bold type indicates a case note or article]
- Brumder v. Motornet Service and Repairs Ltd & Anor, 35
- Case C-12/12 Colloseum Holding AG v. Levi Strauss & Co., 36
- Case C-419/11 Česká spořitelna, a.s. v. Feichter, 35
- Case C-642/11 Stroy trans EOOD v. Direktor na Direktsia, 36
- EMI Records Ltd & Ors v. British Sky Broadcasting & Ors, 35
- Financial Services Authority v. Sinaloa Gold plc & Ors, 35
- Google Spain v. AEPD, 202
- Highbury Pension Fund Management Co & Anor v. Zirfin Investments Ltd & Ors, 35
- Lees of Scotland Ltd & Thomas Tunnock Ltd v. HMRC, **181**

- Nestec SA & Ors v. Quality Ltd & Ors, 36
- Petrodel Resources Ltd & Ors v. Prest & Ors
- RWE Npower Reneables Ltd v. JN Bentley Ltd, **106**
- Vaickuviene & Ors v. J Sainsbury PLC, **207**
- VTB v. Nutritek, 35

#### **Subject Index**

- Agency, see Business organizations Banking, 38, 47, 66, 191
- Business and the environment, 115 Building societies, *see* Business
- Building societies, see Business organizations
- Business organizations, 67, 191, 217 Charities, see Business organizations
- Community benefit societies, see Business organizations
- Company law, see also Mergers and acquisitions, 2, 28, 35, 54, 115 international, 101
- Competition see also Financial services and markets, 28, 70, 211, 217
- Competion and Markets Authority see Financial services and markets
- Computers and internet, 35, 60, 141, 202
- Consumer credit, 70, 116, 219 Consumer protection, 93, 116, 214, 219
- Contract, 106
- international, 136
- Copyright, see Intellectual property
- Co-operative and community benefit societies, *see* Business oganizations
- Corporate crime, see Crime
- Corporate manslaughter see Crime
- Credit rating agencies, see Financial services and markets
- Credit unions *see* Business organizations
- Crime, *see also* Health and safety, 158 Data protection, 28, 71
- Designs, see also Intellectual property, 148
- Dispute resolution, 35, 71, 219
- Employment, 28, 72, 84, 207, 219
- Environment and business,73
- Financial services and markets, 29, 73, 117, 220
- Harassment at work, see Health and safety
- Health and safety, 15, 31, 75, 124, 220
- Industrial and provident societies, *see* Business oganizations
- Information rights, 280
- Insolvency, 33, 35, 75, 220

## Index – Volume 35 – January - December 2014

Intellectual property, 24, 33, 36, 76, 148, 181, 222
Investment treaties, 177
Mergers and acquisitions, see also
Competition
international, 132
National minimum wage, see

Employment
Packaging, see Business and the environment
Patents, see also Intellectual property, 151, 222
Pensions, 78, 119, 154, 222
Tax, 34, 36, 78, 121, 223

Trade marks, see Intellectual property Trade unions, see Employment Weights and measures., 224 Work-related risks, see Health and safety