

SJA E-NEWS

Forty-fifth Issue – February 2014

SJA NEWS

No SJA Committees have met since the last E-News.

OTHER NEWS

Lyon King, JP

Readers of *The Scottish Justice* will recall that its last edition drew attention to the advert for a new Lord Lyon King of Arms.

The post has been filled by Dr Joe Morrow. Press reports have drawn attention to various offices he has held, including Grand Master Mason of Scotland. President of the Mental Health Tribunal for Scotland, President of the Additional Support Needs Tribunals and a First-Tier Tribunal Judge dealing with asylum and immigration issues, and Vice Lord Lieutenant for the City of Dundee.

What they did not draw attention to was that he sat as a Dundee JP for some years, albeit in his role of Councillor (and is a graduate of Dundee University Law School, but that's another story).

Change at the Law Commission

As E-News reported last year, Lady Clark of Calton was appointed Chair of the Scottish Law Commission.

However, she was shortly thereafter elevated to the Inner House of the Court of Session – the appeal court – and Lord Pentland has been appointed in her stead.

Crime down (except shoplifting)

There seems good reason to believe that crime as a whole is in a long-term decline. Would that we knew why.

However, there is also reason to think that shoplifting – one of the crimes we are most familiar with - is an exception to this trend.

The British Retail Consortium – the retail trade association – has published its annual crime report. This recounts that a sample survey of retailers, representing over 50% of the sector by turnover (so, basically, the big shops), said they had recorded the highest level of shoplifting ever, and that the value of the goods stolen was also the highest ever, and had leapt up from the previous year, to an average of a £177.

This startling figure is probably because of items stolen from department stores, including electrical goods, designer clothing, handbags and power tools, rather than items stolen from supermarkets.

The full survey is available at:

http://www.brc.org.uk/brc_policy_content.asp?id=263&iCat=48&iSubCat=646&sPolicy=Retail Crime&sSubPolicy=BRC Retail Crime Survey.

Dangerous Dogs

Most of us will have had dangerous dog cases over the years, and in some reported cases reference has been made to an appeal in which the High Court decided the Dangerous Dogs Act 1991 required that the accused have reasonable apprehension that the dog would injure someone before the alleged attack complained of. In other words, the dog gets two goes.

This case is *Tierney v Valentine* 1995 SLT 564, 1994 SCCR 697, in which the dog in question had barked and jumped at two children in a playground, and bitten both. The Sheriff convicted, but on appeal, the High Court held that this was a single incident, and before it had happened, there had been no reasonable suspicion that the dog would injure anybody.

The decision was recently followed in an unreported case, *Church v Miller* [2012] HCJAC 109. However, this interpretation of the Act has produced some well-publicised acquittals accompanied by shriveled remarks on the Scottish Parliament's failure to amend the law to change it.

It now appears that such an amendment (and possibly others, since the Act is widely regarded as ill-drafted), are being seriously considered.

Professor David Walker

Most readers have probably never heard of David Walker, who has died at the age of 93. However, he was as most influential figure in the law over the last few generations.

A Glasgow graduate, he was appointed Professor of Jurisprudence in Glasgow in 1954, and then to the very prestigious Regius Chair of Law there, a post which he held until retiring in 1990. (Regius professors are, at least nominally, appointed by the Crown).

During this academic career he was probably by far the most prolific writer of books on Scots Law there has ever been, and started at a time when legal writing in Scotland was at a low ebb.

His books include *The Law of Damages in Scotland* (1955), *The Law of Delict in Scotland* (2nd edn, 1981), *Principles of Scottish Private Law* (4th edn 1988–89), *The Law of Prescription and Limitation in Scotland* (6th edn 2002), *The Law of Civil Remedies in Scotland* (1974), *The Law of Contracts and Related Obligations in Scotland* (3rd edn 1995), as well as *The Oxford Companion to Law* (1980), *The Scottish Jurists* (1985) and *The Legal History of Scotland* (7 vols, 1988–2004) and a new edition of Stair's classic *Institutions of The Law of Scotland* (1981). However, most law students probably remember him best for *The Scottish Legal System*, the first edition of which he produced in 1959, and the 8th and last in 2001.

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February 2014