

A101LAW Coursework

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1 Formal Report on City Link's prosecution under Trade Union and Labour Relations(Consolidation) Act 1992

1.1 Introduction to the case

Three ex-directors of the former firm 'City Link' have been prosecuted under the Trade Union and Labour Relations(Cosolidation) Act of 1992 after failing to give the Secretary of state notice 90 days before announcing nearly 3000 job losses following the collapse of the firm in 2013.

This was the second day of the trial, and therefore the first director had already been questioned.

1.2 The court layout and members present

Present in the court was the Judge, the clerk, the defendants, two lawyers, (people behind the lawyers) and the attendants in the public gallery.

1.3 Details on the case

There were three defendants being prosecuted: David Smith, Robert Peto and Thomas Wright, all ex-directors of City Link, the managing director, the financial director and a non-executive director respectively. The case began with the room standing in respect to the Judge as he entered. Shortly after this, the first of the three defendants was called to the stand to answer questions. Once there, he took an oath to only speak the truth. The first defendant was the ex-City Link financial director, a middle aged man called Robert Peto. He was asked to keep his eyes on the judge when listening and responding to questions. Throughout his questioning, the lawyers made it very clear to include the phrase: "to your understanding", meaning that the defendants could only answer to the best of their knowledge, and wouldn't be lying if something they believed to be true was in fact incorrect or factually inaccurate.

The key point during the case was whether the company knew that the jobs would have been lost when the company went into administration. If so, then the directors would have been breaking the law by not notifying the Secretary of State about the imminent redundancies. Robert Peto claimed that his sole focus was on how to get the company into administration, but not think about the consequences of doing that, since that is what their advisors had suggested as being the best course of action for the company. This is due to the fact that selling a business through administration can mean dropping some of its liabilities.

1.4 Ending the session

It appeared that the prosecuting lawyer has the right to go first should he wish. liabilities.

1.5 Outcome of the case

The three directors were found not guilty of the charges against them, the judge deciding that they had demonstrated their intent to try and revive the company, and therefore their innocence on failing to notify the Secretary of State about the forthcoming redundancies that were to follow the collapse of the company.

2 Operation of laypersons within the English legal system, and the general operation of Juries

2.1 Section 1 - Laypersons

2.1.1 What are laypersons?

The English legal system makes use of what are known as ‘laypersons’. Laypersons are “”. The legal system makes use of them in multiple ways, such as sitting on a jury (read section 2 for more information on a jury), or sometimes as expert witnesses. These are laypersons with a particular field of expertise, brought in to witness the case to ensure that content of the case is accurate and correct with regards to their field.

2.1.2 When are they used?

2.2 Section 2 - Juries

2.2.1 What is a Jury?

2.2.2 History of juries

2.2.3 When are they used?