



Commercial

Legal Protection



24 hour helpline services

Employment disputes and compensation awards

Legal defence

Statutory licence protection

Tenancy disputes

Property protection

Bodily injury

Tax protection

Attendance expenses



Any organisation is subject to a whole raft of legislation governing everything from employment to health & safety and tax. The cost of defending organisations' legal rights is increasing, with few organisations able to afford an in-house solicitor. The potential cost of a claim is unknown, with even small claims running to thousands of pounds. The DAS Commercial Legal Protection policy offers comprehensive cover for all the main areas where legal disputes may arise. Below are a few examples of the sort of claims your organisation could be involved in.

Employment Dispute

A member of our policyholder's bar staff was dismissed due to gross misconduct after they had assaulted another member of staff. The barman was given written notice of his dismissal and the opportunity to appeal against the decision and to have someone present at the hearing. He made no appeal and, shortly after, brought a claim for unfair dismissal and compensation. The policyholders approached us at this stage and we arranged legal representation for them. The hearing took place but the applicant failed to attend and the case was dismissed.

The policyholder was delighted with the outcome and that the legal costs involved which were £1,400 were met by us.

Legal Defence

Our policyholders faced prosecution when they failed to report an accident to the Health & Safety Inspector. Solicitors appointed by DAS to represent them advised admitting their guilt, but pleaded mitigation on their behalf.

They were let off with a caution and DAS paid their legal costs of £875.

Property Protection

A claim was made by our policyholder under his legal expenses policy in relation to New Age Travellers camped on land belonging to the cricket club. He was particularly concerned about rubbish and damage to the land. Solicitors were appointed to act on behalf of our policyholder in order to instigate the necessary 'Squatters Proceedings'. A hearing took place before a

Judge following the issue of proceedings on the unknown settlers. An order for the immediate eviction of the New Age Travellers was given, and this was placed in the hands of the County Court Bailiffs, resulting in the Travellers being moved off the policyholder's land.

DAS paid the £2,000 legal costs incurred in successfully evicting the Travellers.

Property Protection: Boundary Wall

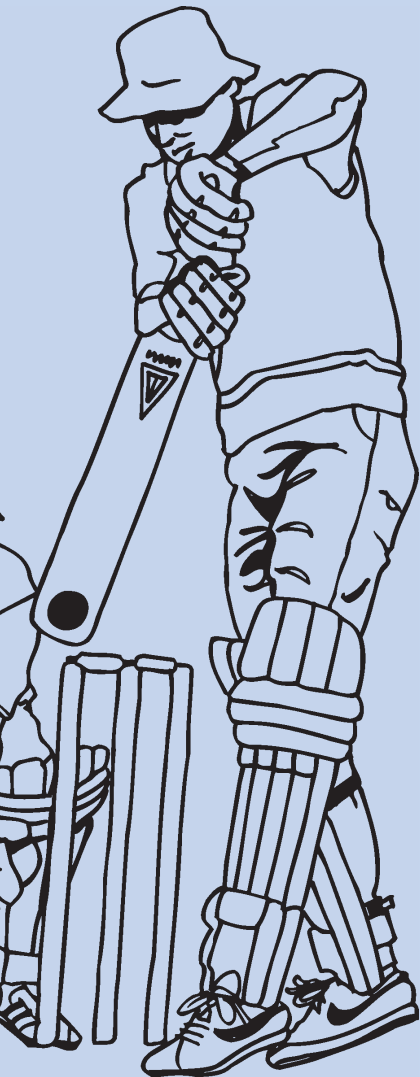
This claim revolved around a 100 year old wall which our policyholder claimed had been made unstable by roots from the trees on neighbouring land belonging to a brewery. As a result of this instability, the wall had to be demolished. Our policyholder considered that a contribution to the rebuilding of the wall should be made by the brewery and DAS appointed Solicitors to act on their behalf. Following discussions with the brewery a proposed settlement was put forward and subsequently agreed, whereby the brewery would contribute towards the rebuilding of the wall and our policyholder would undertake all future maintenance.

Our policyholder was happy with this settlement and DAS paid the legal costs incurred which amounted to £1,200.

Every organisation needs professional legal advice at some point, but these days that doesn't come cheap., with solicitors charging £75-£120 an hour. With DAS Commercial Legal Protection, you have unlimited access to legal advice 24 hours a day so if you have a legal query during a committee meeting legal advice is always at hand.



**Commercial
Legal Protection
offers
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Eurolaw Helpline

At our premises we have a private car park for use by members. Just recently staff in a nearby office have started to use it, despite signs saying it is private. We have taken the matter up with the business owners but it is still happening. Can we clamp the trespassing cars and charge a fee for their release?

There are two competing interests to consider. Firstly your rights to be free of trespassers on your land and secondly the owner of the cars rights not to have his car detained against his will by you.

For an action of trespass to be successful it must be shown that the owner of the car had willingly assumed the risk that he would be clamped and or charged a fee for the release of his car. You must therefore put up signs which are written in large print and displayed in a clear visible place. The clamping fee charged must be reasonable and clearly stated on the warning sign. Once the warning signs are constructed in this manner it will be difficult for the owner of a car to claim that he did not accept the risk of being clamped and charged a fee.

You must give the car owner the proper means of offering to pay the clamping fee, and once the fee is paid you must not delay releasing his car. If these provisions are not adhered to the car owner could claim that the clamping was wrongful. A second claim may also be pursued against you for the wrongful detention of his goods; this is known as 'conversion'.

I have just started up a small business and have one full-time employee. Work is starting to increase and I now need someone to do just 15 hours per week. Will I have to give them the same type of entitlements e.g. holiday, as a full-timer?

The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 came into force on 1st July 2000. They state that part-timers must not be treated less favourably than full-time workers with regard to: the basic rate of pay*; overtime rates, once they have worked the same number of hours as an ordinary full-time worker; sick pay and maternity pay (adjusted pro rata); access to occupational pension schemes*; training opportunities; annual holiday leave, parental leave and time-off for dependants, (adjusted pro rata); career break schemes; selection for redundancy*.

(*unless it can be justified on objective grounds).