

Issue 11 February 2016

Major new data privacy obligations on the cards for business.

After substantial discussions in the corridors of Brussels a nearly final form of the General Data Processing Regulation "GDPR" has been published. Announced by Brussels as creating a "single market for data processing across the EU" it will in fact create substantial new compliance.

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"Right to Rent" – Changes in the Legislation

From 1st December 2014 to 31st May 2015, the Government implemented a new legislative scheme in relation to the checks conducted by landlords on their tenants and their right to live in the UK (the Right to Rent Scheme – "the Scheme"). The Scheme was initially introduced in parts of the West Midlands and, from 1st February 2016, now includes the whole of the UK. The legislation that the Scheme is based around is Section 22 of the Immigration Act 2014 and its aim is to eventually put immigrants off entering the UK illegally.

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Should travel time be included as working time?

It may be 'Drive Time' on the radio; but it may also be working time...and paid too. A recent Spanish Court case will impact on businesses employing mobile workers.

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The Small Business, Enterprise and Employment Act 2015

The Small Business, Enterprise and Employment Act 2015 ("the Act") received Royal Assent on 26 March 2015. The aim of the Act is to enhance the transparency of UK companies.

The Act introduces new filing requirements for companies, and will impact upon most businesses of all sizes.

The Act covers a broad range of topics and amends existing sections of the Companies Act 2006 ("CA 2006") and inserts new sections into it. The Act is coming into force in stages, with some key provisions having been given effect from October 2015, and others due to come into force over the coming months.

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Franchising your Business.

After building up a successful business and reaping the rewards, it may be time to think about how else your brand can work for you. Apart from the typical route of employing more staff in new locations, and taking on new premises, an alternative and often overlooked option is franchising. Franchising can offer you the benefit of additional income, along with the opportunity to expand your brand and reach new areas, while maintaining brand control.

If your business has a strong reputation and a record of success, you can offer potential franchisees an opportunity to invest in the brand using their own capital. A well known brand can look attractive to potential investors, who will pay a start-up fee and monthly royalties (typically 10% of turnover) in exchange for the use of the brand and guidance.

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New amendment to Town and Country Planning Act 1990 to speed up neighbourhood planning

The Housing and Planning Bill has now had its second reading in the House of Lords on 26 January 2016, after passing through the House of Commons. The next stage for the bill is scrutiny by a House of Lords committee who will look at the bill line by line. The committee will produce a report on the Bill and it will then go for a final third reading in the House of Lords before both Houses consider any amendments and the Bill receives Royal Assent. The overriding purpose of this Bill is to speed up neighbourhood planning, by providing confidence in the planning system in order to deliver on the Government's promise to deliver new homes.

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The increasing importance of protecting your Intellectual Property

The Consumer Protection from Unfair Trading Regulations ("the Regulations") gave effect to the European Unfair Commercial Practices Directive. The Regulations prohibit misleading commercial practices that may cause the average consumer to take a different commercial decision to that which they intended. This could of course include offering "counterfeit" goods for sale and less blatantly, offering "copycat" goods that just look like those of a competitor but which on closer examination are clearly not.

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In brief...

- Who actually resides at the Property?
- Secured Lenders Beware: Amendments to the Pre-action
- Protocol Checklist for Residential Mortgage Arrears
- Winding Up Court willing to deal with Dispute concerning Petition Debt
- £1,000 fines imposed for unlawful trading in customer personal data
- Court Issue Fees are not to change, but other Court Fees will go up by 10%
- BIS announces postponement of compliance date for ODR information obligations

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