

CORPORATE

13 January 2018 – the Revised Payment Services Regulations were implemented banning payment surcharges on retail transactions with consumers who pay by card or online. Businesses will need to change their payment policies or risk an investigation by Trading Standards.

May 2018 – we expect to see new e-privacy regulation from the EU.

25 May 2018 – GDPR comes into effect to update and harmonise data protection law across the EU (commercial aspects).



Summer 2018 – new Trade Secrets rules are expected to be implemented in the UK so as to establish common EU-wide minimum standards for protecting know-how and business information.

Summer 2018 – following a government consultation on corporate governance reform in 2016/17 and the current consultation being carried out by the Financial Reporting Council, a revised UK Corporate Governance Code is expected to be published in early summer 2018, although it is expected to apply to accounting periods beginning on/after 1 January 2019.

COMMERCIAL PROPERTY

1 April 2018 – Minimum Energy Efficiency Standards come into force, meaning that (subject to certain qualifications), landlords cannot let residential or commercial premises with an EPC rating lower than an “E”.

1 April 2018 – business rates to be indexed to the consumer price index. According to the Chancellor, this is predicted to be worth £2.3bn to UK businesses over the next five years.



EMPLOYMENT

Early 2018 – appeal of the *Aslam and Farrar* case addressing some key questions regarding employment status. If the higher courts dismiss the appeal and find against Uber, the impact will be felt across the “gig economy”.

Early 2018 – in *Ali v Capita* an employee won a discrimination claim because he received less shared parental leave pay (SPLP) than a woman on maternity leave. A previous case reached the opposite conclusion at tribunal in 2016 (*Hextall v Chief Constable of Leicestershire Police*). Both are going to the Employment Appeal Tribunal and decisions are expected in early 2018.

April 2018 – changes to taxation of employment termination payments, resulting in all payments in lieu of notice being subject to tax and NICs.

1 April 2018 – national living wage for workers aged 25 and over will increase to £7.83 per hour (other national minimum wage rates will also increase, with rates rising to £7.38 per hour for workers aged 21 to 24, to £5.90 per hour for workers aged 18 to 20 and to £4.20 for workers aged 18 who are no longer of compulsory school age). The apprentice minimum wage rate will rise to £3.70 per hour and the accommodation offset will increase to £7.00 per day.

4 April 2018 – private sector organisations with at least 250 employees will be required to publish their first gender pay gap report.



5 April 2018 – auto-enrolment pension rules come into force increasing minimum employer contributions from 1% to 2% and minimum total contributions from 2% to 5%.

25 May 2018 – GDPR comes into effect to update and harmonise data protection law across the EU (employment aspects).

Generally – with regard to Brexit preparations, the Government reached an initial agreement to protect rights of EU citizens currently residing in the UK to live, work and study in the UK following Brexit. The government will provide employers with more certainty as it continues to develop contingency plans. The agreement doesn't relate to the ability of new EU workers to migrate to the UK to work after Brexit. As such, employers in sectors that rely on considerable inflows of European workers still wait confirmation of arrangements following withdrawal from the EU.

Also likely to be on the agenda for 2018 are increased numbers of employee claims, which have been rising since the removal of tribunal fees last July.

DISPUTE RESOLUTION

Early 2018 – Supreme Court decision awaited on expectations of legally qualified parties dealing with litigants in person, particularly regarding the latter's compliance with Civil Procedure Rules. Small businesses and organisations regularly dealing with unrepresented individuals may feel the impact.

30 January 2018 – in addition to their use for illegally streamed media, ISPs use blocking injunctions to restrict access to websites that infringe trademarks (particularly, the online sale of counterfeit products). One question to be clarified is whether the rights owners or ISPs should pay for them. The Supreme Court is expected to decide this question on 30 January 2018 (*Cartier International v British Sky Broadcasting Ltd*).



28 February 2018 – in 2018, the Disclosure Pilot Scheme will be trialled in the Business and Property Courts. The scheme removes the assumption that Standard Disclosure applies and requires this to be considered issue by issue. Feedback is invited on the draft rule and form until 28 February 2018.

April 2018 – various claims have been brought by retailers against MasterCard and Visa alleging infringement of EU competition law. These relate to transaction fees charged by card-issuing banks to merchant banks (MIFs) and have produced some divergent decisions on similar facts. Three recent cases have been conjoined for appeal in April 2018, representing one of the largest and most complex pieces of current commercial litigation.

3 July 2018 – a key case in relation to privilege is due to be heard by the Court of Appeal. According to the Law Society, the case is likely to have “profound” implications in respect of how companies and their employees are protected by privilege.

2018 – more detail is expected with regard to how the UK and EU will cooperate in respect of civil justice. Progress has been made on jurisdiction and governing law for pre-Brexit agreements but transitional arrangements remain unclear. We can expect to see dispute resolution clauses appearing in documents in an attempt to limit Brexit uncertainty.

Developments expected in 2018 – the jurisdiction of English courts is not settled when it comes to dealing with claims against English companies for the overseas acts of their foreign subsidiaries. Three cases dealing with this are at various stages (one awaits judgment, one will hear its appeal in April and one has applied to the Supreme Court for leave to appeal). If jurisdiction is upheld, this may lead to an increase in parent companies being sued in the English courts for the acts of their overseas subsidiaries.

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