

## DEFINITIONS

### AGENCY ADVOCACY

All civil advocacy work (including attendance at a court or tribunal) undertaken on behalf of another Practice but **excluding** any work as an agent or locum in another Practice.

### ARBITRATOR, ADJUDICATOR OR MEDIATOR WORK

**Adjudicator work:** acting as a neutral third party engaged by disputing parties to provide a non-judicial resolution of their dispute (but excluding Arbitrator work) which is binding on them, subject to the terms of any contract between the parties.

**Arbitrator work:** any work undertaken in the discharge of the functions of an arbitrator, in relation to an arbitration under the relevant arbitration legislation in force at the time.

**Mediator work:** acting as a neutral third party engaged by disputing parties to assist them resolve a dispute by negotiation, without resort to adjudication or arbitration.

### CHILDREN WORK, MENTAL HEALTH TRIBUNAL & OTHER WELFARE

**Children work:** applications made in relation to family proceedings under the Childrens Act 1989 (such as High Court proceedings relating to children; court orders relating to payments in favour of children etc).

**Mental health tribunal:** representation at Mental Health Tribunal hearings of patients detained under the Mental Health Act 1983.

**Other Welfare:** other welfare related work such as representation at benefits tribunals, employment tribunals, but excluding **Immigration Work** and **Criminal Work**.

### COMMERCIAL/CORPORATE WORK – OTHER

This covers all commercial work and private company work, including mergers and acquisitions, corporate trusts, corporate insolvency and taxation (but excluding **Financial Advice and Services**).

### COMMERCIAL/CORPORATE – PLCs

This covers all work relating to public limited companies only, including mergers and acquisitions, corporate trusts, corporate insolvency and taxation (but excluding **Financial Advice and Services**).

### COMMERCIAL LITIGATION

All work relating to business or corporate disputes (as between businesses or a business and one or more individuals or another entity), such as:

- Accounting disputes
- Breach of Contract
- Breach of Fiduciary Duty
- Copyright Infringement
- Fraud
- Trademark Infringement
- Unfair Competition

but excluding **Arbitration or Adjudication, Marine Litigation, Contentious Landlord & Tenant** disputes and **Contentious Employment work**.

### CONVEYANCING – COMMERCIAL

Acting on the acquisition, sale or financing of freehold or leasehold property (including the development of multiple residential properties) where the client is acting in the course of a business. This includes the drafting of leases and related documentation, but excludes **Landlord & Tenant** work.

### CONVEYANCING – RESIDENTIAL

Acting on the acquisition, sale or financing of freehold or leasehold property where the client is not acting in the course of a business. This includes sale and purchase of individual buy-to-let properties, or small residential development plots, but excludes **Landlord & Tenant** work, and **Estate Agency, Property Valuation and Property Management** work.

### CRIMINAL

Acting on behalf of a client in relation to potential or actual criminal charges or proceedings.

### DEBT COLLECTION

Collection of undisputed or undefended debts including rents. Debt recovery work that involves a dispute, including the defence of a debt action, should be classified as **Other Contentious** work.

### DEFENDANT WORK FOR INSURERS

All work undertaken on behalf of insurance companies relating to the defence of claims or circumstances.

### EMPLOYMENT – CONTENTIOUS

Advising and acting on disputes between employer and employee which arise from statute and/or contracts of employment.

### EMPLOYMENT – NON CONTENTIOUS

General employment advice to employers and employees, including corporate support on transfer of businesses, employee benefits and drafting of contracts of employment and staff handbooks.

### ESTATE AGENCY, PROPERTY VALUATION & PROPERTY MANAGEMENT

Non-reserved activities relating to the valuation, management and sale of properties. This does not include any work undertaken by a separate business not regulated by the Solicitors Regulation Authority.

### FINANCIAL ADVICE AND SERVICES REGULATED BY THE SOLICITORS REGULATION AUTHORITY

Financial advice and services regulated by the Solicitors Regulation Authority as a designated professional body under the Financial Services and Markets Act 2000 (as amended by the Financial Services Act 2012).

### FINANCIAL ADVICE AND SERVICES WHERE YOUR FIRM HAS OPTED INTO REGULATION BY THE FINANCIAL CONDUCT AUTHORITY

Financial advice and services directly regulated by the Financial Conduct Authority under the Financial Services and Markets Act 2000 (as amended by the Financial Services Act 2012). If you have indicated a percentage in this area, please provide full details on our separate financial services questionnaire.

## GROSS FEE INCOME

Gross fee income includes all professional fees including remuneration, retained commissions and any other income from private legal Practice including notarial fees. It does not include Work In Progress, reimbursement of disbursements, VAT, interest or dividends, rents or investment profit.

## IMMIGRATION

Advice and assistance on UK immigration and asylum applications including representing clients at Tribunals or Courts of Justice (**excluding** the Divisional Court and European court of Justice, Commission on Human Rights and European Court of Human Rights).

## INFORMATION ASSET CLASSIFICATION

Is the classification of Information based on its level of sensitivity and the impact to the Firm should that Information be disclosed, altered, or destroyed without authorisation. The classification of Information helps determine what baseline Security Controls are appropriate for safeguarding that Information. All Information should be classified into one of three sensitivity tiers, or classifications Tier 1: Public Information, Tier 2: Internal Information, Tier 3: Restricted Information

## INTELLECTUAL PROPERTY

Including patent, trademark and copyright.

## LANDLORD AND TENANT CONTENTIOUS

Pursuing or defending tenants/lessees in claims for loss/damage to property, repairs, or for recovery of rent (**excluding Debt Recovery** for uncontended rent arrears). Litigation of rent reviews, rent tribunals, proceedings under the Landlord & Tenant Act 1954 and Leasehold Reform Act. Disputes over the terms of a lease or contract.

## LANDLORD & TENANT NON-CONTENTIOUS

Dealing with the exercise of contractual rights under a lease whether acting for a landlord or a tenant, including rights of enfranchisement, Landlord and Tenant Act 1954 claims, rent reviews, rights to manage, possession, and dilapidations. Does not include the creation/drafting of contractual rights.

## MARINE LITIGATION

Work undertaken and advice given relating to disputes primarily concerning maritime jurisdiction, maritime law or shipping contracts.

## MASQUERADING

A masquerade is a type of attack where the attacker pretends to be an authorised user of a system in order to gain access to it or to gain greater privileges than they are authorized for. A masquerade may be attempted through the use of stolen logon IDs and passwords, through finding security gaps in programs, or through bypassing the authentication mechanism. The attempt may come from within an organisation, for example, from an employee; or from an outside user through some connection to the public network.

## MATRIMONIAL/FAMILY

Work and advice relating to family law, separation and divorce, and financial settlements, but excluding **Children Work, Financial Advice and Services**, and **Residential Conveyancing** work undertaken subsequent to a matrimonial settlement.

## OFFICES AND APPOINTMENTS

Offices and appointments undertaken in the course of private legal Practice. This includes Judicial & quasi-Judicial appointments, acting as a clerk to City Livery Companies, Dean and Chapters, Drainage Boards, Local Councils, Charities or School Governing Bodies, Diocesan Registrars, Archdeacon's Registrars or Provincial Registrars of the Provinces of the Church of England in respect of work covered by an Ecclesiastical Fees Order. It excludes appointment as an Officer or Director of a company.

## PERSONAL INJURY CLAIMANT

Acting for claimants in a personal injury claim.

## PERSONAL INJURY DEFENDANT

Acting for defendants in a personal injury claim.

## PHISHING

A scam by which an e-mail user is duped into revealing financial, personal or confidential information which the scammer can use illicitly. This is usually by way of a website link or a document attachment in an email that looks as if it's from a legitimate organisation. These are increasingly sophisticated, and can be very convincing. [For more information on how to protect against the risk, contact us or watch our Information Security webinar]

## PRINCIPAL

A sole practitioner, a partner in a partnership, a member of a Limited Liability Partnership, and/or a director of a limited company.

## PROBATE AND ESTATE ADMINISTRATION

All work relating to the administration of a deceased's estate, including its distribution. Does not include **Will Drafting or Tax Planning**.

## REGULATORY BODY

The SRA, SDT, Leo, former LCS, OSS, PSU, Forensic Investigation Unit, Solicitors Disciplinary Tribunal, Information Commissioner and or any other regulatory body.

## RELEVANT RECOGNISED BODY

Relevant Recognised Body means a Recognised Body other than: (a) an unlimited company, or an overseas company whose members' liability for the company's debts is not limited by its constitution or by the law of its country of incorporation; or (b) a nominee company only, holding assets for clients of another Practice; and (i) it can act only as an agent for the other Practice; and (ii) all the individuals who are Principals of the recognised body are also Principals of the other Practice; and (iii) any fee or other income arising out of the recognised body accrues to the benefit of the other Practice.

## SOCIAL ENGINEERING

Refers to psychological manipulation of people into performing actions or divulging confidential information. A type of confidence trick for the purpose of information gathering, fraud, or system access. It differs from a traditional "con" in that it is often one of many steps in a more complex fraud scheme.

### **SUB-PRIME**

Sub-Prime is an industry term to describe a mortgage granted to a borrower with a poor credit report. Examples of lenders who acted for sub-prime clients, included: Birmingham Midshires, Mortgage Express, Northern Rock. [See more.](#)

### **SUCCESSOR PRACTICE**

You may be a Successor Practice even though you did not intend to take on the liabilities of another Practice when taking it over or merging with it and even if you specifically agreed that those liabilities would remain elsewhere.

Whenever a Practice ceases "being carried on as a discreet business," there is potential for the successor Practice clause to take effect.

You may become a Successor by holding out your Practice "expressly or by implication" as being the successor of or by incorporating the other Practice(s), by taking on the majority of the Principals in the other Practice as Principals in your Practice, by taking on at least one such Principal as a Principal when the majority have not become Principals in another Practice, by taking a sole practitioner or Recognised Body into your Practice as a Principal, or by taking on a sole practitioner as an employee after 31st August 2000.

**If your Practice has done any of these things, at any time or is planning to do so, you may be a Successor Practice and should provide full details.**

### **TOWN & COUNTRY PLANNING**

Specialist advice on planning matters (other than incidental advice given as part of a [residential property](#) or [commercial property](#) transaction) including advice on planning applications and representation at planning hearings and appeals. Includes compulsory purchase, listed buildings and conservation areas work.

### **TRUSTS**

Advice on trust law, setting up and administration of trusts.

### **THE LAST YEAR**

Means the last Complete Financial Year.

### **WILLS**

Will drafting, storage and advice given in relation to the creation and revision of Wills including advice on the tax implications of testamentary provisions.

### **TAX PLANNING**

Any tax advice given other than in relation to Wills and Trusts.



**LOCKTON<sup>®</sup>**

## **Need assistance?**

**Check out our Guidance at [www.locktonsolicitors.co.uk/resources](http://www.locktonsolicitors.co.uk/resources)**

**Call us on 0845 0501 471**

Lockton Companies LLP is authorised and regulated by the Financial Conduct Authority.

A white line graphic that starts from the left edge, goes horizontally, then diagonally up and right, then horizontally right to the edge.