

Aspects of contract and business law assignment

[Business](#), [Management](#)



Another damaging effect would be that customers would tell people they know about food standards being in Nando's and then they wouldn't go. Also, this could affect a number of restaurants as people would not trust the company anymore. The more damaging authority is immigration officials as they impose big fines and if Nando's has 10 illegal workers that is £150,000 out of Nando's, which could potentially ruin them. This could be due to the reputation of the business becoming degraded and they start gaining bad reviews from customers and they would lose their appeal to customers.

Shareholders would not want to be part of a business that employs illegal workers and they would potentially quit the company and sell their shares back which would cripple Nando's investments. Investors put a lot of money into businesses and Nando's may find themselves in a financial crisis if they haven't got customers coming through the doors and their investors have gone to another company. Also, customers would question why there are illegal workers there and question Nando's recruitment process; this could put people off from applying for a job there as well.

To prevent loss of profits and disruption in the store we should introduce new measures such as more security in store. This could be useful as plain clothes guards and uniformed guards could patrol the store which could lower the theft levels. More CCTV cameras on premises would impact a lot as we can then pinpoint who the thieves are and whether they come back again or not. Also, adding more security tags onto items would boost our profits as they are the more expensive items which are good for sales.

However in saying this the Theft Act 1968 doesn't really constitute to whether a person is guilty or not. With appropriation how many rights must be assumed for someone to have appropriated. In the R v Morris case the court held that 'There need not be an appropriation of all the rights of an owner. The appropriation took place when there was an adverse interference with the rights of an owner which was at the point of switching the label, not at the point of taking the goods from the shelf'. In regards to this there should be an outline of what the rights are that can be assumed.

With property which is s4 of the Theft Act only intangible property and things such as money etc can be used against a defendant. Why can't tangible property, things that can be held be used against a defendant? With belonging to another this s5 protects all users since an owner can steal their own property. This is shown in the R v Turner (1975) case where the defendant took back his own car but court decided that it was in possession of the car repairer even though the defendant legally owned it.

This shows a weakness as defendants could use this to their advantage and say that the property was theirs to get away with the offence. Theft seems to rely on the issue of dishonesty a lot which is unfair to us all as we all appropriate property belonging to another everyday. For example we all go into supermarkets and pick items up and then it's up to us whether to carry out the actus reus and mens rea of theft then. Furthermore, the act only discloses what would be seen as not dishonest but does not define dishonest behaviour.

The Theft Act does not provide us with a definition of what amounts to dishonesty because society's view tends to change. Within dishonesty is the GHOSH test which deals with the subjective and objective actions of the defendant. However, the main criticism of which is that it does not eradicate the potential for inconsistency between juries. There is always a problem to be had where juries are required to apply the "current standards of ordinary decent people". What even are the current standards?

Defendants that go into the GHOSH test falter on this a lot because the standards will change with society. What needs to be changed for Theft is stricter more clearer guidelines on the rights of an owner, whether it is actually theft or another offence. Also, the test for dishonesty need to be changed to fit with society and made clear to the defendants. The law on making off without payment needs to be reformed as in some cases it is shown how the defendant has agreed with the person who requires payment to pay at a later date.

Such as the R v Vincent case (2001) , the court held that the payment on the spot could not come in to play as of the agreements. This needs to be reformed as it should be the case that the defendant should be held liable for making off as they are still required to pay what they owe. In the case of goods being paid for, it should be the responsibility of whoever ordered the items to pay for them. In saying this companies and businesses would be liable then so there needs to be some clearer rules as to who can and cannot be charged for goods.

As for payment at the time of collection of goods, if there is a procedure that defendants have to follow for whoever they work with or if they are getting goods for themselves and can immediately pay then there should be a period of days when the payment should be made so many people won't get brought into court for not paying when they are not able to at the time. Also, the dishonesty test for this is not needed. If someone doesn't pay for whatever they were using or buying then the offence is clear to the court.

There is no question about whether they have been dishonest or not, the fact of the matter is that they have not paid and ran away from it. This would surely show the courts the immediate intention of making off without payment. With fraud by false representation there needs to be clearer rules as to whether a person has actually committed this offence. Most people may make a false representation without knowing it and it can be harmless but still they end up in court. There should be boundaries for what is deemed as making a false representation dishonestly such as, using someone else's credit card, using someone else's bus pass for example.

These are things which are obviously false representations. However picking up a card with someone's name on who has the same initials as you is a mistake by all purposes as its easy to do. However, this shows that this is a weakness as innocent people may be found guilty of this due to the GHOSH test. S1 1 is obtaining services dishonestly and can be seen as a good law as there doesn't seem any "here for reform but there needs to be proof that the services were actually obtained. If there is no proof but the jury finds the defendant guilty how can that be justice.

There are a lot of weaknesses in these laws as sometimes they seem to have too many offences which a person can be charged with and many defendants have too many to question or they are charged with the wrong part of the offence. There needs to be a dramatic overhaul of all the laws spoken about as they will become outdated and not fit in with modern society and modern offences. 02 To conclude I do think that there needs to be a separate offence for Corporate Manslaughter as too many companies are getting away with just fines.

People are dying whilst in the care of the company because they failed to ensure that health and safety regulations were adhered to. Also think that any person who has a management role in an organisation should be held liable for the offence as they are still an integral part of how the organisation is run and what happens within it. The case of *Tesco v Natrass* (1972) would have turned out better for the prosecution if the branch manager was recognised as being held liable as he is the manager of that store.