



## On your side, at your side it's got to be Gotelee

### Welcome to the first edition of the new Gotelee Client Newsletter



This newsletter is compiled with you in mind and aims to explain, as simply and straightforwardly as possible, legal issues that may affect you.

Our commitment is to keep this newsletter interesting and to the point. All the articles are written by members of the Gotelee team and if you want to know more we are but a phone call away, ready to advise and help on these or any other legal matters.

In reviewing with colleagues what topical issues to cover this time round the theme of funding was on our minds, given cuts in public spending and predictions of further recessionary dips. With a need for everyday belt tightening, we have tried to cover issues that may help you save money, avoid preventable losses or secure your long term financial position.

Topics covered in this first newsletter include:

- Private Client Partner, Peter Crix, warning of a number of useful tax breaks that may soon be removed.
- Family Partner, Helen Stuart, offering some practical advice on how to reduce costs if you are considering a divorce or separation.
- Wills Partner, Emma Woollard, explaining why you really should get round to making that Will.
- Victoria Judge, Business Law Partner, offering advice to retiring directors of a family business.
- And last but not least, Joshua Ripman, Litigation Solicitor, giving us a useful reminder of your rights if all those exciting new shopping purchases turn out to be more than you bargained for.

Looking ahead, we have put together a short seminar on 'The Importance of Forward Planning'. This is free to clients and will cover topics including Wills, long term care funding, powers of attorney, tax and trusts. This event will take place in the Hadleigh Town Hall on 18 May. Please contact Dawn Robb (01473 298151 or dawn.robb@gotelee.co.uk) to reserve a place.

I hope you find the newsletter interesting and would appreciate any feedback on the issues discussed. I would also welcome any suggestions of legal topics that you would like us to cover in the future.

*Martin Whitworth*

**Martin Whitworth**  
Managing Partner



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## Can you afford to get divorced?

**If you are a couple on a low income and are looking to separate or divorce, limited Government funding is currently available to help with disputes about finances and children, although a current review proposes that funding is to be restricted to only those cases involving domestic violence, explains Family Law Partner Helen Stuart.**

So, with access to financial help increasingly restricted, if you do not qualify for Government funding, what alternatives are available to you if you need the guidance and assistance that a family solicitor can give, but do not have the cash to fund the solicitors' fees yourself?

**Mediation** – you and your partner both meet with an independent solicitor mediator who will help you discuss matters, take control of the process and where possible resolve matters through an amicable settlement. Mediation is set to become an integral part of the legal process in the future as on 6th April this year new rules will require parties to attend a meeting to assess whether mediation is an appropriate way to resolve family disputes before resorting to litigation.

**Collaborative Law** – you can attend round table meetings, together with your solicitors and again work together to resolve issues without resorting to Court.

Both these options help to control the costs of a relationship breakdown. At the start of these processes a discussion will take place as to who is to fund the costs. If one person has more income or capital than the other, then it is often possible to agree that the costs should be split in proportion.

If you separate and between you have a good idea of how you are going to resolve matters, then a solicitor can draw up the legal documentation to make an agreement legally binding. The cost of drawing up documents can be fixed. If you feel that you are able to deal with the more straightforward administration involved in a divorce, you can just use a solicitor for part of the process. This can keep your legal costs under control whilst ensuring that issues that need to be resolved to protect you from future claims are properly looked into.

Other areas that may be worth exploring for financial help include:

- Assistance from family through gifts or loans.
- A future option, and one that is already used successfully in other European countries, is a legal expenses insurance policy to cover divorce. Some insurance companies are looking to provide a package of insurance for families within its general household policies.

Gotelee's Family Law solicitors can advise on the process of divorce and separation and the funding options available to you. We offer both a competitively priced initial interview and fixed fees to help you control costs. Helen Stuart is a mediator and heads a team of family solicitors offering the full range of legal options.



**Helen Stuart**

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## Going shopping? Know your rights

**Have you ever bought something and when you got it home found it wasn't quite as expected? Did that Italian leather settee split after six months or are you struggling to get a sensible response from your internet provider?**

**If so, do you know where you stand legally? If not, let Joshua Ripman guide you.**

Every time you buy something you form a contract. If your purchase is faulty, not of a satisfactory quality or does not fit its description, you may have a remedy under the Sale of Goods Act.

All goods are expected to be fit for their intended purpose, have a satisfactory appearance and be free from defects. What happens if this is not the case? Well, as a consumer you have four options:

- You can reject the goods, as long as this is done within a reasonable period
- You can demand repair or replacement
- You can request a refund
- You can claim damages for repair or replacement

As a prudent shopper, it pays to know your rights and to pursue one or more of the above if you are unhappy. However, if you



feel that you have been mis-sold a product or it is faulty, and either you are not making progress with the supplier or would like advice about your rights and options, contact Joshua Ripman. He can advise or take on the problem and instantly remove the stress and frustration of that nightmare purchase.



**Joshua Ripman**

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## Employment law moves fast



**Employment law moves fast, making instant headlines and any of the widely publicised developments could affect you or your friends and family, sometimes quite unexpectedly, explains Employment Partner Andrew West.**

Think of Miriam O'Reilly's successful claim of age discrimination against the BBC, the Government's decision to scrap the retirement age or any number of cases where employers have been found by Employment Tribunals to have acted unreasonably in dismissing employees.

Many people find themselves facing disciplinary proceedings for a momentary lapse of judgement or for something that is outside their control. Every employer, no matter how big or small, is under legal constraints and should carry out a proper investigation before deciding whether to reprimand an employee. They should follow a proper disciplinary procedure, providing a fair hearing and a chance to appeal against any decision. Any disciplinary sanction taken must also be proportionate.

Being put through any kind of disciplinary process is very stressful. In the event it happens to you or someone you know, take advice to make sure that the employer acts fairly. Even the biggest employers have been known to get it wrong!

For advice on disciplinary proceedings or other employment law advice, for a fee that is clear from the outset, please don't hesitate to get in touch with Andrew West.



**Andrew West**

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## Haven't made a Will yet? Why ever not?

**If you haven't made a Will yet, you are certainly not alone. For whatever reason, it's just one of those tasks that never quite makes it to the top of the list. Fortunately, when you do decide to tackle it, sorting out your Will may not be as difficult or costly as you may think, explains Emma Woollard.**

You probably realise that without a Will you leave your estate to be divided in accordance with the laws of intestacy, which may not reflect your wishes. If your personal situation involves co-habitation, divorce or re-marriage, it is more likely that partners and step-children could lose out if you don't have a valid Will.

Appointing guardians for your children is another important reason to make a Will, to make sure that the children are provided for legally, emotionally and financially. You may have seen the recent BBC2 series "Can't Take It With You" with Sir Gerry Robinson. He promoted the idea of family discussions to discuss what is in a Will, so there are no surprises, when the time

comes, about who gets what. Whilst certainly an interesting insight into family dynamics, don't be put off - a Will is a personal document for you. Family discussions are often helpful, but remember to keep them simple.

Gotelee's specialist Wills lawyers will make the process of drawing up your Will as easy, quick and painless as we possibly can. Fees for standard Wills, inclusive of VAT, are £168 for a single Will, or £240 for 'mirror' Wills (ie for you and your spouse or civil partner). Why not give Emma Woollard a call and put a date in the diary? Something you can finally cross off the 'to do' list.



**Emma Woollard**

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## Tax reliefs: How long will they be available for?

**Did you know that we now have a Treasury Office for Tax Simplification (OTS)? The OTS's idea of simplification is such that they see the abolition of 'complex' tax reliefs as a major target for reform.**

Because of this, explains Tax Partner Peter Crix, many of the rules that provide exceptions and exemptions from tax in certain circumstances are under threat. So, if you regularly use tax reliefs for inheritance tax planning or for tax limitation you might want to read on.

The OTS intends to focus its attention on those reliefs that:

- Are largely historic
- Are not frequently used
- or that
- Benefit a small number of taxpayers, but may create distortions in the tax system

However, a concern is that they are also including those that are used by a larger number of taxpayers, but are too complex for business and/or HMRC to administer. This appears a little ominous, and alarming as it includes a number of tax reliefs that are widely used and generally regarded as important safeguards against unfair taxation.

A good example is the potentially exempt transfer, which relieves lifetime gifts from inheritance tax after seven years; a tax relief

used by many and an important component of inheritance tax planning. Other examples are the capital gains tax reliefs for private residences, venture capital trusts and enterprise investment schemes and other very important inheritance tax planning reliefs that currently apply to business and agricultural property.

Some reliefs have already been scrutinised by the OTS on a sample basis. It considers that in general capital gains tax relief for private residences should be retained, but the rule which exempts the last three years of ownership - and assists the practice of 'flipping' - is 'questionable'. It will also be a cause of great relief that the exemption for foreign players' earnings in the 2011 UEFA Champions League final has been given the thumbs up!

If you regularly use tax reliefs as part of your inheritance planning or within your business or you would just like to see what still may be available to you, please contact Peter Crix.



**Peter Crix**

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## Your home: To register or not to register?

**Did you know that of Suffolk's 385,000 hectares, 28% still remains unregistered at the Land Registry? If your property is still unregistered, you might want to think about voluntary registration, explains conveyancing executive Teresa Cleary.**

Registration started in 1926 and has been compulsory on purchases since the nineties. You can sell an unregistered property, but if you buy a property it must be registered. Your property is almost certainly your most important asset and registering it with the Land Registry will record your ownership on their central database.

However, there are other benefits to making sure you are registered. For instance:

Registration removes any problems arising from lost title deeds, or the worry of those valuable documents being left in the bottom of the wardrobe. Unregistered properties need to rely on old deeds and documents to prove ownership.

The security of title that registration brings can provide you with better protection against claims of 'adverse possession'

It can give you greater clarity and certainty about what you own. If you think that there might be a boundary or access issue, it might be advantageous to register the property and resolve the issue now before you put your property on the market.

When you come to sell the property, potential buyers increasingly expect land to be registered before buying, so registration often simplifies the conveyancing transaction making it easier, quicker and less costly.

Now is the time to act if you need help. The Land Registry is currently offering a discount on their registration fee for first time voluntary registration applications, and Gotelee is also able to offer a fixed fee for registering your property. Contact Teresa Cleary for more details.



**Teresa Cleary**

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## Cutting the family ties

**Are the children now running the family business? Have you retired and handed everything over to them, or do you like to check in just now and then and make sure they are doing it properly? If so, and if you are still a director on the books, you might want to review whether this is still the best option for you, explains Victoria Judge, Business Law Partner.**

It may seem like a wrench to let go, but if you are no longer an active director then you should resign. If you do not, then you run the risk of wrongful trading and other liability. Wrongful trading happens when the company continues to trade, but the directors knew, or ought to have known, that there is no reasonable prospect that an insolvent liquidation can be avoided.

You do not have to know about the financial difficulties, as directors can still be liable even though others are running the business and they take no part in its operation. Ignorance is not a defence. Our advice

would be that if you are not actively involved, resign and keep a copy of your resignation letter. The continuing directors are under a duty to record your resignation at Companies House, but you should check that they have done this.

If you have retired, please make sure you are also released from any personal guarantees for the company's debts and obligations. This might seem obvious, but it could put paid to your well deserved retirement if overlooked.

Contact Victoria Judge if you want help and legal advice with any business matters including director or company issues.



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#### Newsletter disclaimer

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