

D&DLS Bulletin

Derby & District Law Society



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Oct / Nov 2018



Derby Cricket Triumph!

page 6

Also in this issue: 70 Years On... • Making an IHT Bill disappear • DJL Sizzler

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Editorial



I hope that everyone enjoyed the uncharacteristic English Summer and that the Autumn brings more kind weather and enthusiasm for getting back into routine.

The Derby and District Law Society played so fabulously at the cricket match against Nottinghamshire Law Society that they won the day. David Williams ensures me that he will get the trophy engraved to evidence the win. Well done everyone and write up on page 6.

The Derby Junior Lawyers have "refreshed" their committee and have several events on this Autumn – see page 15. Ellis Pugh meanwhile, having stepped down as DJL President has been snapped up as Treasurer of DDLS. Well done Ellis and thank you to Martin Salt who for his input as Treasurer for the last couple of years.

I am pleased to report that there are two guest columnists for this Edition. Andy Cash has been firtling [is that really a word?] through the historical records of DDLS and Chris Green is passing on more words of wisdom. Thanks to both for their contributions and anyone else willing to pass on their experiences and knowledge please e-mail me.

The DDLS Annual Quiz (sponsored this year by Severn Trent Searches – which means the return of the cheese and biscuits) will be held on the 22nd November – more information can be found on page 10.

Subscriptions are mostly collected so if you have not renewed you will no longer be a member of DDLS. Membership is always open so please do e-mail me if you want to join / re-join.

Plans for the awards at the Dinner next year (26th April 2019) are well underway – details will be in the next edition and nomination forms circulated after Christmas.

For anyone interested grumpy teenager surprised us all (including himself) by doing well in his GCSEs – he is now trying to come to terms with the step up to A-levels and the cut-back on his time in the gym. By the time you receive this I will have two grumpy teenagers at home – wonderful!!

Julia Saunders
admin@derbylaw.net

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President's Page



I can think of no better way to start this note than to congratulate Team Derbyshire for a hard-fought cricket victory on 30 August 2018 in the battle of the A52. It was great to see players from so many firms playing and supporting and I must make a special thanks to David Williams of Wykes O'Donnell & Williams without who this event would probably not happen.

Since the last bulletin I was very lucky to attend the Derby University Graduation Ceremony at Pride Park and what a celebration it was. Thank you to Professor Kathryn Mitchell for the invitation.

As you know, as part of a number of changes this year, we have chosen a President's charity, the Derbyshire Children's Holiday Centre and I am delighted to announce that on 29 March 2019, I (bringing up the rear) along with, I hope, a number of others, will

embark on a cycle of our great County. Starting in Derby, we will take in Burton on Trent, Ashbourne, Chesterfield, Alfreton and Belper over what will be approximately 86 miles. I am reliably informed by a number of friends who are keen cyclists, that anyone can do this and I for one, hope that they are right. If you are interested in taking part or wish to be involved in any way, please either drop me an email, or give me call. As we did with the cricket, we need you to get involved, and more importantly so do the children who our chosen charity supports.

We are also beginning to plan our annual dinner on 26 April 2019. Whether I can walk by then or not only time will tell. Once again, in a first for the Society we will be not only celebrating getting through another busy year in the local profession, but also celebrating the achievements of our colleagues and friends with a series of awards. The categories are almost chosen and nomination forms will be sent out in due course. Best of luck.

Ben Lawson,
President, 2018-19

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Cricket win for DDLS in the annual match against Nottingham Law Society

The weather was fairly kind but after a mix up over start time and concern about the light later on a match of 15 overs was agreed upon.

The Nottinghamshire team were still arriving so they went into bat. Ben ("on your toes") Lawson did a great job keeping wicket. Brave, without a helmet, and diving this way and that he saved many a run with his speedy reflexes. Over half the DDLS team bowled and they have never bowled better. There were hardly any wides or no balls.

Wickets were taken by Phil Bramall (2), Kieran Chappell, Shaib Azad (2), Manjot Shokar, James Newton with brilliant catches from Manjot, James and Josh Last. After 15 overs Nottingham had 62 runs leaving Derbyshire feeling fairly confident.

The team took a while to get into their swing. With two men out quickly there was still only one run on the board! Josh Last hit the only six of the game – a spectacular sight which galvanised Derbyshire into action and the runs started to pile on. Comedy gold was provided by Ellis Pugh (sorry Ellis) who batted well but also collided with his batting partner in the middle of the wicket mid run and also decided he would run on a misfield but not tell David Williams, who looked bemused when Ellis appeared next to him and David had the walk back to the Pavilion.

In a gripping finale, the steady partnership of Phil Bramall and James Newton scored the winning runs with just eight balls in hand.

Well done to everyone that took part and thank you to the organisers, particularly David Williams – a great local law society event.



Back to the Future 3: Seventy years on



My occasional dip into the Society's minute books has led me to the 1948-1977 volume and a note from 1948 when the committee had to allocate food parcels received from the Law Institute of Victoria in Australia. They were distributed by lot to 6 solicitors including C R B Eddowes Esq and N R Pinder Esq.

Much of the Society's work related to non litigious matters, conveyancing scale fees and the like. Eg Minimum scale on a sale at £2000 was £33 6s 8d. Very dry I regret and not really lifted by reference to annual golf matches which were a regular item.

Remembering that rationing was still in place, these post war committees regularly postponed the annual dinner because of "catering difficulties" It was only on 13th October 1949 that it was resolved to revive the dinner, [principally because the President had been invited to both Bankers and Accountants Dinners] It was decided to hold the Dinner at the Midland Hotel on the evening of the first working day of the Derby Winter Assize next February, a date chosen in the hope that the two assize Judges might attend as guests. The Dinner was held and resulted in a loss of £70 a considerable sum for the time [largely due to the fact that there were 18 official guests as against the planned 6]

In other notes, in September 1950 it was agreed that the Society would formally oppose a proposal to remove the County Council offices to Matlock on the grounds that it would cause inconvenience to the profession in Derby.

There are early signs of a Legal Advice and Assistance scheme run by the Society and in 1949 extended to cover Belper, but I could find only one early reference to crime;

2nd June 1949 [My grandfather D Cash in the chair] "The secretary read a letter from Mr Palmer, the librarian, in which he reported that the drawer in which he kept the Society's cash at 20 St Peters Churchyard had been broken into during the Easter holidays and the sum of £8 4s 9d had been stolen. The CID had made investigations but with no result. It was resolved to write off the sum stolen"

Looking forward there are going to be discussions about the proposed boundaries of the new Peak National Park and we are coming to terms with merging North Staffs into Derby Law Society.

More dusty notes in future.

Andy Cash

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Family Law Committee

Minutes of a Meeting of the Derby & District Law Society
Family Law Committee on 12th September 2018

1. MATTERS ARISING

2. AGENDA ITEMS

2.1 *Presentation on drafting Consent Orders*

With hopefully appropriate humility, and the disclaimer that she cannot speak for the local judiciary as a group, Fiona has volunteered a presentation on trips and traps in drafting consent orders. This was provisionally arranged for 29 August but as this is in the school holidays and as there is a Family Committee Meeting on 12 September it was resolved to hold it on that date at 4pm at Geldards' Derby office. All plus any colleagues welcome but we will need RSVPs to ensure we have capacity. Fiona explained that the EMDU is incredibly under resourced and that the "return rate" on consent applications is not helping matters. The presentation will hopefully assist in highlighting the common errors which frequently occur...and re-occur.

3 PERMANENT AGENDA ITEMS

3.2 *Database*

A reminder that the database of Family Practitioners is a very useful method of communicating information to family lawyers locally.

Could everybody please double check that Members of their Family Team are included. If you are not included please let Fiona have your email address.

3.3 *Training and Education*

Nothing to report.

3.4 *Local Family Justice Board*

The Derby Family Local Justice Council was originally set up in 2005. It was subsequently resurrected as the Local Family Justice Board. Many Committee Members are Members and if you want to be on the LFJB's mailing list and be sent information about training events etc please contact Joanne.eaton1@hmc.gsi.gov.uk

3.5 *Rights of Audience*

A timely reminder that experienced Legal Executives can apply to the FPC locally for rights of audience on a generic basis rather than having to apply individually on a case by case basis. There is a Protocol in force. Anyone who wants to take advantage of this should contact the Court direct.

3.6 *Court User Groups*

Nothing to report save as above.

4 DATE OF NEXT MEETING

7th November 2018



All meetings at 4pm at Geldards LLP, No.1 Pride Place, Pride Park, Derby DE24 8QR. Plenty of available free parking.

Fiona M K Apthorpe
Secretary

Quiz Challenge 2018



2018 INTER-FIRM QUIZ THURSDAY 22nd NOVEMBER, 2018

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There will be a bar and a fun quiz. The aim is to have a good time and maybe involve some support staff as a team-building exercise. The venue is now called the Elite Performance Centre at DCC. Enter the ground directly off Pentagon Island.

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Area	Course Title	CPD Hours	Date	Level*	Venue	Book Via**
2018		2018		2018		2018
-	Conveyancing Update	5	3/10/18	-	Derby	CLT
-	Commercial Property Update	5	4/10/18	-	Derby	CLT
-	Pensions on Divorce - a foundation for family lawyers	3	15/10/18	-	Derby	CLT
-	Family Law Update	6	25/10/18	-	Derby	CLT

The Society is able to offer a comprehensive programme of CPD courses, seminars and workshops through the year. If your firm would like to put on a training event for the Members please contact Julia Saunders (admin@derbylaw.net). Requests for courses please to the Administrator - anything from managing the work life balance to recent changes in Data Protection.

Please view the list below of upcoming training courses: For CLT course please go to www.clt.co.uk and book direct - thank you

Situations Vacant



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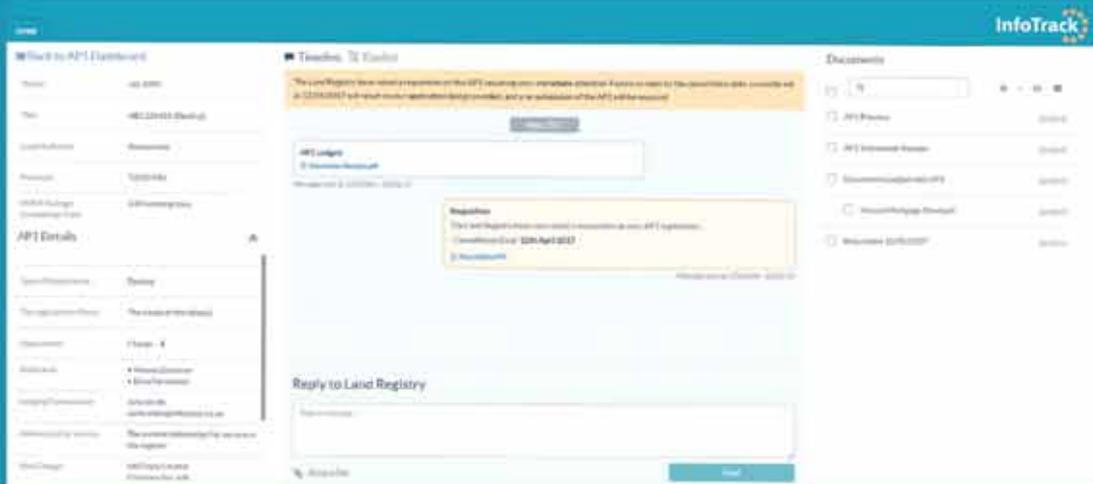
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Derby Junior Lawyers Summer Sizzler



Friday 3rd August, saw the DJL celebrate their annual 'Summer Sizzler'. A wide range of firms attended which allowed for all firms to be involved in some fantastic networking. There was lots of BBQ food and Prosecco on arrival to celebrate. The event took place at Derby's 'Pitcher and Piano', on the fabulous terrace, and the weather was fantastic for the duration of the evening.

Thank you to the DDLs for their support and the DJL committee in planning this event.



Derby Junior Lawyers



We are delighted to announce the new Derby Junior Lawyers Committee who were voted in at our AGM meeting on Thursday 13th September at Brooklyn Social.

Our new committee are as follows:

President: Natasha Hybner

Vice President: Hannah Read

Events Secretary (1): Kate Pleasant

Events Secretary (2): Misha Wiseman

Membership Secretary (1): Eliza Patrascu

Membership Secretary (2): Joe Baumber

Treasurer: Ellis Pugh

Social Media & Marketing Secretary (1): Joel Murphie

Social Media & Marketing Secretary (2): Monika Schiavone

Student Representative: TBD after student event.

We are very much looking forward to working with the DDLS over the next year!

We would also like to say a huge thank you to our new sponsors!



A huge thank you to the University of Derby, we are very excited for our student events over the next year, and also our events that will be held with the University!



Our second sponsor for the year are the Dukeries Group, we would be grateful if you could follow these guys on twitter! @EnquiryAgent We can't wait to get started with some events with these guys over the year too!

The Derby Junior Lawyers next event it is the 'Christmas Party', please see the below leaflet and do not hesitate to contact us @ derbyjuniorlawyers@outlook.com if you would like to attend, we can't wait to see you there!



D&DLS Bulletin

Derby & District Law Society



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Words of Wisdom: Making an IHT bill disappear



"Post death inheritance tax planning between spouses pretty much ended with the advent of the transferrable nilrate band (TNRB) didn't it?"

Not necessarily...

Those of us who are old enough to have been practising before the TNRB was announced in the 2007 Autumn Statement may also remember cases where the surviving spouse had automatically inherited the jointly owned marital home along with all other assets and died within two years of their better half leaving an estate worth more than the single nil-rate band of the day. An easy remedy straight out of the precedent books was to do a post death severance of the joint tenancy then vary the will or intestacy of the first spouse to die to send a half share of the house through the first estate to the survivor's residuary beneficiaries. Both estates would then be below the IHT threshold. Thanks to the TNRB, we don't have to do that any more.

But wait. The government's own Inheritance Tax Manual instructs District Valuers to allow a discount of 10% on an undivided share in land where related property rules do not apply, even if the purpose behind the co-ownership trust has ended. On a house worth £500,000 that is £25,000 off the surviving spouse's half share if the other half is owned by someone else. (Related property rules still apply if the surviving spouse has a life interest in the other half share)

Example: Mr & Mrs Jones (who have no children) owned a house jointly worth £500,000 and had £170,000 of investments between them. Mr Jones died in March 2017 leaving everything to his wife, and Mrs Jones died in July 2018. The whole estate passes to their only nephew under Mrs Jones's will; there is on the face of it an IHT bill of £8,000 on an estate of £670,000. Dig out that old precedent and post death sever the joint tenancy; vary Mr Jones's will to leave his half of the house to the nephew and residue to Mrs Jones. (£250,000 chargeable as related property rules apply; balance spouse exempt; £75,000 unused nil-rate to transfer).

As a result, Mrs Jones will be deemed to co-own with the nephew at her death and the 10% discount can be applied to her half. Her estate is then £395,000 (£225,000 + £170,000) against her own NRB of £325,000 and a TNRB of £75,000: **total NRB £400,000.**

An IHT bill of £8,000 disappears. If the house still sells for £500,000, there may be a CGT bill but one can deduct costs of sale – say £7,500 and apply the executors' CGT allowance currently £11,700 and the balance is taxed at 28% (£1,624). CGT could be wiped completely if the nephew has a child, spouse or partner and is happy for his uncle's half-share to be willed to them under the Deed of Variation. The property is assented accordingly so the heirs can sell as tenants in common in equal shares and use both their annual CGT allowances - £23,400

Sometimes it pays to think outside the box.

Chris Green, who is an Associate member of DDLS, having retired as a Solicitor in 2010 after 22 years of private practice in Ashbourne. Chris still undertakes some locum paralegal work.

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"Fast Service – High Quality – Low Price – choose any two."



Chris Makin

Is that how you choose your experts? I sincerely hope not! Here are my thoughts and suggestions, as a hard-bitten expert of 30 years' experience.

I am a chartered accountant so the slant will be towards choosing an accountancy expert, but I will try to offer something of general application.

1. DO YOU NEED AN EXPERT AT ALL?

This may be a surprising suggestion coming from me; don't I want your work? Well yes, of course I do, but I have no desire to waste your time, my time or your client's money when an expert can see that no successful outcome will be achieved.

In a straightforward commercial case, liability and causation may be fascinating, but if a switched-on accountant can see that quantum will be negligible, why waste everyone's time? Or if the defendant is of limited financial means, will a Pyrrhic victory be the outcome? Or if you act for the defendant, would an application for security for costs put the claimant out of the game at modest cost?

To answer these questions, and many more, you should have a good working relationship with a friendly accountant who can give you, at modest cost or no cost at all, an initial view on the case. My standard terms include an initial review without any obligation to instruct me; and on all but the largest cases, I will do that for nothing unless the matter proceeds. So it costs nothing to find out, not only if I can add value, but if the case is worth pursuing at all.

2. WHAT ROUTE TO RESOLUTION?

Litigators now have a duty to keep constantly under review how the case may be settled without formal court proceedings. The process, started by Lord Woolf and pursued more recently by Jackson LJ, makes it imperative that you consider joint settlement meetings, Part 36 offers, arbitration, expert

determination and – especially – mediation. Not only that, but to avoid an adverse costs order under Halsey, where the onus is on the party refusing mediation to satisfy the court as to why that refusal was reasonable, to keep a careful note on file as to such reasons. And to refresh it – often.

If a mediation is decided upon, the choice of mediator is important. Don't automatically choose a QC, since their expertise will be in advocacy, which is not the name of the game. Choose a mediator familiar with the subject matter of the dispute.

And it is wise to choose as expert someone who is also a mediator. That person will be invaluable in helping you to see both sides of a dispute; and if the expert is required to attend the mediation, they will know how to act without prejudicing either the client's case or their own ongoing position as expert if the mediation fails and court proceedings follow.

3. CHOOSE A MEMBER OF THE SECOND PROFESSION

By that I mean choose someone who is not only outstanding in their own profession – an accountant can't have much expertise to share if they are not a very good accountant – but someone who has taken the trouble to become a member of the second profession, of being an expert. This really matters.

Your expert needs to know intimately CPR 35, PD 35, the CJC guide, or equivalent rules and guides for the criminal, the family, the Scottish, the Northern Ireland courts. I have seen some pathetic reports with no author's CV, no Sources of Information, no Expert's Declaration, no Statement of Truth, all mandatory under CPR. And it isn't only the expert's job to be aware of these rules; CPR tells us that the instructing solicitor has to be aware of them, too.

The expert has a lot to learn. My experience goes back long before Access to Justice in 1999, when all evidence was taken orally, but now it is so different. The expert's report is taken as that expert's evidence in chief and he is straight into cross-examination. Does the expert have the right training and experience to survive that? I was giving evidence at the RCJ by about 1992, and I was one of the first as guinea-pig expert to be cross-examined in a mock trial run by The Academy of Experts, where I am now

a fellow. I have survived cross-examination about 100 times.

Are you about to appoint an expert who doesn't know how to conduct a joint meeting of experts? To produce a joint statement which clarifies and agrees as much as possible – thus reducing the length of the trial – but which does not prevent counsel from arguing their client's case?

Do you need a Single Joint Expert? And do you know someone who has had training and has carried out many such instructions?

Has your expert been in the hot tub? I have, and I found it an enjoyable experience, as well as being of great assistance to the tribunal.

The point is that there is a great deal to learn about being an expert, not just about knowing one's primary subject.

Let me give an example of how wasteful can be the involvement of an "expert" who didn't have the first idea.

Some time ago, I was appointed expert for an old widow who happened to own a shop, let to a butcher. His business had hit really hard times. With debts mounting, he fled to Scotland to flee his creditors. The widow waited a little while, and then when he didn't turn up she cleared out the shop and rented it to someone else, oblivious of her duties under the Landlord & Tenant Act.

The butcher's lawyer asked an accountant, a very competent chartered accountant in general practice who I know, for a view on what such businesses were worth. He wrote that businesses of this nature generally had goodwill worth about £30,000. There was no assessment of what *this* (defunct) business was worth. And on that the whole case was built.

As defence expert, I considered this particular business and, in the form of a CPR-compliant report, I expressed the opinion that it was worthless; unsurprisingly.

The case trundle on, and we all found ourselves in the commercial court. As the judge took to the bench, he said he had to start with an announcement. He noticed that Mr Makin (that's me!) was one of the experts; he had relied on my expertise frequently when he was at the bar, and if anyone had a difficulty with that, he would recuse himself.

Chris Makin

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He would give the parties five minutes' adjournment to consider.

Within three minutes the case settled, with full surrender by the other side.

As I chatted to the other accountant as we left, he said he had no idea his letter was to be used as evidence in a trial. Well, that was unconvincing, because he certainly did know that this case was coming on. But what a waste of everyone's time and money!

It is because of such incidents as this – and there have been many – that, when I served on the ICAEW forensic committee, I helped devise and launch an accreditation scheme for expert chartered accountants. The link is here: <https://www.icaew.com/about-icaew/find-a-chartered-accountant/find-an-accredited-forensic-expert>. I was one of the first to be accredited, and there are still only about 100 who have this "kite mark" out of 145,000 chartered accountants.

There was an old advert which said "You can sleep easier with a chartered accountant". Well, a poor expert can wreck your case, but a good one can add so much value. Choose your expert with care, and you will sleep easier. And now you know where to find us.

Biog: Chris Makin was one of the first 30 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness. He is also an accredited civil & commercial mediator and an accredited expert determiner. He has given expert evidence at least 100 times and worked on a vast range of cases over the last 30 years. For CV, war stories and much more, go to his newly relaunched www.chrismakin.co.uk - with videos!



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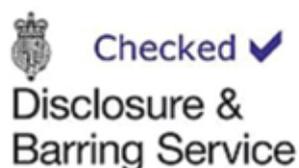
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One day you may find that you could do with some support. Life is not as easy as it used to be. Household chores are becoming difficult and you feel uncomfortable and anxious about taking a bath while you are on your own in the house. You have had a couple of falls, nothing broken but you have not mentioned it to anyone, and the falls they have worried you. Food shopping which used to be a pleasure now is a chore and you ask family and even neighbours to get you bits and pieces but really you don't like asking.

The thought is there that you could do with a little help and support.

Where should you start looking for information? Who can tell you about what support is available? How much do care services cost? Can you get any financial help? Do you need to ring social services, or should you ask at the surgery?

These are some of the questions that individuals and families ask when faced with the possibility of themselves or someone they love not being able to care for themselves as they used to be able to do. Domestic ability is declining, support with personal care would be welcome and a little bit of company is always welcome.

There are many charities and voluntary organisations that have a wealth of information that will give you the answers to questions you may have. One of these is the national organisation Age UK. They have hundreds of support branches and a website that has around 50 Fact Sheets giving comprehensive information that is relevant to older people and their families.

If you want information about local care homes or local care agencies, ring them up, visit them to ask the questions you would like answers to and base any care decision you may make in the future on information you have accessed yourself.



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WHY IS STAMP DUTY LAW SO CONFUSING? and could your clients be due a refund?

Stamp Duty Land Tax is commonly known as Stamp Duty or SDLT and was introduced in 2003. It was initially a relatively straight forward duty to calculate, administer and collect until Parliament started to make changes to it.

The first significant change was in December 2014 and a subsequent change came into effect in April 2016 when the 3% surcharge on the purchase of second homes and buy-to-let investments was introduced. These changes have created uncertainty and complexity when calculating the duty due and so overpayments arise. Overpayments can be recovered from HM Revenue & Customs ("HMRC") provided a claim is submitted within the required time frame which is generally 13 months after the purchase date.

What if one house has an annexe, or detached property in the grounds?

There are complex rules surrounding the purchase of properties that include an annexe, basement flat, or other residential property in the grounds such as a detached holiday cottage, an apartment above a garage or even staff accommodation. Therefore, mistakes with the calculation are made and opportunities to claim statutory reliefs and allowances are overlooked. Take the following example:

Mr & Mrs Davies purchased a 3-bedroom house in June 2017 for £675,000. Attached to the house was a garage; the upper floor of which had been converted into a bedsit. The bedsit was not occupied on the purchase date but was suitable for use as self contained living accommodation. The couple did not own any other residential property and were advised to pay Stamp Duty of £23,750 on their purchase. We subsequently reviewed the purchase for them and confirmed the Stamp Duty charge should have been £13,750. Statutory reliefs and allowances were overlooked, and we were able to help the couple claim a £10,000 refund from HMRC.

We are more than happy to have a conversation with those that fear their clients have overpaid and want our help to assist with claiming a refund on their behalf. If you also have clients that are about to embark on a similar purchase please get in touch so we can ensure you advise your clients to pay the right amount of Stamp Duty. Not too much and not too little.

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If you need help and advice on these or any other stamp duty or land transaction tax matters please get in touch; we will be sure to reply within 48 hours. The majority of our fees are fixed so you and your clients know where they stand.

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Book Review



BOWSTEAD AND REYNOLDS ON AGENCY

Twenty-first Edition

By Peter Watts QC
and F.M.B. Reynolds QC

ISBN: 978 0 41406 207 8

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THE CLASSIC TEXT ON AGENCY –
NOW IN A NEW TWENTY-FIRST EDITION

An appreciation by **Elizabeth Robson Taylor** of Richmond Green Chambers and **Phillip Taylor MBE**, Head of Chambers and Reviews Editor, "The Barrister"



If you or your client ever need an agency – or, in the event, that an agency needs you – be advised that the complexities of agency are fully elucidated in this book. 'Bowstead & Reynolds on Agency' is the definitive legal text on agency and has been since the first edition by William Bowstead came out in 1896.

Having been updated over twenty times since then, it remains ever authoritative and ever up to date as you'll see when you have a look at this new edition recently published as part of Sweet & Maxwell's Common Law Library.

Quite inconveniently, the terms 'agency' and 'agent' almost defy precise definition. It is not too surprising then, that the book's editors refer to 'agency' as an area of law where concepts have been "peculiarly troublesome."

But fundamentally – and perhaps to oversimplify – agency can be defined as a fiduciary relationship between two persons; one, the agent -- the other the principal for whom the agent acts 'so as to affect his relations with third parties.' Or confusingly, if the agent has no authority to affect the principal's relations with third parties, he or she may also be called an agent given that there exists a fiduciary relationship.

Difficult to define though it is, 'agency' can certainly be described and explained. And it certainly is, in minute detail in this book. 'In any case,' say editors Peter Watts and Francis Reynolds, 'definitions are, however commonplace, of limited utility in law

as elsewhere; in particular reasoning based on presupposed definitions is often suspect.'

Suspect or not, you might now actively argue that agency is an area of law which offers plenty of room to argue; in which case this book is an ever-present help if you're embroiled in arguments over agency, as it provides ample coverage of the subject within its more than 800 pages.

Since the previous edition of 2014, there have been (as the editors have pointed out), plenty of developments to take into account, mainly in case law. Changes have therefore been made to every chapter, including the more than one-hundred cases that have been integrated into the text.

Such changes, too numerous to list here, are summarized in the book's preface. Of special interest though, would be the new material in Chapter 6 which, in dealing with duties of agents to their principals, includes rewritten material on restorative and compensatory remedies for breach of trust.

Also note Chapters 7, 8 and 9, which deal respectively with rights of agents... relations between principals and third parties... and relations between agents and third parties. And how about the noteworthy if not startling 2017 case referred to in Chapter 12, which involves the problems of bonds issued by the Ukrainian Government to the Russian Government.

Indeed, the book contains a multitude of references for researchers in the extensive footnoting, and usefully, there are references throughout to other textbooks. There are no less than 145 pages of tables, namely of statutes, cases and statutory instruments. To ease navigation, there is a helpfully detailed table of contents and index, plus an appendix containing The Commercial Agents (Courts Directive) Regulations 1993.

Comprehensive, cogent and authoritative, this new edition of Bowstead & Reynolds will quite obviously be a boon to all practitioners involved -- or planning to be involved -- in any aspect of agency.



The new-generation CON29DW from Geodesys

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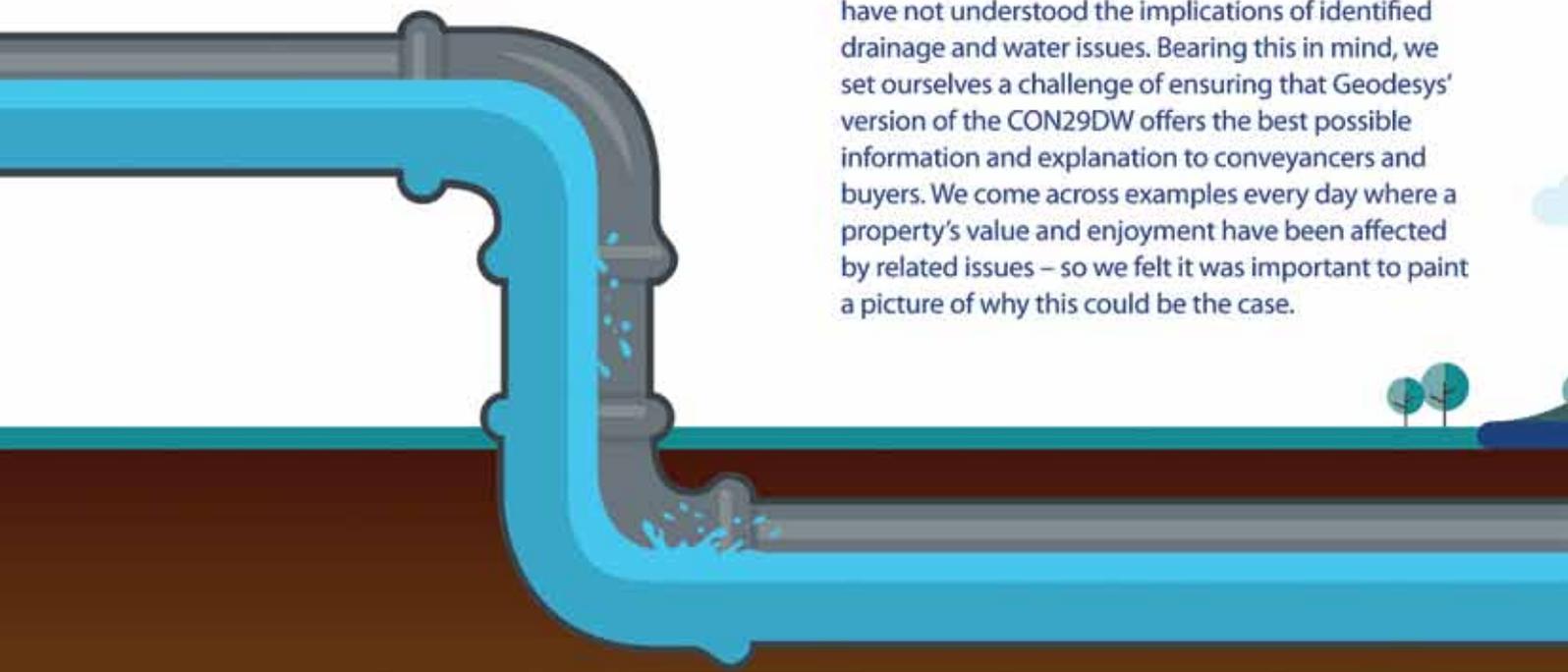
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Despite the thoroughness of the report, the Geodesys team is constantly speaking to homebuyers who have not understood the implications of identified drainage and water issues. Bearing this in mind, we set ourselves a challenge of ensuring that Geodesys' version of the CON29DW offers the best possible information and explanation to conveyancers and buyers. We come across examples every day where a property's value and enjoyment have been affected by related issues – so we felt it was important to paint a picture of why this could be the case.





The redesigned CON29DW provides this information upfront, ensuring that the homebuyer is empowered either to proceed with confidence or to make further enquiries of the seller. As a result, it's much less likely that a deal-breaking issue will emerge later in the process.

The new-generation CON29DW from Geodesys is now live!

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Legal sector joins forces to celebrate Remember A Charity Week



10-16 September 2018



This September, the legal profession is joining forces with over 200 charities to raise awareness of gifts in Wills and making clients aware that they have the option of doing so. Although only around 6% of estates currently include a charity in their Will, legacy donations generate over £2.8 billion¹ for good causes annually, funding vital services across the country.

Remember A Charity in Your Will Week (10-16 September 2018) celebrates the impact of legacy giving and highlights the critical role of the legal profession in making clients aware of the opportunity of leaving a donation in their Will, after taking care of their family and friends. Solicitors and Will-writers within Remember A Charity's network of 1,400 legal supporters will promote the concept of legacy giving to clients, displaying campaign materials in their offices.

According to Remember A Charity's latest solicitor and will-writer benchmark study², six in ten advisers sometimes or always mention the option of including a charitable gift to will-writing clients, but the potential is far greater. The campaign describes these conversations as 'critical' with research from the Behavioural Insights Team showing that the legacy giving donation rate doubles when solicitors ask clients if they would like to consider leaving a charitable gift.

Rob Cope, Director of Remember A Charity, says: "Charitable bequests have shaped much of the world around us, with education programmes to medical research, schools and emergency services all having been funded directly by gifts in wills. Simply by including charitable donations in will-writing discussions, this can have a critical impact on donations, while enabling the public to ensure their final wishes are met.

"As it stands, not all legal advisers are completely comfortable talking about legacies with their clients and that's something that we're hoping to change. Unless solicitors – those who are at the frontline when it comes to speaking to the public about their final wishes – feel confident raising the issue, the risk is that good causes can be forgotten.

He continues: "Remember A Charity Week is a chance to celebrate the huge impact of charitable bequests and ensure all clients are aware that they have the opportunity of leaving a gift in their Will, no matter how large or small."

Solicitors and Will-writers are encouraged to help raise awareness of charitable bequests, informing relevant clients about how they can include a charity in their will.

2018 marks the ninth year of Remember A Charity Week, during which charities, government and stakeholders will all come

together to highlight the importance of legacy giving. The campaign's consumer awareness drive features the launch of a new 'charity-powered' search engine, called 'Human'. Combining charities' unique knowledge and expertise, the search engine enables the public to select from over 100 of life's biggest questions and to hear directly from charities, supporters and beneficiaries what they are doing in response. Questions include 'How can we cure the deadliest common cancers?' and 'How do we ensure no one has to sleep rough?'

Cope adds: "This campaign has been designed to showcase just how vital charities are in responding to many of the world's biggest problems and how legacies can help combat those issues. We hope that it will encourage the public to think about their deepest concerns for the world we live in and to consider leaving a gift in their will."

¹ Smeed and Ford, Legacy Trends 2018

² Future Giving, Professional Will Writers Survey 2017

To find out more or join the existing network of 1,400 campaign supporters visit www.rememberacharity.org.uk.

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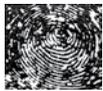
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10-16 September 2018



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Keeping parents together with their children is the aim of this charity



KEEPING YOUNG PEOPLE safe from crime and exploitation: that is the Herculean task set for itself by Partog – Parenting Together – a charity set up by former youth worker Gerry Hannah.

Said Gerry: "At Partog we are changing attitudes and inspiring young people towards happy, safe and healthy lifestyles. We are one of the UK's leading innovators of advanced community projects, engaging vulnerable young people in safe and sociable activities with positive role models, youth and community workers."

As he points out, criminals do not emerge overnight like butter does. The process of criminalising and ruining a young life passes through many hands. Partog's parenting network links parents with youth and skilled community workers.

Partog are Ministry of Justice preferred suppliers and represent the best interests of young people in both Family and Youth Courts. They believe there is no such thing as unavoidable abuse and exploitation.

They accept referrals from community police, teachers and the NHS, when young people display antisocial, disruptive behaviour – whether in their home, the classroom or community. They generally work with the parents to improve how they interact and resolve relationship issues and advocate on behalf of young people involved with the youth justice system.

Gerry continued: "We engage the most reclusive, inaccessible young people, unable to socialise or engage in activities. We work with families living in areas of high crime and at high risk of exploitation. Many years working in the residential care of young people with emotional and behavioural problems, added to our award-winning research, allows us to specialise in helping young people disadvantaged by their social and family circumstances."

The founding of Parenting Together followed a career working with

young people. Gerry explained: "For 15 years I challenged anyone and everyone who showed less than absolute kindness to the emotionally damaged and abused children in my care."

It was, he said: "The most rewarding job in the world without a doubt, but gradually their sadness overwhelmed me. I cried on almost

every journey home from work and could not bear to read another child's traumatic care history, wondering if I could ever make that child laugh again or convince them to trust another human being.

"Caring for young people with behaviour and emotional problems, I witnessed the emotional devastation, the life-long anxiety and many disturbing psychological consequences caused by false rhetoric presented to Family Courts as factual.

"Young people, losing the love and protection of their family for trivial irrelevant reasons, suffer appalling risks. Parenting Together is my given vow to defend the rights and emotional health of children deprived of the love and protection of both parents."

Partog offers parents and solicitors expert witness statements and risk assessments on young people's emotional and behavioural problems.

"No research ever showed that children are better off without parents," declared Gerry. "I promise child-centred risk assessments and expert witness reports, morally and ethically guided towards the best possible outcomes for the youngest, most vulnerable members of your client's family."

In 2014 Parenting Together submitted evidence to the Commons Joint Select Committee on Human Rights for its inquiry into violence against women and girls. Later that year then-Home Secretary Theresa May requested further details of the group's research.

The following year the NSPCC business chair described the work of Parenting Together as "...more than a good cause; it works."

"Resolving young people's antisocial behaviour and emotional problems"



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Quill's revived trainee scheme shows steadfast commitment to cashiering

By Julian Bryan, Managing Director, Quill

At Quill, we're dedicated to getting the job of cashiering right. You see, we've been supplying outsourced cashiering services for 20 years, half of our company's life, and we've earned ourselves an enviable reputation as a market leader in cashiering based on our 100% accuracy rates. Demand for our services has grown year on year. That's why we're now the UK's largest employer of outsourced cashiers.

Saying we're committed to impeccable legal accounting isn't just empty words. Our claim is demonstrated in our unique-in-the-industry trainee scheme. Our training programme has been operational since the very beginning, some 20 years ago, and we welcomed our new intake of trainees this September.

We invest considerable resources – both money and time – into breeding the next generation of cashiers for our Pinpoint bureau and the legal industry at large, the latter having endured a dire shortage of trained cashiers in recent years.

As part of our training academy, our trainees combine on-the-job experience, peer support and classroom learning at Quill in conjunction with the Institute of Legal Finance & Management – or ILFM for short – and gain a recognised legal accounts diploma-level qualification upon course completion.

They also attain a well-paid position at Quill, become part of a caring and fun company, cultivate a whole new set of skills and acquire the opportunity of a lifetime career in a specialised field where they'll never be wanting for work.

We pay for our trainees' external course fees and fund their ongoing annual subscriptions to the ILFM or other professional body. This amounts to a substantial sum of money over the duration of the scheme and thereafter as fully qualified members of their chosen membership organisation.

We also devote something even more valuable than money – time and attention. We recruit stringently by closely screening applicants and taking up references pre-start date, employ a permanent trainer as a constant source of support, assign cashiers to supervisors in teams of six for careful mentoring, and provide convenient access to existing cashiering bureau members who can share their extensive knowledge and assist when a helping hand's needed.

Once our trainees are on board, we have best practice processes in place to ensure their work meets the highest standards that we, and our clients, expect from them and continually harness their skills.

For the former – quality standards – we insist upon commonality by shared use of our Interactive legal accounts system, supplied alongside the Pinpoint service, and consistent ways of performing each cashiering task. These are defined by Interactive, which all of our cashiers use, from trainees upwards. For the latter – continued professional development – we follow a tried-and-tested performance appraisal procedure to monitor progress and identify additional development needs which we address with formal training or one-to-one coaching.

For added kudos, our training academy is endorsed by the ILFM, specialist providers of services – such as training – for legal cashiers.

Our affiliation with the ILFM means our trainees undergo training at Quill, supplemented with training at the ILFM, so the qualification awarded upon successful completion comes with the widely-recognised ILFM stamp.

ILFM accreditation demonstrates sound, comprehensive and practical application of solicitors' accounts rules and their compliance with regulatory guidelines. It's a distinguished proficiency badge which is highly desirable to both clients and other employers alike, should end users of our services seek evidence of our cashiering mastery or our trainees later decide to secure employment elsewhere respectively.

In sum, our trainee scheme is beneficial for multiple stakeholders. For trainees, it's the first step onto their career ladder. For clients, it's a quality guarantee and future-proofing promise. For Quill, it's developing the right skills in-house to thrive as an outsourced cashiering bureau and differentiate ourselves from other suppliers of outsourcing services who fall far short of the bar set by us. It's also the feel-good factor of contributing in no small way to cultivating our country's rising talent. For the legal sector as a whole, it's confirmation of Quill's standing as experts in all things cashiering.

We've got lots to say on the subject of outsourced cashiering. To read more, access our earlier articles published on the Internet Newsletter for Lawyers website titled *'Outsourced cashiering and your bottom line'*, *'Ten reasons to outsource your cashiering'* and *'How outsourced cashiering works'*.

For additional information on our Pinpoint outsourced legal cashiering service, please visit www.quill.co.uk/Outsourced-Legal-Cashiering, email info@quill.co.uk or call 0161 236 2910.



Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill is the UK's largest outsourced legal cashiering provider with 40 years' experience supplying outsourcing services and software to the legal profession.

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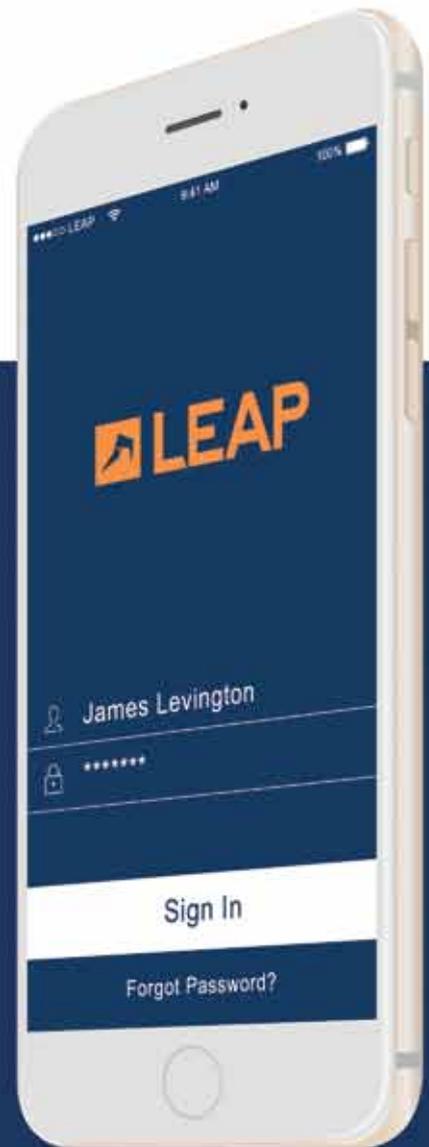
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