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news

Spring 2015

Edward Adams joins Myers & Co



Myers & Co extends a warm welcome to Edward Adams, who joins our litigation and dispute resolution department.

Edward is an experienced litigation and dispute resolution solicitor, having practised for over 18 years around Stoke-on-Trent, Cheshire, Manchester and across the West Midlands.

Edward brings with him a wide range of experience, having previously advised individuals, small businesses, national companies as well as public limited companies on commercial and civil disputes.

In his spare time Edward officiates at motor racing meetings throughout the UK, particularly at Oulton Park in Cheshire. He can also be found walking the local hills, or trying to improve his Latin and ballroom techniques.

Edward joins the Myers & Co dispute resolution team with a continuing commitment to offer the highest standards of service and advice to ensure your dispute is resolved as quickly and cost-effectively as possible.

We will be at your side to advise and accompany you through every stage of business mediation, arbitration and court proceedings.

Contact us for advice on disputes about:

- consumer laws;
- contracts;
- property and land;
- business and partnership disputes;
- professional negligence claims; and
- disputes over wills and inheritance.

At Myers & Co, we are always looking for ways to improve our service to you.

That is why we have just invested in a new cloud hosted IT system, making sure your documents are safe and securely backed-up. We have also installed a fantastic new telephone system, making it even easier for you to get in touch. Why not give it a try and call us to book your next appointment....

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New intestacy rules explained

Under the new intestacy rules, which came into force from 1 October 2014, if you do not have a will your surviving spouse will now be the main beneficiary of your estate - leaving your children with a much smaller entitlement.



If you die without a valid will the intestacy rules decide how your money, property and possessions will be distributed.

This may not reflect your wishes and can leave loved ones inadequately provided for, feeling left out or with complicated legal problems to sort out.

If you do not have a will, everything you own or have a share in is valued to form your estate. Your spouse gets the first £250,000 of your estate and half of the rest. The remaining assets will be divided equally between all your children.

Stephen Myers explains how the intestacy rules could affect you:

If you are married but have no children

The law used to give your spouse £450,000 from your estate, and the remainder was then divided between blood relatives. The new rules award your spouse everything, leaving other family members such as parents or siblings with nothing.

If you are married and have children

If you do not have a will, your children will now inherit a reduced share of your estate under the new rules. They may stand to inherit further from your spouse when they die, but this will depend on their instructions in their will or the intestacy laws at the time of their death.

Children from previous relationships may feel that they have not been adequately provided for if your spouse takes the lion's share of the estate.

If you are living with your partner, but not married or in a civil partnership

The intestacy rules do not recognise unmarried partners, no matter how long you have been living together. All assets will be split equally between your children or closest blood relatives if you have no children. Without a will, your partner stands to receive nothing and may have to vacate your home in order for it to be sold.

To make or update your will, contact Stephen Myers.



Stephen Myers

Do not delay making a lasting power of attorney

Research from the Alzheimer's Society forecasts that over a million people will have dementia by 2021, highlighting that getting your affairs in order has never been more important.

The government is so concerned about the number of people who have not planned for their later years, that it has announced it will be holding a 'life planning day' in 2015.

This is intended to promote awareness about making a will and appointing someone you trust with a lasting power of attorney to manage your property, financial affairs, health and welfare if you are unable to. Choosing your attorney while you are of sound mind puts you in control of who will act on your behalf when the time comes.

While making a will can be straightforward and done quite quickly, the process of appointing an attorney is more complicated and time consuming. A lasting power of attorney cannot be used until registered and there are no shortcuts to speed up the registration process.

With this in mind, it is a good idea to prepare your lasting power of attorney now, before the government's campaign begins.

The Office of the Public Guardian, the organisation who registers and oversees lasting powers of attorney, is already very busy. It currently receives 2,000 registration applications per day, with the average registration application taking 14 weeks to complete. The number of people preparing and registering lasting powers of attorney is set to increase in the next few years, as will the likely time delays.

We see many people in a distressing situation where they are unable to make important decisions on behalf of their loved ones and have no alternative but to make an emergency application to the Court of Protection. This can be costly and take a long time, leaving loved ones vulnerable in the meanwhile.

It is a good idea to put your affairs in order now, ahead of the rush. Make time today to get your lasting power of attorney by getting the advice of a wills and probate specialist.

Contact Susan Hall or Dawn Anderson.



Susan Hall



Dawn Anderson



Are your website terms and conditions up to scratch?

Having an up-to-date website is part and parcel of doing business but staying on top of the never-ending list of regulations surrounding compliance can be challenging and time consuming.

For online contracts to be binding on the customer, your terms must be accepted; so it is not sufficient just to place your terms and conditions on your website. You also need to ensure that a customer is given the opportunity to read and accept your terms prior to the sale being made.

The new Consumer Contracts Regulations now apply to all purchases made at a distance, with the following requirements for online traders:

- you must extend your cancellation or cooling off period to 14 days and provide a model cancellation form with the right to cancel;
- you have to make clear where any step triggers a payment on your website, for example, with a 'pay now' button;
- you can no longer include pre-ticked boxes that tie consumers into additional payments;
- helplines must be charged at basic not premium rate;
- delivery of goods must be made within 30 days unless specified otherwise;
- you must include extended pre-contract information, including payment, delivery and performance arrangements;
- if the main contract is cancelled, any associated contracts will also be terminated;
- where refunds are payable, it must cover the full price including the cheapest delivery price; and
- for internet and phone sales, you must ensure your customer has an order confirmation, such as an email, no later than delivery of goods or performance of services.

Remember that terms and conditions must be written in plain English. Some automatic terms are deemed unfair and not binding on the customer, like those that prevent the customer recovering their money on cancellation.

Plus, if your website collects personal data, then you need to comply with the rules contained in the Data Protection Act, such as obtaining an opt-in from the customer. There are also strict rules on website cookies, in that you must give users the opportunity to refuse them.

Regularly reviewing your terms and conditions of trading and data protection policies will make sure they are the right side of the law and look after your interests if a customer dispute arises.

Contact Edward Adams for more advice.



Edward Adams

Keeping you up to date on October 2014 employment law changes

Myers & Co employment law specialist, Karen Coleman, updates you on the changes to employment law that came into effect from 1 October 2014:

Rise in the national minimum wage

The national minimum wage has increased. The new rates are:

- £6.50 per hour for adults over 21;
- £5.13 for 18-20 year olds;
- £3.79 for 16-17 year olds; and
- £2.73 for apprentices.

New right for partners to attend antenatal appointments

Partners of expectant mothers will have the right to unpaid time off work to attend two antenatal appointments of up to six and a half hours each, and will be protected from dismissal or detriment for exercising this right.



Shared parental leave introduced

Parents expecting a child to be born on or after 5 April 2015, will be able to share time off work for the first year of their child's life. Conditions apply on eligibility and notice periods.

Tribunals can order equal pay audits

An employment tribunal will have the power to order an employer to carry out an equal pay audit if an employer loses an equal pay claim. The results of the audit will have to be published. The tribunal's power to make wider recommendations in discrimination cases will be abolished.

Reservists and unfair dismissal

If a member of the reserve forces is dismissed, they will not need a qualifying period of service in order to claim unfair dismissal. Additional payments can be claimed by small and medium sized employers where one of their employees is on active service.

For advice on any employment law problems, contact Karen Coleman.



Karen Coleman

Your guide to conveyancing searches

Buying a home is one of the most important investments most of us will ever make. To protect your investment, at Myers & Co we carry out the following conveyancing searches to ensure your new home holds no nasty surprises:

- **Land Registry** - we will obtain official copies of the register of your property from the Land Registry. This confirms the seller's ability to transfer ownership of the property to you, and shows the boundaries of the property, any rights or restrictions.
- **Land charges** - for unregistered properties, there is no central record of title. Instead, we will examine the deeds and carry out searches against the previous owners of the property at the Land Charges Department.
- **Local authority** - this reveals legal restrictions or obligations, including tree preservation orders and building enforcement history. It also shows any planned major infrastructure projects in the area, such as HS2, and if the property is a listed building.
- **Specialist** - this could assess risks such as flooding or the effects of historic clay or coal mining.
- **Chancel repair liability** - liability for the cost of maintaining the parish church may fall on some property owners. One of our specialist conveyancing solicitors will find out if this applies and what you should do.
- **Pre-completion** - just before completing the transaction, your lawyer will check the search results remain up to date. If you are taking out a mortgage, they must also carry out a bankruptcy search for your lender.



The seller does not have to tell you about defects in the property, so you should always consider commissioning an independent survey. Remember, the purpose of a mortgage valuation is to protect the lender's interest, not yours. We can advise you on the different survey types and which is most appropriate.

Contact Kerry Dundas for more information.



Legal advice for you and your family

- ➔ Dispute resolution
- ➔ Wealth protection
- ➔ Employment problems
- ➔ Wills and probate
- ➔ Residential conveyancing

Legal advice for your business

- ➔ Corporate
- ➔ Dispute resolution
- ➔ Commercial agreements
- ➔ Employment law
- ➔ Commercial property
- ➔ Intellectual property