



Leaseholders – Know What You’re Paying For!

On the 1st October 2007 Section 153 of the Commonhold and Leasehold Reform Act 2002 was brought into force and became law.

Landlords are no longer allowed to send variable service charge demands without them being accompanied by a statement of account. If you do not receive a statement summary along with the bill you may be within your legal rights to withhold that service charge.

Your lease sets out your obligations to pay for management services. These services include repairs, improvements and maintenance to common parts of the property as well as management costs. If you do not receive a breakdown of these costs with your charges or if you do not think the charges are reasonable, you have the right to ask a Leasehold Valuation Tribunal to establish if you are liable to pay. You may request this before or if you have already paid your service charges.

In the event a Leasehold Valuation Tribunal decides you are liable to pay your service charge, they can decide who the charge should be paid to, the amount and how it should be paid. You will forego these rights if an issue has already been agreed or admitted by you, if the case has already gone to arbitration or decided by a court, or your lease allows your landlord to recover costs incurred by legal proceedings.

Either party may be able to contest a Leasehold Valuation Tribunal by appeal to the Lands Tribunal which has similar powers. The Lands Tribunal can overturn the Leasehold Valuation Tribunal’s decision if there are mitigating circumstances.

Government housing minister Baroness

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INVESTOR IN PEOPLE



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Bernadette Joins Law Society's Planning Panel



Congratulations to our Planning Law Partner Bernadette Hillman, who was appointed as a member of the Law Society's Planning Panel in June this year. Bernadette has a wealth of experience in planning and environmental law and has presented a number of seminars on planning topics for surveyors, lawyers and developer clients.

Bernadette is an expert in town and country planning and is fully familiar with the problems that can arise when dealing with local authorities. She is available to assist

clients in achieving their aims in all aspects of planning law, carrying out a full planning review and giving strategic planning advice, often with the aim of maximising a property's development potential.

If you would like more information on planning and environment matters contact Bernadette Hillman on 01727 844511.

*To find out more about the Law Society's Planning Panel visit:
<http://www.lawsociety.org.uk/professional/accreditationpanels/planningpanel.law>*

We can help you with:

- **Planning Permission Documents** – including drafting and approvings. 106 agreements
- **CLEUD & CLOPUD Applications** – where buildings have been erected or land used for a period of time in breach of planning control we can make applications and appeal against refusal
- **Negotiations and Tactics** – advice on how to deal with your local planning officer
- **Enforcement Proceedings** – advice and conduct of written appeals, hearings and inquiries
- **Planning Applications** – advice on how to oppose applications made e.g. to build new homes, extensions or to change the use of land
- **Challenging Decisions** – through judicial review or the Ombudsman

Home Information Packs – The Story So Far



There was a delay in the HIP coming into use because of a lack of trained energy performance assessors. The HIP was first introduced for four bedroom and over properties and now extends to all properties from 14 December 2007.

The average pack is taking around five days to compile.

Since the HIP was introduced, the Government has announced that the average four bedroom home is getting an 'E' energy rating (the ratings go from A-G). The findings show that hundreds of pounds could be saved on energy bills if owners made improvements such as loft and cavity wall insulation, double-glazing, installing low energy lighting and radiator valve thermometers.

Further announcements will be made by the Government as it rolls out HIPs and EPCs to the market.

*For more information, see our website:
www.pickworths.co.uk*

*Other useful websites are
www.communities.gov.uk and
www.homeinformationpacks.gov.uk*

There has been a lot of controversy about the requirements for Home Information Packs (HIP) introduced by the Government.

The HIP was due to become a legal requirement for house sellers to provide information to potential buyers of the property from 1 June 2007.

The pack must contain compulsory documents including copies of title deeds, standard searches, a sale statement and an energy performance certificate (EPC). Optional documents are a home condition report, home use and contents forms and a legal summary.

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Andrews said: *"The measures will ensure tenants are better informed about their rights and obligations. For too long, some people have been left unclear about what is expected of them and what they can do if they are unhappy with the charges. This new approach brings real openness and transparency to the process, helping residents up and down the country."*

It is thought that many tenants are now in a better position than before the change of policy. It should also help to weed out unscrupulous landlords.

If you are concerned about service charges or are planning to lease property please contact Belinda Walkinshaw or Glenda Ferneyhough.

INHERITANCE TAX – CAN YOU AFFORD TO AVOID THE ISSUE?

Not declaring gifts for inheritance tax (IHT) purposes could land you in hot water.

The HM Revenue & Customs (HMRC) are getting tough on what they see as tax evasion, especially "lifetime gifts". There has been a sharp increase in inheritance tax cases on the bereaved in recent years and the HMRC is looking to increase IHT revenues even further. Annual revenues from IHT have almost doubled since 1997 from £1.7 billion to £3.3 billion in 2005/06

Therefore, the sooner you make provisions the better as gifts made less than seven years before a donor dies may mean inheritance tax is payable on the gift. You can find out more by visiting the HMRC website at: www.hmrc.gov.uk/cto/iht.

The steep rise in property prices means IHT

is no longer the territory of just the wealthy. IHT is charged at 40 per cent on all assets above the nil-rate band of £300,000. Although the media reportedly claimed the Government had, in its pre-budget report (9th October 2007) announced that the nil-rate band had doubled for married couples, in reality the only change lies in the ability to transfer unused nil-rate band between spouses or civil partners.

Even if your joint estates are below the nil-rate band, under intestacy rules if you don't have a will, your spouse/civil partner will get £125,000 plus a life interest in half of the rest of your estate. The remainder will



go to your children. This could possibly result in your home being sold.

If you have any concerns or need help regarding inheritance tax or wills contact our specialists Kate McNamee or Ian Tottman on 01442 261731 or visit our website www.pickworths.co.uk. Alternatively email info@pickworths.co.uk

LASTING POWER OF ATTORNEY

Replaces Enduring Power of Attorney – 1st October 2007

The Mental Capacity Act 2005 has introduced reforms, potentially affecting each one of us. Previously you could arrange for a legal document known as Enduring Power of Attorney (EPA). This gave another person the legal authority to deal with your financial affairs should you become mentally or physically incapable or unable to act for yourself due to being out of the country.

EPAs however, were replaced on 1st October 2007 by Lasting Powers of Attorney (LPA).

There are to be two types of LPA:

- 1) One which deals with the personal welfare of the donor
- 2) And one which deals with a persons property and financial affairs.

The government's idea is that the LPA will give you more protection. An LPA needs to be registered with the office of the public guardian to be effective.

The LPA also deals with the personal welfare of the person in relation to future



medical care. This used to be covered by a "living will" which was not necessarily a legally binding document. The LPA appoints an attorney to make personal welfare decisions for you as specified by you in the LPA.

If you already have an EPA it will be legally binding even though LPAs have now come into force.

If you would like to make an LPA contact Kate McNamee or Ian Tottman on 01442 261731 or alternatively you can contact them by email through our website: www.pickworths.co.uk

Pickworths Sponsor Local Sports Clubs

Pickworths takes pleasure in helping to support the local community. We have a particular interest in sports for young people.

This season we have chosen to sponsor Leighton Buzzard Hockey Club, in particular the Men's IIV team in which Martin White, our Personal Injury Lawyer's son Alex plays.

We will again sponsor the Colts at the Watford based Fullerians Rugby Club. The Colts team are for players over 17 and under 19 years of age. If you are interested in joining either of these clubs then check out their websites:

- Leighton Buzzard Hockey Club: www.lbhc.org.uk
- Fullerians Rugby Club: www.fullerians.demon.co.uk

Pickworths would like to wish both clubs all the best for the season.

Check Out: www.pickworths.co.uk

Our regularly up-dated website will keep you informed on the latest legal issues that affect you.

We provide the following services for Business and Private clients. Please visit our website to find out more.

- Employment Law
- Personal Injury
- Wills & Probate
- Family Law (Matrimonial, Civil Partnerships & Co-habitation)
- Conveyancing (Commercial & Residential)
- Flat Management
- Planning Law
- Equestrian Law

Look out for our useful downloadable Fact Sheets and Legal Jargon Buster and meet the Pickworths Team!

www.pickworths.co.uk

SPOTLIGHT ON...



Jane Leadbeater Family Law Solicitor

Jane joined Pickworths in April 2007 as a specialist family lawyer. She studied for her Law Degree at Birkbeck College, University of London. She attended lectures in the evening as a mature student and worked full time. She gained a First Class law degree and whilst at Birkbeck received three prizes, including the prize for the best family law result for her year.

Jane completed her Legal Practice Certificate at the University of Hertfordshire. She then concluded her training as a solicitor at a St. Albans firm that specialised in family law and conveyancing. She gained valuable experience particularly as she was responsible for her own case load early on in her training. She also gained a lot of experience representing clients at Court on issues including contact and residence disputes, injunctive proceedings and

hearings in respect of matrimonial finances.

Jane says, "I enjoy family law as it is rewarding to help people when they are going through what can be one of the most stressful periods of their life.

"My job is to make an often very difficult situation easier by advising on the law and procedure in a straightforward manner. It is very important to establish what a client seeks to achieve early on and to advise them of the prospects of achieving or bettering their goal. It is also vital to always consider the benefit to be gained against the costs that will be incurred."

When not working Jane enjoys impressing her son with her football and rugby ball skills and listening to him sing. Fortunately, his talent for singing does not come from his mother. Jane also enjoys DIY and gardening.

Meet Our Trainee Solicitors

June and Sarah both joined Pickworths as Legal Assistants two years ago and are now undertaking their Training Contracts with the Firm, this is what they do:

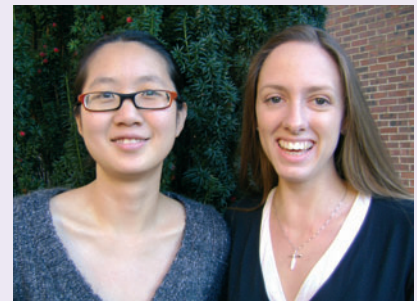
June says, "I began work as a legal assistant for both Conveyancing and Wills & Probate. I was offered a training contract in March 2007 along with Sarah. I am currently undertaking litigation, both personal injury and commercial. I find litigation very fast paced, there are strict deadlines to adhere to and it is very challenging. There is always something new to learn and quickly.

Litigation involves many diverse scenarios,

making each case unique, especially personal injury. No one case has the same set of facts and no day is ever the same. This makes every day interesting".

Sarah says, "I was employed as a personal injury legal assistant, working for Martin White. At that time, I was still attending university for one day per week to complete my Legal Practice Course. I was then offered a training contract along with June. My week is now divided between the Conveyancing and Wills & Probate Departments.

I find these two areas of law are closely



linked. I often deal with the same clients in both. The work provides many challenges, especially when it comes to dealing with tax issues! It is, however, very rewarding as I am helping clients who are going through very stressful times in their lives. It is nice to know that I can help make things as easy as possible for them".

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Also consultation rooms in Watford. Call Hemel Hempstead or St Albans to arrange a meeting.

www.pickworths.co.uk

PICKWORTHS
· SOLICITORS ·

PARTNERS:

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Belinda Walkinshaw BSC, Bernadette Hillman LLB

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