

Thinking Of Starting Up A Business?



staff you may need.

Neves Small Business team can assist your business by helping draft your terms and conditions of trading, by providing you with a contract of employment for any

legal techniques needed to make contracts electronically. It can also ensure that your website complies with the law.

Also if you purchase goods or services over the internet, our experts can advise you on your contractual rights and obligations.

Business start ups - make sure you are getting the right legal advice from the very start contact: business@nevesllp.co.uk

Perhaps you may be considering renting business premises in which case we will review the terms of the lease and advise you accordingly.

If you offer services Online, Neves can guide you in the

Farewell John

John Walsh, a member of our Family Department based at our Luton office, will start his well deserved retirement this April. John has been practising law since 1964 (51 years!).



John started his career as an office junior and trainee costs draftsman at Farrer and Co (solicitors to the Royal Family) and subsequently worked for a number of prestigious solicitors such as Taylor Vintners, Miller and Co and Glover and Co. until joining Neves where he has worked for the last 14 years. John is a Member of the Institute of Legal Executives and has represented clients in all areas of family law including divorce, financial disputes between married and unmarried partners and on issues relating to the residential and contact arrangements for children. We have benefited from his very wide experience of the law and also from his pragmatic common sense informed by those years of experience. A combination of his extensive experience and his wisdom has supported Neves' solution focussed approach to our clients' problems.

John will be greatly missed by his colleagues and his clients. On behalf of everyone at Neves, we would like to wish John a well deserved and relaxing retirement

What Our Clients Say About Us



"Just would like to thank everyone involved in the very smooth sale of property."

I would like to thank you for your help and support during the process of selling the property. I was not always easy, but without your help it would have been much more difficult. Thank you."



"The service provided is good and the communications excellent. You feel that you are dealing with a professional firm and have full confidence in their dealings."

"We very much appreciate the manner in which the business transactions were conducted, efficient and pleasant."

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Neves Solicitors

Harpenden
Tollgate House
69-71 High Street
Harpenden
Hertfordshire AL5 4ET
T: 01582 715234

Luton
8 George Street West
Luton
Bedfordshire
LU1 2DA
T: 01582 725311
E: info@nevesllp.co.uk

Milton Keynes
Luminar House
Deltic Avenue
Rooksley
Milton Keynes MK13 8LW
T: 01908 304560
W: www.nevesllp.co.uk

Northampton
Independent House
Units 1 & 2 Wilks Walk
Grange Park
Northampton NN4 5DW
T: 01604 814500

Devil In Detail As HMRC Gain IHT On Charitable Gift



The importance of considering the fine details of proposed arrangements was sharply illustrated in a recent case in which the High Court accepted a claim by HM Revenue and Customs (HMRC) that a gift to a charity did not qualify for exemption from Inheritance Tax (IHT).

HMRC claimed that the sum settled into the trust was taxable to IHT, because the legislation had a clear implication that such trusts have to be subject to the jurisdiction of the courts of the UK.

The Court agreed with HMRC, ruling that the expression 'held on trust for charitable purposes' in the relevant Act requires not only that the objects of the charity be UK law charitable purposes but also that the relevant trust be subject to the jurisdiction of the UK courts.

The case arose after a resident of Jersey died, leaving a bequest to a trust which was established for charitable purposes, but was not based in the UK. The purpose of the trust was to enable a parish in Jersey to provide homes for elderly parishioners. The executors of the estate claimed that the bequest was exempt from IHT under the rules that make gifts to charities not taxable.

Whilst it is always advisable to consider from every angle the implications of such arrangements, this is especially important where there is an overseas element to the proposed arrangements or where domiciliary issues may be in point.

Farm Sale Not To Be Held Up By Will Dispute

The children of a farmer who suffered from depression and committed suicide in 2013 had expected to inherit his estate. After his death, however, they discovered that he had made a new will in 2011, leaving his entire estate to a woman he had become close to after knowing her for many years.

who also wish to sell it. To prevent the sale, the deceased man's children applied for a 'caution' to be put on the property: this is a notice lodged at the Land Registry that there is a dispute over that particular piece of land and it has the effect of preventing it from being sold.



The change in the farmer's will was accompanied by a letter in which he stated that he wished to disinherit his children because he had lost touch with them after his wife died.

The man's children decided to launch a challenge to his will under the Inheritance (Provision for Family and Dependents) Act 1975, which allows those who were dependent on a deceased person but who have not been adequately provided for in their will to seek financial provision from the estate.

The woman applied to the High Court to have the caution lifted and the Court agreed to her request. Key to the decision was the fact that no-one involved wanted to run the farm and, if left unmanaged, its value would fall. If the estate suffered because of the caution and the children's claims failed, they would be unable to compensate the estate.

The woman beneficiary wishes to sell the man's half share in the property he farmed with other relatives,

Accordingly, the judge ordered that the caution be removed and recommended that the children and the beneficiary resolve their dispute by mediation if at all possible.

Private Client

If you need help or assistance with any Wills, Probate or Trusts law then contact our private client team.

Email: wills@nevesllp.co.uk



Gail Donaldson
Senior Associate
Head of Private Client



Lesley Paton
Solicitor
Private Client



Paul Ashby
Legal Executive
Private Client



Jennifer Duckett
Solicitor
Private Client

RAF Veteran Wrongly Held In Dementia Unit For 17 Months

At Neves we have a specialist Adult Safeguarding (Protection for the Vulnerable & Elderly) department which we set up as a direct response to enquiries from members of the public.

In one case we were consulted by an elderly gentleman whose wife of 50 years had dementia. They had never spent a night apart. Our client did not want his wife to be in a care home – he wanted her at home.

His wife was severely distressed and confused and most certainly wanted to be at home. One of their four children supported the decision to put her in a care home but the rest agreed with their father.



Our client had never had any dealings with the local authority. He did not understand how a decision to place his wife in a care home could have been made over the top of his and his wife's head or why he was expected to pay for it but did not on his own have the confidence to challenge the decision.

In another case we were instructed by a family friend of a very elderly lady whose niece had put her in a care home against her wishes.

A recent case has been reported in which a 91 year old RAF Veteran was awarded £60,000 in damages after Essex Council took him away from his home and his beloved cat and put him in a dementia unit

and then charged him 17 months of fees. Essex Council took the man, an RAF gunner in the Second World War from his home in his dressing gown and against his will in May 2013. He stayed in the locked up dementia unit of a residential care home until autumn 2014 when a friend raised the alarm.

The Court of Protection ruled that the man should be awarded damages as well as having the £25,000 bill for the care home fees waived.

The Judge said that the council's handling of the case was reprehensible and inexcusable. Had it not been for the alarm raised by his friend he may have been condemned there for the remainder of his days. The veteran is now flourishing under new care arrangements. He had lived in his family home for 50 years and suffered from dementia. Although social workers have the

power to place vulnerable people in residential care to keep them safe, they must follow a Deprivation of Liberty Safeguarding procedure and must allow the person, friend or relative to challenge the decision. They must have a representative and the decision to hold them against their will must be regularly reviewed.

Throughout his entire 17 month stay the veteran expressed a consistent wish to return to his home. The council admitted breaches of his Article 5 right to liberty and security and Article 8 rights to a private and family life under the European Convention on Human Rights.

For more details of our [Safeguarding Adults Department](#) contact Beth Woodward on [01908 304560](tel:01908304560) or email beth.woodward@nevesllp.co.uk

Separated But Not Divorced? Your Estate May Pass To Your Ex

Readers who live apart from their spouses or civil partners, but who have not formally dissolved their relationships, are warned that following changes to inheritance law brought into effect in October 2014 by the Inheritance and Trustees' Powers Act 2014, your 'ex' may have the right to inherit the whole of your estate if you die without leaving a valid will and have no children.

Where there are children, your former spouse or partner will receive the first £250,000 of your estate, together with your personal effects plus a half share

of the balance of your estate.

In order to prevent this happening and ensure your estate is distributed in accordance with your precise wishes, it is essential to create a will, which we would be pleased to assist you to do.

There are many reasons why a couple whose relationship has failed may not get it legally dissolved. It is important, however, to remember that failing to do so can have a significant effect on who inherits your estate and, especially if new family relationships have been formed, may lead to legal squabbles over your estate that will diminish its value.

Family
If you need help or assistance with any family law issues then contact our family team.
Email: family@nevesllp.co.uk



Mary McEvoy
Partner & Notary Public
Head of Divorce & Family Law,
Collaborative Lawyer



Beth Woodward
Partner
Divorce & Family Law,
Collaborative Lawyer

Builders Next Door Stopped In Tracks



plagued by building works on neighbouring properties.

The case concerned a homeowner who was horrified when a deep hole was dug right up against his party wall. He succeeded in obtaining a High Court injunction which brought a £243 million development project to a shuddering halt.

There was a history of conflict between the homeowner and the company which owned, and was

If you are facing misery at the hands of builders working close by, a recent case shows that you are not powerless and that the law can protect householders

in the process of extensively redeveloping, a line of neighbouring houses. The dispute eventually led to a 'party wall award', which laid down in detail an agreed method for carrying out excavations on the site.

After spotting the hole dug alongside his land, it was clear to the homeowner that the work did not comply with the previously agreed procedure, so he swiftly obtained an injunction which brought a temporary halt to work on the site.

The Court found that the hole was at least two metres deep and clearly in breach of the party wall award. The judge described the conduct of builders on the site as 'cavalier' and ordered an injunction against further work, concluding that the householder was entitled to protect his family home and an injunction was warranted. The Court also awarded the homeowner his legal costs.

Equity Release Scheme Dangers Highlighted By Court Ruling

In a cautionary tale for anyone considering entering into an equity release scheme, a woman who sold her home at a fraction of its true value, on the understanding that she could stay there for life, is facing eviction following a Supreme Court ruling.

The woman had sold her home at a substantial undervalue to a nominee purchaser appointed by a company which specialised in equity release. She was promised that she could remain in the property indefinitely at a discounted rent and was further tempted by the prospect of being able to obtain additional capital sums after ten years.

She was granted a two-year tenancy of her home. However, the purchaser mortgaged the property to a

lender who was unaware of the tenancy. The woman only discovered three years later that a possession order had been granted in respect of her home due to the purchaser's defaults on the mortgage.



In those circumstances, an issue arose as to whether she had any right to remain in the property. A judge's ruling that she had no such right was subsequently upheld by the Court of Appeal. In dismissing her challenge to the latter decision, the Supreme Court found that the purchaser could not have conferred any proprietary rights of occupation upon her prior to the completion of the sale. The lender's rights were not subject to the woman's

personal right of occupation and the possession order was thus enforceable against her.

Residential Property

If you are in the process of buying or selling a property then contact our a member of our conveyancing team who will be happy to assist.

Email: info@nevesllp.co.uk



Caroline Hume
Partner
Head of Residential
Property



Haqib Iqbal
Partner
Commercial &
Residential Property



Jane Joseph
Partner
Commercial &
Residential Property



Andrew Orriss
Partner
Commercial &
Residential Property