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Globe Wareing Cropper

Incorporating Michael A Globe & Co, Wareing
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Solicitors

LEGAL UPDATE SPRING 2008

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FOR BUSINESSES

- Agency Workers remain the employees of the Agency, especially where the Agency continues to exercise control in relation to discipline, holidays ill health and reporting
- Final Warnings should normally have a 12 month time limit. Make sure that the Company's Disciplinary Rules are clear.

REMEMBER the three step statutory discipline and grievance procedure.

- Employees can sue for stress but only "where the injury was reasonably foreseeable". Employers are entitled to assume an employee can withstand the 'normal pressures' of the job.
- If Terms of Employment are to be changed unilaterally there can be very serious consequences for the employer such as claims for Constructive Dismissal by disgruntled employees. Changes must therefore be handled very carefully.
- Restrictions on competition when an employee leaves have to be REASONABLE in terms of time and place. Each case is different depending upon the nature of the business and the employee.
- An Employee cannot bring an action for Unfair Dismissal unless he/she has complied with Step 1 of the Statutory Grievance procedure – i.e. put in a grievance in writing and sent this to the Employer.
- The maximum compensation for Unfair Dismissal has been increased to £63,000!!
- The Working Time Regulations are increasing the minimum requirements for staff holidays to 24 days from the 1st October 2008, increasing to 28 days in April 2009.
- Remember the duties of consultation where redundancies are contemplated or where there are going to be substantial changes to work organisation.
- From 6th April 2008, it is no longer necessary for private companies to have a Company Secretary but the Articles of Association of the Company may need changing.
- From 1st October 2008 all commercial buildings will require an Energy Performance Certificate on sale or letting

This firm is regulated by The Solicitors Regulatory Authority

* Member of the Law Society Personal Injury Panel and the Law Society Family Panel

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FOR INDIVIDUALS

- Landlords of houses in multiple occupation, including Student lets (i.e. 3 or more Tenants forming 2 or more households) need a Local Authority Licence. Failure to apply can lead to substantial fines and penalties.
- Remember there are two ways of owning houses. Joint Tenancy where on death the survivor owns the whole; and Tenancy in Common where the parties own 'half' each. This is very important in many different circumstances including the planning for inheritance tax and the cost of long term care. It is possible to change the nature of ownership from Joint Tenancy to Tenancy in Common.
- Lasting Powers of Attorneys relating to either property or personal welfare or both, replaced Enduring Powers of Attorney on 1st October 2007. They provide greater protection but they are much more complicated and much more expensive.
- A UK resident can now sue in the UK for accidents in another EU country and the damages will be assessed in accordance with UK principles.
- It is now harder to obtain damages for trips on pathways. The Claimant has to show that the pathway has been dedicated for the purposes of the Highway Act 1980. Paths on Council estates are almost certainly not dedicated.
- There is now a transferable Nil Rate Band exemption for Inheritance Tax for spouses and Civil Partners. Thus any unused portion on the First death can be used on the Second. This could increase the allowance on the Second death to twice the Nil Rate Band prevailing at the time of the death. It is currently £312,000.

If you want any further information on these or any other matters, do not hesitate to ring David Globe, SLBN member

Telephone 0151 486 8833
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E-mail globe@globesolicitors.com.

David would be happy to discuss these or any other matters with you or your staff and if desired would be happy to hold clinics at your premises on a voluntary basis on a monthly or quarterly basis.