

Husband tried 'to hide' property during divorce

A husband has failed in his attempt to use a sham company transfer to hide a valuable property from his wife during divorce proceedings.

The case arose after the husband used a company he owned to buy the property worth between £600,000 and £800,000.

He then transferred the company to

a third party. During the proceedings, however, the court held that the transfer of the company was a sham because the husband retained the beneficial ownership.

He had simply been trying to conceal his interest in the property from his wife so that she would not be able to claim a share. The court held that the property would make a significant

difference to the wife's financial claims and should be added to the matrimonial pot when considering how much support she should receive for herself and her children. That decision has now been upheld by the Court of Appeal.

Please contact us for more information about matrimonial law and divorce proceedings.

Many young people fear they will never buy a home

New research has shown that 77% of young non-homeowners would like to buy a house or a flat of their own.

In spite of this, 64% fear they have no prospect of ever doing so. The survey of 8,000 people aged between 20 and 45 was carried out by the National Centre for Social Research on behalf of the Halifax.

It revealed that most young people are pessimistic about ever being able to buy and fear that they will have to rent for the rest of their lives.

They feel that banks are not prepared to lend to them, or else ask for large deposits which they cannot provide. It means than many young people simply give up trying.

Stephen Noakes, Commercial Director, Halifax Mortgages, said: "We would like to help aspirational home buyers to realise they do have options, that they can apply for a



mortgage, and that it is still possible to get on to the property ladder." The Halifax says it approves 8 out of 10 mortgage applications from first time buyers. Other banks and building societies are also starting to lend more.

Redundancies ruled to be unfair

A tribunal has ruled that a series of redundancies being carried out by a company were automatically unfair because the correct procedures were not followed.

The company had selection procedures in place and used them to assess which employees should be chosen for redundancy.

It followed its own criteria correctly but then failed to inform the employees of their scores during the formal step 2 meeting required by the statutory dismissal and disciplinary procedures.

Three employees who were then chosen for redundancy appealed on the basis that they had not been informed of their scores.

The employment tribunal ruled that the company's failure to provide this information breached the statutory requirements.

The failure meant the employees did not know why they had been selected and so were not in a position to respond.

The tribunal said this amounted to automatic unfair dismissal. That decision has now been upheld by the Employment Appeal Tribunal.

The case emphasises the need for employees to get professional legal advice when facing redundancies or other work related issues.

Please contact us if you would like more information.

Many young people try to get their first home by using options such as shared equity schemes, buying with friends or getting help from parents or grandparents.

The Government has also just introduced a FirstBuy scheme to help first time buyers get on the housing ladder. Under the scheme, the Government and house builders provide loans to cover 20% of the deposit. The buyer only has to find 5%. The loans are free of charge for the first five years.

All of these approaches can help, although it's important to make sure everyone understands all the legal implications, even when buying with friends or with the help of family members.

Please contact us if you would like more information about buying a home.



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Tax cut for estates that support charities

Inheritance tax on estates that support charities is to be cut by 10%. The Chancellor, George Osborne, made the announcement during his budget speech.

He said that if at least 10% of the estate is left to charity, then inheritance tax (IHT) will be cut by 10%.

This would reduce IHT from the standard 40% to 36% for qualifying estates. Mr Osborne insisted that the aim was to help charities, not cut taxes for the wealthy. He said: "If you leave 10% or more of your estate to charity, then the government will



take 10% off your IHT rate. Let's be clear: no beneficiaries will be better off, just the charities to the tune of £300m. I want to make giving 10% of your legacy to charity the new norm in our country." The new measure will come into effect in April 2012. The inheritance tax threshold is currently £325,000.

Last year, IHT was paid on more than 15,000 estates in the UK. It's likely that the announcement will prompt many people to review their will and their inheritance planning.

Please contact us if you would like more information about wills and probate, and inheritance tax issues.

Girl allowed to choose to live with her father

An 11-year-old girl who threatened to run away or take her own life if she was forced to live with her mother has been allowed to stay with her father instead.

The Court of Appeal decided it had no alternative but to respect her wishes.

The case arose after the girl's parents separated following the breakdown of their marriage. The girl continued living with her mother and had contact with her father.

The father became concerned about his daughter's welfare and applied for a residence order. Before a hearing could be heard, the girl went to stay with her father and refused to return to her mother. The mother applied to have her daughter returned immediately.

The girl wrote a letter saying she wanted to stay with her father. The judge took her views into account but made an interim order that she should return to her mother. The father refused

to return his daughter saying that she had made it clear in a series of emails and open letters that she would run away or take her own life if she was forced to return to her mother. A CAFFCASS officer confirmed that this was the girl's view.

The Court of Appeal has now ruled that the girl should be allowed to stay with her father for the time being. It held that the girl's views were so strong that it was not practical to try to get her to stay with her mother.

The court ordered that the girl should stay with her father until there could be a final hearing to decide the matter. In the meantime, it was the father's responsibility to ensure that she resumed contact with her mother.

Please contact us if you would like more information about family law issues.



Compensation for girl injured by scaffolding

A girl has been awarded £20,000 compensation for facial injuries she sustained when she walked into some scaffolding when she was seven years old.

The girl, who is now aged 16, damaged three teeth which had to be removed, and she suffered bruising and cuts to her mouth, nose and lips. She was very self-conscious about her appearance and had to undergo regular dental treatment for four years after the accident. She had to wear a mouth guard when she played sports at school.

Her three missing teeth have been replaced by false teeth mounted on a plate. She eventually wants to have implants instead but must wait

until she is at least 18 years old and has finished growing. The procedure will involve the removal of a further tooth and she will also need to undergo a bone graft.

The girl made a claim against the owner of the scaffolding alleging that he was negligent in failing to keep it reasonably safe and so exposing her to a foreseeable risk of personal injury. Compensation of £20,000 was agreed in an out-of-court settlement. The figure includes £13,000 for future dental care and £7,000 for her pain and suffering.

Please contact us if you would like more information about making a personal injury claim.

Please contact us if you would like more information about the issues raised in this newsletter or if you need advice on any other legal matters.

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